



## **EXECUTIVE SUMMARY**

**of the**

**18 & 19 NOVEMBER, 2016 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](mailto:OfficeOfTheRegistrar@cps.sk.ca).

1. Council received a report on the actions taken in relation to the For Action Items from the previous meeting. The Registrar provided an update with respect to the negotiations regarding contracts operated by the College.
2. Council reviewed and discussed Monitoring Reports from the Registrar with respect to:
  - (a) The Registrar's Advancement of Council's End – 6 – Professionally Led Regulation, and
  - (b) The Registrar's Compliance with Council's Executive Limitation Policies pertaining to:
    - (i) EL – 14 – Development of Policies Governing the Practice of Medicine, and
    - (ii) EL – 15 – Approval of Externally Generated Policies Governing the Practice of Medicine.
3. Council reviewed matters brought forward from the September Council meeting and deferred the matter of Possible Bylaw Amendment for the Regulation of Office Procedures and Determining Capacity to Consent/Informed Consent until the January 2017 Council meeting.

4. Council reviewed the policy The Practice of Telemedicine and approved the policy without amendments with a sunset date of 2 years.
5. Council reviewed a request from a physician with respect to whether providing asynchronous physician consultations would comply with the College's policy *The Practice of Telemedicine*. Council directed the Registrar to advise the physician of Council's opinion that the proposal for asynchronous consultations will comply with the policy, and to advise the physician that Council strongly encourages the physician to participate in a research study pertaining to the potential benefits of asynchronous prescribing of birth control in this manner.
6. Council was provided a verbal update on the national work pertaining to prescription drug abuse and the adoption of safe prescribing standards and/or guidelines by other MRAs.
7. Council reviewed the recommendations from the report of the British Columbia Real Estate Commission and appointed a committee consisting of Dr. Chapelski, Mr. Art Battiste and Mr. Ken Smith as Council members in addition to staff to review the report in more detail and determine if any of the recommendations should result in any changes for the College.
8. Council reviewed the proposed timeline for the implementation of the Saskatchewan College of Paramedics' – Lloydminster protocol implementation date. Council approved the implementation date of January 15, 2017 for the protocol which had previously been approved at the September Council meeting.
9. Council reviewed the request from the Saskatchewan College of Paramedics for representation from the College of Physicians and Surgeons of Saskatchewan on the Paramedic Practice Committee. Council appointed Dr. Mark Chapelski.
10. Council reviewed a request from the Saskatchewan College of Paramedics to approve three new protocols:
  1. The use of anti-emetics by Primary Care Paramedics (PCPs),
  2. The use of Naloxone by EMTs/PCPs and EMRs,
  3. The administration of inotropes/vasopressors in patients with cardiogenic shock, pre and post arrest.

Council reviewed the requests and approved the new protocols.

11. Council received a report from the Associate Registrar with respect to possible bylaw amendment pertaining to supervision and summative assessment conditions of licensure for physicians holding provisional licences and the process to address concerns that a physician has not been successful in supervision or a summative assessment. Council accepted the proposed amendments. The amendments to the bylaws will be sent to the Ministry for approval.
12. Council reviewed the Canadian Medical Protective Association's response to Council's Medical Assistance in Dying policy. The comments and recommendations from the CMPA were reviewed in the context of the ongoing work from the provincial committee. Council considered each of the recommendations but deferred considering changes to its policy until the provincial work is completed.

13. Council received a report from the Registrar pertaining to the letter from the Saskatchewan Registered Nurses' Association stating that the SRNA RNs Leading Change Project requires an additional period of time in order to regularize the delivery of nursing services in the north. Council acknowledged this process will take additional time and directed the Registrar to reassure the SRNA that the College will not prosecute nurses to whom this applies for practising medicine without a licence.
14. Council reviewed the proposed amendments to the Saskatchewan Registered Nurses' Association bylaws and had no additional feedback to that provided to the Ministry by the Associate Registrar in September.
15. Council received a report from the Registrar pertaining to the *Provincial Disability Strategy* and a request from the Deputy Minister of Health for Council to "consider encouraging physicians to ensure their practices are not only physically accessible, but that they also make reasonable effort to accommodate patients who need additional accessibility/supports, including adjustable examination tables".

Council requested the College staff work with the Saskatchewan Medical Association to notify physicians of the *Provincial Disability Strategy*, assist physicians to understand that accommodating patients to the point of undue hardship is a matter of human rights and develop strategies for physicians to consider how best to accommodate patients who are experiencing disability.

16. Council received a report from the Registrar pertaining to the Colorectal Screening Program's concerns pertaining to quality in the provision of colonoscopy post positive FIT test. The Council supports an evidence based approach to determine if physicians should provide colonoscopies based on their training, experience and available equipment. Council noted that any physician performing colonoscopy post positive FIT should ideally have the skill to diagnose the abnormality expected in 70% of positive FITs, and ideally be in a position to treat the causal condition.
17. Council received a report from the Registrar with respect to the progress on its strategic plan in particular:
  - Priority 1 – Optimise Practice Excellence, Objective C4 – Improve quality of practice standards, policies and guidelines published for the profession, and,
  - Priority 2 – Enhance Awareness and Trust of the College – Objective I2 – Ensure all bylaws are current and relevant.

Council received a verbal report from the President who reported on Council's progress to its portion of the strategic plan:

- Priority 3: Optimize Operational Excellence - People and Leadership Objectives - Objective P4: Enhance Council Governance Practices.

Dr. Beggs advised Council that he will bring possible tools for Council's consideration at the January meeting related to the Council's self-audit of their performance. Council expressed continued support for the hybrid method of Council meetings using a policy governance approach for non-legislative items.

18. Council received a verbal report from Dr. Brian Brownbridge, Chairperson of the committee reviewing the requirements of supervision and the summative assessment process for specialists and family physicians. Council directed the committee to prepare a written report pertaining to its recommendations for consideration at the January meeting.
19. Council received a verbal report from the Registrar with respect to the challenges in finding a venue for a weekend half day educational session attached to its March Council meeting. Council considered various options and felt that the topic of prescription drug abuse is an issue of significant importance for the College and the citizens of Saskatchewan. Council directed the AGM Committee to work on developing a full day educational session on prescription drug abuse and related issues, to be held in 2017.
20. Council appointed Dr. Errol Berenbaum as College representative to the Joint Medical Professional Review Committee.
21. Council appointed Dr. Dorie-Ann Dueck to the Discipline Committee.
22. Council received a report from the Director of Accounting and Finance, Ms. Amy McDonald with respect to the quarterly finance reports to the end of September, 2016. The report was received for information only.
23. Council directed the College staff to consider whether it should communicate to physicians who are the subject of a complaint that involves hospital based care that they should not access hospital records pertaining to such patients themselves, but rather arrange for the College or their legal counsel to access the records.
24. Council conducted a Penalty Hearing after the Discipline Hearing Committee concluded that Dr. Mozwa Taratibu was guilty of two charges of unprofessional conduct:

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. Mozwa Taratibu, namely:

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

The evidence that will be led in support of this charge will include 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 October 19<sup>th</sup>, 2015;
- 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 make appropriate arrangements for the security of your patient records

*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 charges against Dr. Mozwa Taratibu, namely:*

*You Dr. Mozwa Taratibu 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 16.1 and/or bylaw 16.2 of the bylaws of the College of Physicians and Surgeons.*

*The evidence to be led in support of this charge will include the following:*

- a) *You failed to reply to the Registrar, Dr. Shaw, within 14 days of her communication of November 26<sup>th</sup>, 2015.*
- b) *That the address to which the letter was sent, was accessed and used by you since November 26<sup>th</sup>, 2015.*
- c) *That this foregoing failure to reply by you to the Registrar was made after numerous attempts by the College to elicit a response went unanswered.*

Submissions were made by Mr. Chris Mason on behalf of the Registrar's Office. Dr. Taratibu did not retain legal counsel and did not attend the Penalty Hearing. The following penalty was imposed by Council:

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

- 1. Pursuant to section 54(1)(e) of The Medical Profession Act, 1981, Council imposes a reprimand upon Dr. Taratibu.*
- 2. With respect to the finding of guilt on charge #1 and pursuant to Section 54(1)(f) of The Medical Profession Act, 1981, Council imposes a fine of \$15,000 on Dr. Taratibu, payable forthwith.*
- 3. With respect to the finding of guilt on charge #2 and pursuant to Section 54(1)(f) of The Medical Profession Act, 1981, Council imposes a fine of \$2,500 on Dr. Taratibu, payable forthwith.*
- 4. Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council imposes that Dr. Taratibu successfully complete an ethics course on professionalism to the satisfaction of the Registrar. Such course shall be completed not later than May 15th, 2017. 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 Medical Profession Act, 1981, the Council directs Dr. Taratibu to pay the costs of and incidental to the investigation and hearing in the amount of \$ 20,043.08. Such payment shall be made in full by December 31, 2016.*
- 6. Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, the Council directs that Dr. Taratibu will be suspended from the privileges of a duly qualified medical practitioner if he fails to complete the ethics course on professionalism as required and will remain suspended until he successfully completes that course.*

7. Pursuant to section 54(2) if Dr. Taratibu should fail to pay the costs as required by paragraph 6, Dr. Taratibu's licence shall be suspended until the costs are paid in full.

8. Council reserves the right to amend the terms of this order by extending the time for payment of the costs, by arranging for the payment of costs over time or by installments, or by reducing or forgiving the payment of the costs and, in the event of such an amendment, the Council may impose such additional conditions pertaining to payment and suspension of Dr. Taratibu's license for the non-payment as may be permitted by The Medical Profession Act, 1981.

25. Council conducted a Penalty Hearing pertaining to Dr. Serhii Haidash who entered a guilty plea to a charge of unprofessional conduct. The charge admitted by Dr. Haidash was as follows:

*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. Serhii Haidash, namely:*

1. You Dr. Serhii Haidash 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) In or about the period of January 23 to 25 of 2009, you accessed the personal health information of a number of individuals through the pharmaceutical information program;*
- (b) You accessed that personal health information without the consent of the individuals;*
- (c) You accessed that personal health information without a legitimate need to know the information;*
- (d) You breached the Joint Service and Access Policy that pertained to accessing information from the pharmaceutical information program.*

Submissions for a joint recommendation were made by Mr. Bryan Salte on behalf of the Registrar's Office and Mr. David Thera on behalf of Dr. Haidash. The following penalty was imposed by Council:

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

- 1) Pursuant to Section 54(1)(e) of **The Medical Profession Act, 1981**, the Council reprimands Dr. Haidash.
- 2) Pursuant to section 54(1)(i) of **The Medical Profession Act, 1981**, the Council directs Dr. Haidash to pay the costs of and incidental to the investigation and hearing in the amount of \$2,400.00. Such payment shall be made in full by December 31, 2016.
- 3) Pursuant to section 54(2) of **The Medical Profession Act, 1981**, if Dr. Haidash should fail to pay the costs as required by paragraph 2, Dr. Haidash's licence shall be suspended until the costs are paid in full.
- 4) Pursuant to section 54 (1)(g) of **The Medical Profession Act, 1981**, Dr. Haidash is required to take and complete the following retraining or education within a period to be determined by the Registrar:
  - a) The BMJ learning module on confidentiality.

- b) Review of the resources available on confidentiality through the Canadian Medical Association and the Canadian Medical Protective Association;
- 5) The Council reserves to itself the right to reconsider and amend the time within which payment of costs must be made set out in paragraph 2 and the right to reconsider and amend the requirements of the retraining or education set out in paragraph 4. Such reconsideration shall only be done if requested by Dr. Haidash.

26. Council conducted a Penalty Hearing after receiving the report of the Discipline Hearing Committee which concluded that Dr. Adarine Anderson was guilty of the following charge:

*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. Adarine Mary Anderson, namely:*

- 1) You Dr. Adarine Mary Anderson 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 2. of the Code of Ethics, and/or bylaw 7.1 and paragraph 9. of the Code of Ethics, and/or bylaw 7.1 and paragraph 17. of the Code of Ethics, and/or bylaw 8.1(b)(ix) 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) A person hereinafter referred to in this charge as "Patient Number 1" was your patient;
- b) On or about January 5, 2016 you met with Patient Number 1;
- c) During the course of your interaction with Patient Number 1 the patient advised you that the patient was in the process of transitioning from female to male;
- d) During the course of your interaction with Patient Number 1, you made statements to Patient Number 1 related to the patient's transition from female to male which were not related to the reasons for which the patient requested your medical services;
- e) During the course of your interaction with patient number 1 you made statements to Patient Number 1 which were insensitive and unrelated to the reasons for which the patient requested your medical services;
- f) During your interaction with Patient Number 1, you made the following comments, or comments to a similar effect:
- i. You said to Patient Number 1 in relation to transgender people that "it would be the end of the world because there would no more females or males to reproduce";
  - ii. You said to patient Number 1 that "being transgender is an abomination";
  - iii. You said to patient Number 1 that "being transgender is a perversion";
  - iv. You said to Patient Number 1 that "little boys don't feel special anymore"
  - v. You said to Patient Number 1 that "'I don't understand how you can be male if you have breasts.

Submissions were made by Ms. Alma Wiebe on behalf of the Registrar's Office. Dr. Adarine Anderson did not retain legal counsel and she did not appear for the penalty hearing. The following penalty was imposed by Council:

*The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Adarine Mary Anderson pursuant to The Medical Profession Act, 1981:*

- 1) *Pursuant to section 54(1)(e) of The Medical Profession Act, 1981, Council imposes a reprimand upon Dr. Anderson.*
- 2) *Council imposes a fine of \$2500. Such payment shall be made in full by December 31, 2016.*
- 3) *Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council requires that Dr. Anderson successfully complete, to the satisfaction of the Registrar, an educational program related to Diversity Training on Sexual Orientation and Gender Identity Issues that is approved by the Registrar. Such program shall be completed not later than June 30, 2017.*
- 4) *Council reserves to itself the ability to review a decision by the Registrar made pursuant to paragraph 2) at the request of Dr. Anderson and to amend or rescind any such decision.*
- 5) *Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, the Council directs that Dr. Anderson will be suspended from the privileges of a duly qualified medical practitioner if she fails to successfully complete the educational program referenced in paragraph 2) on or before June 30, 2017. Dr. Anderson will remain suspended until she successfully completes that educational program.*
- 6) *Pursuant to section 54(1)(i) of The Medical Profession Act, 1981, the Council directs Dr. Anderson to pay the costs of and incidental to the investigation and hearing in the amount of \$16,885.69 plus the amount to be paid to Dr. Carol Norman, a member of the discipline hearing committee, plus the costs to be paid by the College of Physicians and Surgeons to Ms. Alma Wiebe in relation to the penalty hearing before the Council. Such payment shall be made in full by December 31, 2016.*
- 7) *Pursuant to section 54(2) of The Medical Profession Act, 1981, if Dr. Anderson should fail to pay the costs as required by paragraph 5, Dr. Anderson's licence shall be suspended until the costs are paid in full.*
- 8) *Council reserves the right to amend the terms of this order by extending the time for payment of the costs, by arranging for the payment of costs over time or by installments, or by reducing or forgiving the payment of the costs, or by granting an extension of time to complete the educational program required by paragraph (2). In the event of an amendment to the requirement to pay costs, the Council may impose such additional conditions pertaining to payment and suspension of Dr. Anderson's license for the non-payment as may be permitted by The Medical Profession Act, 1981.*

27. Council reviewed information pertaining to a physician's conduct that was directed by the Executive Committee to be referred to Council for a decision. The information was reviewed by Council. Council accepted the information before it and laid the following charge:

*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. Ramatsiele Petrus Masekoameng, namely:*

*You Dr. Ramatsiele Petrus Masekoameng 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)(xvi), particulars whereof are that in approximately December of 2012 you committed acts of sexual impropriety with your patient, referred to in this charge as patient number 1.*

*The evidence that will be led in support of this charge will include the following:*

- a) You engaged in sexual intercourse with Patient 1 on 3 occasions.*
- i) The first occasion took place while Patient 1 still was a patient; and*
- ii) The second and third occurred shortly thereafter.*

28. Council conducted a Penalty Hearing pertaining to Dr. R. P. Masekoameng pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Masekoameng admitted the charge of unprofessional conduct by engaging in sexual intercourse with a patient on three occasions. A joint recommendation on penalty was presented and submissions were made by Mr. Chris Mason on behalf of the Registrar's Office and Mr. George Green on behalf of Dr. Masekoameng. The Council considered the information and imposed the following penalty:

*The Council of the College of Physicians and Surgeons imposes the following penalties on Dr. Ramatsiele Petrus Masekoameng pursuant to **The Medical Profession Act, 1981**:*

- 1) Pursuant to Section 54(1)(a) of The Medical Profession Act, 1981, the name of Dr. Ramatsiele Petrus Masekoameng is struck from the Register of the College of Physicians and Surgeons, effective November 21, 2016.*
- 2) Pursuant to Section 54(1)(a) of The Medical Profession Act, 1981, Dr. Ramatsiele Petrus Masekoameng shall not be eligible to have his name restored to the Register until both of the following conditions are met:
  - a) a period of nine months has elapsed from the effective date of revocation of his licence; and*
  - b) the Council receives a satisfactory report from a professional person, persons or organization chosen by the Council which attests that Dr. Ramatsiele Petrus Masekoameng has undertaken counseling at his expense for sexual impropriety, has gained insight into the matter and has achieved a measure of rehabilitation which protects the public from risk of future harm from Dr. Ramatsiele Petrus Masekoameng. Such a report may be provided by Dr. Glen Gabbard at the Gabbard Center, Texas, Professional Renewal Center of Lawrence, Kansas, Acumen Assessments of Kansas or Dr. Peter Collins of Toronto, Ontario or such other persons or organizations that are acceptable to the College of Physicians and Surgeons of Saskatchewan.**
- 3) Dr. Ramatsiele Petrus Masekoameng may apply to have his name restored any time after condition b) is met, provided that the restoration will take effect only after the expiry of the nine month period referenced in condition a).*

29. Council had a preliminary discussion on the Truth and Reconciliation Commission of Canada report "*Honouring the Truth, Reconciling for the Future*". Council appointed a committee consisting of Mr. Art Battiste, Dr. Preston Smith and Mr. Marcel de la Gorgendiere along with College staff to review the recommendations of the report of the Truth and Reconciliation Commission that have relevance to health delivery in Saskatchewan and report to Council.

30. Council was advised by the Associate Registrar that all College Regulatory and Administrative Bylaws adopted by Council were now in effect.

31. Council received a report on the actions taken by the Executive Committee in its previous Executive Committee meetings.

32. Council received a series of reports from the Associate Registrar relating to:

- a. Imposing reprimands,
- b. The use of alternate dispute resolution, and
- c. Publicly available information.

A committee consisting of Dr. Julie Stakiw, Dr. Mark Chapelski, Dr. Brian Brownbridge, Mr. Ken Smith and College staff was constituted and was directed to report back to Council with recommendations related to the use of alternate dispute resolution and reprimands and recommendations as to the publication of undertakings and interim practice restrictions.

33. Council received a report from the Associate Registrar with respect to the conduct of a particular physician and the consideration of possible charges. Council directed staff to further investigate the matter and report back to the Executive Committee or the Council.

34. Council received a report from the Associate Registrar updating the discipline tracker and the progress on legal matters involving the College.

35. Council received a request from Mr. Brett Sunku, the President of Canadian Health Professionals for Evidence Based Drug Policy, to provide support for the lobby to move non-prescription codeine products to prescription status only. Council agreed to provide support for this lobby.

36. Council received a report from the Registrar's office on the Ontario report "To Zero: Independent Report of the Minister's Task Force on the Prevention of Sexual Abuse of Patients and *The Regulated Health Professions Act, 1991*.