



EXECUTIVE SUMMARY
of the
19 & 20 SEPTEMBER, 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 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 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, and
 - (ii) EL – 4 – Financial Condition, and
 - (iii) EL – 5 – Asset Protection, and
 - (iv) EL – 8 – Compensation and Benefits
2. Council received a report from the Registrar with respect to the development of guidelines or understandings relating to the operation of the Physician Health Program. Council adopted the guiding principles and determined it would continue to consider the recommendations from the Alberta Health Law Institute

report *Physicians with Health Conditions – Law and Policy Reform to Protect the Public and Physician-Patients*.

3. Council reviewed and approved in principle a guideline for patient confidentiality. Stakeholder input will be sought prior to the document coming back to Council for approval in November.
4. Council reviewed and approved an amendment to Governance Policy GP-8 for an increase in the hourly rate for remuneration for Council and Committee members.
5. Input from Council was sought from the President who raised a concern about privacy issues in emergency and other departments of health facilities. Council approved the President sending a letter to the Minister of Health expressing its concerns.
6. Council reviewed and rescinded a policy *Assessing Skills and Knowledge in: Flexible Sigmoidoscopy, Flexible Gastroscopy and Colonoscopy*.
7. Council approved in principle an amendment to Bylaw 26.1 in order for Flexible Sigmoidoscopy to be performed in a non hospital treatment facility setting. Council will seek stakeholder input prior to bringing the bylaw amendment back to Council for approval in November.
8. Council was provided feedback from the Opioid Advisory Committee with respect to Methadone Maintenance in Hospitals. Additional communication with respect to the particular issues will be facilitated by the Registrar.
9. Council received a report from the Associate Registrar with respect to the policy Medical Practice Coverage and determined that it would like to review the policy and update the companion document. A committee of Councilors was appointed to carry out this work.
10. Council reviewed a request from the Associate Registrar to provide a sunset date for the Methadone policies that were previously approved. A sunset date of March 2017 was established for review of these policies.
11. *The Role of Physicians in Certifying Illness Policy* was reviewed and approved in principle. The policy will be sent to the SMA for input prior to bringing back the policy in November.
12. Council received a report from the Associate Registrar on Conscientious Objection to Providing Medical Care and appointed a committee to assist the Council in reviewing the matter and developing policy.
13. Council appointed Dr. Johann Kriegler as a member of the Complaints Resolution Advisory Committee.

14. Council reviewed the summative assessment of a physician and determined it required additional information prior to considering an enduring form of licensure. The matter was deferred until the November Council meeting.
15. Council reviewed the summative assessment of a physician and approved an enduring form of licensure.
16. Council received a quarterly financial report from the Chief Financial Officer and accepted that report.
17. Council reviewed the draft 2015 budget, approved it and set the annual fee at \$1800.
18. Council reviewed a document from the Associate Registrar and approved a number of Administrative Bylaw amendments regarding licensing fees.
19. Council received a report from the Director of Registration Services regarding the request from the Saskatoon Health Region to approve a Neonatology Clinical Assistant Program. Council approved the program as presented.
20. Council received a report with respect to the Annual General Meeting and Educational Session evaluation from the June, 2014 event and determined that it would continue with an Annual General Meeting and Educational Session and chose June 20, 2015 as the date.
21. Council received a report from the Director of Registration Services and the Chair of the Registration Committee on a number of registration issues. Council approved the following recommendations:
 - i. *Revised Bylaws to accept certification from the Collège des Médecins du Québec as equivalent to certification with the Royal College of Physicians and Surgeons of Canada.*
 - ii. *Accept the USMLE qualification as the standard for registration with flexibility to the Registrar to accept the NBME or FLEX in exceptional circumstances as medical licensing examinations from the United States that are acceptable to Council.*
 - iii. *Approve the standard for currency of practice for practice supervisors and assessors as three years.*
 - iv. *Approve the current model of pre-licensure assessment that is accepted by the Royal College of Physicians and Surgeons for the purpose of obtaining access to Canadian specialty examinations through the Practice Ready Assessment route (PRA) for those internationally trained specialists who require a pre-licensure assessment.*
 - v. *Approve the current CPSS practice supervision model for Canadian trained and internationally trained specialist physicians who require practice supervision.*

- vi. *Approve the existing process of summative assessment described in the document entitled “College of Physicians and Surgeons of Saskatchewan Summative Assessment Process for Physicians Following a Pre-Licensure Assessment AND a Period of Supervised Practice” for specialist physicians who require a summative assessment.*
 - vii. *Internationally-trained physicians who are licensed to work in limited roles as clinical assistants will not be required to pass any additional exams.*
 - viii. *Internationally-trained physicians who are licensed to work in limited roles as surgical assistants will not be required to pass any additional exams.*
 - ix. *Require annual confirmation from the College of Medicine that physicians who are granted academic registration remain eligible for registration.*
 - x. *Physicians who have been granted additional time to obtain the Medical Council of Canada examinations during the transition to new bylaws should be granted a one year period to meet registration requirements. Failure to do so may result in direction from Council that the physician should wind down his/her medical practice.*
 - xi. *That the process recommended by Dr. A. Muller, CME Office, College of Medicine be approved for physicians who seek to change their scope of practice.*
22. Council considered two other registration related issues. Council deferred a decision to accept the COMLEX examination for physicians with a DO degree until such a time as there is greater clarity regarding the joint accreditation by the ACGME and the AOA. Council received a verbal report from the Registrar raising concerns related to registration of SIPPA applicants and advised the issues would be raised with the SIPPA Advisory Committee.
23. Council received a report from the Registrar indicating that the Royal College of Physicians and Surgeons (RCPSC) has approved the Medical Regulatory Authorities as being “physician organizations” for the purpose of allowing our educational sessions to be reviewed by appropriate continuing medical education departments for eligibility for RCPSC credits.
24. Council reviewed a report from the Associate Registrar and amended the Registration Bylaw to accept certification by the Collège des Médecins du Québec as an alternative to certification by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada.
25. Council adopted a bylaw amendment to require medical records for patients to be in the English language.
26. Council received a report from the Registrar which included the outcome of the project feasibility report ‘Document Management System’ by two MBA students

of the Edwards School of Business. Council approved the Registrar to move forward in choosing and implementing a document management system.

27. Council received a report from the Associate Registrar and reviewed a draft guideline relating to the Transfer of Medical Records and approved in principle the draft. Council will seek the SMA's input prior to bringing the policy back for approval at the November Council meeting.
28. Council received a report from the Associate Registrar and reviewed draft policies relating to primary care and operation of clinics that provide episodic care. Council approved in principle the draft documents. Council will seek the SMA's input prior to bringing the policy back for approval at the November Council meeting.
29. Council adopted the following dates for Council for 2015:
 - January 16 and 17
 - March 27 and 28
 - June 19 and 20 (AGM)
 - September 18 and 19
 - November 20 and 21
30. Council received a report from the Director of Registration Services on the annual review of physicians who have lost Royal College of Physicians and Surgeons eligibility and approved short term provisional licensure for a period of one year for the purpose of re-establishing eligibility with the Royal College or winding down their practices, for a number of physicians.
31. Council reviewed a report from the committee that reviewed the Regulation of Office Procedures and approved in principle a Bylaw amendment for the regulation of laser therapy, hair transplantation and injection of bioactive agents. Stakeholder input will be sought and the amendment will be revisited in November.
32. Council received a report from the Communications Officer with respect to the communications strategy developed as part of the overall strategic plan. Council approved the communications strategy as presented.
33. Council received a report from the Associate Registrar with respect to a possible Bylaw amendment pertaining to Delegation to Registered Nurses. Council approved in principle the draft Bylaw amendment and will seek further stakeholder input prior to Council revisiting the matter at the November Council meeting.

34. Council reviewed the request from the Health Facilities Credentialing Committee to recommend privileges to Dr. P. Naude and Dr. W. Sheikh and approved privileges for both physicians with respect to their work in a non hospital treatment facility.
35. Council received a report from the Associate Registrar on the status of Bylaws. All Regulatory Bylaw amendments have been approved and Gazetted.
36. Council conducted a penalty hearing pertaining to Dr. Aasim Malik pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Malik entered a guilty plea to the charge laid by Council that he failed to respond to communications from the College 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 penalty on Dr. Aasim Malik pursuant to **The Medical Profession Act, 1981**:*

Pursuant to Section 54(1)(f) of The Medical Profession Act, 1981, the Council imposes a fine of \$1,500 on Dr. Malik, payable forthwith.

37. Council received a report from the Registrar with respect to interactions with the Ministry regarding funding and contracts.
38. Council reviewed a Preliminary Inquiry Committee report pertaining to Dr. Lanishen Bhagaloo and the following charge was laid:

*The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.5 of **The Medical Profession Act, 1981**, the Discipline Committee hear the following charge against Dr. Lanishen Bhagaloo:*

*1) You Dr. Lanishen Bhagaloo 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 lead in support of this charge will include some or all of the following:

- a) You practised medicine at the Midway Walk-in Healthcare Centre (hereafter called "Midway") in Regina, Saskatchewan until approximately May 27, 2013;*
- b) After approximately May 27, 2013 you practised medicine at Gateway Alliance Medical in Regina (hereafter called "Gateway");*
- c) In July, 2013 Gateway authorized the mailing of several thousand notices to individuals, advising them of the opening of Gateway;*
- d) You caused or permitted the notices to be sent;*

- e) *You failed to exercise due diligence to ensure that notices to individuals were provided in a manner consistent with legal and/or ethical expectations;*
- f) *Some or all of the notices were addressed to individuals who you, or other physicians associated with Gateway, once had a professional relationship;*
- g) *Some or all of the names to whom the notices were addressed were obtained as a result of professional services rendered to the individuals to whom the notices were addressed;*
- h) *Some or all of the mailing addresses to which the notices were mailed were obtained as a result of professional services rendered to the individuals to whom the notices were addressed;*
- i) *The notices contained information not related to the provision of ongoing care or continuity of care to patients, including:*
 - i. *The names of all the physicians working at Gateway;*
 - ii. *That allied services available at Gateway included a Chiropractor, Dr. Matheson;*
 - iii. *That allied services available at Gateway included a podiatrist, Dr. Bagha;*
 - iv. *That allied services available at Gateway included a psychologist, Dr. Pitirau;*
 - v. *That allied services available at Gateway included a Nutritional & Wellness Consultant, Daniel Ince;*
 - vi. *That allied services available at Gateway included a lifestyle coach, Indranie Pilly;*
 - vii. *That allied services available at Gateway included a Neuropsychologist, Dr. Alfano;*
 - viii. *That allied services available at Gateway included a Massage Therapist, Colleen Fraser;*
 - ix. *A notice that Gateway was accepting new patients;*
 - x. *A notice that walk-ins were available daily.*
- j) *Some or all of the information to send the notices was obtained from Midway;*
- k) *Information to send the notices which was obtained from Midway was obtained without the consent of Midway;*
- l) *Information to send the notices which was obtained from Midway was obtained without the consent of the individuals to whom the notices were addressed;*
- m) *The use of the patient information to send the notices occurred without the consent of the patients to whom notices were sent;*
- n) *The use of the patient information to send the notices was not consistent with the purpose for which the information was provided by the patients to whom the notices were sent.*

39. Council received a Preliminary Inquiry Committee report pertaining to Dr. Nivas Juggernath and laid a 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 charge against Dr. Nivas Juggernath:

*1) You Dr. Nivas Juggernath 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 lead in support of this charge will include some or all of the following:

- a) You practised medicine at the Midway Walk-in Healthcare Centre (hereafter called "Midway") in Regina, Saskatchewan until approximately May 27, 2013;*
- b) After approximately May 27, 2013 you practised medicine at Gateway Alliance Medical in Regina (hereafter called "Gateway");*
- c) In July, 2013 Gateway authorized the mailing of several thousand notices to individuals, advising them of the opening of Gateway;*
- d) You caused or permitted the notices to be sent;*
- e) You failed to exercise due diligence to ensure that notices to individuals were provided in a manner consistent with legal and/or ethical expectations;*
- f) Some or all of the notices were addressed to individuals who you, or other physicians associated with Gateway, once had a professional relationship;*
- g) Some or all of the names to whom the notices were addressed were obtained as a result of professional services rendered to the individuals to whom the notices were addressed;*
- h) Some or all of the mailing addresses to which the notices were mailed were obtained as a result of professional services rendered to the individuals to whom the notices were addressed;*
- i) The notices contained information not related to the provision of ongoing care or continuity of care to patients, including:*
 - i. The names of all the physicians working at Gateway;*
 - ii. That allied services available at Gateway included a Chiropractor, Dr. Matheson;*
 - iii. That allied services available at Gateway included a podiatrist, Dr. Bagha;*
 - iv. That allied services available at Gateway included a psychologist, Dr. Pitirau;*
 - v. That allied services available at Gateway included a Nutritional & Wellness Consultant, Daniel Ince;*
 - vi. That allied services available at Gateway included a lifestyle coach, Indranie Pilly;*
 - vii. That allied services available at Gateway included a Neuropsychologist, Dr. Alfano;*
 - viii. That allied services available at Gateway included a Massage Therapist, Colleen Fraser;*
 - ix. A notice that Gateway was accepting new patients;*
 - x. A notice that walk-ins were available daily.*

- j) Some or all of the information to send the notices was obtained from Midway;*
- k) Information to send the notices which was obtained from Midway was obtained without the consent of Midway;*
- l) Information to send the notices which was obtained from Midway was obtained without the consent of the individuals to whom the notices were addressed;*
- m) The use of the patient information to send the notices occurred without the consent of the patients to whom notices were sent;*
- n) The use of the patient information to send the notices was not consistent with the purpose for which the information was provided by the patients to whom the notices were sent.*

40. Council reviewed a Preliminary Inquiry Committee report pertaining to a physician and determined that no charges of unprofessional conduct would be laid.
41. Council reviewed a Preliminary Inquiry Committee report pertaining to Dr. Alfred Ernst and laid a charge as follows:

*The Council 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 charge 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(l), and/or 46(p) of **The Medical Profession Act, 1981** S.S.1980-81 c. M-10.1 and bylaw 8.1(b)(iii) of the bylaws of the College of Physicians and Surgeons of Saskatchewan, by excessive billing.*

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

- (a) you caused or permitted excessive billing for your services by claiming first-patient surcharges when the circumstances did not justify the charge;*
- (b) you caused or permitted excessive billing by charging code 91 S when the circumstances did not justify the charge; and*
- (c) you caused or permitted excessive billing by charging code 881 L when the circumstances did not justify the charge;*
- (d) you failed to exercise due diligence to ensure that you billed appropriately for first-patient surcharges, and/or Code 91S and/or code 881L.*

42. Council reviewed a Preliminary Inquiry Committee report pertaining to Dr. David Campbell and directed that a charge of unprofessional conduct be laid alleging that he failed to appropriately monitor a patient who had received anaesthesia. The wording of the charge will be determined at a later time.

Council further directed the Registrar to manage a second matter of the transport of medications including narcotics from a regional health facility to a private facility by way of letter to Dr. Campbell and the CEO of the Saskatoon Health Region.

43. Council received a report from the Dennis Kendel Distinguished Service Award Committee. Council directed the committee to provide the nominations and supporting documentation to Council in preparation for an email ballot.
44. Council received a report from the Associate Registrar with respect to the status of the outstanding discipline investigations.
45. Council received a report with respect to the status of the renovations of the building that has been purchased by the College and the Saskatchewan Medical Association.