



## EXECUTIVE SUMMARY

of the

**29 & 30 SEPTEMBER, 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 – 5 – Medical Profession Prepared for the Future; and
  - (b) The Registrar's Compliance with Council's Executive Limitation Policies pertaining to:
    - (i) EL – 3 – Financial Planning;
    - (ii) EL – 4 – Financial Condition;
    - (iii) EL – 5 – Asset Protection; and
    - (iv) EL – 8 – Compensation and Benefits.
3. Council conducted a penalty hearing pertaining to Dr. P. Louwrens. Dr. Louwrens was found to have been engaged in unprofessional conduct following a hearing before the Discipline Hearing Committee. The charges that were found to be proven are as follows:

*You Dr. Pierre Johann Louwrens 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)(xvi) 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 female person hereinafter referred to in this charge as “Patient Number 1” was your patient;*
- b) On or about the 4<sup>th</sup> day of August, 2011 you attended Patient Number 1;*
- c) You remained in the room while Patient Number 1 undressed;*
- d) Patient Number 1 was not provided with a sheet or other covering;*
- e) You remained in the room while Patient Number 1 dressed.*

Submissions were made on behalf of Dr. P. Louwrens by Mr. David Thera and Mr. Salte on behalf of the College. Council imposed the following penalty on Dr. Louwrens:

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

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Louwrens. The format of that reprimand will be determined by the Council.*
  - 2) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Louwrens to pay the costs of and incidental to the investigation and hearing in the amount of \$19,659.30. Such payment shall be made in full by no later than 28 November, 2017.*
  - 3) Pursuant to section 54(2) of the Act, if Dr. Louwrens should fail to pay the costs as required by paragraph 2, Dr. Louwrens’ licence shall be suspended until the costs are paid in full.*
  - 4) Pursuant to section 54 (1)(g) of the Act, Dr. Louwrens is required to take a Boundaries Course in a form acceptable to the Registrar at the first available date. The “Probe Program” offered by CPEP in Toronto on October 28 to 30 is a boundaries course acceptable to the Registrar.*
  - 5) The Council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Louwrens. Without limiting the authority of the Council, the Council may extend the time for Dr. Louwrens to pay the costs required by paragraph 2 and, may, if such an extension is granted, impose a suspension if Dr. Louwrens should fail to pay the costs within the extended time.*
4. Council conducted a penalty hearing pertaining to Dr. B. Lubega who entered a guilty plea to the following charges:

*You Dr. Boniface Lubega 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-10.10 and/or bylaw 7.1(c) and paragraph 48 and/or paragraph 52 of bylaw 7.1(g).*

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

- a) On or September 25, 2016 you sent an email message to Dr. Swica which stated*

*the following, or used similar words:*

*IDIOT POLISH GHOST*

*You walk in corridors groaning like a ghost, because you are one and all nurses laugh when they hear you plus swallowing your fecal sputum loud. then you think you are normal. when you came here you tried to befriend a nurse who had been my girlfriend and she rejected you. you thought giving \$1000 means a lot here yet real men give \$5000 monthly and they dont feel it. you dont belong to this society . Take your idiocy and poverty where you came from.*

*b) On or September 25, 2016 you sent an email message to Dr. Swica which stated the following, or used similar words:*

*IDIOT you know you are the POLISHHIII GHOST that invaded Saskatchewan and you are smeling worse than feaces. no wonder you keep of talking ghost because you are a ghost.*

*you belong to pizza where you worked most of your life, you are a shame to mix with us in academic world.*

*When you came here nobody could stand your smell both from mouth and your anus.*

*you are a ghost and a real idiot.*

*You said you get \$1000 a month and it is wonderful. your wife sits at home waiting for ghost to send \$3000 for the whole month.*

*my wife earns 40% of my salary and our family income is well over \$50,000.00 every month.*

*my oversees income is well over \$20,000.00 every month.*

*Dont think you are in same category like me. You are poor and will never catch up with me whatever you do .*

*poverty is your main problem on addition to idiocy.*

*c) On or September 25, 2016 you sent an email message to Dr. Swica which stated the following, or used similar words:*

*IDIOT i can stand feaces better than you.*

*You are worse than feaces. I just cant stand you IDIOT.*

*Dont ever think of talking to me again idiot. You will never change the days i have booked idiot.*

*You idiot bring the calendre and fill your days before others and now you are talking like a real idiot. Why dont you do your Garcia slate tomorrow, Why do you want me to help you because of lack of competence. I can help anybody and has done so many times but i dont want to help an IDIOT LIKE YOU.*

*d) On or September 25, 2016 you sent an email message to Dr. Swica which stated the following, or used similar words:*

*IDIOT we came looking for you. You were not in your condo but found you inOR.*

*If i found you in anesthesia office you would have reached your destiny by now. we shall find you.*

*observed your movements for past 10 months and as long as you in Saskatchewan we shall find you*

*e) On or September 25, 2016 you sent an email message to Dr. Swica which stated*

*the following, or used similar words:*

*IDIOT SWICA I WILL BEAT YOU UP IF YOU BRING YOUR IDIOCY TO ME AGAIN.*

*IF I CAN FIND YOU JUST NOW I WILL BEAT YOU UP.*

*I HAVE BEATED PEOPLE 20 TIMES YUOR SIZE YOU IDIOT YOU ARE NOTHING , I CAN BREAK ALL YOUR BONES IN MINUTES.*

*IF YOU THOUGHT OF PERSON TO BRING YOUR IDIOCY TO AND THINK OF ME , I WILL DESTROY YOUR IDIOCY AND SEND YOU TO YOUR GRAVE*

*f) On or September 25, 2016 you sent an email message to Dr. Swica which stated the following, or used similar words:*

*IDIOT I DID YOUR SLATE WHEN YOU HAD YOU FLU. EVERYBODY IN ICU TOLD YOU TO PUT MASK BUT YOU VREFUSED BECAUSE YOU ARE AN IDIOT. NOW YOU MAKE DO YOUR SLATE BECAUSE YOU ARE IDIOT , CANT HANDLE CASES JIM DID OTHER SLETES FOR YUO MY SLATE COUT IS 109, JIM 93 AND IDIOT 82, UP TO AUGUST.*

*CALL ME GHOST AGAIN, I WILL BEAT YOU UP PHYSICALLY AND BREAK ALL YOUR BONES. DONT FUCK WITH ME . I CAN BEAT YOU TO DEATH IF YOU DONT KNOW ME.*

*MY LAST WARNING YOU IDIOT ,CALL ME ME GHOST. I WILL BEAT YOU UP. EVEN TOMOMMOR TRY ME AND SEE WHAT I DO TO YOU IF YOU ARE IDIOT GO TO CANIVALS. YOU LOOK LIKE MAN EATER.*

*WHY DID YOU LEAVE PIZZA WHERE YOU WORKED AND BELONG*

*g) On or September 25, 2016 you sent an email message to Dr. Swica which stated the following, or used similar words:*

*FUCKING IDIOT SWICA DONT CALL ME MUZIMU, EVEL SPIRIT. YOU IDIOT LEAVE ME ALONE. I DIDINT BRING YOU FROM NOVA SCOVIA. THEY CHASED YOU AWAY. GO AND LOOK FOR GHOSTS OF YOUR GRAND MOTHER.*

*YOU IDIOT STOP YOUR FULLISSHNESS.*

*IAM DOING YOUR SLATE TOMOMORROW BECAUSE YOU IDIOT CANT DO KIDS.*

*YOU ARE AN IDIOT*

*GO BACH, YOU FOUND ME HERE, WHAT BROUGHT YOU HERE IDIOT WE ARE ALL TIED OF YOU IDIOT*

*h) On or September 25, 2016 you left a handwritten note for Dr. Swica which stated the following, or used similar words:*

*IDIOT Dont call me "ghost" again. I will beat you up. "I will beat you up"*

*i) Some or all of the email messages which you sent to Dr. Swica were copied to other persons;*

*j) Some or all of these messages could reasonably have been interpreted by Dr. Swica as threatening.*

Submissions on behalf of Dr. Lubega were presented by Ms. Marie Stack and Mr. Chris Mason on behalf of the College. Council imposed the following penalty:

- 1) Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, the Council hereby reprimands Dr. Lubega. The format of that reprimand to be determined by the Council;
- 2) Pursuant to section 54(1)(g) of *The Medical Profession Act, 1981*, Council requires that that Dr. Lubega 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.
- 3) Pursuant to section 54(1)(i) of *The Medical Profession Act, 1981*, the Council directs Dr. Lubega to pay the costs of and incidental to the investigation and hearing in the amount of \$2,820. Such payment shall be made in full by 28 November, 2017.
- 4) Pursuant to section 54(2) of *The Medical Profession Act, 1981*, if Dr. Lubega should fail to pay the costs as required by paragraph 3, Dr. Lubega’s licence shall be suspended until the costs are paid in full.
- 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 3 and the right to reconsider and amend the requirements of the retraining or education set out in paragraph 2. Such reconsideration shall only be done if requested by Dr. Lubega.

5. Council reviewed matters brought forward from the June meeting of Council:

**i. Regulation of Office Procedures**

Council received a report from Mr. Salte on behalf of Ms. Sheila Torrance with respect to the working group on regulation of office procedures. Council directed that the committee bring back a document that outlines some general principles that would assist in the regulation of such office procedures. This will be reviewed at the November Council meeting.

6. Council received a report from the Associate Registrar with respect to a possible bylaw amendment of Bylaw 26.1 outlining the duties of a medical director. Council approved the amendments as proposed. The amendment was made to include the following:

*(ix) attending at the facility at a minimum of 1 day per quarter to inspect the facility and meet with the administrative team to review operations, standards and quality assurance;*

*(x) establishing dedicated time for their medical director responsibilities based on the needs of the facility and being generally available for all matters pertaining to the facility; and,*

*(xi) reviewing, signing and returning to the College an annual declaration prepared by the College confirming that they are aware of their responsibilities as set out in this bylaw and are compliant with the same.*

7. Council received a verbal update from the working group reviewing the Truth & Reconciliation Commission of Canada: *Honouring the Truth, Reconciling for the Future*. Council appointed an interim Chair, Dr. Julie Stakiw and approved the addition of other resource persons expert in indigenous health issues. The Registrar has sought expressions of interest from Ms. Heather Hodgson and Dr. Janet Tootoosis. The Registrar advised Council that the Cameco funded indigenous health Chair, Dr. Alexandra King would also be an excellent resource for this committee.

8. Council received a report from the Registrar with respect to the 2017 National Opioid Guidelines. Council endorsed the guidelines and directed a working group be established to review whether a standard of practice for prescribing medications that pose a risk of misuse, abuse and diversion is appropriate, along with consideration of the mandatory use of the Pharmaceutical Information Program, consideration of mandatory education for physicians who prescribe opioids and other PRP medications, and the consideration of strategies to prevent forgeries. Council received a short presentation on forgeries by the PRP staff. A working group consisting of Dr. Beggs, Dr. Chapelski, Dr. Brownbridge, Dr. Kasset along with Ms. Julia Barham, Manager of the PRP will constitute the working group to address these issues.
9. Council considered a document prepared by Ms. Sheila Torrance on requirements for chaperones and boundaries after care programs. Council determined that if a physician has been required to practice with a chaperone, that chaperone should be required to take a course related to the role of chaperones, and should be required to sign a document setting out the chaperone's responsibilities. In situations where the use of a chaperone has been mandated the College will follow up with ongoing compliance.

The College will circulate information to physicians about the access to online chaperone educational courses to assist physicians who want to use chaperones in relation to their practices. Physicians will be encouraged to arrange for chaperones to undertake this education.

10. Council received a report written by Ms. Sheila Torrance and presented by Mr. Salte on the FMRAC Health Policy and possible revisions of the College documents. Council directed College staff to come back with recommendations at the November meeting with respect to compliance with the FMRAC report on physicians with health conditions.
11. Council received a report from Ms. Amy McDonald with respect to the quarterly financial reports to the period end of June 30, 2017.
12. Council reviewed the draft budget that had been previously supported by the Finance Committee and approved the budget as presented. Council was updated on the College's employee pension plan and provided its support for the College to continue with the CMA pension plan for its current employees and to move towards applying to the Public Employees' Pension Plan for future employees as of December 1, 2017.
13. Council received a report from the Associate Registrar with respect to a possible bylaw amendment pertaining to retaliation for filing a complaint. Council provided approval in principle and directed College staff to circulate the possible amendment of the bylaw for discussion and consultation. Council agreed that complaints to regional health authorities should be included and consultation should include at least the two lawyers for the two larger regional health authorities.
14. Council was asked whether it wished to review summative assessments for specialists and provide the decision or to delegate that responsibility to the Registrar. Council directed that decisions with respect to summative assessments of specialists will be made by the Registrar, with a right of appeal to the Council.

15. Council received a report from the Registrar with respect to the annual review of physicians who have lost Royal College eligibility and accepted the recommendations from Registration Services to provide a time limited provisional licensure for a period of 6 months initially with the option to extend for 1 year to allow the physician to re-establish eligibility with the Royal College or wind down his practice. The College also may conduct a summative assessment if the physician is directed by the Royal College to obtain additional residency training and is unable to locate the required training.
16. Council accepted the recommendation from Registration Services to approve a time limited provisional licence for a period of 1 year for the purpose of the physician re-establishing eligibility with the Royal College or wind down his practice. The physician was directed to 6 months of training by letter dated July 14, 2017 from the Royal College. The College may conduct a summative assessment if the physician is unable to locate the required training.
17. Council accepted the recommendation of Registration Services to approve a time limited provisional licence for a period of 1 year for the purpose of a summative assessment if the physician is unable to locate the required 6 months of training he has been required to undergo.
18. Council was updated, for information only, on Canadian and IMG physicians registered after the bylaws were approved on September 18, 2014 and who failed to meet the requirements.
19. Council received a report from the Associate Registrar on Council conflicts of interest. Council directed staff to bring back possible changes to GP-9 and GP-10 for the November Council meeting.
20. Council received a report from the Associate Registrar with respect to the phasing out of TOEFL for English language proficiency testing. Council agreed that TOEFL should be phased out effective June 30, 2018 and directed the Ministry be advised of the change to this bylaw.
21. Council reviewed possible bylaw amendments to the Continuing Professional Development requirements. Council accepted the proposed changes to Regulatory Bylaw 5.1 *Standards for Continuing Education and Maintenance of Membership* and to the Administrative Bylaw 9.2 *Fees Payable by Physicians who fail to Comply with the Regulatory Bylaw 5.1 Standards for Continuing Education and Maintenance of Membership*.
22. Council reviewed a request to consider the appointment of Dr. Clare Kozroski to the Joint Medical professional Review Committee as one of the CPSS representatives, and approved the appointment.
23. Council received a report from the Registrar with respect to an update on the strategic plan on Objective R1 – Strengthen Cost Recovery for Services provided to Physicians, and Objective R2 – Improve Operational Alignment between Costs for External Services and Resources obtained to Deliver. Objective P4 – Enhance Council Governance Practices was reviewed by Council in their in-camera session.
24. Council reviewed potential Council Meeting dates for 2018 and approved the following dates:

January 19 & 20  
 March 16 & 17  
 June 15 & 16  
 September 14 & 15  
 November 23 & 24

25. Council reviewed a request from several physicians to consider relieving physicians of the requirement to have a supervisor once they have achieved their certifying examinations. Council reviewed the issue and expressed a desire to continue to align with national standards and directed the Registrar to approach the National Registration Working Group and/or the FMRAC Board to raise this issue for further discussion.
26. Council reviewed an application by Dr. Velestuk for an extension of time to pay costs and approved the extension of time. The physician will provide financial details at the November Council meeting.
27. Council was provided a follow-up on a meeting between the College of Physicians and Surgeons, the Saskatchewan College of Pharmacy Professionals, the Pharmacy Association of Saskatchewan, members of the Saskatchewan Medical Association and members of the Ministry of Health. This meeting was convened to discuss ongoing concerns related to SCPP's decision to continue with the implementation around minor ailments and self-diagnosed conditions. Council was supportive of additional efforts being made to engage in continued discussions between the relevant parties.
28. Council responded to a medical marijuana stakeholder survey that will be returned to the Ministry.
29. Council received an update on the status of bylaws from Mr. Salte, the Associate Registrar who indicated all bylaws are approved and in effect.
30. Council conducted a penalty hearing pertaining to Dr. C. Stuglin. Dr. Stuglin pled guilty to the following charge:
  1. *You Dr. Carlo Stuglin 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 that will be led in support of this charge will include one or more of the following:*

  - a) *By letter dated April 17, 2013 Ms. Leslie Frey of the College of Physicians and Surgeons wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials E.S.;*
  - b) *You did not respond to that letter or failed to respond to that letter within a reasonable time;*
  - c) *By letter dated October 17, 2014 Ms. Leslie Frey of the College of Physicians and Surgeons wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials R.A.;*
  - d) *You did not respond to that letter or failed to respond to that letter within a*



*reasonable time;*

*e) By letter dated January 26, 2016 Dr. Micheal Howard-Tripp, Deputy Registrar of the College of Physicians and Surgeons, wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials M.S.;*

*f) You did not respond to that letter or failed to respond to that letter within a reasonable time;*

*g) By letter dated August 2, 2016 Ms. Tracy Hastings of the College of Physicians and Surgeons wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials R.A.;*

*h) You did not respond to that letter or failed to respond to that letter within a reasonable time;*

*i) By letter dated November 16, 2016 Ms. Leslie Frey of the College of Physicians and Surgeons wrote to you in relation to a concern regarding a patient identified in this charge by the initials N.D. In that letter Ms. Frey asked you to advise in writing related to your process or policy to triage referrals;*

*j) You did not respond to that letter or failed to respond to that letter within a reasonable time;*

*k) By letter dated December 12, 2016 Dr. Micheal Howard-Tripp, Deputy Registrar of the College of Physicians and Surgeons wrote to you and advised you that the College had not received a response to Ms. Frey's letter of November 16, 2016;*

*l) You did not respond to that letter or failed to respond to that letter within a reasonable time.*

Submissions on behalf of Dr. Stuglin were made by Mr. David McKeague and on behalf of the College Mr. Bryan Salte. Council imposed the following penalty:

*Pursuant to Section 54(1)(f) of The Medical Profession Act, 1981, the Council imposes a fine of \$1,500 on Dr. Stuglin, payable forthwith.*

31. Council considered a request from the Saskatchewan Medical Association to reconsider the detail of the charges publicly disclosed before a matter is heard or proven. Council directed that a summary of charges will be presented on the website prior to the charges being proven. Full charges however will remain available to parties who request them. Council also directed a draft summary of charges be included in documentation when Council is considering draft charges for future situations.
32. Council considered a report on actions taken by the Executive Committee since the last Council meeting in June 2017.
33. Council approved draft reasons for the decision pertaining to Dr. M. Horri. These will be available on the website.
34. Council directed the draft reasons for decision pertaining to Dr. S. Bell be circulated via email for email vote.
35. Council received a report from the Registrar with respect to the appeal to Council of the Quality of Care Advisory Committee decision regarding a complainant who was not satisfied with the outcome. Council reviewed all of the documentation, upheld the decision of the Quality of Care Advisory Committee, and dismissed the appeal.

36. Council reviewed a matter pertaining to some healthcare practitioners in Saskatchewan for whom there is no process for licensure. Council directed staff to obtain information about the range of services which are provided by unregulated health professionals and report back to the November meeting of Council.
37. A physician was charged with unprofessional conduct in relation to her prescribing of prescription review program medications to two patients.
38. A physician was charged with three charges of unprofessional conduct in relation to his performance of ultrasound. The charges allege that he breached an undertaking given to the College of Physicians and Surgeons that he would not perform ultrasound, that he inappropriately billed Medical Services Branch for ultrasounds performed at his clinic and that his clinic performed ultrasound scans when there was not an arrangement in place for those scans to be interpreted.
39. A physician was charged with unprofessional conduct in relation an alleged inappropriate alteration of a patient chart and in relation to an alleged failure to exercise due diligence in relation to information provided to the College.
40. A physician was charged with unprofessional conduct in relation an alleged failure to deal appropriately with complications of a surgery which he performed.
41. Council reviewed some information from a working group considering pre-hearing conference processes and endorsed the recommendations provided by the working group for the purposes of a pilot project on the value of pre-hearing conferences.
42. Council considered a draft reprimand pertaining to Dr. I. Cowan and approved the draft reprimand. The reprimand will be posted on the College website.
43. A physician was charged with two charges of unprofessional conduct. The first relates to an alleged failure to obtain informed consent related to the administration of blood products. The second relates to the alleged failure to obtain informed consent related to the risk of the surgery and the surgical technique he used in connection with that surgery.
44. Council reviewed information prepared by Ms. Sheila Torrance with respect to ADR and accepted the information as guidance in the ADR process.
45. Council received an update with respect to the outstanding discipline matters from the Associate Registrar.
46. Council accepted information as part of the environmental scan on the transition to a single health authority. It was received for information only.

Council discussed correspondence from the Joint Medical Professional Review Committee on non-physician ownership of ultrasound facilities and correspondence from the Advisory Committee on Medical Imaging, with respect to concerns related to teleradiology. Council directed that staff review the report out of the ACMI and meet with other stakeholders including the Ministry and the SMA to determine the issues and potential resolution of the issues.