



## Dr. Iffat MUHAMMAD

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### Council Decision

<b>Date Charge(s) Laid:</b>	May 8, 2022
<b>Outcome Date:</b>	June 17, 2022
<b>Hearing:</b>	Not required
<b>Disposition:</b>	Reprimand, Suspension, Conditions, Fine, Costs

The Council of the College of Physicians and Surgeons of Saskatchewan imposes the following penalty on Dr. Iffat Muhammad pursuant to The Medical Profession Act, 1981 (the “Act”):

1. Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, the Council hereby reprimands Dr. Muhammad. The format of that reprimand will be in writing
2. Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Muhammad for a period of 2 months commencing 15 July, 2022.
3. Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Muhammad successfully complete a course on ethics/professionalism acceptable to the Registrar, and provide proof of completion. Such course shall be completed at the first available date, but in any case within six months. The programs “Medical Ethics, Boundaries and Professionalism” by Case Western Reserve University and “Medical Ethics and Professionalism (ME-15 Extended)” by PBI Education are ethics programs acceptable to the Registrar.
4. Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Muhammad complete the Medical Services Branch billing modules and provide proof of completion.
5. Pursuant to section 54(1)(f) of *The Medical Profession Act, 1981*, Council imposes a fine of \$2,500.00 on Dr. Muhammad, payable on or before 1 January, 2023.
6. Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Muhammad to pay the costs of and incidental to the investigation and hearing in the amount of \$3,643.23. The costs shall be payable in full by 1 January, 2023.
7. Pursuant to section 54(2) of the Act, if Dr. Muhammad should fail to pay the costs as required by paragraph 6, Dr. Muhammad’s licence shall be suspended until the costs are paid in full.
8. The Council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Muhammad. Without limiting the authority of the Council, the Council may extend the time for Dr. Muhammad to pay the fine or costs required by paragraph 5 or paragraph 6.



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REGISTRAR  
KAREN SHAW, M.D.

3 October, 2022

Dr. I. Muhammad



Dr. Muhammad:

On Friday 17 June, 2022, the Council of the College of Physicians and Surgeons of Saskatchewan accepted your admission of guilt to three charges of unprofessional conduct. These charges were related to your inappropriate billing of services to the Medical Services Branch (MSB); you admitted to providing patient records that had been altered and provided false and misleading information to the JMPRC and thereby caused or permitted improper billings to be submitted.

The Council of the College of Physicians and Surgeons has imposed penalties pursuant to *The Medical Professional Act, 1981*. These penalties include a two-month suspension, a fine, a requirement to take an ethics course, a requirement to take the Medical Services Branch billing modules, payment of costs, and a written reprimand.

*You, Dr. I. Muhammad, having been found guilty of professional misconduct while practicing medicine in the province of Saskatchewan, are hereby reprimanded by the Council of the College of Physicians and Surgeons of Saskatchewan.*

Physicians have a responsibility to the health system to ensure that patient billings and charts are never altered and are held in the utmost confidence, respect, and honesty. We must be mindful of society's trust in us to responsibly steward our health system with honesty and integrity. You failed in this regard by making false and misleading statements, altering charts, and submitting improper billings.

Council considered the mitigating factors put forward by your counsel and acknowledged that you do not have a prior record of unprofessional conduct.

Council hopes that you reflect upon your behaviour and strive to maintain the high professional and ethical standards that we expect.

**Council of the College of Physicians and Surgeons of Saskatchewan**

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



**In the matter of a Penalty Hearing before the Council of the College of  
Physicians and Surgeons of Saskatchewan and Dr. Iffat Muhammad  
June 17, 2022**

**Summary of the Decision**

A penalty hearing for Dr. Muhammad was held before the Council on June 17, 2022. Dr. Mohammed was represented by Ms. Richika Bodani. Mr. Bryan Salte presented the position of the Registrar's Office. Dr. Muhammad admitted to being guilty of three charges of unprofessional conduct:

**The Charges Against Dr. Muhammad**

Dr. Muhammad was charged with the following charges of unprofessional conduct, each of which was found to be proved by the disciplinary hearing committee:

*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. Iffat Muhammad, namely:*

*You Dr. Iffat Muhammad 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 7.2 and the provisions of the Code of Conduct which state that CPSS expects that physicians will (b) maintain high standards of personal and professional honesty and integrity and (c) take responsibility for their behavior and ethical conduct regardless of the circumstances.*

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

- (a) You produced copies of patient records about the Joint Medical Professional Review Committee's review of your billings.*
- (b) The copies of patient records that you produced had been altered.*

(c) You altered the copies of records by inserting times during which you purportedly provided care to patients.

*Charge Number 2:*

*You, Dr. Iffat Muhammad, are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to section 46(o) and section 46(p) of The Medical Profession Act, 1981 s.s. 1980-81 c. M-10.1, and/or bylaw 7.2 and the provisions of the Code of Conduct which state that CPSS expects that physicians will (b) maintain high standards of personal and professional honesty and integrity and (c) take responsibility for their own behavior and ethical conduct regardless of the circumstances.*

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

(a) *You were interviewed by the Joint Medical Professional Review Committee's in relation to your billings.*

(b) *During that interview you provided false information or misleading information to the Joint Medical Professional Review Committee related to entries in the records.*

(c) *During that interview, you made the following statement:*

*Yeah, I wear a wristwatch all the time. If I'm going into the consultation room, I'll have a glance and check how much it is taking. And when I come out of the room, I have another glance at my wristwatch, and I document the time.*

(d) *That statement was false or misleading.*

(e) *During that interview, you engaged in the following interaction with a member of the Joint Medical Professional Review Committee:*

*DR. OVERLI-DOMES: For these two visits on this page, the February 8th and the February 28th, I am wondering about the times on there, that 4:15 to 4:46 p.m. and then the 4:05 to 4:36 p.m. I note that they're both 31 minutes. Can you tell me, do you – you said you were using a watch?*

*DR. MUHAMMAD: Yes, I wear a watch all the time.*

*DR. OVERLI-DOMES: When do you write down the start time on your paper and the stop time on your paper --*

*DR. MUHAMMAD: At the end of the consultation.*

*DR. OVERLI-DOMES: -- for these two visits.*

*DR. MUHAMMAD: At the end of the consultation.*

*DR. OVERLI-DOMES: End of the consult, okay. Is that your general, kind of, routine.*

*DR. MUHAMMAD: Yes. Yeah, yeah. I'm a very organized person. That's why I manage to see so many challenging patients in my office.*

(f) *Your statement or statements were false or misleading.*

(g) *During that interview you engaged in the following interaction with a member of the Joint Medical Professional Review Committee:*

*DR. OVERLI-DOMES: On this September 10th, 2018, visit, when did you enter the times on the September 10th, 2018, visit?*

*DR. MUHAMMAD: Okay. As I said --*

*DR. OVERLI-DOMES: Was that on September 10th, 2018?*

*DR. MUHAMMAD: Yeah, September the 10th, 2018. So as I enter my -- the examination room, I would have a look at my watch, and I would check the time. And as I am coming out, I would check the time again. So it's done -- it's documented right after the visit.*

*DR. OVERLI-DOMES: I guess I'm just kind of wondering, because, like, this February 8th, it's 4:15 to 4:46, which is 31 minutes. February 28th is 4:05 to 4:36, which is 31 minutes. And now September 10th is 12:04 to 12:35, which is 31. So 31, 31, 31, and so I - it just makes me wonder if these are correct times that are -- and contemporaneously written.*

*DR. MUHAMMAD: Yeah, I think this is -- it must have been a coincidence. I use my wristwatch to chart the time at each visit.*

*(h) Your statement or statements were false or misleading.*

*(i) During that interview you engaged in the following interaction with a member of the Joint Medical Professional Review Committee:*

*DR. BERENBAUM: -- times have been included. Explain why this visit is counselling as opposed to a minor assessment.*

*DR. MUHAMMAD: And obviously, I have documented the time that I had spent with her.*

*(j) Your statement was false or misleading.*

### *Charge Number 3:*

*You Dr. Iffat Muhammad 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/or bylaw 8.1(b)(iii) of the regulatory bylaws of the College of Physicians and Surgeons of Saskatchewan, by inappropriate billing.*

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

*(a) You caused or permitted billings to Medical Services Branch for Codes 40B and 41B when you did not document the start and stop times for the counselling as required by the physician payment schedule.*

*(b) You caused or permitted billings to Medical Services Branch for Codes 40B and 41B based upon your recollection of the amount of time spent with patients.*

At the June 17 Hearing, the Council adopted the following penalty resolution:

*1. Pursuant to Section 54(1)(e) of The Medical Profession Act, 1981, the Council hereby reprimands Dr. Muhammad. The format of that reprimand will be in writing.*

2. Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Muhammad for a period of 2 months commencing 15 July, 2022.
3. Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Muhammad successfully complete a course on ethics/professionalism acceptable to the Registrar, and provide proof of completion. Such course shall be completed at the first available date, but in any case within six months. The programs “Medical Ethics, Boundaries and Professionalism” by Case Western Reserve University and “Medical Ethics and Professionalism (ME-15 Extended)” by PBI Education are ethics programs acceptable to the Registrar.
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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. Muhammad. Without limiting the authority of the Council, the Council may extend the time for Dr. Muhammad to pay the fine or costs required by paragraph 5 or paragraph 6.

### **The Position of the Registrar’s Office**

The position of the Registrar’s Office was that the Council should impose the following penalty:

1. A suspension from practice in the range of two to three months.
2. Council has considered it appropriate to impose a fine in addition to a suspension in cases of inappropriate billing by physicians. Inappropriate billing provides an unearned financial benefit. In such a situation a fine is appropriate. The maximum fine in the legislation is \$15,000. The Registrar’s office did not take a position on what amount was appropriate.
3. A requirement to take an ethics course.
4. A requirement to complete the billing modules available through Medical Services Branch.
5. Payment of costs.

6. A reprimand in terms developed by the Council. The Council can determine whether an in-person reprimand is appropriate.

In his submission, legal counsel for the Registrar's Office emphasized the following:

1. Honesty is essential to the practice of medicine. Dishonesty brings disrepute to the medical profession. Dishonesty can result in a loss of public confidence in physicians and their ethical standards.
2. An essential element of imposing penalty is maintaining the confidence of the public that the College will take appropriate action against a physician who has engaged in unprofessional conduct.
3. Dr. Muhammad's motive for altering the patient records was to prevent the JMPRC from having information that would result in an order that she repay billings to which she was not entitled.
4. This was a deliberate and calculated action by her. She then compounded her unprofessional conduct by lying when directly asked about the alterations by the JMPRC.
5. Inappropriate billing is a serious matter. The payment schedule is dependent on trust. It is unlikely that inappropriate billing will be identified by Medical Services Branch unless there is a huge departure from what billings would be expected from physicians in similar types of practices.
6. General deterrence was an important factor to be considered by the Council. If the JMPRC had not identified that Dr. Muhammad had altered her records, she would have avoided the JMPRC reassessment for Codes 40B and 41B. It is important for Council to impose a sufficient penalty that physicians who may be inclined to alter records to submit to the JMPRC will be aware of the significant consequences if they are caught doing that.
7. Dr. Muhammad's material supported a conclusion that the conduct was planned and deliberate. JMPRC asked for the records by letter dated July 9, 2019. The records were supplied on or about September 6, 2019. During that two-month period Dr. Muhammad identified the charts for which she had submitted a 40B and 41B billing and then went through the charts and added start and stop times for the entries related to the 20B and 41B billings before submitting copies of the altered charts to the JMPRC.

8. Dr. Muhammad's admission was not as significant a mitigating factor as in some other cases. The evidence that she altered the charts and that she lied to the JMPRC was compelling.

The College obtained a search order from the Provincial Court and seized records specified in that order.

Dr. Muhammad only provided the JMPRC with copies of patient charts for the period under review by the JMPRC. The College review of the original patient charts for those patients demonstrated that there weren't time entries for the period prior to the JMPRC review. The College also seized patient charts not reviewed by the JMPRC for the time period under review by the JMPRC which contained entries for patient interactions for which Dr. Muhammad billed codes 40B and 41B. Those charts did not have start and stop times. Dr. Muhammad admitted the conduct when the College advised her that it would send the original records which contained start and stop times to a document analyst to compare the ink in the entries for the patient encounters with the ink in the start and stop time entries unless she admitted that the charts had been altered by adding start and stop times.

9. There were no direct comparisons for penalty. The fact situation with Dr. Muhammad was unique. Legal counsel could not find any reported decisions in which the physician was subject to discipline for three charges similar to those Dr. Muhammad had admitted. However, there were some decisions that had similarities with Dr. Muhammad's conduct and gave rise to the suggested penalty range of a two-to-three-month suspension.
10. Decisions in which only a one-month suspension had been imposed had mitigating factors not present with Dr. Muhammad.
11. Legal counsel for the Registrar's Office disagreed with Dr. Muhammad's position that Council should not consider Dr. Muhammad's motive in altering the patient charts and giving false information to the JMPRC as there was no evidence of Dr. Muhammad's motive. Council can draw reasonable inferences from the evidence. The charts were altered after JMPRC advised that it would review her charts. The reasonable inference, especially in the absence of a different explanation from Dr. Muhammad, was that the alterations were made to prevent JMPRC from detecting that Dr. Muhammad had billed

for Code 40B and 41B without meeting the requirements in the payment schedule to bill those codes.

12. Legal counsel for the Registrar's Office disagreed with Dr. Muhammad's position that the reassessment by the JMPRC was a deterrent. It was merely a payment recovery for billings that Dr. Muhammad should never have submitted to MSB.

### **Dr. Muhammad's Position**

Counsel for Dr. Muhammad submitted that the following penalty was appropriate:

1. A written reprimand.
2. A suspension of Dr. Muhammad's medical license for a period no greater than one month.
3. A requirement to successfully complete a course on medical ethics and professionalism.
4. A requirement to successfully complete the Medical Services Branch online billing course.
5. Payment of the costs.

In her submission, legal counsel for Dr. Muhammad emphasized the following:

1. The alteration of the patient records was a lapse in judgment brought on by fear of the audit process being conducted by the JMPRC.
2. Dr. Muhammad's willingness to accept responsibility for her conduct and her admission of the charges of unprofessional conduct should be considered important mitigating factors.
3. The information demonstrated that Dr. Muhammad managed a significant volume of patients in a reasonable manner without generating undue cost to the system.
4. Dr. Muhammad had no previous history of unprofessional conduct.
5. The alternations to the patient records were a mistake and a lapse of judgment but not malicious.
6. Dr. Muhammad assists others in need, including providing medical and financial assistance to families outside Canada who need support.

7. The conduct admitted by Dr. Muhammad did not involve risk to patients or safety concerns.
8. Dr. Muhammad is unlikely to again engage in unprofessional conduct.
9. The reassessment, including the \$15,000 penalty imposed by the JMPRC, would act as a significant deterrent against any future similar conduct.
10. The one-month suspension and the reprimand suggested by Dr. Muhammad would constitute a significant penalty and would affect her reputation in the community and with her patients.
11. The penalty of a two to three-month suspension proposed by the Registrar's office was significantly greater than previous penalties for similar unprofessional conduct.
12. Council should not consider Dr. Muhammad's motive in altering the patient charts and giving false information to the JMPRC as there was no evidence of Dr. Muhammad's motive.

### **Points in Issue**

1. Council has considered it appropriate to impose a fine and a suspension in cases of inappropriate billing by physicians. Inappropriate billing provides an unearned financial benefit. In such a situation, a fine is appropriate. The maximum fine in the legislation is \$15,000. The Registrar's Office did not take a position on what amount was appropriate. Council also affirms the position of the Registrar's Office for a requirement to take an ethics course and a written reprimand determined by the Council.

### **Reasons for Decision**

Council made the decision to suspend and fine Dr. Muhammad after significant deliberation that focused on the importance of honesty and Council's responsibility to maintain public confidence.

Council unanimously agreed with the position of the Registrar's Office that inappropriate billing is serious. Dr. Muhammad's billing was identified as a departure from what would normally be expected. Council agreed that Dr. Muhammad derived a clear benefit from billings that never should have been submitted. Once aware she was the subject of an audit, Dr. Muhammad made

the decision to alter medical records' start and stop times. Council agreed that this was a planned and deliberate act.

Altering medical records is never justifiable and Dr. Muhammad's attempt to justify this based on her fear of being audited was not relevant. The charts were altered after Dr. Muhammad was made aware that she was subject to audit and likely going to be reassessed. Compounding this is the fact that Dr. Muhammad then lied to the JMPCRC when directly asked if she had altered the charts. This is unprofessional behaviour.

While Dr. Muhammad does not have a previous history of unprofessional conduct, Council did not feel this to be a mitigating factor given the gravity of her behaviour. Council felt that both the length of suspension and amount of fine were appropriate in this case. This case should serve both as a deterrence to physicians and a demonstration to the public of Council's commitment to honesty and integrity.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan:**

**1 October, 2022**