



## **EXECUTIVE SUMMARY**

**of the**

**21 & 22 JUNE, 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 recognised that June 21 is National Indigenous Day. Council acknowledged that the land on 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.
2. Council received a report on the actions taken in relation to the "For Action Items" from the previous meeting.
3. 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;
  - (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.

4. Council was introduced to the new Pharmacy Manager Ms. Nicole Bootsman for the Prescription Review Program. Council was provided an overview of the status of the Program and the Working Group will reflect on information document 253\_17 to consider the issues of mandatory use of PIP, mandatory education and prescription forgery strategies, in addition to a number of other issues related to the opioid crisis.
5. Council received a report from the Registrar in response to the Provincial Auditor's report which contained a number of recommendations to the Ministry and the Prescription Review Program to improve the overall response to the opioid crisis. Council was apprised that many of the deficiencies noted by the Provincial Auditor in the PRP were issues that were being addressed at the time or have been addressed now that the program is fully staffed. Council was also apprised that the College is in support of the recommendations made by the Provincial Auditor's report and looks forward to working with the stakeholders to improve our combined efforts in addressing the opioid crisis.
6. Council conducted a penalty hearing pertaining to Dr. H. Abou El Yazid and Dr. A. Belal. Dr. Abou El Yazid and Dr. Belal admitted the charges laid against them. The charges admitted by Dr. H. El Yazid are as follows:

*You Dr. Hanan Abou El Yazid 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) You held a position as a clinical assistant with Alberta Health Services in 2018;*
- b) In January of 2018 you entered into the Saskatchewan International Physician Practice Assessment Program in Saskatchewan (hereinafter referred to as "SIPPA" in this charge);*
- c) You provided inaccurate and untruthful information to Alberta Health Services;*
- d) You received payment from Alberta Health Services for sick leave during a time in which you participated in SIPPA;*
- e) You provided inaccurate and untruthful information to Alberta Health Services which resulted in you receiving payment from Alberta Health Services for sick leave;*
- f) On or about January 29, 2018 you sent an email message to Alberta Health Services stating you had been in a car accident in Egypt and you were in hospital;*
- g) The information in the January 29 email was untruthful;*
- h) On or about January 29, 2018 you sent an email attachment which purported to be a document related to your medical condition signed by Dr. Mohamed Motwally;*
- i) The information in the email attachment was untruthful;*
- j) You sent an email message to Alberta Health Services on or about February 19, 2018 in which you stated that you had a physical injury and were suffering from PTSD;*
- k) The information in the February 19 email was untruthful;*
- l) You sent an email message to Alberta Health Services on or about February 23, 2018 in which you stated that you were not sure whether you would be taking a position in SIPPA;*
- m) The information in the February 23 email was untruthful.*

The charges admitted by Dr. A. Belal are as follows:

*Pursuant to section 47.5 of The Medical Profession Act, 1981, the Council directs the discipline committee to hear the following charges of unbecoming, improper, unprofessional or discreditable conduct:*

*You Dr. Ahmed Belal 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) You held a position as a clinical assistant with Alberta Health Services in 2018;*
- b) In January of 2018 you entered into the Saskatchewan International Physician Practice Assessment Program in Saskatchewan (hereinafter referred to as "SIPPA" in this charge);*
- c) You provided inaccurate and untruthful information to Alberta Health Services;*
- d) On or about February 2, 2018 you sent an email message to Alberta Health Services stating you went on leave to Egypt to look after your mother;*
- e) The email message sent on or about February 2, 2018 requested leave for one or two months until you finished your duty to your mother;*
- f) At the time that you sent the email you were participating in SIPPA;*
- g) The information in the February 2, 2018 email was untruthful and/or misleading;*
- h) On or about February 8, 2018 you received an email message from Alberta Health Services offering leave until February 23, with a further decision whether a leave of absence would be approved after February 23;*
- i) On or about February 8, 2013 you sent an email to Alberta Health Services accepting the offer;*
- j) When you sent the email accepting the offer, you knew that the offer was made based upon the false and/or inaccurate information that you had provided to Alberta Health Services;*
- k) Your mother died on or about February 3, 2018;*
- l) When you sent the email on or about February 8, 2018 accepting the offer from Alberta Health Services, you knew that your mother had died.*

A joint submission was made by Mr. Bryan Salte on behalf of the Registrar's Office and Mr. Colin Ouellette on behalf of Dr. Abou El Yazid and Dr. Belal. Council imposed the following penalties:

*The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Hanan Abou el Yazid pursuant to The Medical Profession Act, 1981 (the "Act"):*

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Abou El Yazid. The format of that reprimand will be in written format.*
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Abou El Yazid for a period of one month to begin at 12:01 a.m on July 20, 2019 and to end at 11:59 p.m. on August 19, 2019;*
- 3) Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council requires that Dr. Abou El Yazid 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 Act, the Council directs Dr. Abou El Yazid to pay the costs of and incidental to the investigation and hearing in the amount of \$5,201.25. Such payment shall be made in full by July 21, 2019.*

*5) Pursuant to section 54(2) of the Act, if Dr. Abou El Yazid should fail to pay the costs as required by paragraph 4, Drs. Abou El Yazid’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 set out in paragraph 4 and the right to reconsider and amend the requirements of the retraining or education set out in paragraph 3. Such reconsideration shall only be done if requested by Dr. Abou El Yazid.*

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

*1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Belal. The format of that reprimand will be in written format.*

*2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Belal for a period of one month to begin to begin at 12:01 a.m on July 20, 2019 and to end at 11:59 p.m. on August 19, 2019;*

*3) Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council requires that Dr. Belal 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 Act, the Council directs Dr. Belal to pay the costs of and incidental to the investigation and hearing in the amount of \$5,201.25. Such payment shall be made in full by July 21, 2019;*

*5) Pursuant to section 54(2) of the Act, if Dr. Belal should fail to pay the costs as required by paragraph 4, Drs. Belal’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 set out in paragraph 4 and the right to reconsider and amend the requirements of the retraining or education set out in paragraph 3. Such reconsideration shall only be done if requested by Dr. Belal.*

7. Council received a verbal report from Ms. Torrance on the working group dealing with the general licensing process for surgical assisting. Ms. Torrance indicated that the amendments to Bylaws 23.3 and 26.1 with respect to surgical assisting have been approved by the Ministry and have been Gazetted.

Ms. Torrance indicated that there is a process in place for physicians who are not eligible for regular licensure to be provided a provisional licence restricted to surgical assisting. The committee felt the current process to move someone from a provisional licence to an enduring licence was reasonable and made only minor changes to

documentation. The registration department will be notified that these are the committee's recommendations.

8. Council received a verbal update on the work of the working group on a possible bylaw amendment and adoption of the 2018 CMA Code of Ethics. Council appointed Ms. Sheila Torrance to the working group.
9. Council considered proposed amendments to Bylaw 9.1 and the Conflict of Interest Guideline. Council determined the committee would meet to address the review of Bylaw 9.1 and the Conflict of Interest Guideline before approving the amendments required as a result of the policy on Sale of Products by Physicians. Ms. Torrance was also appointed to the committee.
10. Council received a report from the working group on the draft policy on Uninsured Services, adopted the policy in principle and directed that a consultation take place including consultation with the SMA, Ministry of Health, SHA, and all physicians. The draft policy will also be placed on the website and on Facebook for public and member input.
11. Council received a short update on the working group's work on the FMRAC Health Policy. The committee will meet and bring back recommendations for Council's consideration at the September meeting.
12. Council received a report from the Associate Registrar with respect to the Code of Conduct. Council had directed the committee to provide a final draft of the Code of Conduct addressing four additional issues. Council approved the draft document submitted by the committee.

Council also considered a draft resolution to adopt the Code of Conduct as a Regulatory Bylaw, as follows:

*The regulatory bylaws of the College of Physicians and Surgeons are amended by adding the words "CODE OF CONDUCT," after the words "CODE OF ETHICS," immediately prior to bylaw 7.1.*

- and -

*The regulatory bylaws of the College of Physicians and Surgeons are amended by adding the following as paragraph 7.2*

**7.2 Code of Conduct**

*(a) No person who is registered under the Act shall contravene or fail to comply with the Code of Conduct.*

*(b) Conduct which fails to comply with the expectations contained in the Code of Conduct is defined to be unbecoming, improper, unprofessional or discreditable conduct for the purpose of Section 46(p) of the Act. The enumeration of this conduct does not limit the ability of Discipline Hearing Committees to determine that conduct of a physician is unbecoming, improper, unprofessional or discreditable pursuant to Section 46(o):*

13. Council received a report from Mr. Burton O'Soup, Chairperson of the Truth and Reconciliation committee. Council reviewed the draft terms of reference for the committee and accepted them with minor amendments.
14. Council adopted a 3 year sunset date on the Sale of Products Policy which had been previously approved.
15. Council received a report from the Associate Registrar with respect to extension of delegation to a Licensed practical Nurse (LPN). Council received the consultation feedback and accepted the amendments to Bylaw 23.3 as set out.

*Regulatory bylaw 23.3 is amended as follows:*

*1) By changing the introductory sentence of the bylaw from "23.3 Delegation to Registered Nurses to "23.3 Delegation to Registered Nurses and Licensed Practical Nurses"*

*2) By adding the following paragraphs:*

*(i) A duly qualified medical practitioner may delegate to a Licensed Practical Nurse the authority to inject agents which have an effect on or elicit a response from living tissue (bioactive agents), but only when the physician has first assessed the patient and established a treatment plan for the injection.*

*(j) The provisions of paragraphs (b) through (h) apply to a delegation to a Licensed Practical Nurse*

16. Council was provided information to alert it to changes in Appendix A which is pertinent to the policy on Regulation of Non-Insured Office Procedures, which was previously approved.
17. The Registrar provided an update on the June reporting of the Strategic Plan.

Ms. Caro Gareau provided an update on the Communications Strategic Plan.

Council determined that it wished a facilitator to be involved in the strategic planning session tentatively booked for the September Council meeting.

18. Council considered the timing for publication of decisions of the Discipline Hearing Committee and determined that it would place those decisions on the website at the time received. A note would be placed with the Discipline Hearing Committee findings to indicate that a penalty hearing would be pending.
19. Council received a report from Ms. Beckie Wills with respect to the quarterly financial reports of the College.
20. Council received a report from Mr. Gord Stewart, KPMG who presented the audited financial statements for 2018 to the College.
21. Council conducted a penalty hearing pertaining to Dr. Alfred Ernst. Dr. Ernst admitted the charges laid against him. The charges admitted by Dr. Ernst 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 charges against Dr. Alfred Ernst, namely:*

*You Dr. Alfred Ernst 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**, SS 1980-81, c M-10.1 and/or paragraph 52 of the Code of Ethics contained in Bylaw 7.1 of the Regulatory Bylaws of the College of Physicians and Surgeons of Saskatchewan, particulars whereof are that in the course of your professional practice, you engaged in unprofessional behaviour with employees of the local health region.*

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

- a) In or about February and March 2016 with respect to two individuals associated with Heartland Health Region, referred to as Person 1 and Person 2, you demanded original documents of patient records;*
- b) You were provided copies of the patient records that you had requested;*
- c) Your language and/or demeanour in dealing with Person 1 and/or Person 2 was aggressive and/or abusive;*
- d) Your language and/or demeanour in dealing with Person 1 and/or Person 2 failed to treat them with respect.*

Submissions were made by Mr. Salte on behalf of the Registrar's Office and by Mr. A. Stonhouse on behalf of Dr. Ernst. Council imposed the following penalty:

*The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Alfred Ernst pursuant to The Medical Profession Act, 1981 (the "Act"):*

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Ernst. The format of that reprimand will in written and verbal format. Dr. Ernst is required to appear before the next regularly scheduled meeting of the Council to be present to have the reprimand administered in person;*
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Ernst for a period of one month, commencing 20 July, 2019;*
- 3) Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council requires that Dr. Ernst successfully complete a communications course and a HIPA Course to the satisfaction of the Registrar. Such courses shall be completed at the first available date. The Program "Effective Team Interactions" by "Saegis" is a communications program acceptable to the Registrar.*
- 4) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Ernst to pay the costs of and incidental to the investigation and hearing in the amount of \$11,092.42. Such payment shall be made in full by July 21, 2019;*
- 5) Pursuant to section 54(2) of the Act, if Dr. Ernst should fail to pay the costs as required by paragraph 4, Dr. Ernst's licence shall be suspended until the costs are paid in full;*
- 6) 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 and the right to reconsider and amend the requirements of the retraining or education set out in paragraph 3. Such reconsideration shall only be done if requested by Dr. Ernst.*

22. Council conducted a penalty hearing pertain to Dr. N. Maree. Dr. Maree admitted the charges laid against her. The charges admitted by Dr. Maree are, as follows:

The Executive Committee 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. Narinda Maree, namely:

1. You Dr. Narinda Maree 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)(vi) and/or bylaw 8.1(b)(xiv) and/or bylaw 18.1 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 one or more of the following:

- a) You submitted altered and/or falsified medical records to the College of Physicians and Surgeons of Saskatchewan in response to inquiries about your prescribing of medications to your patients;
- b) You failed to respond to the requests for patient information as required by bylaw 18.1;
- c) You failed to comply, to the best of your ability, fully and accurately with the requests for information as required by bylaw 18.1;
- d) On or about October 25, 2017 the College of Physicians and Surgeons of Saskatchewan (hereinafter called "the College") sent you a letter asking for specific information, including copies of patient charts, for certain named patients;
- e) On or about December 7, 2017 the College sent you a letter repeating its request for specific information and copies of patient charts;
- f) On or about December 19, 2017 the College sent you a letter repeating its request for specific information and copies of patient charts;
- g) During the month of January, 2018 you provided some information in relation to 4 of your patients;
- h) On or about March 2, 2018, the College sent you a letter repeating its request for specific information and copies of patient charts;
- i) In the period from approximately March 6, 2018 to April 3, 2018 you provided some information in relation to some additional patients;
- j) Information related to one patient (R.M.) was not provided to the College by May 17, 2018;
- k) On or about May 17, 2018 the College sent you a letter expressing concern about your conduct;
- l) The information that you provided to the College was altered from the original patient records;
- m) The information that you provided to the College did not include some of the information in the original patient records;
- n) The information which you provided to the College included what purported to be Therapeutic Drug Agreements signed by patients;
- o) The Therapeutic Drug Agreements were not signed by the patients.

2. You Dr. Narinda Maree 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 previously practised medicine with other physicians at a clinic in Moose Jaw;
- b) The financial arrangements for physicians working at the clinic included a requirement for physicians to contribute to the overhead expenses for the clinic;
- c) You failed to make the required contributions for the overhead expenses of the clinic;
- d) You utilized the account established to pay the overhead expenses of the clinic for personal expenses.

3. You Dr. Narinda Maree 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 and/or 7.1(c) of the bylaws of the College of Physicians and Surgeons of Saskatchewan.

The evidence that will be led in support of this charge is that you prescribed zopiclone in the name of a family member which was intended for your own use.

4. You Dr. Narinda Maree 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(c) 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 one or more of the following:

- a) You altered the patient chart of a family member to state that a nurse practitioner was the primary provider for a family member;
- b) The alteration was done without the knowledge or agreement of the nurse practitioner;
- c) You prescribed zopiclone and/or zolpidem to that family member when such treatment did not meet the conditions of paragraph 20 of the Code of Ethics.

Submissions were made by Mr. Salte on behalf of the Registrar's Office and Ms. S. Caston on behalf of Dr. Maree. Council imposed the following penalty:

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Narinda Maree pursuant to The Medical Profession Act, 1981 (the "Act"):

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Maree. The format of that reprimand will be in written format.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Maree for a period of 4 months, retroactive to February 12, 2019;
- 3) Pursuant to Section 54(1)(c) of the Act, the Council hereby prohibits Dr. Maree from prescribing any medication that is listed in the Prescription Review Program of the College. That prohibition will continue indefinitely unless the Registrar concludes that Dr. Maree should be permitted to prescribe some or all of the medications listed in the Prescription Review Program.
- 4) Pursuant to Section 54(1)(d) of the Act, the Council hereby requires Dr. Maree to practise only under the supervision of a duly qualified medical practitioner approved by the Registrar. This requirement for supervision will continue until the Registrar concludes that Dr. Maree is no longer required to practise under supervision;

5) The supervision required by paragraph 4) will include a requirement that the supervisor provide reports to the College, on such frequency as the Registrar may direct, related to the status of Dr. Maree's practice;

6) Pursuant to section 54(1)(f) of the Act, Dr. Maree is required to continue to receive treatment through the Physician Health Program of the Saskatchewan Medical Association, to follow treatment recommendations from that program and to only discontinue such treatment if she receives the approval of the Registrar to do so;

7) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Maree to pay the costs of and incidental to the investigation and hearing in the amount of \$1,290.00. Such payment shall be made in full by 1 August, 2019.

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

9) The Council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Maree. Without limiting the authority of the Council, the Council may rescind in whole or in part the prohibition against prescribing medications listed in the Prescription Review Program as outlined in paragraph 3), may determine who is a duly qualified medical practitioner to provide the supervision required by paragraph 4), may direct that the supervision required by paragraph 4) is no longer required, may amend a decision of the Registrar related to supervision reports or Dr. Maree's participation in the Physician Health Program and may extend the time for Dr. Maree to pay the costs required by paragraph 7).

23. Council conducted a penalty hearing pertaining to Dr. R. Cardoso-Medinilla. Dr. Cardoso was found guilty by the Discipline Hearing Committee of the charges laid against him. The charges are as follows:

*You Dr. Reynaldo Cardoso-Medinilla 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 breached the undertaking which you provided to the College of Physicians and Surgeons that you would not perform obstetrical and pelvic ultrasounds until you received the permission of the College to do so.*

b) *By letter dated April 27, 2012 you provided an undertaking to the College which stated:*

*Enclosed please find the signed statement by the College, undertaking to cease performing obstetrical and pelvic ultrasounds, as of April 30, 2012, until I receive the approval of the College of Physicians and Surgeons.*

c) *You signed an undertaking dated April 30, 2012 which stated the following:*

*1. I will immediately cease performing obstetrical and pelvic ultrasound and will not perform obstetrical or pelvic ultrasound until I receive the approval of the College of Physicians and Surgeons to do so;*

*2. I may withdraw from this undertaking at any time by providing 10 days notice in writing to the College of Physicians and Surgeons of Saskatchewan to allow the College of Physicians and Surgeons of Saskatchewan to take what action they may think advisable in the public interest;*

d) The undertakings that you provided in your letter dated April 27, 2012 and your signed undertaking dated April 30, 2012 remained in effect until January 11, 2013.

e) By letter dated January 11, 2013 the College relieved you of the undertaking not to perform obstetrical and pelvic ultrasounds. The relevant portions of the letter stated: You previously provided an undertaking that you would immediately cease performing obstetrical and pelvic ultrasound and that you would not resume doing so until you received the College's permission to do so.

The result of this is that the College releases you from your undertaking, thereby permitting you to return to practising obstetrical and pelvic ultrasound.

f) In the period between approximately September 4, 2012 and January 11, 2013 you performed pelvic and/or obstetrical ultrasounds in breach of your undertaking.

You Dr. Reynaldo Cardoso-Medinilla 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 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.

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

a) You caused or permitted billings to be made to Medical Services Branch in connection with obstetrical and/or pelvic ultrasound when you had not performed the necessary services for those billings;

b) You failed to exercise due diligence in relation to your billings to Medical Services Branch for obstetrical and/or pelvic ultrasound;

c) In the period between approximately September 4, 2012 and November 21, 2012 your clinic performed ultrasound scans for obstetrical and/or pelvic ultrasounds;

d) You billed MSB for performing pelvic and/or obstetrical ultrasounds during the period between approximately September 4, 2012 and November 21, 2012. The fee codes for which you billed included some or all of 40W, 43W, 46W, 47W and 50W;

e) You had not performed some or all of the services in order to bill for the interpretation component of these fee codes;

f) By letter dated December 12, 2012 you wrote to a radiologist, Dr. Wells. The relevant portions of the letter stated:

Enclosed please find the information regarding the interpretation fees\*\* for all the ultrasounds that were done in from September 18, 2012 through November 21, 2012 that still require reading and interpretation and the fees that were paid.

Please let me know exactly the name to make the cheque out to so that I can send the cheque as soon as possible and if the amount of **\$16,486.15** is what you require or there is some other fee that you will also require.

g) Your letter of December 12, 2012 constituted an admission that you had billed the sum of \$16,486.15 but had not performed the services necessary to bill that amount.

You Dr. Reynaldo Cardoso-Medinilla 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 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) You caused or permitted your clinic to perform ultrasound scans without appropriate arrangements in place to interpret those scans;
- b) You failed to respond accurately and appropriately to inquiries from the College about who would interpret ultrasound scans generated from your clinic;
- c) Dr. Karen Shaw, Registrar of the College of Physicians and Surgeons, wrote to you in a letter dated August 1, 2012. The relevant portions of that letter stated:  
One of the things I forgot to ask of you the other day when I asked you to find an alternative person to read your films was to provide the name(s) of the physician(s) that you asked. It would be helpful to have some comments from that person(s) regarding the quality of the scans in addition to the assessor's comments.
- d) You did not respond to the letter dated August 1, 2012.
- e) On or about August 16, 2012 Dr. Karen Shaw spoke to you and advised you that the technologist who was performing ultrasound scans had been successful in the assessment of her ability to perform ultrasound scans.
- f) In the conversation on or about August 16, 2012 Dr. Karen Shaw advised you that you were not able to interpret scans as you had not yet been successful in an assessment of your ability to interpret ultrasounds.
- g) In the conversation on or about August 16, 2012 Dr. Karen Shaw stated that you would need to make arrangements with another physician to interpret the ultrasound scans performed by your clinic.
- h) Your clinic performed obstetrical and/or pelvic ultrasounds in the period from approximately September 4, 2012 to November 21, 2012;
- i) Some or all of the ultrasound scans performed in your clinic were not interpreted by someone qualified to do so within a reasonable time;
- j) You failed to exercise due diligence to ensure that ultrasound scans performed in your clinic would be interpreted by someone qualified to do so within a reasonable time;
- k) You did not advise the College that your clinic had been, and continued to, generate scans which were not being interpreted by other physicians until a telephone conversation with Dr. Karen Shaw on or about November 7<sup>th</sup>, 2012.

Submissions were made by Ms. Sheila Torrance on behalf of the Registrar's Office and by Mr. David Thera on behalf of Dr. Cardoso-Medinilla. Council imposed the following penalty on Dr. Cardoso-Medinilla:

*With respect to his breach of an undertaking provided to the College, his inappropriate billing of Medical Services Branch for interpretation of ultrasounds, and his performance of ultrasounds without having appropriate arrangements in place for interpretation of the scans in a timely manner, the Council of the College of Physicians and Surgeons of Saskatchewan imposes the following penalty on Dr. Reynaldo Cardoso-Medinilla pursuant to The Medical Profession Act, 1981 (the "Act"):*

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Cardoso-Medinilla. The reprimand will be delivered in written format.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Cardoso-Medinilla for a period of three months, commencing at 12:01 a.m. on 22 July, 2019 and ending at 11:59 p.m. on 21 October, 2019.

3) Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Cardoso-Medinilla successfully complete an ethics course on professionalism approved by the Registrar, and provide proof of completion. Such course shall be completed at the first available date, but in any case within six months. The programs "Medical Ethics, Boundaries and Professionalism" by Case Western Reserve University 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 Act, the Council directs Dr. Cardoso-Medinilla to pay the costs of and incidental to the investigation and hearing in the amount of \$75,000.00 over a period of 6 months commencing June 21, 2019. Such payment shall be made in full by December 21, 2019.

5) Pursuant to Section 54(2) of the Act, if Dr. Cardoso-Medinilla should fail to pay the costs as required by paragraph 4, Dr. Cardoso-Medinilla'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 and the right to reconsider and amend the requirements of the retraining or education as set out in paragraph 3. Such reconsideration shall only be done if requested by Dr. Cardoso-Medinilla.

With respect to his failure to respond to communication from the Registrar, the Council of the College of Physicians and Surgeons of Saskatchewan imposes the following penalty on Dr. Reynaldo Cardoso-Medinilla pursuant to The Medical Profession Act, 1981 (the "Act"):

1) Pursuant to Section 54(1)(f) of the Act, the Council imposes a fine of \$500.00 on Dr. Cardoso-Medinilla, payable within 60 days.

2) Pursuant to Section 54(2) of the Act, if Dr. Cardoso-Medinilla should fail to pay the fine as required by paragraph 1, Dr. Cardoso-Medinilla's licence shall be suspended until the fine is paid in full.

- 24 Council received a report from the Governance working group on Developing Better Communication with Patients and provided a number of recommendations.

Council directed the Registrar to investigate the cost of redesigning the website and its content and in addition, directed the Registrar's Office to make appropriate changes to update the current content on the website.

25. Council received a verbal report from the Governance working group on Developing Better Communication with Physicians. It will bring back additional information at the September meeting.

26. Council received a verbal report from the Governance working group on Developing Expected Competencies for Councilors and Establishing a Process to Assist with Recruitment. That committee will provide additional information at the September meeting.

27. Council received a verbal report from the Governance working group on Developing a Better Method for Councilor Assessment and that committee will bring forward its recommendations at the September meeting.

28. The Governance working group on Standing Committees of Council will meet prior to September and provide its report at the September meeting.
29. Council received a presentation from the Associate Registrar Mr. Bryan Salte on trends in professional regulation and Council directed staff to bring back a framework to work towards managing these risks.
30. Council was apprised of the status of the bylaws.
31. Council received an educational session from Mr. Erik Christensen on IT Safety/Protection/State of the Art/Cyber Security.
32. Council received a report from the President on actions taken by the Executive Committee since the last Council meeting.
33. Council received a report from Ms. Torrance with respect to an update on the discussions with respect to alternate dispute resolution from the committee working on this issue, and on a process to facilitate information sharing between agencies.
34. Draft Reasons for the Decision declining to restore Dr. Ali's licence were reviewed and accepted by Council. The reasons for decision will be posted on the College website.
35. Draft Reasons for the Decision declining to licence Dr. R. Parikh were reviewed and accepted by Council.
36. Council reviewed and adopted the draft reprimand pertaining to the penalty imposed on Dr. A. Christie at its March meeting. The reprimand will be posted on the College website.
37. Council reviewed and adopted the draft reprimand pertaining to the penalty imposed on Dr. T. Tshiyombo at its March meeting. The reprimand will be posted on the College website.
38. Council reviewed and adopted the draft reprimand pertaining to the penalty imposed on Ms. L. Richels at its March meeting. The reprimand will be posted on the College website.
39. Council reviewed and adopted the draft reprimand pertaining to the penalty imposed on Dr. A. Rengarajan at its March meeting. The reprimand will be posted on the College website.
40. Council adopted draft Reasons for the Decision to dismiss the appeal to Council pertaining to the decision of the Quality of Care Advisory Committee.
41. Council reviewed a Preliminary Inquiry Committee report and laid a charge of unprofessional conduct against a physician. The allegation includes performing an inappropriate examination, failing to leave the room while the patient disrobed, and failing to provide a sheet or other covering.

42. Council received a report from the Registrar with respect to an appeal to Council of the Quality of Care Advisory Committee decision. Council upheld the decision of the Quality of Care Advisory Committee and dismissed the appeal. Reasons for the Decision are to follow.
43. Council received a report from the Associate Registrar on human rights issues related to discrimination, addiction and the College's duty of accommodation.
44. Council laid a charge of unprofessional conduct against a physician. The allegation includes the inappropriate use of office medications.
45. Council reviewed a Preliminary Inquiry Committee report and laid charges of unprofessional conduct against a physician. The charges allege false and misleading advertising on the website of the wellness clinic. The second charge alleges offering services that had not been recognised by the medical community as having therapeutic value. The third charge alleges unethical conduct, failing to maintain the standard of practice of the profession, and charging an excessive fee related to a cancer patient who sought treatment at the wellness clinic in March, 2018.
46. Council received an updated report on the progress of the cases on the discipline tracker.
47. Council was provided an overview on work that is being done to assess the effectiveness and appropriateness of tools and processes used within the supervision and summative assessment processes of the College along with a review of the orientation programs related to IMG orientation and the College's online registration orientation program.
48. Council was apprised of a FMRAC proposal with respect to pan-Canadian licensure:
  - An expedited form of registration for physicians who hold credentials to practice in the province to allow them to obtain licensure in another province with minimal administrative burden.
  - A proposal to create a licence portability agreement which aligns with a similar process used by the Federation of Law Societies of Canada.
49. Council received a written report from Mr. Ed Pas on encrypted computers.