



EXECUTIVE SUMMARY

of the

15TH AND 16TH NOVEMBER, 2013 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 Robinson, Executive Assistant to the Registrar, at 500, 321A 21st Street East, Saskatoon, Saskatchewan, S7K 0C1, phone (306) 667 4625, Fax (306) 244 2600, or email OfficeOfTheRegistrar@cps.sk.ca.

1. Council received and discussed Monitoring Reports from the Registrar in respect to:
 - (a) The Registrar's advancement of Council's End 6 – Professionally Led Regulation and
 - (b) The Registrar's compliance with Council's Executive Limitations policies pertaining to:
 - (i) EL 14 – Development of Policies Governing the Practice of Medicine, and
 - (ii) EL 15 – Approval of Externally Generated Policies Governing the Practice of Medicine
2. Council amended a charge and conducted a penalty hearing pertaining to Dr. A. Ernst pursuant to Section 54 of *The Medical Profession Act, 1981*. Dr. Ernst pled guilty and a joint submission was accepted by Council. Council adopted the following resolution:

*Following Dr. Ernst's admission of unbecoming, improper, unprofessional or discreditable conduct pursuant to section 49 of **The Medical Profession Act, 1981**, the Council makes the following orders under section 54 of that Act:*

- 1) Pursuant to section 54(1)(e) of **The Medical Profession Act, 1981**, Dr. Alfred Ernst is hereby reprimanded.*
- 2) Pursuant to section 54 (1) (g) of **The Medical Profession Act, 1981**, Dr. Alfred Ernst is required to take an Ethics program in a form acceptable to the Registrar:*
- 3) Pursuant to section 54(1)(i) of **The Medical Profession Act, 1981**, Dr. Ernst is directed to pay the costs of and incidental to the investigation and hearing in the amount of \$3,839.84, such costs to be payable not later than December 15, 2013.*
3. Council received a report from the Registrar with respect to potential gifts for departing Councilors and determined that a pin and a certificate would be provided to Councilors for their service on Council. The pin will be provided to the Councilor at the start of their service and the certificate will be presented when they retire.
4. Council received a report from the Associate Registrar with respect to a request from the previous Associate Deputy Minister relating to physicians who receive bursaries and neither met their return of service commitments nor repaid those bursaries. Council reviewed the matter and acknowledged that the matter was complex. Council agrees the behaviour described could be viewed as improper but felt the action required to enforce the contract was not in the purview of Council's business and was not a matter to be reported on the Certificate of Standing.
5. Council reviewed a report from the Associate Registrar with respect to passwords and encryption and Council's access to Executive Committee documents. Council received an additional report from the Deputy Registrar indicating that the work is in progress.
6. Council received a report from the Associate Registrar with respect to Council Confidentiality Agreement. Council approved the template.
7. Council received a report from the Associate Registrar regarding medical tourism and possible guidance for physicians and patients. Council determined it did not wish to set policy in this area and will rely on the application of the Code of Ethics.
8. Council received a report from the Associate Registrar pertaining to an amendment of the Diagnostic Imaging Bylaw 25.1. The bylaw amendment allows non-specialists who operate facilities that provide restricted forms of ultrasound to apply to the Advisory Committee on Medical Imaging for permission to act as directors of such facilities. The bylaw amendment also allows non-specialists who interpret restricted forms of ultrasound to apply to the Advisory Committee on Medical Imaging for permission to interpret ultrasound scans from such facilities.
9. Council received a request from the Registrar and approved a change to the date of the September 2014 Council meeting to be September 19th and 20th. Council also approved a change in date for the Annual General Meeting and Educational session to be in association with the June Council meeting.

10. Council approved privileges as recommended by the Health Facilities Credentialing Committee for a physician who works in a private facility.
11. Council agreed to the recommendations provided by the Health Facilities Credentialing Committee that *“the Alberta standards applicable in Saskatchewan for non-hospital treatment facilities that perform corneal refractive surgery are modified by removing the requirement that patients will receive a full history and physical, and substituting a requirement that patients receiving only corneal refractive surgery need only receive a targeted history and physical which provides the ophthalmic history as well as a medical screening at the facility which includes pertinent medical history and current medications.”*
12. Council received a report from the Associate Registrar regarding the Health Facilities Credentialing Committee recommendations that the College become involved in the regulation of laser use by physicians. Council referred the matter to a sub committee.
13. Council received a request from Dr. G. Carson to consider re-establishing or re-constituting a committee that would review perinatal maternal mortality and severe maternal morbidity. Council directed the Registrar to gather information from programs in other provinces and survey other stakeholders including the RHAs and the Ministry of Health as to whether there is a desire to establish a provincial program and database.
14. Council reviewed the recommendations of a sub committee on the prescribing of medical marihuana and approved the adoption of a bylaw that will govern this practice.
15. Council received a report from the Registrar with respect to the advancement of work pertaining to a new strategic plan.
16. Council reviewed the following policies, and reaffirmed approval of the policy and assigned a new sunset date:
 - i. Licensure of physicians to work in limited roles – 5 year sunset date
 - ii. Policy regarding ultrasound for non medical reasons – 5 year sunset date
 - iii. The practice of Telemedicine – 3 year sunset date
 - iv. Renewal questions – use of information by the College. Council amended the policy and approved a sunset date of 5 years.
17. Council received several reports from the Director of Registration Services with respect to the summative assessment process for family physicians completing SIPPA. Council approved the summative assessment process and recommended enduring licensure for a number of family physicians who have successfully completed the SIPPA process and the supervision and summative assessment requirements.
18. Council received a report from the Director of Registration Services with respect to the summative assessment process used to assess specialists and approved the process. Council further approved the summative assessment for several specialist physicians and provided recommendations for an enduring form of licensure; a permanent provisional licence.

19. Council reviewed nominations to the Radiation Health and Safety Committee and approved the following names to be forwarded to the Ministry:

Dr. Sandra Rayson
Dr. Wayne Clarke
Dr. Shazia Mahmood
20. Council appointed a replacement for a College appointee on the Joint Medical Professional Review Committee. Council considered three nominees and appointed Dr. Jennifer Hilton.
21. Council conducted a penalty hearing pertaining to Dr. M. C. Moolman pursuant to Section 54 of *The Medical Profession Act, 1981*. Dr. M. C. Moolman pled guilty and a joint submission was accepted by Council. Council adopted the following resolution:

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

*1) Pursuant to section 54 (1) (b) of **The Medical Protection Act, 1981**, Dr Martinus Charl Moolman is suspended from the privileges of a duly qualified medical practitioner for a period of seven days, commencing 12:01 a.m. November 16, 2013 and continuing until 11:59 p.m. on November 22, 2013;*

*2) Pursuant to section 54 (1) (g), of **The Medical Protection Act, 1981**, Dr. Martinus Charl Moolman is required to take the next available Boundaries, Ethics and Professionalism course put on by the College of Physicians and Surgeons of British Columbia, or such other boundaries education course as may be approved by the Registrar;*

3) Dr. Martinus Charl Moolman will enter into an undertaking with the College of Physicians and Surgeons that he will only practise medicine within a facility operated by a Regional Health Authority and, other than when he is practising exclusively as a surgical assistant, he will:

a. Have a chaperone, approved by the Regional Health Authority, present throughout the entire time that he is present with female patients; and

b. Practise only in an environment in which a sign is posted in an area where it will be observed by patients that he will have a chaperone present throughout the time that he is present with female patients.

*4) Pursuant to section 54 (1)(i) of **The Medical Protection Act, 1981**, Dr. Martinus Charl Moolman is directed to pay the costs of and incidental to the investigation and hearing in the amount of \$1,753.75, payable prior to January 1, 2014;*

*5) Pursuant to section 54 (2) of **The Medical Protection Act, 1981**, Dr. Martinus Charl Moolman's licence is suspended in the event of his failure to pay the costs and will remain suspended until the costs are paid in full;*

*6) Council reserves the right to amend the terms of this order by extending the time for payment of the costs, by arranging for the payment of costs over time or by installments, or by reducing or forgiving the payment of the costs and, in the event of such an amendment, the Council may impose such additional conditions pertaining to payment and suspension of Dr Moolman's license for the non-payment as may be permitted by **The Medical Profession Act, 1981**.*

The suspension period of seven days took into consideration that the regional health authority had imposed a previous suspension of five weeks.

22. Council received a report from the Pharmacy Advisory Committee.
23. Council received a presentation from Dr. David Peachey from Health Intelligence and Associates, and Dr. Bruce Murray with respect to the provincial Physician Resource Planning Initiative.
24. Council received a report from the committee reviewing a policy on clinics established to provide episodic care but which provide ongoing care to patients with chronic conditions. Council approved in principle the draft policy and directed the Registrar to send it out for stakeholder input.
25. Council received a report from the Director of Registration Services and extended the temporary licence of a physician to allow him to seek training as required by the Royal College of Physicians and Surgeons in order to re-establish eligibility to write the Foundations of Surgery.
26. Council received a report from the Dennis Kendel Distinguished Service Award's Committee. Council directed the committee to review and refine the form that is used to collect information about the nominees.
27. Council received a report with respect to the building update.
28. Council received a report from the Registrar updating Council on one of the programs operated by the College of Physicians and Surgeons on a contract basis and one of the committees that requires Council to appoint membership.
29. Council reviewed a Preliminary Inquiry Report pertaining to Dr. A. H. Luhnig and laid two charges of unprofessional conduct.

Charge 1

*You Dr. Allan Luhnig 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)(vii) and/or bylaw 8.1 (v)(ix) 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) In the period up to and including October, 2012, you failed to make appropriate arrangements to complete hospital records for those patients for whom you had provided hospital care;

*(b) Paragraph 12 of **The Hospital Standards Regulations, 1980** state that the Board shall require the attending physician to record a medical history of the patient, record a physical examination of the patient and record a provisional diagnosis of the patient's condition;*

*(c) Paragraph 13 of **The Hospital Standards Regulations, 1980** require that the attending physician is to complete a discharge summary for patients' health record within seven days after the patient's separation;*

*(d) Paragraph 13 of **The Hospital Standards Regulations, 1980** require that the attending physicians complete and sign patients' health record within twenty-one days of the patient's separation;*

(e) Paragraph 13 of **The Hospital Standards Regulations, 1980** require that the attending physicians sign those parts of the health record for which the physician is responsible.

(f) Paragraph 14 of **The Hospital Standards Regulations, 1980** require that for each outpatient, the attending physicians will prepare a report of the nature and extent of the injury or illness, the diagnostic procedures undertaken, the treatment given, and the diagnosis and disposal of the case, which shall be completed and signed within forty-eight hours by the attending physician,

(g) You did not comply with the provisions of paragraph 12 and/or 13 and/or 14 of **The Hospital Standards Regulations, 1980**.

Charge 2

The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.5 and 47.6 of **The Medical Profession Act, 1981**, the Discipline Committee hear the following charges against Dr. Allan Luhning, namely:

1. You Dr. Allan Luhning are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) and/or section 46(p) of **The Medical Profession Act, 1981** s.s. 1980-81 c. M-10.1, and/or bylaw 16.1 and/or bylaw 16.2 of the bylaws of the College of Physicians and Surgeons.
The evidence that will be led in support of this charge will include one or more of the following:
 - (a) On our about April 4, 2013, Dr. Karen Shaw, Registrar of the College of Physicians and Surgeons wrote to you asking you to provide information as set out in that letter;
 - (b) On our about April 26, 2013, Dr. Karen Shaw, Registrar of the College of Physicians and Surgeons wrote to you asking you to provide information as set out in that letter;
 - (c) You did not respond to the request contained in the letter of April 4, 2013 as required by bylaw 16.1 and/or bylaw 16.2 of the bylaws of the College of Physicians and Surgeons of Saskatchewan;
 - (d) You did not provide the information or explanation requested in the letter of April 4, 2013 to the best of your ability to do so; and/or
 - (e) You did not provide the information requested in the letter of April 4, 2013 with 14 days of receipt of that request;
 - (f) You did not respond to the request contained in the letter of April 26, 2013 as required by bylaw 16.1 and/or bylaw 16.2 of the bylaws of the College of Physicians and Surgeons of Saskatchewan;
 - (g) You did not provide the information or explanation requested in the letter of April 26, 2013 to the best of your ability to do so; and/or
 - (h) You did not provide the information requested in the letter of April 26, 2013 within 14 days of receipt of that request.

30. Council reviewed a report from the Associate Registrar and reviewed the activity of legal counsel at the College of Physicians and Surgeons on the outstanding discipline investigations.