

IN THE MATTER OF *THE MEDICAL PROFESSION ACT, 1981*

**AND IN THE MATTER OF ISSUANCE OF A LICENCE TO
DR. ASSEM SULTAN MAHMOUD EL-SAYED
FOLLOWING REVOCATION OF A PREVIOUS LICENCE**

Ms. Christine J. Glazer, Q.C. for the Member, Dr. Assem Sultan Mahmoud El-Sayed
Mr. Bryan Salte, Q.C. for the College of Physicians and Surgeons of Saskatchewan

REASONS FOR DECISION

1. BACKGROUND

[1] In 2010, Dr. Assem Sultan Mahmoud El-Sayed (Dr. El-Sayed) applied for and was granted by the Council of the College of Physicians and Surgeons of Saskatchewan (CPSS) a special licence to work at the Saskatchewan Cancer Agency under Section 30(3) of *The Medical Profession Act, 1981* (the Act).

[2] In 2012, the Council of CPSS revoked Dr. El-Sayed's licence because he had been improperly registered. (See *Reasons for Decision – In the Matter of the Revocation of the Licence of Dr. Assem Sultan Mahmoud El-Sayed Following an Admission of Falsification of Documents*, March 2012.)

[3] Dr. El-Sayed had been employed as a clinical associate by the Saskatchewan Cancer Agency since receiving his licence in 2010. He had been excused from his duties in December 2011 at the Saskatchewan Cancer Agency when they were notified by CPSS that there was possible discrepancy in Dr. El-Sayed's credentials.

[4] In response to inquiries about the veracity of his credentials, Dr. El-Sayed submitted an affidavit dated January 6, 2012. His affidavit described the education and experience he had received in Egypt, the financial difficulties that led to his non-completion of the last step of his Masters degree, his interactions with Dr. Galal that led to his employment at the Saskatchewan Cancer Agency, the effect that the Egyptian revolution in 2011 had on his ability to complete his Masters degree, and his work at the Saskatchewan Cancer Agency. (See *Affidavit of Dr. El-Sayed*, January 6, 2012 and supporting information.)

[5] Numerous co-workers of Dr. El-Sayed at the Saskatchewan Cancer Agency provided letters in support of his continued licensing and employment.

[6] The requirements for a special licence to work at the Saskatchewan Cancer Agency are set out in section 30(3) of the Act and the regulatory bylaws, which provide:

The Medical Profession Act, 1981

30(3) At the request of the minister, the council shall register and issue a special licence to a physician who:

- (a) is a graduate in medicine of a university approved by the council;*
- (b) is to be engaged:*
 - (i) in a branch of the public service of Saskatchewan;*
 - (ii) in a hospital or other institution; or*
 - (iii) as a medical health officer for a regional health authority;*
- (c) complies with any other requirements in that respect that are prescribed by the bylaws of the council and who pays the fee prescribed for the purpose by the council.*

Regulatory Bylaw

2.6(k) Until December 31, 2013, the Council shall register and issue a Special Licence under subsection 30(3) of the Act if the person produces evidence in a form and manner that may be acceptable to the Council that the person:

- (i) is of good character; and*
- (ii) is of good standing as a practitioner; and*
- (iii) is the person who is the subject of the request of the Minister under subsection 30(3) of the Act; and*
- (iv) is to be engaged with the Saskatchewan Cancer Agency; and,*
- (v) has completed postgraduate training as evidenced by a specialty qualification acceptable to the Council.*

[7] Although the Council of CPSS had previously determined that Dr. El-Sayed had been improperly registered under Regulatory Bylaw 2.6(k), Council was advised of the possibility that Dr. El-Sayed could be properly registered under section 30(3) of the Act and section 2.11 of the regulatory bylaws, which provide:

Regulatory Bylaw

2.11(a) If in the opinion of the council extraordinary circumstances exist relating to an application for a licence or permit, and if, in the opinion of the council there is a demonstrated resource need for a physician who does not meet all of the criteria for the issuance of a licence or permit, a licence or permit may be issued to a physician who does not meet one or more of the criteria specified in paragraphs 2.2 to 2.9 above, provided that the physician:

- (i) has all of the qualification specified by the Act for a licence or permit requested; and,*
- (ii) is a graduate in medicine from a university approved by the Council; and,*
- (iii) has, in the opinion of the council, training to perform the services that are appropriate to the type of licence or permit being sought;*

[8] Council was also advised of the possibility, in the event that the Council of CPSS determined that Dr. El-Sayed could be properly registered under section 30(3) of the Act, that the Council could impose restrictions in accordance with section 30.1 of the Act, which provides:

The Medical Profession Act, 1981

30.1 Where the council, on reasonable grounds, is of the opinion that a licence under section 28, 29 or 30 or a permit under section 31 should be restricted, the council may issue a licence or permit to that person:

- (a) restricting the right of that person to practise any branch of medicine, surgery or midwifery;*
- (b) restricting the right of that person to perform any medical procedure or any medical treatment or surgery of any kind; or*
- (c) prohibiting that person from providing any services or procedures except under the supervision of a duly qualified medical practitioner approved by council.*

2. REPRESENTATIONS TO COUNCIL

[9] Mr. Salte presented a summary of the possible options for re-registration of Dr. El-Sayed, and for attaching restrictions to the licence.

[10] Ms. Glazer reviewed Dr. El-Sayed's education and work experience, and discussed the financial and political circumstances that led to Dr. El-Sayed's status. She further explained the options available to Council to re-register Dr. El-Sayed. She noted that Dr. El-Sayed acknowledged the right of Council to impose certain restrictions on the licence.

[11] Dr. Julie Stakiw, Director of Hematology with the Saskatchewan Cancer Agency appeared to substantiate the claims related to Dr. El-Sayed's employment: he is employed as a clinical associate not as a hematologist; he is competent; he provides background and skills not readily available; he would readily be hired as a hematologist; his services are required by the Saskatchewan Cancer Agency.

[12] Dr. El-Sayed said that he regards himself as a moral person, and explained he was desperate to obtain registration because of threats on his family's safety and well-being, financial pressures, and need to obtain employment. He said that he works very hard and knows he is competent. He emphasized that he fully intended to complete his Masters Certificate, and his lack of completion has not endangered any patients.

3. ANALYSIS AND CONCLUSIONS

[13] Council determined that Dr. El-Sayed presented a credible case for consideration of special circumstances regarding his re-registration.

[14] Council determined that there were extraordinary circumstances that prevented Dr. El-Sayed from completing the research presentation portion of his Masters Certificate, namely the Egyptian revolution and the subsequent difficulty Dr. El-Sayed has had in scheduling his research presentation.

[15] Council determined that there is a demonstrated resource need. Dr. Stakiw made a credible case for the skills and abilities that Dr. El-Sayed brings to the Saskatchewan Cancer Agency being difficult for the Agency to acquire. The letters of support submitted by Dr. El-Sayed reinforced Dr. Stakiw's claims about Dr. El-Sayed's competence, skills, and performance of his duties at the Saskatchewan Cancer Agency.

[16] Council determined that Dr. El-Sayed has training appropriate to obtain a special licence to work for the Saskatchewan Cancer Agency. Dr. El-Sayed provided evidence that he has qualified medical training and has successfully completed the first and second parts of the Masters Certificate requirements at Cairo University. Dr. El-Sayed argued that the final part of the Certificate is a formality. Dr. El-Sayed also provided evidence that he was employed in Egypt as a specialist in hematology.

[17] Council agreed that there is a need to place a restriction on a special licence for Dr. El-Sayed in accordance with section 30.1(c) of the Act. Council noted that the work Dr. El-Sayed had been performing for the Saskatchewan Cancer Agency in the role of clinical associate since 2010 always required supervision and did not allow him to act as the responsible physician. Council determined that due to Dr. El-Sayed's lack of full qualifications to be licensed under regulatory bylaw 2.6, continued supervision of his work is required.

[18] Having determined that the requirements of Regulatory Bylaw 2.11 and section 30(3) of *The Medical Profession Act, 1981* have been met, the Council of CPSS agreed to re-registration of Dr. El-Sayed and to issuance of a special licence with the restriction that he be prohibited from providing any services or procedures except under the supervision of a duly qualified medical practitioner approved by council.

[19] Council noted that Dr. El-Sayed's falsifying his Masters Certificate and providing false information to the Registrar are matters for separate consideration under CPSS investigation and disciplinary procedures.

[20] Council noted that the conflicting reports from Dr. El-Sayed and Dr. Galal about their exchanges and working relationship, and about events leading to Dr. El-Sayed's falsifying his Masters Certificate are matters for separate consideration under CPSS investigation and disciplinary procedures.

Dated the 30th day of March, 2012 at Saskatoon, Saskatchewan.

References:

Reasons for Decision – In the Matter of the Revocation of the Licence of Dr. Assem Sultan Mahmoud El-Sayed Following an Admission of Falsification of Documents, March 2012

Affidavit of Dr. El-Sayed, January 6, 2012

IN THE MATTER OF *THE MEDICAL PROFESSION ACT, 1981*

**AND IN THE MATTER OF THE REVOCATION OF THE LICENCE OF
DR. ASSEM SULTAN MAHMOUD EL-SAYED
FOLLOWING AN ADMISSION OF FALSIFICATION OF DOCUMENTS**

Ms. Christine J. Glazer, Q.C. for the Member, Dr. Assem Sultan Mahmoud El-Sayed
Mr. Bryan Salte, Q.C. for the College of Physicians and Surgeons of Saskatchewan

REASONS FOR DECISION

1. BACKGROUND

[1] In 2010, Dr. Assem Sultan Mahmoud El-Sayed (Dr. El-Sayed) applied for and was granted by the Council of the College of Physicians and Surgeons of Saskatchewan (CPSS) a special licence to work at the Saskatchewan Cancer Agency under Section 30(3) of *The Medical Profession Act, 1981* (the Act).

[2] The requirements for a special licence to work at the Saskatchewan Cancer Agency are set out in section 30(3) of the Act and the regulatory bylaws, which provide:

The Medical Profession Act, 1981

30(3) At the request of the minister, the council shall register and issue a special licence to a physician who:

- (a) is a graduate in medicine of a university approved by the council;*
- (b) is to be engaged:
 - (i) in a branch of the public service of Saskatchewan;*
 - (ii) in a hospital or other institution; or*
 - (iii) as a medical health officer for a regional health authority;**
- (c) complies with any other requirements in that respect that are prescribed by the bylaws of the council and who pays the fee prescribed for the purpose by the council.*

Regulatory Bylaw

2.6(k) Until December 31, 2013, the Council shall register and issue a Special Licence under subsection 30(3) of the Act if the person produces evidence in a form and manner that may be acceptable to the Council that the person:

- (i) is of good character; and*
- (ii) is of good standing as a practitioner; and*
- (iii) is the person who is the subject of the request of the Minister under subsection 30(3) of the Act; and*
- (iv) is to be engaged with the Saskatchewan Cancer Agency; and,*
- (v) has completed postgraduate training as evidenced by a specialty qualification acceptable to the Council.*

[3] Dr. Ahmed Galal, a physician who formerly worked at the Saskatchewan Cancer Agency, informed CPSS that Dr. El-Sayed had not been granted the postgraduate degree which he claimed in support of his application for licence.

[4] In July 2011, Dr. El-Sayed was provided an opportunity to address the concern that he had not been granted a Masters degree as he claimed.

[5] Further investigation by CPSS revealed that document presented by Dr. El-Sayed in support of his application was altered by adding the word “was” to the document after it was issued to make it appear that the Masters degree had already been issued when Dr. El-Sayed would only have been awarded the Masters degree if he completed his research presentation and it was accepted.

[6] Section 36 of the Act allows the Council to direct the Registrar to cancel a licence where a licence was granted on the basis of falsified information:

The Medical Profession Act, 1981

Removal of name improperly registered

36 The council may direct the registrar to strike the name of a person who is improperly registered from the register, the education register or the temporary register, and the registrar shall so strike that name.

[7] Legal counsel for CPSS and for Dr. El-Sayed discussed the evidence and circumstances of the matter, which led to an a written admission by Dr. El-Sayed that he altered the certificate that was submitted in support of his licence application.

2. AFFADAVIT OF DR. EL-SAYED

[8] In an affidavit dated January 6, 2012, Dr. El-Sayed admitted that he altered the Masters Certificate issued by the Cairo University Faculty of Medicine so that the document certified that an M.Sc. in Hematology Diseases had been issued to Dr. El-Sayed.

3. REPRESENTATIONS TO COUNCIL

[9] Mr. Salte presented a summary of the rationale for revocation of Dr. El-Sayed’s licence, and provided additional information submitted by Dr. Galal regarding falsification of the document.

[10] Ms. Glazer reviewed Dr. El-Sayed’s education and work experience, and discussed the financial and political circumstances that led to Dr. El-Sayed’s actions.

[11] Dr. Julie Stakiw, Director of Hematology with the Saskatchewan Cancer Agency appeared to substantiate the claims related to Dr. El-Sayed’s employment: he is employed as a clinical associate not as a hematologist; he is competent; he provides background and skills not readily available; he would readily be hired as a hematologist; his services are required by the Saskatchewan Cancer Agency.

[12] Dr. El-Sayed apologized for his falsification of the Masters Certificate. He said that he regards himself as a moral person, and explained he was persuaded by Dr. Galal to take this action because of threats on his family's safety and well-being, financial pressures, and need to obtain employment. He said that he works very hard and knows he is competent. He emphasized that his falsification of the certificate has not endangered any patients.

4. ANALYSIS AND CONCLUSIONS

[13] Council agreed that the conflicting reports from Dr. El-Sayed and Dr. Galal about their exchanges and working relationship, and about events leading to falsification of the document are not germane to this matter due to Dr. El-Sayed's affidavit admitting he falsified the document.

[14] Council agreed that Dr. El-Sayed had been improperly registered and had been issued a special licence in 2010 based on false information, because he had not completed the postgraduate degree in a hematology at Cairo University.

[15] Notwithstanding Council's consideration of the extenuating circumstances that led to Dr. El-Sayed's falsification of documents and Council's understanding of the Saskatchewan Cancer Agency's need to retain the services of Dr. El-Sayed, Council decided, pursuant to section 36 of the Act, to direct the registrar to strike the name of Dr. Assem Sultan El-Sayed from the register.

Dated the 30th day of March, 2012 at Saskatoon, Saskatchewan.