



## **EXECUTIVE SUMMARY**

**of the**

**30 SEPTEMBER & 1 OCTOBER, 2022 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 acknowledged that the land on which we gather is Treaty 6 Territory, the traditional territory and home of the Cree, Dakota, Saulteaux and Métis 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 adopted the agenda for the Open Session as presented.
3. Council reviewed and approved the minutes from the Friday 17 and Saturday 18 June, 2022 Open Session of the meeting of Council.
4. Council received a report from the Associate Registrar Mr. Bryan Salte on actions taken in relation to the "For Action Items" from the previous meeting.
5. Council reviewed and approved 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;
  - (iv) EL – 8 – Compensation and Benefits.
- 6. Council considered feedback from the consultation pertaining to the amendment of the Advertising Bylaws and approved the amended bylaws. The bylaws will be submitted to the Minister for approval.
- 7. Council approved the document "Withdrawal of Physician Services during Job Action" in principle, for the purpose of consultation.
- 8. Council received a report from Ms. Wempe on the progress of the review of the policy "Disclosure of Adverse Events". Council considered the consultation feedback and approved the amended policy with a name change to "Disclosure of Adverse Incidents" and set a sunset date of 3 years. The policy will be posted on the College website.
- 9. Council received a report from Ms. Torrance pertaining to proposed amendments to the policies "Performing Office-based Insured Procedures/Performing Office-based Non-Insured Procedures" and approved these amended policies in principle for the purpose of consultation.
- 10. Council approved in principle the draft amendments to Bylaw 23.3 and the proposed addition of Bylaws 23.5 and 23.6 relating to directives by physicians to RNs to administer Botox or dermal fillers and ordering or supplying Botox or dermal fillers for administration by others. The draft bylaws were approved in principle for the purpose of consultation.
- 11. Council received an update on the work of the Diversity and Bias committee from its Chair, Dr. Oladapo Mabadeje. The Diversity and Bias committee is working with the SMA's EDI Committee considering the development of a detailed survey of physicians to better understand the specifics of the racism problem in Saskatchewan.
- 12. Council received an update from the Chair of the Truth and Reconciliation Committee, Mr. Burton O' Soup. Council adopted the FMRAC Statement on Indigenous-Specific Racism in recognition of the inaugural National Day for Truth and Reconciliation 30 September, 2021. The Statement will be posted on the College website.
- 13. Council appointed and welcomed the addition of Ms. Karon Shmon, a Métis representative, to the Truth and Reconciliation Committee.
- 14. Council approved the guideline "Physicians and Public Health Emergencies" in the form set out in document Info 157\_22 with a sunset date of 5 years. The guideline will be posted on the College website.
- 15. Council considered a compliance monitoring process pertaining to the "Medical Practice Coverage" Policy and approved a Compliance Monitoring Process (Level I educational approach) which includes checking for the availability of office staff during the day and

for after-hours coverage. This program will have an initial educational focus and will commence as staff time permits. Prior to commencing the process, a communication will be sent to all physicians and notice will also be provided in DocTalk.

16. Council agreed to invite recipients from 2020, 2021 and 2022 to the Senior Life celebration dinner to be held in Saskatoon at the time of the November Council meeting. Recognition of past Council members will be deterred until June 2023.
17. The Medical Practice Observation/Experience Guideline was amended and approved in principle as a policy for the purpose of consultation.
18. Council approved the policy "Role of Council, Executive Committee and Legal Counsel in Disciplinary Investigations and Court Matters" with a 5 year sunset date. The policy will be posted on the College website.
19. Council approved funding for the College of Medicine Wellness Program at the level of 0.1 FTE for the year 2023 as a pilot, with a review to determine whether permanent funding after 2023 is appropriate. Additional funding will be found to support the program starting the work this fall.
20. Council approved the guidance document "Updated Guidance for Ketamine/Esketamine as treatment for mental health and chronic pain diagnoses in community settings" as set out in document Info 165\_22. This document will be circulated to physicians in the community and posted on the College website.
21. Council approved the application document "Application for exemption under Bylaw 26.1 for Ketamine Administration" as set out in document Info 165\_22. This document will be circulated to physicians in the community and posted on the College website.
22. Council received a report on the Practice Enhancement Program and its funding requirements. Council approved supporting the program with a full funding contribution of \$150,000 for 2023.
23. Council received for information the Financial Statements for the period end 30 June, 2022 from Ms. Beckie Wills, Director of Finance and Accounting.
24. Council adopted the Reserve Policy as set out in document Info 176\_22.
25. Council approved the budget for 2023 as set out in document Info 168\_22 and amended the Administrative Bylaw to reflect an increase of the annual fee to \$1950 from \$1880. This is the first fee increase in 7 years.
26. Council nominated Dr. P. Meiers for the appointment to the University of Saskatchewan Senate.
27. Dr. M. Clark was appointed to the Quality of Care Advisory Committee.

28. Council dates were approved for 2023 as follows:

January 27 & 28, 2023  
 March 24 & 25, 2023  
 June 2 & 3, 2023  
 September 22 & 23 2023  
 November 24 & 25, 2023

29. Council heard a request for delay in the payment of costs for Dr. N Tandon. Submissions on behalf of Dr. Tandon were made by Ms. M. Ouellette and on behalf of the Registrar's Office by Mr. B. Salte. Council amended the penalty order for cost payments to begin April 1, 2023.

30. Council heard an application to remove restrictions pertaining to Dr. M. Horri's current restrictions which confine him to an office-based practice only. Submissions were made on behalf of Dr. Horri by Ms. M. Ouellette, and submissions were made on behalf of the Registrar's Office by Mr. B. Salte. Council agreed to amend Dr. Horri's undertaking to allow him to engage in hospital practice, subject to complying with bylaw 4.1 related to his change in scope of practice and entering into an undertaking addressing the circumstances in which he can engage in hospital practice in Estevan.

31. Council heard an application from the College whether Council should act under Section 36 of **The Medical Profession Act, 1981** which states:

*36 (1) The Council may direct the Registrar to strike the name of a person who is improperly registered from any register.*

*36 (2) On receiving a direction pursuant to subsection (1), the registrar shall strike that name.*

Submissions for the Registrar's Office were made by Mr. B. Salte and submissions on behalf of Dr. D. Davis were made by Ms. B. Holliday. Council approved the following resolution:

*Pursuant to section 36(1) of **The Medical Profession Act, 1981**, the Council directs the Registrar to strike the name of Dr. Debra Davis from the regular register of the College of Physicians and Surgeons on the basis that she was improperly registered.*

32. Council met to determine what order it would take under Section 45 of **The Medical Profession Act, 1981** subsequent to the Competency Hearing Committee's decision that Dr. A. Mugerwa "does not have adequate skill and knowledge in the practice of medicine". The following remedy was imposed:

*1. Pursuant to section 45(12)(b) of **The Medical Profession Act, 1981**, the Council hereby suspends Dr. Mugerwa effective December 1, 2022, unless prior to that date Dr. Mugerwa provides proof to the Registrar that Dr. Mugerwa has entered into a program of retraining that is satisfactory to the Registrar.*

*2. Pursuant to section 45(12)(b) of **The Medical Profession Act, 1981** the Council hereby suspends Dr. Mugerwa effective April 1, 2023, unless prior to that date Council has received information that satisfies it that a) Dr. Mugerwa has completed the*

*retraining program described in paragraph 1 and b) the remedial training program has resulted in Dr. Mugerwa regaining adequate skill and knowledge to practise.*

*3. The Council directs that, pursuant to section 45(12)(f) of **The Medical Profession Act, 1981**, Dr. Mugerwa's skills and knowledge be assessed after April 1, 2023, following the procedures for the assessment of physicians' skills and knowledge in section 45 of **The Medical Profession Act, 1981** and College regulatory bylaw 12.1, unless prior to the date*

*Council has received information that satisfies it that Dr. Mugerwa has completed the remedial training program described in paragraph 1 and that Dr. Mugerwa has regained adequate skill and knowledge to practise.*

*4. Pursuant to section 45(12)(g) of **The Medical Profession Act, 1981**, Council directs that Dr. Mugerwa pay the costs of and incidental to the investigation and hearing in the amount of \$12,030.30 on or before December 1, 2022, and directs that in the event that Dr. Mugerwa fails to pay the costs by that date Dr. Mugerwa's licence to practise medicine in Saskatchewan will be suspended until the costs are paid in full.*

*5. The Council reserves the right, upon application by Dr. Mugerwa, to revise any of the terms of this order.*

33. Council received a report from Ms. Torrance with respect to identified amendments to bylaws to reflect that the MCCEE examination is no longer available and that MCCQE1 is the required examination for licensure. The Council approved the amended bylaws which will be submitted to the Minister for approval.
34. Council reviewed a request for modified requirements for licensure for internationally trained physicians participating in a specific orthopaedic "Fellowship" training program. The program is designed to upgrade internationally trained specialists' orthopaedic skills for the service needs in their country. The matter was tabled until November to gather additional information from the Postgraduate Dean and a representative from the Orthopaedics Department. A committee was appointed comprising Dr. W. Oberholzer, Dr. O. Mabadeje, Dr. O. Igbekoyi, Dr. A. Beggs, Dr. Y. Kasim, Dr. C. Overli-Domes, Dr. A. Saxena and Dr. H. Rees.
35. The issue of whether to add five ENT procedures to the non-hospital treatment facilities bylaw was referred to the Health Facilities Credentialing Committee.
36. Council heard a request to amend an undertaking for Dr. J. Velestuk. Submissions on behalf of Dr. Velestuk were made by Mr. D. Thera and on behalf of the Registrar's Office by Mr. E. Thompson. Council adopted the following resolution:  
  
*The Council amends paragraph 7 of the penalty imposed on Dr. Velestuk in January, 2020. Council agrees to accept an undertaking in such form as may be agreed to by the Registrar and Dr. Velestuk related to his practice with Northern Medical Services in substitution for the undertaking set out in the penalty order.*
37. Council received information with respect to the College of Physicians and Surgeons of Alberta's Extended-Stay Standards and referred the matter to the Health Facilities Credentialing Committee.
38. Council received a report from the Deputy Registrar, Dr. W. Oberholzer with respect to a request from the Saskatchewan College of Paramedics to approve paramedic protocols pertaining to "treat and release patients". Council appointed a committee consisting of

Dr. W. Oberholzer, Dr. M. Chapelski, Dr. O. Igbekoyi, Dr. C. Overli-Domes, Dr. V. Olsen, Dr. S. Mueller, Dr. R. Basi, SCoP Representatives, Mr. R. Mackenzie, Dr. K. Erker and Dr. P. Kapur to review the matter and return to Council in November.

39. The status of bylaw report was provided by the Associate Registrar, Mr. B. Salte. All bylaws submitted to date have been approved.
40. Council approved the closed agenda as presented.
41. Council approved the closed session minutes from the June 18, 2022 meeting.
42. The President reported on the actions taken by the Executive Committee since the June Council Meeting.
43. Council approved the wording of a reprimand for Dr. S. Ziarko. The reprimand was delivered virtually. A written copy of reprimand will be provided to Dr. Ziarko and posted on the College website.
44. Council approved the wording of a reprimand for Dr. A. Cadili. The written reprimand will be provided to Dr. Cadili and posted on the College website.
45. Council approved the wording of a reprimand for Dr. I. Muhammad. The written reprimand will be provided to Dr. Muhammad and posted on the College website.
46. Council approved the wording of a reprimand for Dr. G. Dalshaug. The written reprimand will be provided to Dr. Dalshaug and posted on the College website.
47. Council approved reasons for its decision pertaining to the penalty imposed on Dr. S. Ziarko. The reasons will be provided to Dr. Ziarko and posted on the College website.
48. Council approved reasons for its decision pertaining to the penalty imposed on Dr. I. Muhammad. The reasons will be provided to Dr. Muhammad and posted on the College website.
49. Council approved reasons for its decision pertaining to the penalty imposed on Dr. G. Dalshaug. The reasons will be provided to Dr. Dalshaug and posted on the College website.
50. Council considered a preliminary inquiry committee report and laid charges of unprofessional conduct against a physician. The full charges will be posted on the College website.
51. Council directed that the Legislative Review Committee with the addition of Mr. Lionel Chabot review the bylaws related to conflict of interest.
52. Council reviewed two preliminary inquiry reports and determined no charges would be laid against either physician on several matters. However Council deferred its decision related to a possible conflict of interest until after the committee directed to review the Conflict of Interest bylaws reports to Council.

53. Council reviewed a preliminary inquiry report report and determined no charges would be laid against a physician.
54. Council reviewed a preliminary inquiry report and laid charges of unprofessional conduct against a physician. The full charge will be posted on the College website.
55. Council received for information a report on the role of the Discipline Hearing Administrator.
56. Council received an update on the progress of the discipline cases contained in the Discipline Tracker from legal counsel, Ms. S. Torrance.
57. Council received an update on the Quality of Care Tracker from the Deputy Registrar, Dr. W. Oberholzer.
58. The Registrar provided the CMA Physician Wellness Survey Report to Council and encouraged Councilors to read it.
59. The Registrar updated Council on the potential of Physician Assistants being considered as part of the workforce in Saskatchewan. This work is in the early stages of consideration.
60. The Registrar provided Council an update on the Saskatchewan College of Pharmacy Professionals' Emergency Bylaw Provision. This will permit pharmacists to assist in renewing prescriptions (up to three times) for patients with chronic disease who are stable and unable to visit their family practitioner.
61. Council engaged in an assessment of the meeting.
62. Mr. Salte provided a list of "For Action Items" from the meeting and their designation.