



## EXECUTIVE SUMMARY

of the

**18 JANUARY, 2019 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) 244 7355, 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 – 1 – The Mission of the College; and
  - (b) The Registrar's Advancement of Council's End – 2 – Public Protection; and
  - (c) The Registrar's Compliance with Council's Executive Limitation Policies pertaining to:
    - (i) EL – 1 – General Executive Constraint; and
    - (ii) EL – 2 – Treatment of Staff; and
    - (iii) EL – 6 – Interactions with Members of the Public.
3. Council considered a draft of a Code of Conduct and determined the code would be prescriptive and agreed to include some elements from the code of conduct from sister regulatory organizations. The code will be redrafted consistent with Council's direction and reviewed at the March meeting.
4. Council received a report from Mr. Burton O'Soup with suggested revisions to the wording of the statement Council and/or its committees will use for their acknowledgment of treaty lands. The following wording was adopted:

*“The Council and the College of Physicians and Surgeons of Saskatchewan respectfully acknowledge that the land in which we gather is Treaty 6 Territory, the traditional territory and home of the Cree, Dakota, Saulteaux and Metis Nations. We would like to affirm our relationship with one another now and for the future, and our role in guiding the profession to achieve the highest standards of care to benefit all people in this territory equally.”*

5. Council conducted a penalty hearing pertaining to Dr. P. Duffy. Dr. Duffy admitted the charges laid against him. The charges admitted by Dr. Duffy are as follows:

*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. Patrick Duffy, namely:*

*You Dr. Patrick Duffy 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)(ii) 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) You entered into an agreement with Lindsay Richels entitled “Collaborative Prescribing Agreement”;*
- b) The Collaborative Prescribing Agreement stated that Lindsay Richels “will have the right to prescribe neuromodulators, fillers, deoxycholic acid and plasm rich protein”;*
- c) The Collaborative Practice Agreement stated that Ms. Richels “will have the responsibility of selecting the specific product, dosage, route of administration, frequency of administration and duration of utilization”;*
- d) Pursuant to the Collaborative Practice Agreement and your arrangements with Lindsay Richels, orders were placed for products including Botox and/or Belkyra and/or dermal fillers;*
- e) The Botox and/ or Belkyra and/or dermal fillers were used by Lindsay Richels to provide injections to individuals;*
- f) Lindsay Richels was, at the time of the Collaborative Prescribing Agreement, a medical student holding an educational licence with the College of Physicians and Surgeons of Saskatchewan;*
- g) You permitted or assisted Lindsay Richels to engage in the practice of medicine in a manner not authorized by her educational licence;*
- h) You failed to exercise reasonable and/or appropriate supervision and/or oversight over the services provided by Lindsay Richels.*

A joint submission was made by Ms. Sheila Torrance on behalf of the Registrar’s Office and Mr. David Thera on behalf of Dr. Duffy. Council imposed the following penalty:

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

- 1) Pursuant to Section 54(1)(e) of The Medical Profession Act, 1981, the Council hereby reprimands Dr. Duffy. The format of that reprimand to be determined by the Council;
  - 2) Pursuant to section 54(1)(i) of The Medical Profession Act, 1981, the Council directs Dr. Duffy to pay the costs of and incidental to the investigation and hearing in the amount of \$1,400.00 payable on or before 1 March, 2019.
  - 3) Pursuant to section 54(2) of The Medical Profession Act, 1981 the Council directs that Dr. Duffy's licence will be suspended if the costs in paragraph 2) are not paid as required and that he will remain suspended until those costs are paid.
6. Council conducted a penalty hearing pertaining to Dr. T. Chikukwa. Dr. Chikukwa admitted the charges laid against him. The charges admitted by Dr. Chikukwa are as follows:

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. Tineyi Chikukwa, namely:

You Dr. Tineyi Chikukwa are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(l), and/or 46(p) of **The Medical Profession Act, 1981** S.S.1980-81 c. M-10.1 and bylaw 8.1(b)(iii) of the bylaws of the College of Physicians and Surgeons of Saskatchewan, by excessive billing.

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

- (a) You caused or permitted excessive billing to Medical Services Branch;
- (b) You caused or permitted excessive billing by claiming for services not provided;
- (c) The excessive billing occurred over a period from approximately 2009 to 2015.

Joint penalty submissions were made. Ms. Sheila Torrance made submissions on behalf of the Registrar's Office and Mr. David Thera made submissions on behalf of Dr. Chikukwa. Council imposed the following penalty:

1. Pursuant to Section 54(1)(e) of The Medical Professional Act, 1981, the Council hereby reprimands Dr. Chikukwa. The format of that reprimand will be determined by the Council;
2. Pursuant to Section 54(1)(b) of The Medical Profession Act, 1981, the Council hereby suspends Dr. Chikukwa for a period of four months, commencing at 12:01 a.m. on February 1, 2019 and ending at 11:59 p.m. on May 31, 2019;
3. Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council requires that that Dr. Chikukwa 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.

4. Pursuant to section 54(1)(i) of *The Medical Profession Act, 1981*, the Council directs Dr. Chikukwa to pay the costs of and incidental to the investigation and hearing in the amount of \$1,382.36. Such payment shall be made in full by July 1, 2019.
  5. Pursuant to Section 54(1)(f) of *The Medical Profession Act, 1981*, the Council imposes a fine of \$15,000 on Dr. Chikukwa, payable in 12 equal installments commencing July 1, 2019.
  6. Pursuant to section 54(2) of *The Medical Profession Act, 1981*, if Dr. Chikukwa should fail to pay the costs as required by paragraph 4, Dr. Chikukwa's licence shall be suspended until the costs are paid in full.
  7. 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 4, or the time within which the fine must be paid as set out in paragraph 5, and the right to reconsider and amend the requirements of the retraining or education set out in paragraph 3.3. Such reconsideration shall only be done if requested by Dr. Chikukwa.
7. Council received an update from Ms. Sheila Torrance on the work of the group working on the Sale of Products by Physicians. Ms. Torrance suggested the title of the policy should be changed to reference Goods rather than Products.
  8. Council received an update from Ms. Torrance on behalf of the committee dealing with the FMRAC health policy. The committee will review the information received during the consultation with the Expert Advisory Committee and the matter will be brought back to a Council meeting later in the year.
  9. Council received a report from the Associate Registrar on possible bylaw change to allow residents the ability to sign orders under The Youth Drug Detoxification and Stabilization Act. Council reviewed the drafting options and approved in principle an amendment to the bylaw to add paragraph (j.1) below:
 

*2.12(j) a person whose name is entered on the educational register shall not sign a document that requires the signature of a duly qualified medical practitioner, unless that person also holds a form of licensure permitting the person to engage in independent practice.*

*(j.1) notwithstanding paragraph (j), a resident may sign an order under The Youth Drug Detoxification and Stabilization Act, but only after consulting with a physician who will not be signing the order. The order must, in addition, be signed by a physician holding a regular or provisional licence.*

The draft amendment will be provided to stakeholders for comment and brought back for possible adoption at the March Council meeting.
  10. Council received an update report on possible amendment of Bylaw 23.3 and 26.1 from Ms. Torrance with respect to the committee on surgical assisting. Council was apprised that the committee had met on Monday evening and approved amendments to the bylaw. Council approved the amendment in principle and directed that it be sent for consultation with interested parties including the Non-Hospital Treatment Facility Program Medical Manager, the Saskatchewan Medical Association, the Ministry of Health, and the Saskatchewan Registered Nurses' Association.

11. Council received a verbal report on the committee looking at issues related to sexual boundary breaches with patients. This committee will meet in the near future.
12. Council considered some suggestions for areas for Council to focus on governance issues. Council agreed to focus its attention on:
  - a. How to develop better communications with physicians;
  - b. How to develop better communications with patients;
  - c. Developing expected competencies for Councilors in establishing a process to assist with recruitment;
  - d. Developing a better method for Councilor assessment; and
  - e. Consideration of whether there should be additional standing committees, i.e. a committee dealing with policy development, and/or whether consideration should be given to fewer committees.
13. Councilors were given an opportunity to provide three ideas for future Council education sessions. A number of suggestions were provided which included:
  - traditional Indigenous health, including health practices,
  - education about the Treaties,
  - IT safety,
  - the future of artificial intelligence and how it relates to regulation and patient safety,
  - better understanding of complaint circumstances and the public's understanding of what can be the subject of a complaint to the College,
  - how the profession responds to complaints,
  - review of *The Medical Profession Act, 1981* and the CPSS governance policies
  - what the College of Physicians and Surgeons of Saskatchewan's responsibilities are beyond the core functions of licensing, standards and discipline,
  - What measures can be taken to prevent sexual boundary violations,
  - information with respect to addictions treatment using Suboxone,
  - physician wellbeing,
  - finance basics,
  - the role of CMPA; what do they support,
  - the legalization of Cannabis and our position on regulating physicians,

Council will determine which of these issues will take priority in receiving education.

14. Council received an update on the strategic plan for the January reporting schedule.
15. Council received a report from the Director of Registration Services with a request from a physician for a summative assessment. Council declined the request for the summative assessment.
16. Council reviewed a report from one of the public members with respect to membership of the Finance Committee. Mr. Lionel Chabot, public member, was appointed as a member to the Finance Committee.

17. Council reviewed all of the proposed appointments to College committees and appointed members of the following committees:
  - Advisory Committee on Medical Imaging
  - Committee on Interpretation of Electrocardiography
  - Practice Enhancement Program Committee
  - Health Facilities Credentialing Committee
  - Nominating Committee
  - Legislative Review Committee
  - Registration Committee
18. Council reviewed the Quality of Care Advisory Committee appointment and appointed Mr. B. Senger along with the remaining members to the Quality of Care Advisory Committee to take effect immediately following the February 11, 2019 meeting.
19. Council received a report from legal counsel encouraging recruitment of members to the Discipline Hearing Committee.
20. Council reviewed the 2018 Canadian Medical Association Code of Ethics and adopted it in principle with an addition relating to reporting concerns about impairment or lack of competence of colleagues. A committee comprised of Dr. Beggs (Chair), Dr. Fritz, Dr. Chapelski, Dr. Igbekoyi, Dr. Mabadeje, Mr. Bill Hannah and Mr. Lionel Chabot will review the provisions of the 2018 Code of Ethics and provide a report back to Council.
21. Council reviewed GP-9 Code of Conduct and GP-10 Conflict of interest and compared the information contained in these policies with the policy of the College of Physicians and Surgeons of British Columbia. The Associate Registrar noted six different issues that were addressed in BC's policy that were not addressed in either GP-9 or GP-10. Council acknowledged that these six areas would be reasonable areas to include and directed that the Associate Registrar come back with more specific wording for the areas outlined. The matter will be revisited at the March Council meeting.
22. The Associate Registrar provided Council with an update on the status of bylaws. Other than the bylaws that were adopted in November all bylaws have been Gazetted. The timeframe for the Minister to approve or reject the bylaws adopted in November has not yet expired.
23. Council received a report from the President on the actions taken by the Executive Committee since its last meeting.
24. Council reviewed and adopted the draft reprimand pertaining to the penalty imposed upon Dr. S. Oberholtzer at its November meeting of Council. The reprimand will be posted on the College's website.
25. Council considered a Preliminary Inquiry Committee report and laid a charge of unprofessional conduct against a physician. The charge alleges that he made disrespectful or inappropriate comments to a patient and failed to take appropriate steps to protect the patient's confidentiality.

26. Council received a report from the Associate Registrar and determined it would lay charges of unprofessional conduct against a physician. The charges allege that the physician provided medical care in a hospital that did not meet the standard of the profession.
27. Council received an update report from Ms. Torrance with respect to the committee reviewing Alternate Dispute Resolution.
28. The Associate Registrar provided a brief update on a document that outlined the necessity to draft reasons for decisions.
29. Council considered its role in increasing the number of Opioid Agonist Substitution Therapy prescribers and appointed a committee consisting of Dr. Brownbridge, Dr. Adewumi, Mr. O'Soup, Dr. Fritz and Dr. Oberholzer to look at potential priorities in assisting with the response to the Opioid crisis.
30. Council received an update on the discipline tracker from the Associate Registrar.
31. Mr. E. Pas, director of Registration Services, provided some information on potential file sharing sites that could be used to distribute documents to the Council. Council has chosen to use Tempo Box for the present. Council directed the staff to provide some additional information on the cost of potential options to improve security of the documents that are considered by Council.
32. Council was asked to review the tool developed by Dr. Beggs with respect to Council self-assessment. Council was asked to provide feedback to Dr. Beggs on the tool he has developed. The tool will be provided to Councilors and reviewed at the next Council meeting.
33. Council received information stating the FNIHB-SK funding agreement will be extended by one year until 2020. Additional work considered after that time will need to be renegotiated.
34. Council conducted elections for its Executive Committee:
  - Dr. Brian Brownbridge was acclaimed as President.
  - Dr. Grant Stoneham was acclaimed as Vice President.
  - Mr. Ken Smith was acclaimed as Public Member at Large.
  - Dr. Alan Beggs and Dr. Franklin Igbekoyi were acclaimed as Members at Large.