



EXECUTIVE SUMMARY

of the

22 JANUARY, 2016 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 reviewed a report of the "For Action items" from the previous meeting and noted those items that had been completed and provided direction to assist the Registrar in moving along many of the items related to Council committee work.
2. Council reviewed and discussed Monitoring Reports from the Registrar with respect to:
 - (a) The Registrar's Advancement of Council's End – 1 – The Mission of the College
 - (b) The Registrar's Advancement of Council's End – 2 – Public Protection, and
 - (c) The Registrar's Compliance with Council's Executive Limitation Policies pertaining to:

- (i) EL – 1 – General Executive Constraint
 - (ii) EL – 2 – Treatment of Staff, and
 - (iii) EL – 6 – Interaction with Members of the Public.
3. Council received a report from the Associate Registrar with respect to a possible amendment of Bylaw 25.1 *Operation of Diagnostic Imaging Facilities in the Province of Saskatchewan*. Council asked for further information from the Advisory Committee of Medical Imaging before it amends the bylaw.
 4. Council reviewed the requirements to qualify for the Senior Life designation and amended its bylaw to allow the Council to give Senior Life designation to a physician who does not meet the usual requirements.

Regulatory Bylaw 2.9 is amended by renumbering paragraphs, (b), (c) and (d) as (c), (d) and (e) respectively and adding the following as paragraph (b):

(b) the Council may award Senior life designation to a physician who does not meet the requirements of paragraph (a) if:

- i. The physician has withdrawn from medical practice;*
- ii. The Council concludes that the physician was prevented from meeting the requirements of paragraph (a) due to a medical condition or other reasons that the Council considers appropriate; and*
- iii. The Council concludes that it is appropriate to award Senior Life designation to the physician notwithstanding the physician has not met the requirements of paragraph (a).*

Council considered whether the Senior Life honorary designation should include the privilege of no payment of fees if the physician wished to hold an inactive licence. Council requested additional information about what would be required to implement such a change.

5. Council reviewed a draft policy on physician obligations regarding Medical Certification of Death and approved the policy in principle in order to allow external consultation with the Coroner's Office and the Saskatchewan Medical Association.
6. Council was advised that the Registrar's Office is awaiting further information from the Public Health Agency of Canada pertaining to the management of physicians affected with blood borne viruses before doing further work on a policy to address the issue.
7. Council received an update of the work on the policy pertaining to *Sick Slips and Role of the Physicians in Certifying Illness*. The committee comprised of Dr. Beggs (Chair), Ms. Halland, and Dr. Oduntan will meet and report to Council in March.

8. Council received an update on the work of the committee reviewing the policy *Withdrawal of Physician Services During Job Action*. The committee consisting of Dr. Malhotra (Chair), Mr. A Battiste, and Dr. S. Burwell (SMA) will meet and a report is expected for the March Council meeting.
9. Council received an update of the work of the committee reviewing the policy *Medical Examinations by Non Treating Physicians*. The committee consisting of Dr. A. Beggs, Dr. P. Hanekom (Chair), Dr. A Adewumi, Dr. Mansfield Mela and Dr. M. Fink will meet and report to Council in March.
10. Council was apprised that the Discipline Matter Review Committee comprised of Dr. Stoneham, Dr. Julie Stakiw (Chair), Dr. Beggs and Mr. de la Gorgendiere will meet once information has been received from the other medical regulatory authorities.
11. Council received an update from Dr. Chapelski who is reviewing the policy on *Physicians at Risk to Patients*. Council will receive a report in March.
12. Council received a report from Dr. Carter who is reviewing the policy *Physicians/Surgeons Leaving Practice*. The work is near completion.
13. Council received an update from Dr. Beggs who is reviewing the *Regulation of Office Procedures* policy.
14. Council received an update of the work of the committee reviewing the policy *Public Disclosure of Council Documents Considered During Open Council Meetings*. The committee recommended that reference to the consent agenda be removed from the following governance policies:

GP-13, GP-15, GP-17.2, EI-9 and EL-14 as set out in document Info 185_15.

The committee will continue its work to develop guiding principles in dealing with redaction of information from Council documents.

15. Council conducted a penalty hearing pertaining to Dr. Alfred Ernst pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Ernst pled guilty to the charge laid by the Executive Committee that he provided inaccurate information to the Heartland Health Region in his application for renewal of his privileges in 2014 and 2015. Legal counsel for the College and Dr. Ernst entered into a joint recommendation for a fine of \$2,000 and costs. Council adopted the following resolution:

*The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Alfred Ernst pursuant to **The Medical Profession Act, 1981**:*

- 1) *Pursuant to Section 54(1)(f) of The Medical Profession Act, 1981, the Council hereby imposes a fine of \$2,000 on Dr. Ernst.*

2) Pursuant to section 54(1)(i), the Council directs Dr. Ernst to pay the costs of and incidental to the investigation and hearing in the amount of \$600.00. Such payment shall be made in full by February 1, 2016.

3) Pursuant to section 54(2), if Dr. Ernst should fail to pay the costs as required by paragraph 2, Dr. Ernst's licence shall be suspended until the costs are paid in full.

16. Council considered a report pertaining to the policy *Ending the Doctor Patient Relationship*. Council was advised that there are inconsistencies between the College of Physicians and Surgeons' position on ending a doctor patient relationship and the position in other provinces. Council appointed a committee consisting of Dr. Mark Chapelski, Dr. Al Beggs, Dr. Adegboyega Adewumi, Mr. Marcel de la Gorgendiere and a member of staff to review this matter. The Saskatchewan Medical Association will be invited to appoint someone to participate with the committee.
17. Council received an update from the Registrar's Office with respect to the Minister's approval of the professional bylaw changes authorizing Saskatchewan optometrists to independently diagnose, treat and manage glaucoma and to prescribe oral medications for eye health related conditions.
18. Council considered a report from the Project Manager of the document management system with respect to the current status of the implementation of the document management system Open Text. The Registrar provided information on the update of the current customer database, iMIS 20.2 which will integrate with the document management system.
19. Council received a report from the Registrar with respect to the outcome of previous Council governance discussions, and the outcome of discussions from a senior staff retreat, with respect to progress on the strategic plan. Council appointed a committee to review the governance policies and provide recommendations to Council on any proposed changes. The committee was also tasked with assisting the Registrar to review aspects of the strategic plan. The committee is composed of Dr. Al Beggs, Dr. Brian Brownbridge, Ms. Susan Halland and Dr. Julie Stakiw as Chair.
20. Council received a report from the Director of Registration Services on the outcome of a summative assessment for a physician who had lost Royal College eligibility. Council reviewed the summative assessment and approved the physician for a regular licence. The Registrar will interact with the physician to address certain concerns identified in the summative assessment.
21. Council was advised of the work done to adapt the Ontario document Infection Prevention and Control for Clinical Office Practice for use in Saskatchewan. That work included consulting with several provincial experts who have provided suggestions for change to the Ontario document. Council was asked to approve the content, but not approve the

form of the document, as it will require some additional work before it is distributed as a Saskatchewan document. Council adopted the following resolution:

The Council approves the content of the document distributed by the Registrar's Office in relation to infection prevention control for clinical office practices as a guideline of the College of Physicians and Surgeons of Saskatchewan.

22. Council reviewed a request to support the prescribing of Naloxone to persons who may be in a position to administer Naloxone to individuals who overdose on an opiate. Council adopted the following statement:

The Council of the College of Physicians and Surgeons encourages the development of a program to make Naloxone kits available to appropriately trained persons who may deal with individuals who have suffered an Opioid overdose.

The Council believes that appropriate safeguards need to be in place for such a program which should include:

1. *Appropriate education for the potential users of such kits;*
2. *Appropriate method of tracking the prescribing and use of Naloxone kits;*
3. *An expectation that EMS will be involved in dealing with an individual who has suffered an overdose.*

23. Council reviewed a report from the Associate Registrar on a court decision that was generating media interest in New Brunswick. The court ruled that CMPA was not required to pay a judgment obtained against a former New Brunswick physician who sexually abused a patient. Council received the report as information.

24. Council conducted a penalty hearing pertaining to Dr. M. Abed pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Abed entered a guilty plea to the charge that he breached an Undertaking to the College.

Submissions were made by Mr. R. Morris on behalf of Dr. Abed and Mr. B. Salte on behalf of the Registrar's Office. Council considered the information and adopted the following resolution:

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Mohammed Abed pursuant to The Medical Profession Act, 1981:

1. *Pursuant to Section 54(1)(b) of The Medical Profession Act, 1981, the Council hereby suspends Dr. Mohammed Abed for a period of two months. The suspension will begin on a date selected by Dr. Abed which must be on or before February 21, 2016. If Dr. Abed does not notify the Registrar's office in writing prior to February 21,*

2016 of the date for the commandment of his suspension, that two month suspension will begin at 12:01 a.m. on February 21, 2016;

2. Pursuant to section 54 (1)(g) of The Medical Profession Act, 1981, Dr. Mohammed Abed is required to take an Ethics program in a form acceptable to the Registrar on or before July 21, 2016. The programs "Medical Ethics, Boundaries and Professionalism" by Case Western Reserve University and "Probe Program" by CPEP are ethics programs acceptable to the Registrar.

 25. Council reviewed the results of a survey of the members with respect to their interest in an Annual General Meeting and Educational Session. Respondents supported the College continuing with an educational session but preferred that it take place in the month of March. Council directed that for the current year an AGM will be arranged in conjunction with one of the Council meetings and, as there is insufficient time to arrange an educational session for March 2016, the next Educational session will be held in March 2017 in conjunction with the March council meeting.

 26. The Registrar provided a copy of the *Appropriateness of Care Framework* for Council's review and encouraged Council members to participate.

 27. Council reviewed a letter received from the Associate SMO from Saskatoon Health Region requesting the College's input on the responsibility of physicians towards patients who have been medically discharged but remain in hospital. Council reviewed the matter and directed the Registrar to provide feedback to the region, recognizing this is a complex issue.

 28. Council reviewed the appointments to College committees and either renewed the existing appointments or appointed new members as requested. Membership of committees can be provided on request.
- It was noted that there is a need for an increased number of members to be appointed to the Discipline Committee in order to have sufficient members available for appointment to the number of discipline hearings that are expected during the next year. Council directed the Registrar's Office provide information to Council on what is required of a member serving in this capacity in order for Councilors to seek out additional interested members.
29. Council reviewed a request from Dr. Joy Dobson (3SHealth) for Council's position on physicians and regions that distribute reports that have been dictated but not read by the author.

Council directed the Registrar to respond to the request by stating that physicians are responsible for the accuracy of their reports and should always follow best practices.

30. Council adopted Reasons for a Decision pertaining to the Penalty Hearing for Dr. Allan Luhnig.
31. Council reviewed a request from the Registrar to provide direction to the Registrar's Office relating to a situation of alleged fraudulent billing where it appeared that MSB had referred the matter to the College, but not to the police.

Council asked the Registrar's office to gather additional information for it to consider at the March Council meeting.

32. Council considered a report from legal counsel Mr. Chris Mason pertaining to a physician's possible unprofessional conduct by failing to provide appropriate ongoing care to patients and making the appropriate arrangements when leaving practice. Council reviewed the possible options available and agreed to lay the following charge:

*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. Olabisi Olubajo, namely:*

*You Dr. Olubajo 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)(ix) and/or bylaw 8.1(b)(xi) and/or bylaw 7.1 and paragraph 19 of the Code of Ethics contained in bylaw 7.1.*

The evidence that will be led in support of this charge will include the following:

- a) *You formerly practised in a medical clinic in Rosetown, Saskatchewan (hereafter called "the clinic");*
 - b) *You closed the clinic and ceased practising in Saskatchewan on or about the January 31st, 2015;*
 - c) *You failed to provide appropriate notice to your patients that you intended to close the clinic and cease practising in Rosetown;*
 - d) *You failed to make appropriate arrangements to allow your patients to seek medical care from another health care provider;*
 - e) *You failed to provide continuity of care for patients for whom you had provided care at the clinic;*
 - f) *You failed to make appropriate arrangements to follow up pap smear results for your patients;*
 - g) *You failed to make appropriate arrangements for access to your patient records.*
33. Council reviewed a letter from an individual who expressed concern that the College's Bylaw 19.2 *Standards for Prescribing Marihuana* is not compliant with the requirements of the law. Council directed a response be

- sent to the individual stating that it does not agree with the complainant's legal analysis.
34. Council received a report from the Associate Registrar with respect to the status of bylaws. The Associate Registrar reported there are no outstanding bylaws that have not been approved or enacted.
 35. Council received an update on the building which included an update on the status of the existing lease to the premises formerly occupied by the College and the steps taken to finalise the leases with the tenants of the new facility.
 36. Council received a report from the Associate Registrar with respect to the progress on disciplinary matters at the College. Council directed the Executive Committee to work with the Registrar and the Associate Registrar to continue to improve the timelines dealing with disciplinary matters.
 37. Council elected Dr. Alan Beggs as President and Dr. Julie Stakiw as Vice President of Council. Three additional members elected to the Executive Committee were Ms. Susan Halland (public member), Dr. James Carter (physician member) and Dr. Grant Stoneham (physician member).