



EXECUTIVE SUMMARY
of the
18 & 19 SEPTEMBER, 2015 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 101 – 2174 Airport Drive, Saskatoon, Saskatchewan, S7L 6M6, phone (306) 667 4625, Fax (306) 244 2600, or email OfficeOfTheRegistrar@cps.sk.ca.

1. Council engaged in a governance review process facilitated by Ms. Laura Soparlo. It reviewed potential models of governance. In addition Council reviewed the outcome of two Council evaluation surveys on its governance processes and was provided suggestions on best governance practices based on its responses to the surveys. Council created an action plan which will be considered at its next Council meeting.
2. Council considered a recommendation from the Associate Registrar to amend Bylaw 23.1 (f) *Patient Records and Retention of Information*, to clarify Council's intention in relation to the retention of patient records. Council adopted wording that clarified the intent of "last entry in the record".

Regulatory Bylaw 23.1 (f) is repealed and replaced by the following:

(f) For the purpose of this paragraph the “last entry in the record” means the last entry or document received by the member which relates to the care provided by the member. A member shall retain the records required by this bylaw for six years after the date of the last entry in the record. Records of pediatric patients shall be retained until 2 years past the age of majority or for six years after the date of the last entry in the record, whichever is the later date.

Council also added a provision clarifying that the bylaw also applies to records of a deceased patient.

3. 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;
 - (ii) EL – 4 – Financial Condition;
 - (iii) EL – 5 – Asset Protection; and
 - (iv) EL – 8 – Compensation and Benefits.
4. The College’s Director of Accounting and Finance, Ms. Amy McDonald presented the quarterly financial statements to the end of June 30, 2015.
5. Dr. Malhotra, member of the Finance committee, presented the draft of the 2016 budget to Council. Ms. Amy McDonald led Council through a review of the Finance Committee minutes of September 8, 2015 and the draft budget for 2016. Council adopted an annual fee of \$1880 for a regular licence with no additional changes to any other licensure fees.
6. Administrative Bylaw 9.1 was repealed and replaced to reflect the updated fees for 2016.
7. Council reviewed some proposed 2016 Council meeting dates and accepted the following dates:

Jan 22nd and 23rd
March 18th and 19th
June 24th and 25th
September 16th and 17th
November 18th and 19th
8. Council conducted a penalty hearing pertaining to Dr. A. Luhning pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Luhning pled guilty to charges that he failed to provide the requested report with respect to a medical condition of a patient in a reasonable time, failed to make appropriate arrangements to complete hospital

records for patients for whom he had provided hospital care and failed to respond to the Registrar when information was requested.

Submissions were made by Mr. David Thera on behalf of Dr. Luhning, and Mr. Chris Mason made submissions on behalf of the College. Council considered the information and adopted the following resolution:

Pursuant to section 54 of The Medical Profession Act, 1981, the Council of the College of Physicians and Surgeons of Saskatchewan imposes the following disposition upon Dr. Allan Luhning:

- 1) *Pursuant to section 54(1)(b), the Council suspends Dr. Luhning from the privileges of a duly qualified medical practitioner under The Medical Profession Act, 1981, for a period of one month stayed for 2 years subject to the bi-monthly receipt of monitoring reports satisfactory to the Registrar's Office for a 2 year period after which time the suspension will be lifted.*
- 2) *Pursuant to section 54(1)(f), the Council imposes a fine of \$1,000 payable in full by May 1, 2016.*
- 3) *Pursuant to section 54(1)(i), the Council directs Dr. Luhning to pay the costs of and incidental to the investigation and hearing in the amount of \$3,100. Such payment shall be made in full by May 1, 2016.*
- 4) *Pursuant to section 54(2), if Dr. Luhning should fail to pay the costs as required by paragraph 3, Dr. Luhning's licence shall be suspended until the costs are paid in full.*

9. Council considered a request to restore Dr. N. Painter's licence following revocation of his licence due to a sexual relationship with a patient. Mr. Stack made submissions on behalf of his client Dr. Painter and Mr. Salte made submissions on behalf of the Registrar's Office.

Council determined that Dr. Painter had met the conditions imposed by Council in order to be eligible to apply for restoration and passed the following motion:

Council concludes that, pursuant to Section 86 of The Medical Profession Act, 1981, the interest of the public has been adequately protected and that Dr. Nigel Painter is eligible to have his licence to practice medicine restored, effective November 21, 2015, upon meeting the usual requirements for licensure.

10. Council received a report from a consultant pertaining to the review of the legal, medical and regulatory factors which must be considered when addressing physicians affected with blood borne viral infections. The discussion at this meeting was limited to adopting a more up-to-date

approach to manage physicians affected with HIV. Council supports waiting for the release of the national approach being developed by the Public Health Agency of Canada before considering other changes to College standards for physicians who have a blood-borne infection. The remainder of the document and questions posed will be discussed at a later meeting.

11. Council received a report from the Registrar with respect to the 2015 feedback on the Annual General Meeting and Educational Session. Although it was agreed the content was excellent it was noted it was poorly attended. Council considered a number of options including consideration of a biannual event, separation of the annual general meeting from the educational session and having an AGM and Educational Session in November 2016 or March 2017. Council directed the Registrar to gather more information from members as to their interest in an AGM and associated educational session. The matter will be reconsidered in November.

12. Council received a report from the Associate Registrar on behalf of the Conscientious Objection Working Group, which recommended no changes to the policy approved in principle by the Council. Council approved the policy on Conscientious Objection and directed it be posted on the website.

Council confirmed it would redact certain portions of information in the documents pertaining to feedback from the Conscientious Objection Policy stakeholder consultation. The information that will be removed is information that will identify particular individual's names and contact information.

13. Council considered a draft report from the working group on Physician Assisted Dying. The document was adapted from the Federation of Medical Regulatory Authorities of Canada's guidance document which was approved by the FMRAC Board in June 2015. FMRAC's guidance document was adopted from the Canadian Medical Association's position document.

Council approved in principle this draft guidance document for the purpose of circulating it for consultation.

Council determined it would expand the Terms of Reference of the Physician Assisted Dying Committee to include future consideration of conscientious objection as it relates to physician-assisted dying.

Council also considered the draft response to the Canadian Provincial/Territorial Expert Advisory Group on Physician-Assisting Dying Written Stakeholder Submission Form on Physician Assisted Dying, provided some suggestions for change and authorized the Registrar to respond to the survey.

14. Council received a report from the Associate Registrar with respect to the Saskatchewan College of Pharmacists' bylaws. Council reviewed and ratified the feedback provided to the Ministry from the senior management

team. Council directed the Registrar to notify the Government of Saskatchewan that Council endorsed the letter of September 2, 2015 sent to Ms. R. Bayliss and emphasized it does not support the College of Pharmacists' bylaws which do not include an expectation of collaborative practice within the bylaws. Council acknowledged the expectation of collaborative practice was addressed in the standards provided at the same time as the bylaws and expressed an opinion this was a patient safety concern for them as opposed to a scope of practice issue.

15. Council reviewed a draft Whistleblower Policy which was presented as an internal College staff policy. Council provided some suggestions for change which would ensure concerns about the Registrar would be provided to the President of Council and its expectation the Registrar would provide a report to the President not less than annually with respect to any concerns expressed by staff pursuant to this policy. Council expressed its support for this staff policy.
16. Council reviewed a request from the Saskatchewan Cancer Agency to reconsider non-exemptible licensure requirements for sub-specialists who are seeking a Ministerial licence for a position at the Saskatchewan Cancer Agency. It was Council's perspective that registration bylaws should not be changed for Ministerial licences for physicians who will work at the Cancer Agency, but there will be consideration of alternative methods for a physician to demonstrate proof of English language proficiency. Council was not supportive of a change to allow physicians to become licenced without the Medical Council of Canada Evaluating Examination.
17. Council received a request from the Director of Registration Services Ms. Barb Porter to re-affirm its decision from September 2014 to require a summative assessment for a surgical assistant in order to move to a regular licence. Council accepted a modified summative assessment process for surgical assistants.
18. Council received a report from the Director of Registration Services pertaining to the annual review of provisionally licenced physicians who have lost their Royal College eligibility. Two of the physicians have been able to re-establish their eligibility and required no further review by Council. Council approved a time limited provisional licence for one physician for a period of one year for the purpose of conducting a summative assessment if the physician was unable to locate the additional training as directed by the Royal College of Physicians and Surgeons of Canada.
19. Council received a report from the Director of Registration Services regarding a summative assessment for a physician who had lost Royal College eligibility. Council was advised that the Registrar's Office does not feel that it could support a recommendation regarding continued licensure unless measures were put in place to address the deficiencies that were noted in the summative assessment. The Registrar's Office noted that the assessors were unable to provide commentary on specific areas of practice

where concerns were raised. Council directed the Registrar's Office to extend the summative assessment and gather more information that will be provided to Council for reconsideration at the November Council meeting.

20. Council was asked to nominate a physician to fill a vacant position on the Joint Medical Review Committee as a result of the resignation of Dr. K. Sriram. A number of physicians had expressed interested in being nominated. Council reviewed the expressions of interest and nominated Dr. R. Cornelissen to fill the vacant position on the JMPRC.
21. Council was asked to consider appointing Mr. Don Ebert as a public member to the Complaints Resolution Advisory Committee to take effect October 19, 2015. Council approved the appointment of Mr. Ebert who will replace Ms. Audrey Brayshaw who tendered her resignation from the committee in June, 2015 after many years of service.
22. Council considered a report from the Associate Registrar on a number of policies that required Council's review.
 - i. A committee was established to review the policy on *Public Disclosure of Council Documents*. The membership of the committee consists of Dr. Alan Beggs and Mr. Ken Smith to be supported by the Associate Registrar. The committee will report back to Council in November.
 - ii. *Assisted Reproductive Technology*. The policy has been provided to the experts who work in this field and staff was to follow up to determine if those experts recommend any changes to the policy. Staff was further directed to consult with the College of Physicians and Surgeons of Alberta to see if any changes are likely in its document. The matter will be reconsidered in November.
 - iii. The policy *Physicians Accessing Patient Specific Information from PIP* was determined to be appropriate and Council applied a 5 year sunset date for review.
 - iv. The policy *Provision of Services by the College to Agencies outside the Province of Saskatchewan* was rescinded.
 - v. A committee was formed to review the policy on *Sick Slips*. The committee membership is comprised of Dr. Alan Beggs, Ms. Susan Halland and Dr. Oluwole Oduntan. The committee has the ability to add members and it will prepare recommendations to consolidate and update the policies on *Sick Slips* and *Role of Physicians in Certifying Illness and/or Assessing Capacity for Work*.
 - vi. A committee was established to review the policy *Withdrawal of Physician Services during Job Action*. The committee membership consists of Dr. Tilak Malhotra, Mr. Art Battiste and an invitation will be extended to the SMA to name a representative to assist in the review of this policy.

- vii. Council reviewed the policy on *Medical Examinations by Non Treating Physicians* and directed that a committee be established. Council directed College staff to bring back recommendations for committee membership at the November Council meeting.
23. Council considered the need for a standing policy review committee. College staff was directed to prepare a discussion document for consideration at the November Council meeting.
24. Council was provided a verbal update on the work to adopt a new infection control practice guideline for physicians' offices adapted from the Ontario IPAC document. Appropriate changes to the document have been recommended to align it with Saskatchewan legislation. Further feedback on content is pending. Council was also informed that the Saskatchewan Medical Association is supportive and has extended an offer to assist.
25. Council received a report from the Associate Registrar on the status of bylaws. It was noted that all regulatory bylaws submitted for consideration have been approved and Gazetted.
26. Council reviewed draft reasons for the decision to deny licensure to pertaining to Dr. C. Huerto and adopted those reasons.
27. Council received a building update with respect to the status of the leases for the building occupied by the College and the SMA and the completion of the renovations. Council also received an update on the status of the lease for the HSBC building.
28. Council reviewed a report from the Associate Registrar with respect to the decision of the Discipline Committee pertaining to an application to dismiss for delay.

A committee of Council was created to establish metrics for time taken in relation to discipline matters and reporting mechanisms to ensure that matters remain on track and identify those which have not remained on track, including mechanisms to address these situations. Council appointed a committee consisting of Dr. Grant Stoneham, Dr. Alan Beggs, Dr. Julie Stakiw and Mr. Marcel de la Gorgendiere.

29. Council reviewed the Terms of Reference for the Dennis Kendel Award and modified the TOR to require nominations to be made annually with no carry forward of names from the previous year. Council agreed to grant the award to two physicians this year.
30. Council named Mr. Ken Smith to replace Ms. Joanna Alexander on the Awards Committee.

Council also directed staff to include a list of awardees from previous years on the website.

31. Council received a report from the Associate Registrar on the discipline tracker noting activity in the legal matters since the previous report.
32. Council determined it wished to have staff report on the actions arising on the “for action items” list from the previous Council meeting at the beginning of each Council meeting.