



EXECUTIVE SUMMARY

of the

15 & 16 JUNE, 2018 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.

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; and
 - (ii) EL – 12 – Partnerships and Interorganisational Relationships; and
 - (iii) EL – 13 – Information Management.
3. Council received a presentation on regulatory amendments to HIPA pertaining to the hub table program which coordinates the involvement of interested agencies, which can include Police, the Department of Social Services and others to deal in a coordinated fashion within individuals at risk. Representatives from the Community Safety and Wellbeing Branch of the Ministry of Justice provided the presentation.

4. Council received a report from Ms. Sheila Torrance with respect to proposed amendments to Bylaw 25.1 and adopted the proposed amendments related to the responsibilities of medical directors in diagnostic imaging facilities.
5. Council received a report from Mr. Bryan Salte with respect to proposed amendments to the Terms of Reference of committees referenced in the bylaws. Council adopted bylaw changes for the ToR for the Advisory Committee on Medical Imaging.
6. Council received a report from Ms. Sheila Torrance with respect to the regulation of office procedures and performing office-based non-insured and insured procedures. Council approved in principle the two policy documents *Performing Office-Based Non Insured Procedures* and *Performing Office-Based Insured Procedures*. These policy documents will go out for stakeholder consultation and will be brought back for discussion at the September meeting of Council.
7. Council received a report from Ms. Sheila Torrance on the *Sale of Goods by Physicians*. The matter was tabled to the next Council meeting.
8. Council received a report from the Chairperson of the Working Group of Complementary or Alternative Therapies and Council approved the *Complementary and Alternative Therapies* policy. It will be posted on the website. Council furthermore repealed Bylaw 8.1 (b) (xv) which stated that it was unprofessional conduct to use unconventional therapies except in limited circumstances described in the bylaw.
9. Council heard an application for restoration of licence for Dr. A. Ali. Submissions were made by Mr. Aaron Fox on behalf of Dr. Ali and Mr. Salte on behalf of the Registrar's Office. Council denied Dr. Ali's application for restoration of his licence. The Council will consider the reasons for the decision at its September meeting.
10. Council received a report from Mr. Gord Stewart on the 2017 year end audited financial statements. Council approved the audited financial statements and appointed KPMG as auditors for 2018.
11. Council named Mr. Burton O-Soup, new public member, to the working group established to consider the recommendations arising from the Truth and Reconciliation Committee report and asked that the committee prepare draft Terms of Reference. Once the ToR are drafted they will be shared with individuals who have expressed an interest in joining the working group.
12. Council received a report from the Chair of the Working Group on Realignment of Medical Electoral Districts. Council adopted bylaw changes to the election process for Councilors. In future 2 Councilors will be elected from each of the North West, North East, South West and South East integrated service areas. 3 Councilors will be elected from each of the Saskatoon and Regina areas. Athabasca will be considered as part of North West.
13. Council received a report from senior staff with respect to potential topics for a meeting with Ministers.
14. Council received a report from the Registrar with respect to a potential topic for the Annual General Meeting Educational Session for 2018. The AGM Planning Committee will continue to prepare a half day presentation for the afternoon of Friday November 30, 2018 on

Communication and Physician/Patient and Collegial Relationships. This will include boundaries and social media.

15. Council received a report from Dr. A. Beggs, Chairperson of the Reimbursement of Expenses Committee and approved supplementary payments to public members of Council. Council will further review GP-8 at its September meeting.
16. Council received a report from Ms. Sheila Torrance with respect to the work pertaining to professional boundaries education for physicians, in particular the arrangements for sessions in the undergraduate, postgraduate and SIPPA Program.
17. Council received a report from the Associate Registrar on the policy entitled *College Newsletter* and a possible conflict with Governance Policies. At its March Council meeting Council adopted the policy related to the newsletter and requested legal counsel review the College's Governance Policies to see if there were any inconsistencies between the policy and the Governance Policies. Although there were no inconsistencies it was noted that Executive Limitation – 7, paragraph 4 is inconsistent with the changes made to the Administrative Bylaws at the March 2018 meeting. Council amended EL-7 by removing paragraph 4.
18. Council received an update on the strategic plan which focused on communication.
19. Council received a report from Ms. A. McDonald, Director of Accounting and Finance, pertaining to the quarterly financial reports of the College to the period ending March 31, 2018.
20. Council appointed Dr. Greg Kraushaar and Dr. C. Lim to the Advisory Committee on Medical Imaging.
21. Council received a report from Mr. Bryan Salte on the possible bylaw amendments pertaining to the prescribing of Methadone and/or Buprenorphine. The Government of Canada removed the requirement that a physician could not prescribe methadone without approval from Health Canada effective May 19, 2018. College Bylaw 19.1 stated that physicians could not prescribe Buprenorphine unless they had an exemption from Health Canada to prescribe Methadone or had spent one day with a physician who held an exemption from Health Canada to prescribe Methadone for addiction.

The Registrar's Office met with interested parties and concluded that the College should require physicians to be approved by the Registrar in order to prescribe Methadone and/or Buprenorphine for addiction. Council rescinded Buprenorphine Bylaw 19.1 and replaced it with a Methadone and Buprenorphine Bylaw. Among other things, the new bylaw will require physicians to have approval from the Registrar to prescribe these medications for addiction. The bylaw sets minimum standards to be met before a physician will be approved.

22. Council received a report from the Registrar with respect to establishing deadlines for a specialist physician to complete the Medical Council of Canada examinations. If the physician does not obtain the examinations within the timeframe set out, the physician's licence will be revoked.
23. Council received a report from Dr. Werner Oberholzer, Senior Medical Advisor with respect to the request from the Saskatchewan College of Podiatrists to support amendments to

bylaws to allow podiatrists to prescribe certain medications and order some diagnostic tests. Council expressed its support for the bylaws.

24. Council provided direction to the Registrar as to what should be included in the governance review session planned for November. Council will review whether all of its regulatory activities which are currently the responsibility of Council should be performed by Council.
25. Council received a report from the Associate Registrar with respect to the status of bylaws. Mr. Salte indicated that all bylaws have been approved and gazetted except for those dealt with at this meeting.
26. Council reviewed an application by Dr. M. Horri for restoration of his licence. Submissions were made by Ms. Michelle Ouellette on behalf of Dr. Horri and submissions on behalf of the Registrar's Office were made by Mr. Bryan Salte. Council agreed to reinstate Dr. Horri's licence subject to the undertaking as follows:
 - 1) *Dr. Horri will have a chaperone present for any clinical attendances with female patients and post appropriate notice(s) to that effect;*
 - 2) *Dr. Horri will practise only in his clinic seeing patients by appointment or on a walk-in basis;*
 - 3) *He will make contact and maintain contact with the Physician Health Program.*
27. Council considered an amendment of the charges laid against Dr. J. Furstenberg and amended the charges as recommended.
28. Council conducted a penalty hearing pertaining to Dr. J. Furstenberg. Dr. Furstenberg admitted the charges laid against him. The charges admitted by Dr. Furstenberg are as follows:

You Dr. Josias Furstenberg 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 during the year 2016 you committed acts of sexual impropriety or sexual violation with your patient, referred to in this charge as Person 1.

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

- a. *Person 1 was your patient at all times material to this charge;*
- b. *You engaged in sexual activity with Person 1, which included sexual intercourse.*

You Dr. Josias Furstenberg 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), particulars whereof are that you failed to maintain the standards of practice of the profession in your treatment of Person 1.

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

- a. *Person 1 was your patient at all times material to this charge;*
- b. *You prescribed large quantities of opioids to Person 1 over a long period of time;*

c. You failed to take appropriate steps to deal with Person 1's drug dependency and/or addiction.

You Dr. Josias Furstenberg 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.

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

- a. You were in a romantic relationship with Person 2 at all times material to this charge;*
- b. You provided medical treatment to Person 2 in circumstances which were not a medical emergency and when other physicians would have been readily available.*

You Dr. Josias Furstenberg 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 paragraphs 31 and/or 35 of the Code of Ethics contained in bylaw 7.1 of the bylaws of the College of Physicians and Surgeons of Saskatchewan.

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

- a. You caused a photograph of a patient "day sheet" to be sent to Person 2.*
- b. You sent the "day sheet" to Person 2 without the expressed or implied consent of the persons listed on the "day sheet".*

You Dr. Josias Furstenberg 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.

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

- a. You were in a romantic relationship with Person 3 at all times material to this charge;*
- b. You provided medical care to Person 3 in circumstances which were not a medical emergency and when other physicians would have been readily available.*

You Dr. Josias Furstenberg 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 you committed acts of sexual impropriety or sexual violation with your patient, referred to in this charge as Person 4.

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

- a. You provided medical care to Person 4 from time-to-time, on a walk-in basis;*
- b. You subsequently became involved in a romantic relationship with Person 4;*
- c. While in a romantic relationship with Person 4, you provided medical care to person 4 in circumstances which were not a medical emergency and when other physicians would have been readily available.*

You Dr. Josias Furstenberg 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 you committed acts of sexual impropriety or sexual violation with your patient, referred to in this charge as Person 5.

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

- a. Person 5 was your patient at all times material to this charge;*
- b. You engaged in sexual activity with Person 5, which included sexual intercourse.*

*You Dr. Josias Furstenberg 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 the following:

- a) In or about the period of approximately February to June of 2017, you accessed the personal health information of a person referred to as person 6 thru the Saskatchewan eHealth computer program;*
- b) You accessed that personal health information without the consent of the person 6 after April 4, 2017;*
- 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 Saskatchewan eHealth program;*

You Dr. Josias Furstenberg 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).

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

- a. A female person hereinafter referred to in this charge as Person 7 was your patient at all times material to this charge;*
- b. Person 7 was also your tenant in a rental property;*
- c. While Person 7 attended at your home you kissed her.*

You Dr. Josias Furstenberg 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 paragraphs 31 and/or 35 of the Code of Ethics contained in bylaw 7.1 and/or bylaw 8.1(b)(x) 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 the following:

- a. A female person hereinafter referred to in this charge as Person 8 was your patient at all times material to this charge;*
- b. On or about January 10, 2016 you exchanged text messages with an individual identified in this charge as Person 9;*
- c. During the course of the text message exchange with Person 9 you disclosed personal health information about Person 8;*
- d. The personal health information you disclosed included some or all of the following:*

- i. Person 8 attended to you as a patient;*
- ii. You had a "patient encounter" with Person 8;*
- iii. You commented about Person 8 that "she was a total bitch to me";*
- iv. You confirmed that Person 8 was "looking for drugs".*
- e. That at no time did you have the expressed or implied consent of Person 8 to disclose information about her.*

Submissions were made by Ms. Michelle Ouellette on behalf of Dr. Furstenberg and by Mr. Chris Mason on behalf of the Registrar's Office. Council imposed the following penalty:

1) Pursuant to Section 54(1)(a) of The Medical Profession Act, 1981, the name of Dr. Josias Jacobus Furstenberg is struck from the Register of the College of Physicians and Surgeons, effective June 16, 2018.

2) Pursuant to Section 54(1)(i) of The Medical Profession Act, 1981, Council orders that Dr. Josias Jacobus Furstenberg pay costs of \$9,594.87 to the College and payable immediately effective June 16, 2018.

29. Council considered a matter that had been referred by the Executive Committee to its attention. Council was asked whether it would authorise a resolution of a complaint against a physician by accepting a resignation and the physician's agreement to never practice medicine again. Due to the nature of the complaint Council rejected the proposal and directed legal counsel to draft charges for consideration. Once charges are laid, consideration will be given for the proposed form of ADR.
30. Council conducted a penalty hearing pertaining to Dr. Tiffany Wai Mei Lee. Dr. Lee admitted the charges laid against her. The charges admitted by Dr. Lee are as follows:

You Dr. Tiffany Wai Mei Lee 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 one or more of the following:

- (a) You practised medicine in Saskatchewan in the period of approximately August 20, 2017 to August 28, 2017 without being licensed by the College of Physicians and Surgeons of Saskatchewan*
- (b) You provided medical services in a Saskatoon Hospital without having been privileged to do so;*
- (c) You were advised in communications with staff of the College of Physicians and Surgeons of Saskatchewan that you would not receive a licence to practise medicine until after August 20, 2017 and that you should delay your planned starting date to practise medicine in Saskatchewan.*

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

1) Pursuant to Section 54(1)(b) of The Medical Profession Act, 1981, the Council hereby suspends Dr. Lee for a period of 1 month suspended pending the successful completion of an ethics course on ethics and professionalism to the satisfaction of the Registrar. Such

course shall be completed within the next 12 months. 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.

2) Pursuant to Section 54(1)(e) of The Medical Professional Act, 1981, the Council hereby reprimands Dr. Lee. The format of that reprimand to be determined by the Council;

4) Pursuant to section 54(1)(i) of The Medical Profession Act, 1981, the Council directs Dr. Lee to pay the costs of and incidental to the investigation and hearing in the amount of \$690. Such payment shall be made in full by July 1, 2018.

5) Pursuant to section 54(2) of The Medical Profession Act, 1981, if Dr. Lee should fail to pay the costs as required by paragraph 4, Dr. Lee’s licence shall be suspended until the costs are paid in full.

31. Council received a report on actions taken by the Executive Committee since the last Council meeting.
32. Council approved the wording of a reprimand pertaining to Dr. Z. Chowdhary. This reprimand will be posted on the College website.
33. Council considered a report from the Associate Registrar pertaining to discipline investigations and responses by physicians’ legal counsel. Council directed that responses to concerns about possible unprofessional conduct are to be provided by the physician, not the physician’s lawyer.
34. Council received a report from the Associate Registrar with respect to providing reasons when the Executive Committee dismisses complaints, and Council provided guidance that the Executive Committee provide reasons when complaints are dismissed, in some circumstances.
35. Council reviewed a preliminary inquiry committee report and laid charges of unprofessional conduct against two physicians. Physician 1 is charged with unprofessional conduct in relation to obtaining a prescription for a PRP medication. Physician 2 is charged with unprofessional conduct for providing false or misleading statements about her involvement.

A summary of those charges will be made available on the website once approved by Council.

36. Council reviewed a preliminary inquiry committee report and laid charges of unprofessional conduct against a physician. The charges relate to two patients. The charges that the physician provided false documents to the College and charged patients for medical services when he should have advised the patients that the services could have been provided as insured services at no cost to the patient. The charges also allege, with respect to one patient, that he failed to meet the standards of the profession in relation to a patient’s possible cancer.

A summary of those charges will be made available on the website once approved by Council.

37. Council reviewed a preliminary inquiry committee report pertaining to a physician and decided that it would not lay charges of unprofessional conduct.

38. Council reviewed an appeal of a Quality of Care Advisory Committee decision and declined the appeal.
39. Council received an update on the progress of cases on the discipline tracker from the Associate Registrar.
40. Council discussed the need for increased resources with respect to an increasing number of discipline files being opened with the College.
41. Council was made aware that the Council of the College of Physicians and Surgeons of Alberta (CPSA) has recently adopted a new “statement of principles on sexual misconduct by physicians” and endorsed a recommendation for management to improve transparency and disclosure of discipline and related information.
42. Council received a report from the Past President, Dr. A. Beggs with respect to meeting and self-assessment tools for Councilors. Council will review the meeting and self-assessment tools. Council also wished to explore the option of electronic voting for Council issues.
43. The Associate Registrar provided Council with a list of ‘for action’ items as a result of the Council meeting’s work.