



EXECUTIVE SUMMARY

of the

24 & 25 JUNE, 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 and discussed Monitoring Reports from the Registrar with respect to:
 - (a) The Registrar's Advancement of Council's End – 4 – Healthy Public Policy, and
 - (b) The Registrar's Compliance with Council's Executive Limitation Policies pertaining to:
 - (i) EL –11 – Public Image,
 - (ii) EL –12 – Partnership and Interorganisational Relationships, and
 - (iii) EL –13 – Information Management.
2. Council reviewed the policy *Public Disclosure of Council Documents Considered during Open Council Meetings*, accepted the amendments presented and approved the policy with a sunset date of 5 years.
3. Council reviewed the policy *Sick Slips/Role of Physicians in Certifying Illness*, accepted the amendments presented and approved the policy with a sunset date of 5 years.

4. Council deferred review of the policy *Medical Examinations by Non Treating Physicians* until September's Council meeting.
5. Council reviewed the policy *Physicians at Risk to Patients*, accepted the amendments presented and approved the policy with a sunset date of 5 years.
6. The review of the policies on *Physicians/Surgeons Leaving Practice* and *Ending the Doctor Patient Relationship* has been deferred to September's Council meeting.
7. Council reviewed the document *Standard – Unproven and Unconventional Treatment*. Council directed the Registrar's Office to clarify and confirm the names of the committees referenced in the policy that would be required to approve a clinical trial protocol. With the inclusion of the correct committee names the policy was approved by Council with a sunset date of 5 years.
8. Council reviewed the policy *Physician Disclosure of Adverse Events and Errors that Occur in the Course of Patient Care*. Council accepted the proposed amendments that deal with ensuring when a patient is not capable to receive information about an adverse event, that the next appropriate person will be provided the information, and if the matter is a "critical incident" that it be aligned with the definition that is within the *Saskatchewan Critical Incident Reporting Guideline, 2004*. Council also determined that a footnote pertaining to *The Evidence Act* would be appropriate. Council accepted the amendments and approved the policy with a sunset date of 5 years.
9. Council reviewed the policy *Determining Capacity to Consent* and determined that the capacity to consent and the policy pertaining to *Informed Consent* should be reworked into one policy. A committee consisting of Dr. Stoneham, Dr. Chapelski and Mr. Salte will redraft the policy for review at the September Council meeting.
10. Council received a report from the Associate Registrar with suggested changes to governance policy documents to reflect the change in name from the Complaints Resolution Advisory Committee to the Quality of Care Advisory Committee. Council approved the proposed changes.
11. Council received a report from the Registration Committee on possible Regulatory Bylaw amendments pertaining to achieving enduring licensure. Previously Council approved in principle a change to the Regulatory Bylaws to allow internationally trained physicians who had obtained certification with one of the two certifying bodies, plus a pass standing in MCCQE1 and 5 years of successful practice to convert from provisional to regular licensure. The Registration Committee also recommended a change to the bylaws to reflect the need for flexibility regarding supervision.

Council replaced the existing bylaws related to regular and provisional licensure and also the registration bylaw which provides for transition between the previous bylaw and the current registration bylaw. The primary changes are to:

- a) Allow for physicians who meet specified criteria to choose a licence which will allow them to qualify for a regular licence with a pass standing in the Medical Council of Canada Qualifying Examination Part 1, certification from either the Royal College of Physicians and Surgeons of Canada and 5 years of successful practice;

- b) Allow the Council, in some circumstances, to remove a supervision requirement for a physician who has not yet achieved regular licensure or suspend the supervision requirement for a period of time.
12. The Registrar reported on a new Standards and Guidelines document from British Columbia on Safe Prescribing Standards and Guidelines. The standard for practice for the prescribing of medications that pose a risk for misuse, abuse and diversion from the College of Physicians and Surgeons of British Columbia was provided to Council as information only. Council was also updated on the new CDC recommendations and the potential revisions to the *Canadian Guideline on Safe and Effective Use of Opioids in Chronic Non Cancer Pain*. Council will await the revision of the Canadian guideline expected in early 2017 prior to determining whether a document outlining standards and guidelines should be developed by Council.
13. The 2015 year-end audited financial report was presented by Mr. Gord Stewart of KPMG. Council accepted the year-end financial report as presented and appointed KPMG as the auditors for 2017. Council agreed that in future it will not be necessary for the audit to include an estimation of what portion of College expenditures are related to specific Ends. Council further directed the Registrar to follow up with KPMG for information that could be shared with our insurance reciprocal, HIROC with respect to best practices in appointing auditors.
14. The quarterly financial statements to the end of March 2016 were presented by Ms. Amy McDonald, Director of Accounting and Finance.
15. Council conducted a penalty hearing pertaining to Dr. N. Chawane-Bekwayo pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Chawane-Bekwayo pled guilty to the charges laid by the Council of the College of Physicians and Surgeons of Saskatchewan that she formerly practiced in a clinic with Dr. G. G. McGarry and left that clinic approximately December 20, 2010 and began to practice in an alternative location in Saskatoon but failed to make appropriate arrangements to obtain documents pertaining to the care of her patients which were delivered to Dr. McGarry's clinic. Despite multiple reminders she did not make arrangements to pick up the documents.

Submissions were made by Ms. Sheila Caston on behalf of Dr. Chawane-Bekwayo and by Mr. Salte on behalf of the Registrar's Office. Council considered the information and imposed the following penalty:

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Nomhle Nobuhlu Chawane-Bekwayo pursuant to The Medical Profession Act, 1981:

- 1) Pursuant to section 54 (1)(g) of The Medical Profession Act, 1981, Dr. Chawane-Bekwayo is hereby reprimanded.*
- 2) Pursuant to section 54 (1)(g) of The Medical Profession Act, 1981, Dr. Chawane-Bekwayo is required to take an Ethics program in a form acceptable to the Registrar on or before December 31, 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.*
- 3) Pursuant to section 54 (1)(g) of The Medical Profession Act, 1981, Council hereby imposes a fine of \$5,000 to be paid by July 24, 2016.*

4) Pursuant to section 54(1)(i), the Council directs Dr. Chawane-Bekwayo to pay the costs of and incidental to the investigation and hearing in the amount of \$7,742.00. Such payment shall be made in full by July 24, 2016.

5) Pursuant to section 54(2), if Dr. Chawane-Bekwayo should fail to pay the costs as required by paragraph 4, Dr. Chawane-Bekwayo's licence shall be 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. Chawane-Bekwayo's license for the non-payment as may be permitted by The Medical Profession Act, 1981.

Dr. Mark Chapelski was directed to provide Reasons for the Decision.

16. Council conducted a penalty hearing pertaining to Dr. C. Schoeman pursuant to Section 54 of **The Medical Profession Act, 1981**. Dr. Schoeman admitted professional misconduct by failing to respond to correspondence from the Registrar. Dr. Schoeman represented himself, acknowledged his wrong-doing and offered an apology to Council. Mr. Chris Mason, legal counsel for the College spoke as to the College's position. Council considered the information and imposed the following penalty:

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Corne Schoeman 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. Schoeman, payable forthwith.

Dr. Chapelski was directed to provide Reasons for the Decision.

17. Council received a report from the Kendel Distinguished Service Award Committee and approved the proposed amendments to the eligibility and selection criteria, and to the nomination form.
18. Council received a report from the Registrar's Office with respect to a concern that some portable devices used by Councilors cannot open attachments sent by the College due to an inconsistency in the technologies. A number of potential solutions were offered by the Registrar's office. Council members who are having difficulty with this issue will exchange information on potential solutions for the various devices used.
19. Council received a report from the Deputy Registrar with respect to the appointment of a member to the Advisory Committee on Medical Imaging. Council reviewed the current CVs for the five individuals who expressed an interest and appointed Dr. Corinne Jabs.
20. Council received a report from the Deputy Registrar with respect to the appointment of a member to the Quality of Care Advisory Committee (formerly known as the Complaints Resolution Advisory Committee). Council appointed Dr. Jonathan Hey as a member to this committee.

21. Council received a copy of the *Infection Prevention and Control document (IPAC) for Clinical Office Practice* which is a guideline that has been adapted from an original document from Public Health Ontario. Council accepted the document as presented with the understanding it would be formatted as per the CPSS format for policies and set a sunset date of 5 years.
22. Council received a report from the Registrar requesting Council to consider endorsing the Leveraging Immediate Non Urgent Knowledge (LINK) telephone consultation service as an appropriate tool to enhance communications between family physicians and specialists for immediate non-urgent consultations. Council provided its endorsement of this service.
23. Council received a report from the Registrar with a request for endorsement of provincial standards for the referral-consult process.

Council endorsed the templates contained in the *Guide to Enhancing Referrals and Consultations between Physicians, October 2009*, a document developed by the College of Family Physicians of Canada and the Royal College of Physicians and Surgeons of Canada, as a standard for use by Saskatchewan physicians.

24. Council received a report from the Registrar with respect to requests from the Saskatchewan College of Paramedics to approve an amendment to the scope of practice for Lloydminster paramedics, a request to amend clinical practice paramedic protocols for asthma, seizures for pre-eclampsia/eclampsia and ventricular fibrillation/pulseless tachycardia to include magnesium sulfate at the advanced care paramedic (ACP) level and a request to approve amendments to the procedure manual defibrillation and patient care plans of the ventricular fibrillation/pulseless ventricular tachycardia to allow primary care paramedics (PCP) to use manual defibrillation.

Council received correspondence from various stakeholders who expressed diametrically opposed viewpoints on the appropriateness of the review at this time. Council directed the Registrar to gather more information to clarify the situation and deferred the matter until the September Council meeting.

25. Council received a report from the Discipline Metrics Committee which identified a number of potential areas in the discipline process for metric development.
26. Council received a report from the Director of Registration Services regarding the progress of a physician's summative assessment. Council approved the move from a provisional to a regular licence but with a restriction that the physician can only treat colon cancer, not other forms of cancer.
27. Council received a report from the Director of Registration Services with respect to a summative assessment of a physician that was inconclusive. Council directed that a new summative assessment be undertaken.
28. Council received a report from the Associate Registrar on Physician Assisted Dying (Medical Assistance in Dying). Council delegated the Executive Committee to function as a working committee to update the College's policy as necessary to align with the requirements of Bill C14. The proposed amendments will be reviewed by Council.

29. Council received a report from the Associate Registrar on possible legislative amendments related to infection control. Council directed that a letter be written to the Minister advising that the Saskatchewan Medical Association has agreed to the potential wording of the legislative amendment related to infection control.
30. Council reviewed the communications strategic plan as presented by Ms. Caro Gareau, Communications Officer.

Council also received an update on how the 5 year operational plan will be reviewed by Council in portions throughout the year at each of the Council meetings.

31. Mr. Salte provided a report that indicated that as of the date of Council all outstanding Bylaws have been approved and Gazetted.
32. Pursuant to Section 86 of **The Medical Profession Act, 1981** Dr. Amjad Ali made application for restoration of his licence. Council heard submissions from Mr. Aaron Fox, legal counsel for Dr. Ali and submissions from the College's legal counsel Mr. Bryan Salte. Council considered the application and declined to restore Dr. Ali's licence. Council directed that Dr. Julie Stakiw is to prepare Reasons for the Decision.
33. Council reviewed and adopted Reasons for the Decision with respect to the penalty imposed upon Dr. M. Abed at the November, 2015 Council meeting, following his admission of unbecoming, improper, unprofessional or discreditable conduct.
34. Council reviewed a Preliminary Inquiry Committee report, accepted the recommendation of the committee and determined that no charges would be laid. The committee however, referred an additional matter to the attention of the College for further review.
35. Council reviewed a report of the Preliminary Inquiry Committee which recommended a charge of unprofessional conduct against a physician which alleged that the physician had used inappropriate language in dealing with a transgendered patient.
36. Council reviewed the draft reasons for the penalty which Council imposed on Dr. O. Olubajo following her admission of unbecoming, improper, unprofessional or discreditable conduct. Council adopted the reasons as presented.
37. Council reviewed the draft reasons for the penalty which Council imposed on Dr. T. Kabongo following his admission of unbecoming, improper, unprofessional or discreditable conduct. Council adopted the reasons as presented.
38. Council reviewed information pertaining to a physician's conduct that was directed by the Executive Committee to be referred to the Council for a decision. The information was reviewed by Council and Council directed that charges be drafted. Direction was provided to the Registrar's Office to draft charges for Council's consideration.
39. Council reviewed a report with respect to a possible charge of unprofessional conduct and concluded that a charge of unprofessional conduct was warranted. The charge alleged that the physician had failed to provide privacy to the patient while the patient dressed and undressed.

40. Council received a report pertaining to the Discipline Tracker and the progress on legal matters within the College.

41. Council reviewed expressions of interest from several physicians relating to appointment to the discipline committee or to preliminary inquiry committees. The Council directed that an orientation session be held in Regina and Saskatoon, and that the selection of additional members for such committees be considered at the September Council meeting.

42. Council addressed two issues in the Environmental Scan portion of the meeting.

- **Timelines for third party requests**

Council directed a Working Group of Dr. A. Beggs and Dr. Micheal Howard-Tripp provide a draft policy for Council's consideration.

- **Perspectives on Disruptive Behaviour Conference**

Council was informed that there will be a Perspectives on Disruptive Behaviour Conference on Friday October 14, 2016 in Saskatoon. This conference is directed at physician leaders. Councilors were encouraged to register since space is limited.