



Dr. Tshala TSHIYOMBO

Charges

Date Charge(s) Laid:	September 14, 2019
Hearing:	Pending
Charge(s):	Unprofessional Conduct
Outcome Date:	TBA

Allegations of unprofessional conduct as set out in the charge below have been referred to the discipline committee. The allegations in the charge have not been admitted, nor has there been a hearing before the discipline committee to determine whether the allegations in the charge will be proved.

A physician who denies some or all of the allegations in a charge is entitled to a hearing before the discipline committee to determine if the allegations in the charge are established by the evidence at the hearing.

Charge 1

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. Tshala Tshiyombo, namely:

*You Dr. Tshiyombo 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 7.1 and paragraph 19 and/or paragraph 37 of the Code of Ethics contained in bylaw 7.1 and/or bylaw 8.1(b)(ix) and/or bylaw 8.1(b)(xi), and/or bylaw 8.1(b)(xii) and/or bylaw 23.1(g).*

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

- a) You formerly practised in a medical clinic in Saskatoon, Saskatchewan (hereafter called "the clinic");*
- b) You closed the clinic and ceased practising in Saskatchewan on or about the 31st of May, 2019;*
- c) You failed to provide appropriate notice to your patients that you intended to close the clinic and cease practising in Saskatoon;*
- d) You failed to make appropriate arrangements to allow your patients to seek medical care from another health care provider;*

- e) *You failed to provide continuity of care for patients for whom you had provided care at the clinic;*
- f) *You failed to make appropriate arrangements for access to your patient records;*
- g) *You failed to make appropriate arrangements for the transfer of your patient records;*
- h) *You failed to respond to one or more inquiries from third parties related to your patient's health information.*

Charge 2

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. Tshala Tshiyombo, namely:

*You Dr. Tshiyombo 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 May 8, 2019 you advised an employee of the College of Physicians and Surgeons that you would not be closing your medical practice;*
- b) *That statement was false or misleading;*
- c) *On or about May 8, 2019 you advised an employee of the College of Physicians and Surgeons that the College would be informed if and when you closed your practice;*
- d) *That statement was false or misleading;*
- e) *You did not advise the College that your practice had been closed;*
- f) *On or about May 8, 2019 you spoke to an employee of the College of Physicians and Surgeons and advised the employee that, if you closed your medical practice, you would follow the appropriate protocols to do so;*
- g) *You did not follow the appropriate protocols to close your medical practice.*

Charge 3

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. Tshala Tshiyombo, namely:

*You Dr. Tshiyombo are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o), section 46(h) and/or section 47(5) 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) Your legal counsel accepted service on your behalf of a subpoena which required you to appear on June 3, 2019 before the preliminary inquiry committee that was investigating your conduct;*
- b) You appeared before the preliminary inquiry committee on June 3, 2019;*
- c) You did not cooperate with the investigation by the preliminary inquiry committee into your conduct;*
- d) You refused to provide information to the preliminary inquiry committee related to its investigation.*

Charge 4

The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.5 of **The Medical Profession Act, 1981**, the Discipline Committee hear the following charge against Dr. Tshala Tshiyombo, namely:

*You Dr. Tshala Tshiyombo 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 paragraphs 1 and/or 2 and/or 7 and/or 13 and/or 52 and/or 54 of the Code of Ethics contained in bylaw 7.1 of the Regulatory bylaws of the College of Physicians and Surgeons of Saskatchewan, particulars whereof are that in the course of your professional practice in Saskatoon, you engaged in a pattern of rude, disrespectful and abusive communication with staff members and patients.*

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

- a) You formerly practised in a medical clinic in Saskatoon, Saskatchewan (hereafter called "the clinic");*
- b) With respect to a former staff member in the clinic referred to in this charge as Employee 1, you told her that she was lucky to have a job as she was a poor worker and too old to get another job;*
- c) With respect to a former staff member in the clinic referred to in this charge as Employee 2, you spoke to her very loudly at the reception desk;*
- d) You told Employee 2 that she was stupid and incompetent, and this was done in front of other staff and patients;*
- e) When Employee 2 gave you her letter of resignation, you threw it back at her and refused to accept it;*
- f) With respect to Employee 1 and Employee 2 and other former employees in the clinic, you were very abrupt with them and would yell at them;*
- g) You expressed frustration at patients if they did not speak English well.*

Charge 5

The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.5 of **The Medical Profession Act, 1981**, the Discipline Committee hear the following charge against Dr. Tshala Tshiyombo, namely:

*You Dr. Tshiyombo 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 paragraphs 1 and/or 2 and/or 7 and/or 13 of the Code of Ethics contained in bylaw 7.1 of the Regulatory bylaws of the College of Physicians and Surgeons of Saskatchewan and/or bylaw 8.1(b)(ii) and/or bylaw 8.1(b)(vi) and/or bylaw 8.1(b)(xi) of the Regulatory bylaws of the College of Physicians and Surgeons of Saskatchewan, particulars whereof are that in the course of your professional practice in Saskatoon, you directed staff not to conduct certain testing, to falsify records, and to conduct tasks that they were not qualified to perform.*

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

- a) You formerly practised in a medical clinic in Saskatoon, Saskatchewan (hereafter called "the clinic");*
- b) You encouraged staff members of the clinic to schedule as many immigration medical examinations as possible;*
- c) You advised staff members to dump out urine samples without conducting any testing on those samples;*
- d) You advised staff members to record the urine testing as "normal" despite not being tested;*
- e) You advised staff members to not conduct formal vision testing on patients attending for the purpose of immigration medical examinations;*
- f) You advised staff members to record the vision testing as "normal" despite not being tested;*
- g) You advised staff members to complete the online physicians' "grading" portion of the immigration medical examinations despite the fact they were not licenced physicians and were not qualified to do so.*

Charge 6

The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.5 of **The Medical Profession Act, 1981**, the Discipline Committee hear the following charge against Dr. Tshala Tshiyombo, namely:

*You Dr. Tshiyombo 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 paragraphs 7 and/or 48 and/or 52 of the Code of Ethics contained in bylaw 7.1 of the Regulatory bylaws of the College of Physicians*

and Surgeons of Saskatchewan, particulars whereof are that in the course of your professional practice in Saskatoon, you forged or falsified a document submitted in relation to an employee's complaint to the Government of Saskatchewan – Labour Relations and Workplace Safety - Employment Standards.

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

- a) You formerly practised in a medical clinic in Saskatoon, Saskatchewan (hereafter called "the clinic");*
- b) A former staff member in the clinic, referred to in this charge as Employee 1, submitted a complaint to the Government of Saskatchewan - Labour Relations and Workplace Safety - Employment Standards prior to the termination of her employment in the Clinic;*
- c) You directed another former staff member, referred to in this charge as Employee 2, to prepare a letter to Employment Standards in response;*
- d) After the letter dated March 7, 2018 had been prepared by Employee 2, you altered the letter and/or falsified Employee 2's signature prior to having the letter submitted to Employment Standards.*