



## EXECUTIVE SUMMARY

of the

**16 & 17 JUNE, 2017 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 Waddington, 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.
2. Council reviewed and discussed Monitoring Reports from the Registrar with respect to:
  - (a) The Registrar's Advancement of Council's End – 4 – Healthy Public Policy; and
  - (b) The Registrar's Compliance with Council's Executive Limitation Policies pertaining to:
    - (i) EL – 11 – Public Image;
    - (ii) EL – 12 – Partnerships and Interorganisational Relationships; and
    - (iii) EL – 13 – Information Management.
3. Council reviewed matters brought forward from the March Council meeting:
  - i. Possible Bylaw Amendment – *Regulation of Office Procedures*.  
Council received an update report from Ms. Sheila Torrance. Council will revisit the matter in September once the stakeholder group meetings have been held.

ii. *Policy – Supervision of Post-Graduate Clinical Trainees/Guideline pertaining to Undergraduate Clinical Trainees.*

This will be deferred until Dr. Preston Smith has had an opportunity to review the matter.

4. Council established a committee comprising Dr. Al Beggs – Chair, Dr. Mark Chapelski, Dr. Adegboyega Adewumi and Dr. Pierre Hanekom to review the wording of the Providing Care to Employees Guideline. Council will review in September.
5. Council accepted the amendments to the wording of the Role of Legal Counsel policy and adopted a sunset date of 5 years.
6. Council received an update from the Registrar with respect to finding members for the working group on the Truth and Reconciliation Commission of Canada – Honouring the Truth, Reconciling for the Future. Efforts are being made to identify additional working group members.
7. Council approved the re-nomination of Dr. Pierre Hanekom to the Collaborative Nurse Practitioner Program Advisory Council for a further term of 3 years.
8. Council reviewed a proposal to add 5 procedures related to the treatment of snoring to a non-hospital treatment facility and approved the request pending the development of information available to patients related to the procedures, in particular, pre-op and post-op complications.
9. Council reviewed the proposed amendments to Clinical Practice Paramedic Protocols and accepted the amendments to include the following:
  - The Monitoring of Fibronylitics by ACPs
  - The Monitoring of N-Acetylcysteine by PCPs, ICPs and ACPs

Council deferred the decision for the new protocol submission for the following:

- The Administration of Antibiotics by ACPs pending consultation with stakeholder groups including the Saskatchewan Registered Nurses' Association, SALPN and SPPP.

Council accepted the Paramedic Practice Committee's agreement to remove the requirements of ACPs contacting medical control prior to administering analgesics to patients experiencing non-traumatic abdominal pain.

Council declined to approve the administration of Benzodiazepines in acute alcohol withdrawal by the ACPs with the ability of the College of Paramedics to bring back with additional evidence to support this as a best practice.

10. Council reviewed proposed amendments to Bylaw 26.1 pertaining to the operation of a non-hospital treatment facility. Council approved the amendments which will assist the College in its ability to protect the public when a facility is operating in a way that may endanger the public. Council referred a question to the Medical Manager of the Non-Hospital Treatment Facilities to see what, if any plans are in place for facilities when there is an equipment failure.

11. Council received a report from the Deputy Registrar with respect to the proposed amendments to regulations of the Saskatchewan College of Midwives. Based on the information and evidence provided, Council does not support the list of medications in the proposed bylaw amendment.
12. Council received an update of the strategic plan by Dr. Shaw and the Communications Officer Ms. Caro Gareau.
13. Council reviewed a request by the Opioid Agonist Substitution Therapy Committee to approve an interim statement which would modify the provisions of the Opioid Substitute Therapy Guidelines and Standards as they relate to in-hospital administration of Methadone. The Federal Government has recently changed the legislation and it no longer requires an exemption for a hospital based prescriber to treat hospitalized patients. Council however wished to raise with the committee whether there needed to be any further changes:
  - a. To deal with long-term hospital stays,
  - b. Change to the reference of 12 hours in the statement (if medically necessary) the dose must be held – if the dose is held more than 12 hours, the primary prescriber must be consulted, and
  - c. To the requirement that the prescribing physician must approve reducing the dose.

Council approved the interim statement which does not require a hospital based physician who is prescribing methadone to a hospitalized patient to have a methadone exemption. It will review the policy again in September after receiving further information from the Opioid Agonist Substitution Therapy Committee.

14. Council received a report from Ms. Rebecca Wills and Mr. Gord Stewart from KPMG with respect to the audited 2016 year-end financial statements and approved the statements.
15. Council received a quarterly financial report to the period end March 31, 2017 from Ms. Amy McDonald, Director of Accounting and Finance.
16. Council received a report from Dr. Mark Chapelski, Chair of the committee reviewing the BC Real Estate Commission Report. Out of the review of the document Council approved in principle a requirement that physicians acknowledge reading the Code of Ethics and confirm an understanding the Code of Ethics at annual renewal. Council will bring back a discussion about a Code of Conduct for the September Council meeting. Council will also bring back a document for the September meeting with possible bylaw amendments which will state that retaliating against a person filing a complaint is unprofessional conduct. Council will review the requirement to disclose aspects of financial dealings including matters such as sales of products and will consider development of a standard once it has considered more information.
17. Council conducted a penalty hearing pertaining to Dr. Ian Cowan. Dr. Cowan entered a guilty plea to a charge of unprofessional conduct. The charge admitted by Dr. Cowan is as follows:

You Dr. Ian Cowan 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 paragraph 31 of the Code of Ethics.

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

- a) You shared a house in Regina, Saskatchewan, with an individual referred to in this charge by the initials U.A.
- b) You brought a number of patient charts containing personal health information to the house;
- c) You failed to appropriately secure the patient charts in the house;
- d) U.A. remained in possession of the home after you left the house;
- e) There were a number of patient charts containing personal health information which remained in the house after you no longer lived in the house.

You Dr. Ian Cowan 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 year 2011 two individuals known to you, identified in this charge by the initials U.A. and B.A., lived in Swift Current;
- b) You provided a quantity of marihuana to U.A. and/or B.A. in or about the year 2011;
- c) You previously were in a relationship with U.A.

Submissions were made by Mr. Salte on behalf of the Registrar's Office and Mr. James Korpan on behalf of Dr. Cowan. Council imposed the following penalty:

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

- 1) Pursuant to Section 54(1)(**e**) of The Medical Professional Act, 1981, the Council hereby reprimands Dr. Cowan. The format of that reprimand to be determined by the Council;
- 2) Pursuant to Section 54(1)(**f**) of The Medical Professional Act, 1981, the Council hereby imposes a fine of \$2,000 to be paid by no later than 29 September, 2017.
- 3) Pursuant to Section 54(1)(b) of The Medical Profession Act, 1981, the Council hereby suspends Dr. Cowan for a period of one month, (held in abeyance provided Dr. Cowan participate in an Ethics Course acceptable to the Registrar, to be completed in a time deemed appropriate by the Registrar).
- 4) Pursuant to section 54(1)(i), the Council directs Dr. Cowan to pay the costs of and incidental to the investigation and hearing in the amount of \$10,665.91. Such payment shall be made in full by September 29, 2017.
- 5) Pursuant to section 54(2), if Dr. Cowan should fail to pay the costs as required by paragraph 4, Dr. Cowan's licence shall be suspended until the costs are paid in full.

6) *The Council reserves to itself the right to reconsider and amend the time within which payment of costs must be made as set out in paragraph 4. Such reconsideration shall only be done if requested by Dr. Cowan.*

18. Council received an update from Dr. Alan Beggs with respect to the receipt of a letter from the Canadian Institutes of Health Research indicating the outcome of the Chronic Cerebrospinal Venous Insufficiency (CCSVI) procedure proposed by Dr. Paolo Zamboni in 2009. Based on this new scientific evidence CIHR provided the following statement:

*“We do not recommend the use of balloon vein dilation therapy in the treatment and management of patients with MS, as this evidence suggests that the procedure is neither safe nor efficacious.”*

19. Council received a report from the Registrar pertaining to the 2017 Canadian Opioid Guidelines and the FMRAC survey of MRAs as to their responses to the national opioid guidelines. The Registrar will bring a number of issues related to safe prescribing standards and guidelines, including possible endorsement of the new Canadian guidelines, mandatory use of PIP, mandatory education and/or the development of standards for prescribing, to the September meeting for discussion and consideration.
20. Council received a report from the Registrar with respect to an initiative by the Saskatchewan College of Pharmacy Professionals for a proposed bylaw amendment to ensure Continuous Quality Improvement (CQI). Council provided its support to this initiative.
21. Council received a report from the Registrar with respect to Mifegymiso. The general consensus was that the advisory previously published in Doctalk related to prescribing Mifegymiso is sufficient and does not require the development of any policy by the College. CMPA will be consulted with respect to any guidance it is giving to physicians who may wish to prescribe off-label.
22. Council reviewed a number of Canadian trained family physicians who have not met licensure requirements and accepted the recommendations of the Director of Registration Services pertaining to the requirements to retain licensure.
23. Council considered a report from the Registrar with respect to the transition of travel health services from Public Health Offices to private providers. Council directed the Registrar to write to the Ministry expressing concerns about losing the services of travel clinics which are overseen by Public Health.
24. Council considered a report from the Associate Registrar with respect to whether Council should take action against Dr. Mehdi Horri following the finding of unprofessional conduct in Ontario. The College of Physicians and Surgeons of Ontario revoked Dr. Horri’s licence based on findings of unprofessional conduct involving a sexual relationship with a vulnerable former patient. That decision is now under appeal to the Ontario Court. Ontario legislation grants a stay of penalty to a physician who appeals a penalty decision. The result is that Dr. Horri’s licence has been reinstated in Ontario.

Submissions were made on behalf of the Registrar’s Office by Mr. Bryan Salte and by Ms. Michelle Ouellette and Ms. Anita Fraser on behalf of Dr. Horri. Council imposed the following penalty:

*After considering the information presented to the Council, the Council orders that pursuant to sections 54.01 and 54(1)(a) of **The Medical Profession Act, 1981**, the name of Dr. Mehdi Horri is struck from the Register of the College of Physicians and Surgeons, effective June 16, 2017.*

*Dr. Mehdi Horri may not apply to have his name restored to the Register until the following conditions have been 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. Mehdi Horri has undertaken counseling at his expense for boundary breach, has gained insight into the matter and has achieved a measure of rehabilitation which protects the public from risk of future harm from Dr. Mehdi Horri. Such a report may be provided by such other persons or organizations that are acceptable to the Registrar of the College of Physicians and Surgeons of Saskatchewan.*
- 3) Dr. Mehdi Horri 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).*

25. Council received a report from the Chairperson of the Kendel Distinguished Service Award who indicated that no nominations had been received to date.
26. Council approved the amendment to Bylaw 8.1 related to prescribing without establishing a patient-physician relationship. The exceptions are as follows:
  - a. Prescribing for the sexual partner of a patient with a sexually transmitted infection (STI) who, in the physician's determination, would not otherwise receive treatment and where there is a risk of further transmission of the STI;
  - b. Prescribing prophylaxis (e.g., oseltamivir) as part of public health programs operated under the authority of a Medical Officer of Health; and
  - c. Prescribing post-exposure prophylaxis for a health-care professional following potential exposure to a blood borne pathogen.
27. Council considered a report from the Registrar and provided advice to the Registrar that the College ask Health Canada for information about physicians who authorize more than 10 g of medical marijuana per day to patients who have been authorized to grow.
28. Council received a report from the Associate Registrar with respect to the status of bylaws.
29. Council approved a process by which Alternate Dispute Resolution (ADR) will be considered, i.e. case by case at the Executive Committee level or at Council.
30. Council will review a pre-hearing trial process at its September meeting.
31. Council provided guidance to the College related to the process to deal with physicians who do not respond to communications from the College before discipline is considered. Council determined that all requests for information need to be clear as to the requirement for



response and the timeline for a response. It was suggested that once three requests have been made that the fourth request would include the wording of draft charges. The third request for information will be sent via registered mail.

32. Council considered a report from the Associate Registrar with respect to chaperones and directed that additional information regarding training programs for chaperones be brought back to the September Council meeting for additional discussion, along with College expectations of chaperones.
33. Council directed more information be sought about boundary violation after-care programs and be reported back to the September meeting of Council.
34. Council discussed a concern raised by the Registrar with respect to virtual medicine and directed a committee be set to review the concerns expressed. The committee is comprised of Dr. Mark Chapelski – Chair, Dr. Brian Brownbridge, Dr. Jim Carter, Ms. Susan Halland and Ms. Barb Porter.
35. Council received a report on actions taken by the Executive Committee since the March Council meeting.
36. Council received a report from the Associate Registrar with respect to potential charges of unprofessional conduct against a physician who was subject to a Preliminary Inquiry Committee. Council reviewed the PIC report which recommended laying charges against the physician for inappropriate touching of a patient and engaging in inappropriate personal conversation with a patient. Council laid the charges which will be posted on the College website.
37. Council reviewed draft reasons for the decision pertaining to Dr. P. Hugo and Dr. L. Jansen Van Rensburg, and adopted the reasons for the penalties previously imposed upon these physicians. The reasons will be posted on the College website.

Council also considered draft reprimands for Dr. S. Bell, Dr. J. Velestuk, Dr. P. Hugo and Dr. L. Jansen Van Rensburg and adopted the reprimands. Those reprimands will be posted on the College website.

38. The Associate Registrar provided Council an update with respect to the discipline tracker and the status of outstanding cases.