



EXECUTIVE SUMMARY

of the

26, 27 & 28 MARCH, 2015 COUNCIL MEETING

COLLEGE OF PHYSICIANS AND SURGEONS OF SASKATCHEWAN

The Council of the College of Physicians and Surgeons of Saskatchewan operates under an explicit set of governance policies. It strives to make its work as transparent as possible to the medical profession and to the general public.

Those portions of Council's deliberations that are not confidential are open to observation by any person subject to space availability in the meeting room.

At the conclusion of each Council meeting an Executive Summary of the meeting is widely distributed to the district medical associations, related organizations and the public media. This Executive Summary provides a brief overview of issues discussed, decisions made, and/or actions taken by the Council. If any person wishes more detailed information about any of the issues which are not subject to confidentiality constraints, these can be obtained by contacting Ms. Sue Robinson, Executive Assistant to the Registrar, at 101 – 2174 Airport Drive, Saskatoon, Saskatchewan, S7L 6M6, phone (306) 667 4625, Fax (306) 244 2600, or email OfficeOfTheRegistrar@cps.sk.ca.

1. Council received and discussed Monitoring Reports from the Registrar in respect to:
 - (a) The Registrar's advancement of Council's End 3 – Quality Health Care System, and
 - (b) The Registrar's compliance with Council's Executive Limitation policies pertaining to:
 - (i) EL - 7 – Regulatory Functions
 - (ii) EL – 9 – Communication and Support to Council, and
 - (iii) EL – 10 – Emergency Executive Succession

2. Council received and reviewed the draft Methadone Guideline and Standards for the Treatment of Opioid Addiction/Dependence which was adopted and adapted from the work of the College of Physicians and Surgeons of Alberta; Alberta Methadone Maintenance Treatment – Standards and Guidelines. The CPSS is grateful to the CPSA for its permission to use its work and adapt it for use in

Saskatchewan. Council approved the revised document which now sets minimum standards in addition to guidelines for the prescribing of Methadone in the treatment of dependency.

3. Council reviewed a proposed change to the Buprenorphine Bylaw and approved the changes. These changes will clarify that the bylaw only addresses prescribing Buprenorphine for when used as a treatment of addiction.
4. Council reviewed a draft policy from the committee addressing Conscientious Objection and considered the changes to the original draft policy based on extensive feedback in response to the College's request for consultation. Council approved a number of principles which should be contained in the policy: Council agreed to include the principles that provide the basis for the policy from the draft document.
 - a) Council agreed that the policy should include a statement that the policy does not apply to physician assisted death.
 - b) Council agreed that the policy should require physicians to either provide full and balanced information to a patient, or, if the physician has a conscientious objection to doing so, to refer the patient to another physician or health care provider that can provide full and balanced information and make follow up arrangements as necessary.
 - c) Council agreed that the policy should require physicians who are unwilling to perform a medical service to which they have a conscientious objection to either refer the patient to a physician who can provide the service, or to another physician who is willing to provide full and balanced information to the patient and, if the patient chooses the medical service, to either perform the service or refer the patient to a physician who will.
 - d) Council agreed that the policy should state that a physician who is aware he/she has a conscientious objection should have a proactive rather than a reactive process in place to manage issues that might arise in their practice.

Council referred the draft document back to the committee for redraft following Council's directions. Once the document has been redrafted, it will be re-circulated for additional consultation.

5. Council conducted a penalty hearing pertaining to Dr. S. Awad-el-Kariem pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Awad-el-Kariem pled guilty to a charge that she failed to maintain appropriate medical records. Council accepted a joint submission and adopted the following resolution:

The Council of the College of Physicians and Surgeons accepts the undertaking provided by Dr. Awad-el-Kariem to address concerns relating to her medical records.

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Sawsan Awad-el-Kariem pursuant to The Medical Profession Act, 1981:

Pursuant to section 54 of The Medical Profession Act, 1981, the Council of the College of Physicians and Surgeons of Saskatchewan imposes the following disposition upon Dr. Awad-el-Kariem:

1) Pursuant to section 54(1)(b), the Council suspends Dr. Awad-el-Kariem from the privileges of a duly qualified medical practitioner under The Medical Profession Act, 1981, for a period of four weeks. The suspension will be served in four one week increments, from Monday April 20 at 12:01 a.m. to Sunday April 26 at 11:59 p.m., and thereafter from May 18 at 12:01 a.m. to May 24 at 11:59 p.m., June 15 at 12:01 a.m. to June 21 at 11:59 p.m., and July 20 at 12:01 a.m. to July 26 at 11:59 p.m.;

2) Pursuant to section 54(1)(i), the Council directs Dr. Awad-el-Kariem to pay the costs of and incidental to the investigation and hearing in the amount of \$2,510. Such payment shall be made in full by April 26, 2015.

3) Pursuant to section 54(2), if Dr. Awad-el-Kariem should fail to pay the costs as required by paragraph 2, Dr. Awad-el-Kariem's licence shall be suspended until the costs are paid in full.

6. Council conducted a penalty hearing pertaining to Dr. S. Ishwarlall following his guilty plea to a charge that he had assaulted his spouse.

7.

a) Council considered a request from Mr. Cann, legal counsel for Dr. Ishwarlall, to redact portions of the document filed with the Council with details which Mr. Cann argued should not be publicly available. Council agreed to the following motion: To redact the portions identified should there be a request for the document from the public/media.

b) Council considered and accepted the joint submission and adopted the following resolution:

The Council of the College of Physicians and Surgeons accepts the undertaking provided by Dr. Ishwarlall to engage in counseling to address concerns arising from his conduct.

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Sujay Ishwarlall pursuant to The Medical Profession Act, 1981:

Pursuant to Section 54(1)(e) of The Medical Profession Act, 1981, the Council hereby reprimands Dr. Ishwarlall.

8. Council received a presentation from Mr. Graeme Mitchell relating to joint submissions and the principles related to joint submissions.

9. Council received a verbal report from Dr. Chapelski with respect to developing a policy and a process to refresh membership of committees. The matter will be addressed at the June Council meeting.

10. Ms. Barb Porter provided a registration services update and noted that registration services was in the process of preparing letters to be sent to

approximately 40 physicians identified, who are impacted by the registration transition strategy.

11. Council conducted a penalty hearing pertaining to Dr. David Opper pursuant to Section 54 of **The Medical Profession Act, 1981**. The action taken by Council was in response to the finding of unprofessional conduct in Ontario relating to his billings for medical services and the Ontario College's decision to suspend Dr. Opper. Mr. Salte made submissions on behalf of the Registrar's Office and Ms. Caston made submissions on behalf of Dr. Opper. The following resolution was adopted by Council:

To suspend Dr. Opper for the remainder of the term of the Ontario suspension, effectively until the 24 May, 2015.

12. Council received an update from the Associate Registrar with respect to the current status of physician assisted death in Canada. Council acknowledged the Supreme Court decision (Carter decision) to strike down the current law on physician assisted suicide. The decision has a suspended declaration of invalidity of 12 months during which the current law prohibiting assisted suicide remains in effect, unless the federal Government passes a new law.

Council directed staff to canvass persons who are willing to participate in a committee to further discuss the issue and to provide recommendations to the College. Council suggested that the membership of the committee should include interested members of Council including both public and physician members, a Saskatchewan Medical Association representative, a palliative care physician, a psychiatrist and other interested parties who wish to be involved in providing recommendations to the College pertaining to this issue. It was determined that the first meeting of the Committee will include a discussion on the Terms of Reference and scope. Council directed the Registrar's Office to propose a draft membership to be reviewed by Council. Communication will also be provided on the CPSS website.

13. Council received an update on the Federation of Medical Regulatory Authorities of Canada Annual General Meeting and conference to be held in Fredericton on June 6 – 8. Council agreed to support attendance by the Vice President, a physician member at large and a public member.
14. Council received a report from Mr. Graeme Mitchell who reviewed the policy *Role of Legal Counsel, Investigation of Possible Unprofessional Conduct or Lack of Skill and Knowledge*. Mr. Mitchell proposed some editorial changes to the policy and included one additional clause. The additional clause numbered 4 reads as follows "If the Executive Committee determines that it is appropriate that Council decide whether a Preliminary Inquiry Committee or a Competency Committee should be appointed, the Executive Committee may refer the matter to Council. When Council is making such a decision it may consider the facts as set out in paragraph 3." Council approved the changes and set a sunset date of 5 years.

15. Council received a report from Ms. Amy McDonald, Director of Accounting and Finance for the College. Ms. McDonald presented the quarterly financial statements to the year end December 31, 2014.
16. Council considered a request to restore Dr. J. Kriel's licence following revocation of his licence due to a sexual relationship with a patient. Mr. Stack made submissions on behalf of his client Dr. Kriel and Mr. Salte made submissions on behalf of the Registrar's Office. Council determined Dr. Kriel had met the conditions imposed by Council in order to be eligible to apply for restoration and passed the following motion:

To restore Dr. Kriel's licence with immediate effect.

17. Council reviewed the policy *Contents and Access to Information in Physicians' College Files* and accepted the recommendation to change the word 'shall' to 'may' from the sentence where the policy states that "the information listed in the policy shall be removed." The change statement now reads "prior to permitting a member to review a file, the Registrar may remove from that file".

In addition Council was informed that paragraph 5 of the Executive Limitation 6 (EL-6) speaks of the same matter. Council passed the following motions:

To accept the changes to the policy with a sunset date of 5 years.

To rescind paragraph 5 of EL-6 as it addresses the same matters as in the policy.

18. Council reviewed the policy *Response to Public Inquiry about Investigation of Members Under Way* and considered a recommendation from the Registrar's Office to rescind this policy since its content is currently covered under EL-6. Council passed a motion to rescind the policy.
19. Council reviewed the policy *Public Access to Council Meetings*. The policy was adopted with no changes with a sunset date of 5 years.
20. Council reviewed the policy *Editorial Policy: College Newsletter*, considered the proposed revisions to the current policy, approved the changes and set a sunset date of 3 years.
21. Council considered a request for the re-nomination of Dr. Susanna Martin as the joint College of Medicine and College of Physicians and Surgeons representative to the Board of Directors of the Saskatchewan Prevention Institute, for a further two year term commencing April 1, 2015. Council agreed with the recommendation to nominate Dr. Martin as the joint representative.
22. Council considered a recommendation from the Registrar's Office with respect to the College entering into an agreement with the First Nations Inuit Health Branch - Saskatchewan to develop a strategy to counter drug abuse in First

Nations' communities. Council approved the College entering into an agreement with FNIHB, provided the Registrar concludes that the contribution agreement is appropriate.

23. Council considered a request from the Saskatchewan Registered Nurses' Association to lend its logo to Appendix B (page 33) of the Saskatchewan RN Association Standards for RN Specialty Practices dated February 10, 2015. Council had previously approved the Joint Statement on Collaborative Practice as a separate document. Consensus at Council was that it would prefer the Joint Statement to be a separate document and would continue to allow the College logo to be used on a stand alone document but not embedded in the standards document.
24. Council was asked to review the CPSS 5 year operational plan and provide any questions or requests for clarification to the Registrar before May 15, 2015 in order that responses can be prepared for feedback at the June meeting of Council.
25. Council was asked for direction with respect to carrying out a 360 evaluation for the Registrar. Council directed that the Executive Committee be tasked with the continuation of this work.
26. Council received an update on the Annual General Meeting and Educational Session planned for the afternoon of June 20, 2015. Council felt that there should be room on the agenda in order to address physician assisted death and Mr. Salte was asked to update physicians on this issue during the Educational Session.
27. The Associate Registrar confirmed that all outstanding Bylaws have received Ministerial approval and that the 2 most recent regulatory bylaws are awaiting being Gazetted.
28. Dr. Beggs confirmed that he hoped to receive additional feedback from the Saskatchewan College of Podiatrists with respect to their training. The matter will be discussed at the June meeting of Council.
29. Council received a report from the Associate Registrar pertaining to the Primary Care and Episodic Care draft policies and was asked to consider choosing between two options as set out in Info 53_15 in order to finalise and adopt the policies. Council decided to adopt option 1 for paragraph 8b in the policy relating to primary care. Option 1 states "the only obligation as it relates to longitudinal care is to encourage patients to find a family physician who can provide that care." Council considered the draft policies as amended and adopted the two policies: *Standards for Primary Care* and *Clinics that Provide Care to Patients who are not Regular Patients of the Clinic*.
30. Council reviewed the draft document *Guideline Patients who Threaten Harm to Themselves and Others*, accepted the guideline as set out in Info 44_15.

31. Council considered a request from the Saskatchewan College of Pharmacists to provide feedback with respect to its proposed new draft Bylaws. Council directed the Associate Registrar to identify issues and inconsistencies as outlined in document Info 64_15 and to express Council's concern at the lack of requirement of a collaborative practice framework. In addition Council suggested that the reference to "primary care practitioner" be substituted with "most responsible physician".
32. Pursuant to Section 86 of **The Medical Profession Act, 1981** Dr. Carlos Huerto made application for restoration of his licence. Council heard submissions from Mr. John Kingman Phillips and Mr. Matt Mulholland legal counsel for Dr. Huerto, and submissions from the College's legal counsel, Ms. Alma Wiebe. Council considered the application and declined to restore Dr. Huerto's licence. Mr. Marcel de la Gorgendiere is to prepare reasons for the decision.
33. Council considered whether to proceed with the charges previously laid against Dr. A. Luhning which had been stayed as long as Dr. Luhning met certain conditions. Council considered the information and Council adopted the following resolution:

Council has concluded that Dr. Luhning has not met the conditions of the March 2014 Council resolution and accordingly directs that the charges of unprofessional conduct laid against Dr. Luhning at the November, 2013 Council meeting proceed.

In addition Council received information with respect to Dr. Luhning failing to complete a medical report pertaining to a patient. Council adopted the following charge:

*You Dr. Allan Luhning are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o) and/or section 46(p) of **The Medical Profession Act, 1981** S.S. 1980-81 c. M-10.1 and/or bylaw 8.1(b) (xii) of the bylaws of the College of Physicians and Surgeons of Saskatchewan.*

The evidence that will be led in support of this charge will include one or more of the following:

- a) *You were requested to provide a report with respect to the medical condition of a patient identified in this charge as Patient Number 1;*
- b) *You failed to provide the required report within a reasonable time.*

33. Council received a report from the Associate Registrar and amended the charge of unbecoming, improper, unprofessional or discreditable conduct against Dr. J. Velestuk. Council adopted the following resolution:

The Council of the College of Physicians and Surgeons amends the charge of unbecoming, improper, unprofessional or discreditable conduct against Dr. Velestuk by withdrawing the existing charge and substituting the following:

*The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.6 of **The Medical Profession Act, 1981**, the Discipline Committee hear the following charge against Dr. Jordan Velestuk, namely:*

*You, Dr. Jordan Velestuk are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o) of **The Medical Profession Act, 1981** s.s. 1980-81 c. M-10.1.*

The evidence that will be led in support of this charge will include some or all of the following:

- a) On or about the 18th day of November, 2012, you removed a quantity of ketamine from the Pasqua Hospital;*
- b) The ketamine removed from the Pasqua hospital was removed for the purpose of personally using the ketamine;*
- c) You were charged with theft contrary to the Criminal Code arising from your removal of the ketamine from the Pasqua hospital;*
- d) You entered into an alternative measures program to resolve the criminal charge of theft;*
- e) You accepted responsibility for the act or acts that formed the basis of the offence with which you were charged by entering into the alternative measures program.*

- 34. Council received a report from the Associate Registrar on the status of outstanding legal and disciplinary matters and advised the new lawyer starting in July will be concentrating on discipline matters in order to bring matters to a close in a more timely fashion.
- 35. Council received an update on the building which included information to support that the outstanding construction is related to the lease space and the completion of the gym. The tender for the parking lot has been approved and the work is expected to be completed by July. Council was apprised that the Registrar continues to search for a suitable tenant for the vacated leased space in the HSBC building, however the current market conditions are proving to be challenging.