

Dr. Jordan VELESTUK

Council Decision

Date Charge(s) Laid:	March 30, 2019 June 22, 2019
Outcome Date:	January 24, 2020
Penalty Hearing:	January 24, 2020
Disposition:	Reprimand, Suspension, Fine, Costs, Conditions, Undertaking
Amendment to Disposition:	June 19, 2020 January 20, 2024

- 1) Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, the Council hereby reprimands Dr. Velestuk. The format of that reprimand will be in written format.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Velestuk for a period of seven months, retroactive to April 13, 2017;
- 3) Pursuant to Section 54(1)(f) of the Act, the Council imposes a fine of \$15,000 on Dr. Velestuk. The fine will be payable in full by July 24, 2020.
- 4) Pursuant to section 54(1)(g) of the Act, Council requires that Dr. Velestuk successfully complete an ethics course on professionalism to the satisfaction of the Registrar. Such course shall be completed at the first available date. The programs "Medical Ethics, Boundaries and Professionalism" by Case Western Reserve University, "Probe Program" by CPEP and "Medical Ethics and Professionalism" by Professional Boundaries Inc., are ethics programs acceptable to the Registrar.
- 5) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Velestuk to pay the costs of and incidental to the investigation and hearing in the amount of \$20,212.22. The costs will be payable in full by July 24, 2020.
- 6) Pursuant to section 54(2) of the Act, if Dr. Velestuk should fail to pay the costs as required by paragraph 4, Dr. Velestuk' licence shall be suspended until the costs are paid in full;
- 7) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Velestuk effective January 24, 2020 and continuing until Dr. Velestuk provides an undertaking to the College, in a form acceptable to the Registrar, that states the following:

Undertaking related to ongoing practice conditions

1. I will practise medicine only in a group practice setting with other family physicians in which I do not have an ownership interest in the practice.

2. I will not prescribe any prescription review program medications.
3. I will practise medicine only while I have retained a College-approved supervisor, who will sign an undertaking in the form attached hereto as Schedule "A" (the "Supervisor"). I will ensure that the signed undertaking is provided to the College.
4. I will only practise medicine while under supervision which supervision will contain the following elements:
 - a. The Supervisor will meet with me on a schedule that the Supervisor thinks appropriate to assess whether I am practising medicine in a safe and appropriate manner.
 - b. The Supervisor may review patient charts during the duration of the supervision. If the Supervisor decides that a chart review is appropriate, I will participate in that chart review;
 - c. If the Supervisor decides that a chart review is appropriate, the Supervisor will keep a log of all patient charts reviewed along with patient identifiers; and d) The Supervisor will provide reports to the College on a quarterly basis, or more frequently if the Supervisor has concerns about my standard of practice or conduct.
5. If I am unable to obtain a Supervisor, I will cease to practise until such time as I have obtained a Supervisor acceptable to the College.
6. I will abide by all recommendations of my Supervisor with respect to practice improvements and education.
7. I consent to the disclosure by my Supervisor to the College, and by the College to my Supervisor, of all information the Supervisor or the College think is necessary or desirable in order to fulfill the Supervisor's undertaking and to monitor my compliance with this undertaking. I consent to the College releasing all information in its possession related to its current investigations into possible unprofessional conduct by me.

Undertaking related to my addiction

10. I will abstain from the use of alcohol, marijuana or any other illicit drugs.
11. I will abstain from using any opioids, benzodiazepines, other controlled substances and/or any other prescription drugs except those specifically prescribed for me by my family physician or specialist who will be fully informed about my history of addiction. If any controlled drugs are prescribed for me, I will inform the Physician Health Program Director immediately.
12. I will maintain a relationship with a family physician, currently Dr. van der Merwe, and follow all treatment recommendations made by my family physician. I will immediately notify the College of a change in my family physician. I authorize my family physician to provide any personal health information to the College if that physician concludes it is appropriate to do so, and I authorize my family physician to provide any personal health information that is requested by the College. This authorization remains irrevocable for as long as I am licensed by the College.
13. I will maintain a relationship with my personal psychiatrist and follow all treatment recommendations made by my psychiatrist. I will immediately notify the College of a change in my psychiatrist. I authorize my psychiatrist to provide any personal health information to the College if that psychiatrist concludes it is appropriate to do so, and I authorize my psychiatrist to provide any personal health information that is requested by the College. This authorization remains irrevocable for as long as I am licensed by the College.
14. I will maintain a relationship with my addiction medicine physician, currently Dr. Wilma Wildenboer, and follow all treatment recommendations made by my addiction medicine

physician. I will immediately notify the College of a change in my addiction medicine physician. I authorize my addiction medicine physician to provide any personal health information to the College if that physician concludes it is appropriate to do so, and I authorize my addiction medicine physician to provide any personal health information that is requested by the College. This authorization remains irrevocable for as long as I am licensed by the College.

15. I agree to maintain regular, but not less than once monthly contact with the Physician Health Program through either the Chair of the Program or the Director of the Program,
 16. I will attend 12 step meetings at least twice per week and I will secure an AA sponsor who can confirm my attendance at meetings. I will authorise the AA sponsor to confirm with the College should the College require written confirmation of my attendance at these meetings.
 17. I will continue to provide witnessed random body fluid samples once per week thereafter, if all screens have been negative, for the remainder of the time I am licensed by the College.
 18. I will submit to hair follicle testing carried out each six months by an agency approved by the College for the remainder of the time I am licensed by the College unless the College relieves me of this obligation. I acknowledge that the cost for these tests must be borne by me.
 19. I acknowledge and agree that this undertaking is irrevocable and will remain in effect while I am licensed to practise by the College. I may request the College to amend this undertaking and acknowledge that the College can, in its discretion, accept or refuse my request.
 20. If my practice supervisor, any of my attending physicians or the Physician Health Program raise concerns about my fitness to practice due to my addiction or recovery process, I will voluntarily withdraw from practice immediately, until the concern is assessed and resolved.
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- 8) The Council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Velestuk. Without limiting the authority of the Council, the Council may amend the terms of the required undertaking, and may extend the time for Dr. Velestuk to pay the fine or costs required by paragraph 3 and 5.
 - 9) The Registrar may, at any time, accept an amended undertaking from Dr. Velestuk in substitution for the undertaking referenced in paragraph 7.

Amendments to Council Decision

JUNE 19, 2020

At the Council meeting on June 19, 2020, the Council approved an extension of time to pay the fine and costs imposed on Dr. Velestuk in response to his request.

The resolution stated:

The Council amends paragraphs 3 and 5 of the penalty imposed on Dr. Velestuk in January, 2020 to read as follows:

- 3) Pursuant to Section 54(1)(f) of the Act, the Council imposes a fine of \$15,000 on Dr. Velestuk. The fine will be payable \$5,000 by July 24, 2020 and the remaining \$10,000 by September 24, 2020.
- 5) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Velestuk to pay the costs of and incidental to the investigation and hearing in the amount of \$20,212.22. The costs will be payable in full by December 24, 2020.

JANUARY 20, 2024

At the Council meeting on January 20, 2024, the Council approved a request from Dr. Velestuk to amend the terms of the undertaking to remove his practice restrictions.

The resolution stated:

The Council amends paragraph 7 of the penalty imposed on Dr. Velestuk in January 2020. Council agrees to accept an undertaking in such form as may be agreed to by the Registrar and Dr. Velestuk in accordance with the draft in document Info 242_23, in substitution for the undertaking set out in the penalty order.



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of Saskatchewan*

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REGISTRAR
KAREN SHAW, M.D.

23 March, 2020

Dr. J. Velestuk

[REDACTED]

Dear Dr. Velestuk,

On January 25, 2020, you Dr. Jordan Velestuk pled guilty to ten charges of unprofessional conduct which occurred during a three-year period from 2014 to 2017. The charges included improperly billing Medical Services Branch, impersonating another physician in emails to Medical Services Branch, failing to meet the standards of the profession for documentation of providing injections to patients and other medical record-keeping deficiencies of your care, failing to provide an appropriate urine drug sample, and inappropriately prescribing Prescription Review Program medications for office use.

Dr. Velestuk, Council acknowledges that you have been forthright in admitting your actions and the charges laid against you, and cooperated with investigators during the Preliminary Inquiry Committee investigations.

Council is also very aware of your relapse into addictions during this time period and understands that many of your behaviours can be attributed to your disease relapse. Council wants to make it very clear however that the medical profession has been tarnished by your actions. It is essential that you recognize that Council has attempted to support your recovery in this penalty process. Any person who suffers from addiction and relies on the proceeds of crime to feed that addiction, may expect consideration of the addiction to serve as a mitigating factor when determining the severity of penalty. Council's decision to withhold more severe penalty in your scenario demonstrates the empathy and understanding that should be inherent to the practice of medicine. Do not misconstrue Council's decision as supportive of your actions, but rather as a decision based on an understanding of the illness you must continue to battle daily.

Continued.....

***To serve the public by regulating the practice of medicine
and guiding the profession to achieve the highest standards of care***

It is Council's mandate to protect the public, although your actions were unprofessional on many levels, you seem to have skirted severe harm or injury to patients during this period of relapse.

Addiction is a disease with frequent relapses and prolonged periods of recovery. It is imperative that if you were to relapse again in the future, you ask for help immediately. Council truly hopes that you find the path of prolonged abstinence but would advise you that if you do relapse in the future and move into fraudulent and deceitful behaviour, Council is unlikely to be as understanding.

Sincerely,

The Council of the College of Physicians and Surgeons of Saskatchewan



**In the Matter of a Penalty Hearing before the Council of the College of Physicians and
Surgeons of Saskatchewan and Dr. Jordan Velestuk,
January 24, 2020**

Summary of the Decision

Dr. Velestuk appeared before the Council for a penalty hearing on January 24, 2020. Dr. Velestuk was represented by David Thera, Q.C. Bryan Salte, Q.C. presented the penalty position of the Registrar's Office.

Dr. Velestuk admitted to unprofessional conduct in the 10 charges as amended by the Council. The conduct which he admitted included billing for services not rendered, sending email messages in the names of other persons, failing to maintain appropriate medical records, providing one or more false urine samples and prescribing drugs which he used himself. The penalty order included a suspension for a seven month period retroactive to April, 2017 which was served during the time that he was not in medical practice, a requirement to take an ethics course, a fine of \$15,000, an order to pay costs, and a requirement to enter into an undertaking related to supervision of his practice, a prohibition against prescribing Prescription Review Program medications and treatment for his addiction.

The Charges Admitted by Dr. Velestuk

Dr. Velestuk signed an admission which stated:

I, Dr. Jordan Velestuk, pursuant to section 49 of **The Medical Profession Act, 1981** admit that I am guilty of unbecoming, improper, unprofessional, or discreditable conduct as set out in the charges laid by the Council of the College of Physicians and Surgeons which state:

1. Pursuant to section 47.5 of *The Medical Profession Act, 1981*, the Council directs the discipline committee to hear the following charges of unbecoming, improper, unprofessional or discreditable conduct:

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

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

- a) In approximately December 2016, you agreed with the College of Physicians and Surgeons that you would not practise medicine;
- b) You returned to medical practice in or about November, 2017 after receiving the permission of the College of Physicians and Surgeons to do so;
- c) You caused or permitted billings to be submitted to Medical Services Branch in the period of February through May of 2017 for Patient Number 1;
- e) You failed to exercise due diligence to ensure that you billed appropriately for medical services which you claimed to have provided to Patient Number 1.

2. Pursuant to section 47.5 of *The Medical Profession Act, 1981*, the Council directs the discipline committee to hear the following charges of unbecoming, improper, unprofessional or discreditable conduct:

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 May 30, 2017 Medical Services Branch sent correspondence to you asking for information related to your billings to Medical Services Branch;
- b) On or about June 2, 2017 Carie Dobrescu of Medical Services Branch sent an email to an email address associated with Queen City Medical Clinic which stated "Attached is the list of services referenced in the May 30, 2017, letter. A paper copy is also being mailed out";
- c) On or about June 6, 2017 an email was sent to Carie Dobrescu. The email was purportedly from "Chelsea";
- f) On or about June 2, 2017 Carie Dobrescu of Medical Services Branch sent an email to an email address associated with Queen City Medical Clinic asking for details of physicians who provided services and on what dates;
- i) On or about June 8, 2017 an email was sent to Carie Dobrescu purportedly from "Chelsea" which stated "Yes, Dr. Velestuk is making the old charts for patients" and "If you want you can email Dr. Rossouw about his locum work, I've copied him in this email";
- j) The email of June 8, 2017 was copied to the email address doc.koos@yahoo.com;
- k) You sent the email of June 8, 2017;
- l) On or about June 8, 2017 Carie Dobrescu sent an email addressed to Dr. Rossouw at the email address doc.koos@yahoo.com;

- m) On or about June 8, 2017 an email was sent to Carie Dobrescu responding to the email of June 8, 2017. The email message was purportedly from Dr. Rossouw;
- n) The email of June 8, 2017 purportedly from Dr. Rossouw stated:
 “Yes, I can confirm that I did work at his office during that period. As for the dates, you'll have to give me some time to get back to you. I worked many days, and in addition, did a lot of fax refills for his patients on days that I was and wasn't there. They would have one of the receptionists bring them to me at my house on off days so they wouldn't pile up”;
- o) You sent the email of June 8, 2017 purportedly from Dr. Rossouw;
- p) On or about June 8, 2017 a second email was sent to Carie Dobrescu purportedly from Dr. Rossouw;
- q) The second email purportedly from Dr. Rossouw stated:
 “I did not bill any services under my number. When I started at the office Dr. Velestuk was away, and his staff wasn't sure how to set me up, so I logged in with his name and we just kept it that way. Is something the matter?”;
- r) You sent the second email of June 8, 2017 purportedly from Dr. Rossouw;

3. Pursuant to section 47.5 and/or 47.6 of *The Medical Profession Act, 1981*, the Council directs the discipline committee to hear the following charges of unbecoming, improper, unprofessional or discreditable conduct:

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

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

- a) In approximately December ,2016, you agreed with the College of Physicians and Surgeons that you would not practise medicine;
- b) You returned to medical practice in or about November, 2017 after receiving the permission of the College of Physicians and Surgeons to do so;
- c) You caused or permitted billings to be submitted to Medical Services Branch for the period of December, 2016 through May of 2017;
- d) Your billings included billings for services that were not rendered;

4. Pursuant to section 47.5 of *The Medical Profession Act, 1981*, the Council directs the discipline committee to hear the following charges of unbecoming, improper, unprofessional or discreditable conduct:

You Dr. Jordan Velestuk 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)(ix) and/or bylaw 23.1 and/or paragraphs 1, 3, 4, 6, and/or 15 of bylaw 7.1 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 some or all of the following:

- a) You treated a patient identified in this charge by the initials L.B.;
- b) You failed to meet the standards of the profession in relation to maintaining medical records for L.B.;
- c) You failed to meet the requirements of bylaw 23.1 in relation to medical records for L.B.;
- d) You provided L.B. with injections but failed to record what had been injected in your medical records;
- l) You failed to maintain the standards of the profession by failing to record in your medical records action to be taken to address concerns about stolen prescriptions, a urine drug screen which showed non-prescribed drugs and sale of prescribed medications;

5. You Dr. Jordan Velestuk 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)(ix) and/or bylaw 23.1 and/or paragraphs 1, 3, 4, 6, and/or 15 of bylaw 7.1 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 some or all of the following:

- a) You treated a patient identified in this charge by the initials L.R.;
- b) You failed to meet the standards of the profession in relation to maintaining medical records for L.R.;
- c) You failed to meet the requirements of bylaw 23.1 in relation to medical records for L.R.;
- d) You provided L.R. with injections but failed to record what had been injected in your medical records;
- e) Your medical records for L.R. recorded occasions when L.R. was to receive injections but your medical records do not record whether injections were, or were not, provided;
- f) You provided L.R. with injections but failed to record the location(s) of the injections in your medical records.

6. You Dr. Jordan Velestuk 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)(ix) and/or bylaw 23.1 and/or paragraphs 1, 3, 4, 6, and/or 15 of bylaw 7.1 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 some or all of the following:

- a) You treated a patient identified in this charge by the initials L.G.
- b) You dispensed ketamine to L.G. but did not record that medication in the EMR medication section;

- c) You provided L.G. with injections but failed to record what had been injected in your medical records;
 - d) You provided L.G. with injections but failed to record the location(s) of the injections in your medical records.
7. You Dr. Jordan Velestuk 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)(ix) and/or bylaw 23.1 and/or paragraphs 1, 3, 4, 6, and/or 15 of bylaw 7.1 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 some or all of the following:
- a) You treated a patient identified in this charge by the initials N.K.;
 - g) You provided N.K. with injections but failed to record what had been injected in your medical records;
 - h) You provided N.K. with injections but failed to record the location(s) of the injections in your medical records.
8. You Dr. Jordan Velestuk 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)(ix) and/or bylaw 23.1 and/or paragraphs 1, 3, 4, 6, 15 and/or 19 of bylaw 7.1 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 some or all of the following:
- a) You treated a patient identified in this charge by the initials K.T.
 - b) On or about November 14, 2017 you injected a substance or substances into K.T.;
 - c) Shortly after receiving the injection K.T. had a reaction to the injected substance or substances;
 - d) You attended K.T. when he was in his car;
 - e) K.T. was taken to hospital;
 - g) You discharged K.T. as your patient;
 - h) You failed to meet the requirements of the *Code of Ethics* in discharging K.T. as a patient;
 - i) You failed to meet the expectations contained in the College of Physicians and Surgeons Guideline *Patient-Physician Relationships* in discharging K.T. as a patient;
 - j) You did not provide K.T. with an explanation for discharging him from your practice.
9. Pursuant to section 47.5 of *The Medical Profession Act, 1981*, the Council directs the discipline committee to hear the following charges of unbecoming, improper, unprofessional or discreditable conduct:

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) You signed an undertaking dated May 1, 2013 to cease medical practice and not to return to the practice of medicine until you received the approval of the College of Physicians and Surgeons to do so;
- b) You signed an Agreement dated June 18, 2013 with the Physician Health Program. Among the terms of that Agreement were that you agreed to the following:
 - Abstain from using any opiates, benzodiazepines, other controlled substances and/or any other prescription drugs except those specifically prescribed for me by my family physician or specialist. If prescribed, I will inform Ms. Senger immediately.
 - Provide anonymous random body fluid samples upon request (up to 5 times/month) for a period of three years.
- c) After you signed the Agreement with the Physician Health Program, the College of Physicians and Surgeons approved you to return to practice;
- d) On November 21, 2014 the Council of the College of Physicians and Surgeons imposed a penalty on you which contained the following term:

Pursuant to section 54(1)(g), Dr. Jordan Alexander Velestuk is hereby required to participate in Physician Support Program of the Saskatchewan Medical Association, to participate in a program of random fluid screening through the Physician Support Program and to follow the recommendations of the program. That requirement will continue indefinitely unless the Council relieves Dr. Velestuk of the requirement;
- e) In the period of April 2014 through June, 2016 you provided a series of urine samples to physicians to be analyzed for drugs;
- f) With the exemption of one sample which was positive for Pseudoephedrine and one sample that was positive for Diphenhydramine, all samples were negative for tested medications;
- g) On one or more occasions you provided urine to be tested that which you did not produce on the date of testing.

10. Pursuant to section 47.5 of *The Medical Profession Act*, 1981, the Council directs the discipline committee to hear the following charges of unbecoming, improper, unprofessional or discreditable conduct:

You Dr. Jordan Velestuk are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(n) and/or 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) In connection with your practice in Regina, Saskatchewan you prescribed prescription review medications which were stated to be for "office use" or contained a reference to similar effect;
- b) Some or all of the prescription review medications referenced in paragraph a) were not prescribed for a medical or therapeutic purpose;

c) Some or all of the prescription review medications referenced in paragraph a) were used by you.

The Positions of the Registrar's Office and Dr. Velestuk

The Position of the Registrar's Office

Mr. Salte presented verbal arguments in addition to the written submission in Council document Info 31_20.

The penalty presentation of 24 January 2020 was dependent on the acceptance of the charges above which were amended by Council as discussed in Council document Confid. 9_20. As a result of the amended charges being accepted by Council, Dr. Velestuk signed an admission to those charges immediately prior to the penalty presentation.

The final penalty proposed by the Registrar's Office was presented and Mr. Salte identified two components of the penalty required specific consideration, those being the proposed fine of \$15000 and the proposed 7 months of suspension.

The Registrar's Office supports a fine of \$15000 in this circumstance due to the varied and egregious nature of the admitted misconduct. It was recognized that approximately \$190000 was repaid to the Medical Services Branch. The fraud in question was sufficiently egregious to warrant criminal charges which have been proven. As a result of the nature of this misconduct, the repayment of fraudulently acquired funds is not sufficient to support general deterrence and therefore a substantial fine was proposed.

Specific to the matter of Dr. Velestuk's criminal conviction, Mr. Salte argued the conviction and subsequent alternate measures have effectively balanced against the disrepute such a conviction brings onto the profession as a whole.

The Registrar's Office has proposed a suspension of 7 months duration which will be noted to have been served retroactively while Dr. Velestuk was removed from the practice of medicine by way of his undertaking with the Registrar. Dr. Velestuk had obtained a letter of clearance as safe to return to the practice of medicine while still under the terms of the undertaking. This time has been effectively lost to his practice and should be considered as a component of penalty paid. Mr. Salte suggests that the suspension itself remains an important component of penalty despite the retroactivity of the suspension as it serves the goal of general deterrence.

Mr. Salte addressed possible perception of relative leniency of the penalty when compared to the possible alternative of revocation which could reasonably have been proposed by Council in light of the number and gravity of the charges under consideration. Mr. Salte suggested that two factors served to mitigate against a potential revocation:

- 1) Admission of addiction as a key factor in Dr. Velestuk's misconduct.

Dr. Velestuk is an admitted multi-substance addict currently in recovery. There is considerable difficulty in approaching proposed penalty for misconduct while the majority of the misconduct was observed to be a function of either poor judgement due to the effects of addiction or decision making in order to obtain either funds or substances to feed an active addiction. When actions are

observed to be irrevocably intertwined with an addiction, this must be taken into consideration when proposing penalty for actions which can be viewed as either a symptom, or result of an established disability.

- 2) Two years of effective practice while working under an undertaking with the Registrar.

Dr. Velestuk has been working under the terms, of what is considered, a very strict undertaking with the Registrar. He has observed the terms of his undertaking and has been able to develop a very effective family practice in Moosomin. He has been supervised and mentored by a group of colleague practitioners who value Dr. Velestuk's contribution to their practice and to the patients he serves.

Mr. Salte did not present significant case law on this matter based on the wide scope of the charges under consideration and the resultant paucity of relevant case law.

The Position of Dr. Velestuk

Mr. Thera presented verbal arguments in addition to the written submission in Council document Info 38_20.

Mr. Thera commented on Dr. Velestuk's gratitude at being able to continue in practice via the current undertaking. Dr. Velestuk is in general agreement with the proposed penalty submission brought by the Registrar's Office. Mr. Thera did raise issue on behalf of Dr. Velestuk with respect to the necessity of a fine and the proposed length of suspension.

Arguments were presented suggesting a 4-month suspension would be adequate. The retroactivity of the suspension tends to remove the specific deterrence component of suspension and as such a four month suspension would be in keeping with comparable degrees of fraudulent billings such as that observed with Dr. Chikukwa.

Mr. Thera argued a specific fine is not required in this matter and would simply impose an unnecessary and additional financial burden. There has been repayment of funds to the Medical Services Branch. Further, while serving under the terms of the prior undertaking, Dr. Velestuk has been removed from practice for a sufficient timeframe and suffered severe financial penalty by way of the inability to provide care for which he could have been paid.

In addition, Mr. Thera was unconvinced a fine served either general or specific deterrence in this matter. It was argued because of the criminal finding and alternate measures enacted as a result of the decision of the Courts, Dr. Velestuk will remain under the stigma of those found guilty of criminal activity. This stigma will serve as a perpetual specific deterrence moving forward. With respect to general deterrence, Mr. Thera argues that Dr. Velestuk's decision making was compromised as a result of his addictions and as such general deterrence is not highly applicable as such deterrence could only be expected to be found helpful to a potential or recovering addict.

Dr. Velestuk did speak on his own behalf. Dr. Velestuk expressed his apology for the disrepute he has subjected himself and the profession to. He articulated his gratitude to have survived his disease process thus far and recognized the role his husband has played in his progress towards ongoing recovery. Dr. Velestuk spoke to his willingness to pursue a better future.

Council's Penalty Decision

- 1) Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, the Council hereby reprimands Dr. Velestuk. The format of that reprimand will be in written format.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Velestuk for a period of seven months, retroactive to April 13, 2017;
- 3) Pursuant to Section 54(1)(f) of the Act, the Council imposes a fine of \$15,000 on Dr. Velestuk. The fine will be payable in full by July 24, 2020.
- 4) Pursuant to section 54(1)(g) of the Act, Council requires that Dr. Velestuk successfully complete an ethics course on professionalism to the satisfaction of the Registrar. Such course shall be completed at the first available date. The programs "Medical Ethics, Boundaries and Professionalism" by Case Western Reserve University, "Probe Program" by CPEP and "Medical Ethics and Professionalism" by Professional Boundaries Inc., are ethics programs acceptable to the Registrar.
- 5) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Velestuk to pay the costs of and incidental to the investigation and hearing in the amount of \$20,212.22. The costs will be payable in full by July 24, 2020.
- 6) Pursuant to section 54(2) of the Act, if Dr. Velestuk should fail to pay the costs as required by paragraph 4, Dr. Velestuk' licence shall be suspended until the costs are paid in full;
- 7) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Velestuk effective January 24, 2020 and continuing until Dr. Velestuk provides an undertaking to the College, in a form acceptable to the Registrar, that states the following:

Undertaking related to ongoing practice conditions

1. I will practise medicine only in a group practice setting with other family physicians in which I do not have an ownership interest in the practice.
2. I will not prescribe any prescription review program medications.
3. I will practise medicine only while I have retained a College-approved supervisor, who will sign an undertaking in the form attached hereto as Schedule "A" (the "Supervisor"). I will ensure that the signed undertaking is provided to the College.
4. I will only practise medicine while under supervision which supervision will contain the following elements:
 - a) The Supervisor will meet with me on a schedule that the Supervisor thinks appropriate to assess whether I am practising medicine in a safe and appropriate manner.

- b) The Supervisor may review patient charts during the duration of the supervision. If the Supervisor decides that a chart review is appropriate, I will participate in that chart review;
 - c) If the Supervisor decides that a chart review is appropriate, the Supervisor will keep a log of all patient charts reviewed along with patient identifiers; and d) The Supervisor will provide reports to the College on a quarterly basis, or more frequently if the Supervisor has concerns about my standard of practice or conduct.
5. If I am unable to obtain a Supervisor, I will cease to practise until such time as I have obtained a Supervisor acceptable to the College.
 6. I will abide by all recommendations of my Supervisor with respect to practice improvements and education.
 7. I consent to the disclosure by my Supervisor to the College, and by the College to my Supervisor, of all information the Supervisor or the College think is necessary or desirable in order to fulfill the Supervisor's undertaking and to monitor my compliance with this undertaking. I consent to the College releasing all information in its possession related to its current investigations into possible unprofessional conduct by me.

Undertaking related to my addiction

10. I will abstain from the use of alcohol, marijuana or any other illicit drugs.
11. I will abstain from using any opioids, benzodiazepines, other controlled substances and/or any other prescription drugs except those specifically prescribed for me by my family physician or specialist who will be fully informed about my history of addiction. If any controlled drugs are prescribed for me, I will inform the Physician Health Program Director immediately.
12. I will maintain a relationship with a family physician, currently Dr. van der Merwe, and follow all treatment recommendations made by my family physician. I will immediately notify the College of a change in my family physician. I authorize my family physician to provide any personal health information to the College if that physician concludes it is appropriate to do so, and I authorize my family physician to provide any personal health information that is requested by the College. This authorization remains irrevocable for as long as I am licensed by the College.
13. I will maintain a relationship with my personal psychiatrist, and follow all treatment recommendations made by my psychiatrist. I will immediately notify the College of a change in my psychiatrist. I authorize my psychiatrist to provide any personal health information to the College if that psychiatrist concludes it is appropriate to do so, and I authorize my psychiatrist to provide any personal health information that is requested by the College. This authorization remains irrevocable for as long as I am licensed by the College.

14. I will maintain a relationship with my addiction medicine physician, currently Dr. W. Wildenboer, and follow all treatment recommendations made by my addiction medicine physician. I will immediately notify the College of a change in my addiction medicine physician. I authorize my addiction medicine physician to provide any personal health information to the College if that physician concludes it is appropriate to do so, and I authorize my addiction medicine physician to provide any personal health information that is requested by the College. This authorization remains irrevocable for as long as I am licensed by the College.
 15. I agree to maintain regular, but not less than once monthly contact with the Physician Health Program through either the Chair of the Program or the Director of the Program,
 16. I will attend 12 step meetings at least twice per week and I will secure an AA sponsor who can confirm my attendance at meetings. I will authorise the AA sponsor to confirm with the College should the College require written confirmation of my attendance at these meetings.
 17. I will continue to provide witnessed random body fluid samples once per week thereafter, if all screens have been negative, for the remainder of the time I am licensed by the College.
 18. I will submit to hair follicle testing carried out each six months by an agency approved by the College for the remainder of the time I am licensed by the College unless the College relieves me of this obligation. I acknowledge that the cost for these tests must be borne by me.
 19. I acknowledge and agree that this undertaking is irrevocable and will remain in effect while I am licensed to practise by the College. I may request the College to amend this undertaking and acknowledge that the College can, in its discretion, accept or refuse my request.
 20. If my practice supervisor, any of my attending physicians or the Physician Health Program raise concerns about my fitness to practice due to my addiction or recovery process, I will voluntarily withdraw from practice immediately, until the concern is assessed and resolved.
- 8) The Council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Velestuk. Without limiting the authority of the Council, the Council may amend the terms of the required undertaking, and may extend the time for Dr. Velestuk to pay the fine or costs required by paragraph 3 and 5.
 - 9) The Registrar may, at any time, accept an amended undertaking from Dr. Velestuk in substitution for the undertaking referenced in paragraph 7.

Reasons for Decision

The Council met in camera to deliberate on Dr. Velestuk's penalty. As with all Council penalty deliberations, the Camgoz criteria guided decision making. The totality principle was also applied to our decision.

The Registrar's Office and Dr. Velestuk were in substantial agreement on the penalty which should be imposed by the Council. The Order made recognizes the submissions by both counsel and demonstrates the need to protect the public and ensure the safe and proper practice of medicine.

The Council deliberated on this matter for some time and several themes emerged in our deliberations.

There was general surprise as to the leniency of penalty proposed by the Registrar's Office. Several members of Council who have longer experience with the charges under consideration were surprised by the absence of a proposed revocation. It was a testament to the arguments brought by Mr. Salte further consideration of revocation was passed over quite quickly.

Council recognizes misconduct occurring as a result of active addiction must be considered differently than had identical conduct occurred in the absence of addiction. In the face of an alternative to revocation, a retroactive seven month suspension was considered to demonstrate remarkable restraint on the part of the Council. The Council recognizes Dr. Velestuk has demonstrated some success in his recovery, but constant ongoing effort will be required to avoid a return to substance abuse. Despite the gains made thus far by Dr. Velestuk, the charges brought against him and admitted by him are varied and egregious. The charges need to be answered for. A major consideration in any suspension is to demonstrate repudiation of the conduct in question and deter others from undertaking similar conduct. For these reasons a significant suspension is appropriate.

Mr. Thera had argued a four-month suspension would be appropriate as that is the term of suspension used in the Dr. Chikukwa matter. This argument did not move Council to reduce the proposed suspension for several reasons. Dr. Chikukwa did not demonstrate any malicious intent in his fraudulent activities. Dr. Chikukwa overbilled for services actually rendered based on the misguided logic his services were worth more than was offered in the MSB schedule of benefits. Dr. Velestuk's misconduct was considered substantially worse, as he inappropriately billed for services, impeded the investigation into those billings, and submitted forged documents including false emails from a colleague in a misguided attempt to cover his actions. Seven months of suspension is substantial and was felt to be the bare minimum duration which could be considered appropriate.

Council also deliberated on the retroactivity of this suspension. There was considerable division amongst the Council as to this factor. A significant proportion of Council considered suspension as yet unserved to be a viable option. After considerable debate, the Council elected to defer to the opinion of the Registrar, who has had the greatest personal knowledge of Dr. Velestuk's many issues and current recovery.

The matter of the fine presented Council with little difficulty in reaching a decision. Dr. Velestuk currently stands guilty of no fewer than ten charges. These charges do not represent the totality of Dr. Velestuk's discipline history. Dr. Velestuk's misconduct has resulted in criminal investigations and College discipline on more than this occasion.

The Council was unified in the desire for a substantial fine as both a general and specific deterrent. Council was mindful of arguments regarding the presence of addiction as a mitigating factor in some aspects of misconduct. In Dr. Velestuk's case, the Council considered his fraudulent behaviors as deliberate and well planned and therefore less likely to be directly attributable to his addiction. Therefore the Council did not feel a duty to accommodate disability with respect to the fine imposed. The Council accepted the \$15000 fine proposed by the Registrar's Office.

The inclusion of costs in the penalty was considered to be appropriate as the membership of the College should not bear the burden of costs when charges have been admitted.

Accepted by the Council of the College of Physicians and Surgeons of Saskatchewan: 21 March, 2020

In the Matter of an Application Brought by Dr. Jordan Velestuk to Amend the Terms of the Undertaking

Background

Dr. Jordan Velestuk remains in practise subject to the terms of an undertaking which he signed in response to charges of professional misconduct brought against him in 2020. Dr. Velestuk has brought several applications forward to permit relief from various terms of his undertaking which have allowed him to return to a more unrestricted practise under appropriate supervision.

Dr. Velestuk has remained in contact with the Physician Health Program of the SMA for the duration of his undertaking and still willingly submits body fluids and hair follicles for testing. Dr. Velestuk has not demonstrated any misconduct since his return to practice. His latest two applications for amendments to the terms of his undertaking have been actioned favourably by the Council.

The specifics of Dr. Velestuk's undertakings and amendments thereof are available in multiple College documents including Information 191_22 and 37_23. The terms of the undertaking will not be reproduced here.

Dr. Velestuk has brought an application to further amend his undertaking to remove his restrictions as follows:

- 1) Remove the requirement for practice supervision;
- 2) Remove restrictions to enable prescribing of PRP medications;
- 3) Recognize that Dr. Velestuk has been discharged by his psychiatrist.

Removal of the restrictions mentioned would permit Dr. Velestuk to pursue a more expanded practice including being able to provide call services in Moosomin and possibly providing surgical assist services.

Decision of Council

The Council approves the application brought by Dr. Jordan Velestuk.

Reasons for Decision

Since returning to practice Dr. Velestuk has demonstrated no return to his prior misconduct. There have been no concerns raised against Dr. Velestuk. Dr. Velestuk has worked under supervision and continues to have the support of his primary supervisor with respect to expanding his scope of practice.

Dr. Velestuk remains in contact with the PHP of the SMA. He has submitted regular body fluid and hair follicles for drug testing. He remains a recovering addict with no relapses for the last 8 years. Dr. Velestuk recognizes the risk factors for relapse and remains vigilant in his avoidance of these risks. Dr. Velestuk has worked hard over the last several years to build a supportive and collegial practice while also maintaining stable and healthy personal relationships which all serve to aid in his ongoing recovery.

In the absence of any complaints and the evidence of ongoing successful recovery, the Council considers the public risk to be minimal and Dr. Velestuk's personal risk to be acceptably managed. The Council was therefore willing to approve the application.

Council did debate at some length about the sagacity of Dr. Velestuk's plan to provide surgical assistant services. While this form of practice is well within the skill set of any reasonable physician, the Council did have concerns that independent practice in an operating room setting will be the first opportunity for Dr. Velestuk to be in a work environment with narcotics and ketamine that are not under 'lock and key.' Council feels that Dr. Velestuk has demonstrated ongoing sobriety, however the need for ongoing body fluid and hair follicle testing will be required as a safety measure to discourage any relapse that may arise as a result of being in the operating room environment.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan:
22 March, 2024**