



## **EXECUTIVE SUMMARY**

**of the**

**21 & 22 MARCH, 2014 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 21<sup>st</sup> Street East, Saskatoon, Saskatchewan, S7K 0C1, phone (306) 667 4625, Fax (306) 244 2600, or email [OfficeOfTheRegistrar@cps.sk.ca](mailto: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 3 – Quality Health Care System, and
  - (b) The Registrar's compliance with Council's Executive Limitation policies pertaining to:
    - (i) EL - 7 – Regulatory Functions, and
    - (ii) EL – 9 – Communication and Support to Council, and
    - (iii) EL – 10 – Emergency Executive Succession
2. Council received a report from the Annual General Meeting and Educational Session Planning Committee for the 2014 Annual General Meeting. Council provided feedback to the committee relating to its preference to include a non-physician speaker in one of the sessions. This was as a result of taking into consideration the evaluation feedback received from the 2013 educational session.
3. Council reviewed an updated agenda with assigned speakers for the presentations for the Federation of Medical Regulatory Authorities of Canada's Annual General Meeting. This meeting will take place in Saskatoon on June 7, 8 and 9.

4. The Registrar provided a report with respect to FMRAC's Inaugural Board Meeting held on the 11 and 12 February, 2014 in Ottawa. Reference was made to the updated national standards for licensure, presented at that meeting.
5. The Registrar provided an update on the activities of the National Assessment Collaboration Practice Ready Assessment on family practice, psychiatry and internal medicine. The Registrar reported that the standards developed for a practice ready assessment of foreign trained family physicians were approved in May but work continues on sustainability and the business model. Work has started on standards for a practice ready assessment for foreign trained specialists in psychiatry and internal medicine. The National Assessment Collaboration Practice Ready Advisory Group has partnered with the Royal College of Physicians and Surgeons of Canada for this development work.
6. The Council continued work on its strategic plan. Council approved the strategic framework for mission, vision and values, the strategy map and adopted in principle the College of Physicians and Surgeons of Saskatchewan's 5 year strategic-operational plan – 2014 to 2019. The plan was approved in principle and work will continue on mapping the new initiatives over the five years.

Council also reviewed the CPSS annual operational plan for 2014 with highlighted priorities and the draft CPSS Council annual planning cycle and workplan for 2014. Council discussed how it might review its governance processes and directed a small working group to work on a template for Council to use to assess its performance. It also directed the development of an additional tool to assist in the performance of the Registrar.

7. Council met with Mr. Ray Joubert, Registrar of the Saskatchewan College of Pharmacists and Mr. Barry Lyons, President of the Saskatchewan College of Pharmacists with respect to ongoing discussions pertaining to prescriptive authority of pharmacists.
8. Council received an update from the Registrar with respect to the development of guidelines and/or understandings relating to the operation of the Physician Health Program. Dr. Shaw provided an update on this work and the recommendations from the Alberta Institute of Law's report; *Physicians with Health Conditions Law and Policy Reform to Protect the Public and Physician-Patients*.
9. Council received a report from the Registrar with respect to stakeholder feedback on the recommendation of the Health Facilities Credentialing Committee to rescind several policies. These policies include Exercise Stress Testing, Exercise ECG Stress Testing and Assessing Skills and Knowledge in Flexible Sigmoidoscopy, Flexible Gastroscopy and Colonoscopy. Council was asked to consider whether there is a need to have guidelines or policies for such procedures that might be carried out in private facilities/clinics. The Registrar summarized the feedback received to date respecting these policies. The Feedback to date suggests that policies should be in place if these procedures will be performed in a private clinic or facility.

10. Council approved a Conflict of Interest Policy and approved a sunset date of 5 years.
11. Council received a report from the Associate Registrar on the Working Group's policy on Confidentiality. Council provided positive feedback on the format and content of the draft policy and directed the Working Group to continue its work.
12. Council received a report from the Deputy Registrar with respect to the draft document, Policy on Clinics Established to Provide Episodic Care but which Provide Ongoing Care to Patients with Chronic Conditions. Council reviewed the feedback provided by the Saskatchewan Medical Association and directed staff to meet with the SMA to discuss their concerns.
13. Council considered a request from the Associate Registrar to set a sunset date for the Assisted Reproductive Technology standard previously approved by Council. Council adopted a 3 year sunset date from the date of the original approval.
14. Council reviewed policies recommended by the Opioid Advisory Committee and Dr. Morris Markentin, the Medical Manager of the Methadone Program, pertaining to:
  1. Methadone Policy for Stable Patients – Pain
  2. Methadone Policy for Stable Patients - Addiction
  3. Methadone Policy for Dependence
  4. Methadone Policy for Pain

These policies were liberally adapted from policies for the College of Physicians and Surgeons of Alberta. Council approved these documents and noted they will provide guidance for physicians who are authorized to prescribe Methadone in Saskatchewan and will also provide the framework for the College when it decides whether to recommend a physician be granted an exemption to prescribe Methadone and when auditing a physician's performance. One of the Councilors raised an issue with the treatment of hospitalized patients who are on Methadone and asked that this issue be raised with the Opioid Advisory Committee and the Medical Manager of the Methadone Program.

15. Council reviewed its previous policy on Medical Marijuana which was outdated and rescinded it. The newly approved Bylaw will provide the guidance necessary for practice in this area.
16. Council reviewed a Conflict of Interest policy for employees and approved its use for CPSS employees.
17. Council received reports from the Associate Registrar and an ophthalmologist pertaining to the Saskatchewan Association of Optometrists' request for a Bylaw amendment. Council noted the opinion of the ophthalmologist that the collaborative model proposed in the Saskatchewan Association of Optometrists' Bylaw did not mirror the national recommendation for collaborative practice. Council determined it was not in a position to provide its opinion regarding the requested Bylaw amendments. It further recommended that the Saskatchewan Association of Optometrists meet with the section of ophthalmology to further discuss the proposed changes.

18. Council reviewed the Saskatchewan Registered Nurses' Association and the College of Physicians and Surgeons of Saskatchewan Joint Statement on Advanced Clinical Protocols and approved the joint statement.
19. Council received a report from the Associate Registrar on the status of College Bylaw amendments.
20. Council received a report from the Associate Registrar on a proposed change to the definition of sexual impropriety. Council approved the following be included as point 5 in Bylaw 8.1(a) (ii) *"initiating or participating in a conversation regarding the sexual problems, preferences or fantasies of the physician."*
21. Council received a report from the Associate Registrar with respect to Certificates of Professional Conduct and approved a draft bylaw in principle so that the normal consultation process could occur.
22. Council reviewed a request to amend the Bylaw – Prescription of Marihuana to clarify the reporting responsibilities of physicians who have prescribed marihuana. Council approved the Bylaw amendment by adding the words "to the College of Physicians and Surgeons" in paragraph (g) *A physician who prescribes marihuana to one or more patients shall provide a copy of the record required by paragraph (e) to the College of Physicians and Surgeons.*
23. Council considered a request to amend Bylaw 2.9 pertaining to Temporary Licences. Council approved the amendment to Bylaw 2.9 deleting the date July 1, 2014 and substituting the date July 1, 2015. Although Council contemplates that this category of licence will not exist indefinitely, until the Council has its new registration bylaws approved by the Ministry, it will require this category be available.
24. Council approved bylaw amendments to recover part of the costs associated with dealing with physicians who have not met the MainPro or Maintenance of Certification requirements when renewing their licences. In January Council had approved in principle changes to the Administrative Bylaws and changes to the Regulatory Bylaws to address cost recovery from physicians who fail to meet the continuing professional development requirements under Bylaw 5.1. Council was advised that the consultative process with the Ministry of Health and the Saskatchewan Medical Association has produced no concerns with the proposed Bylaw amendments. Council approved the proposed Administrative Bylaws to outline the fees payable by physicians who fail to comply with the regulatory bylaw 5.1 Standards for Continuing Education and Maintenance of Membership. Council also approved the draft wording for change to the Regulatory Bylaw to enforce payment of the fees approved in Administrative Bylaw 9.2.
25. Council reviewed a request by the Advisory Committee on Medical Imaging (ACMI) to amend Bylaw 25.1. The bylaw was amended to require an ultrasonologist to be available in all situations that ultrasound technologists perform ultrasound imaging. The bylaw provides that immediate ability to view dynamic and static images is deemed to be the same as having on-site supervision.
26. Council approved the appointment of Mr. G. Mitchell to the Discipline Committee.

27. Council approved revised criteria for the Dennis Kendel Distinguished Service Award.
28. Council reviewed registration Bylaw amendments and approved the registration Bylaws as presented by the Associate Registrar.
29. Council received a presentation from Dr. Rocco Gerace the current President of the Federation of Medical Regulatory Authorities of Canada with respect to issues of mutual interest across the country including transparency, physicians affected with blood borne viruses and the ageing physician.
30. Council considered a request for licence restoration from Dr. Amjad Ali. Council considered presentations made by Mr. Kraushaar legal counsel for Dr. Ali and Mr. Bryan Salte. Council declined Dr. Ali's application. Reasons are to follow.
31. Council heard an appeal for denial of licensure. The Registrar previously decided that Dr. Runsewe would not be granted an educational licence if he was selected to be assessed for a second time in the SIPPA assessment. Council denied the appeal after hearing Dr. Runsewe's presentation. Reasons are to follow.
32. Council considered a Preliminary Inquiry Report pertaining to Dr. O. Onasanya. Council laid a single charge, 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. Olanrewaju Onasanya, namely:*

*You Dr. Olanrewaju Onasanya are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) and/or 46(p) of **The Medical Profession Act, 1981** S.S. 1980-81 c. M-10.1 and bylaw 8.1(b) (ix) and/or 46(p) of **The Medical Profession Act, 1981** S.S. 1980-81 c. M-10.1 and bylaw 8.1(b) (xvi) of the bylaws of the College of Physicians and Surgeons of Saskatchewan. The evidence that will be lead in support of this charge will include the following:*

- a) *A female person hereinafter referred to in this charge as patient number 1 was your patient;*
- b) *On or about the 17<sup>th</sup> day of March, 2011, patient number 1 attended upon you with a concern that she had a cervical abnormality;*
- c) *You commented to patient number 1 that she was an "attractive woman" or made a comment of similar meaning;*
- d) *You made a comment to patient number 1 "nice rings" or a comment of similar meaning in relation to her clitoral piercings;*
- e) *You performed a breast examination upon patient number 1 in a manner that did not meet proper medical standards;*
- f) *The breast examination you performed on patient number 1 included squeezing her breasts repeatedly;*
- g) *You performed a pelvic examination on patient number 1 in a manner that did not meet proper medical standards;*
- h) *You performed a pelvic examination on patient number 1 which included repeatedly moving your fingers in and out of her vagina;*

- i) *You performed a pelvic examination on patient number 1 which included you rubbing her clitoris.*
33. Council reviewed the charges that were laid against Dr. A. Luhning in November, 2013 and determined that if Dr. Luhning meets certain conditions it is Council's expectation that the charges would be withdrawn. Council adopted the following motion: *The Council directs that no further action be taken in relation to the charges laid November, 2013 against Dr. Luhning until further decision of the Council. The matter is adjourned to the second meeting of the 2015 year, or such earlier date as may be directed by the president. It is Council's expectation that provided Dr. Luhning remains compliant with the Physician Health Program for the next year, Dr. Luhning undergoes a chart review at his expense prior to one year which, in the opinion of the Registrar, indicates that his charting practices are acceptable and Dr. Luhning does not engage in conduct within the next year that results in an investigation of possible unprofessional conduct, the charges laid by the Council in November, 2013 will be withdrawn when the matter is next considered by the Council.*
34. Council received a report from the Registrar with respect to the outcome of the Lean review of registration services from LTS Consulting. Registration services participated in a lean exercise to determine if efficiencies could be gained in the College's registration processes; in particular in processing those candidates eligible for SIPPA. The outcome of the project indicated that the College should continue with its continuous quality improvement work within registration services, but in the opinion of the consultant, the larger opportunity for improvements in this area would require system rather than College improvements.
35. Council received a report from the Registrar and the President with respect to the meeting with Minister Duncan and his staff.
36. Council received an update and demonstration of the new website from the Deputy Registrar.
37. Council reviewed a report from the Associate Registrar and reviewed the activity of legal counsel of the College of Physicians and Surgeons on the outstanding discipline investigations.
38. Council received an update on the building project.