



## **EXECUTIVE SUMMARY**

**of the**

**16 & 17 SEPTEMBER, 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](mailto:OfficeOfTheRegistrar@cps.sk.ca).

1. Council received a report on the actions taken in relation to the For Action Items from the previous meeting. The Registrar provided an update to a question regarding best practices and whether the College is compliant with FMRAC's FIRMS requirement of an RFP and/or change in senior partners when choosing auditors.
2. Council reviewed and discussed Monitoring Reports from the Registrar with 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.

3. Council reviewed the policy *Medical Examinations by Non Treating Physicians*, accepted the amendments presented and approved the policy with a sunset date of 5 years.
4. Council reviewed the policy *Physicians/Surgeons Leaving Practice*, accepted the amendments presented and approved the policy with a sunset date of 5 years.
5. Council reviewed the policy *Ending the Doctor Patient Relationship*, accepted the amendments presented and approved the policy with a sunset date of 5 years.
6. Council reviewed the policy *Determining Capacity to Consent and Informed Consent* and asked that the policy be returned to Council at the next Council meeting in November with the addition of a section dealing with managing consent through an interpreter. It was also noted that the URL is not working.
7. Council reviewed the policy *Physician Certification of Work Absence or Accommodation due to Illness or Injury and Completion of Third Party Forms*, accepted the amendments as presented and combined the two previous policies and approved the amended policy with a sunset date of 5 years.
8. Council reviewed the proposed Council meeting dates for 2017 and adopted the following dates:

January 20 & 21  
March 24 & 25  
June 16 & 17  
September 29 & 30  
November 24 & 25

9. Council considered an application for review of the Registrar's decision to terminate Dr. C. Orhadje's licence based on Dr. Orhadje not successfully completing the summative assessment process. Submissions on behalf of Dr. Orhadje were made by Ms. Glazer and Ms. Wandzura. Submissions on behalf of Council were made by Mr. Salte. Council adopted the following motion:

*Council directs that Dr. Orhadje be offered a further period of supervision to be determined and a new summative assessment.*

Council directed the period of time for supervision be determined by the Registrar's Office.

10. Council received a report from the Director of Registration Services on the outcome of summative assessment reviews for specialists. Council approved an enduring form of licensure for Dr. Kasim, Dr. Otukoya and Dr. Othman based on their successful completion of the summative assessment process.
11. Council received a report from the Director of Registration Services with respect to expectations for summative assessments for specialists and family physicians. Council determined it would appoint a Working Committee to review the expectations for family physicians and specialists for the summative assessment. The Working Committee is comprised of Dr. B. Brownbridge (Chair), Dr. J. Stakiw, Dr. B. McBride, Dr. J. Carter and Ms. Barb Porter.

12. Council reviewed a request from the Registrar to provide advice respecting a reasonable period to allow physicians to wind down their practices for those physicians who have not met licensure requirements to maintain their licences Council suggested that a reasonable time for a wind-up period for most circumstances would be 3 months.
13. Council received a report from the Director of Registration Services with respect to a request from the Saskatchewan Cancer Agency to approve a program for a Hematology Fellowship. Council approved the program.
14. Council reviewed a request from the Gyne-Oncology Clinical Assistant Program for consideration of a Clinical Assistant Program. Council approved the request for the Clinical Assistant Program.
15. Council received a report from the Registrar with respect to the portions of the Strategic Plan that speak to cost recovery for physicians' services and cost recovery for external programs. Council also received an update from the President with respect to the strategic plan in relation to the Council's governance of the College.
16. A short Annual General Meeting was called at 12.30 pm and a report was provided by the President and the Registrar with respect to the work of Council and the work towards improvements in efficiencies in the operations of the College.
17. Council conducted a penalty hearing subsequent to the facts found and proved by the Discipline Hearing Committee. Dr. Yagan Pillay was found guilty of unprofessional conduct and the following charge was laid:

*You Dr. Yagan Pillay 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)(xvi) of the bylaws of the College of Physicians and Surgeons.*

*The evidence that will be led in support of this charge will include some or all of the following:*

- a) A female person hereinafter referred to in this charge as Patient Number 1 was your patient;*
- b) On or about the 29th day of March, 2012, Patient Number 1 attended upon you in relation [sic] her stomach pain;*
- c) Patient Number 1 advised you that the lights in the room were bothering her eyes as she had a migraine headache;*
- d) You massaged parts of Patient Number 1's body while she was lying on the examination table;*
- e) You massaged Patient Number 1's lower back area while she was standing upright;*
- f) While you were sitting on the examination table, you pulled Patient Number 1 towards you and massaged her;*
- g) You did not ask permission of Patient Number 1 to perform a massage;*
- h) You did not provide an explanation to Patient Number 1 for performing the massage;*
- i) You pulled Patient Number 1 into a hug with you;*
- j) You asked Patient Number 1 if you could kiss her.*

Submissions were made by Mr. Bryan Salte on behalf of the Registrar's Office and Mr. Aaron Fox on behalf of Dr. Pillay. The following penalty was imposed by Council:

*The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Yagan Pillay 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. Pillay for a period of one month commencing at 12:01 a.m. on November 15, 2016;*
- 2) Pursuant to Section 54(1)(b) of The Medical Profession Act, 1981, the suspension will remain in effect unless prior to the end of the suspension, Dr. Pillay provides an undertaking to the College, in a form acceptable to the Registrar, that he will have a chaperone present for all future examinations of female patients. The undertaking will remain in effect while Dr. Pillay remains licensed in Saskatchewan unless the Council agrees to an amendment to or a termination of the undertaking;*
- 3) Pursuant to section 54(1)(i), the Council directs Dr. Pillay to pay the costs of and incidental to the investigation and hearing in the amount of \$27,561.78. Such payment shall be made in full by November 15, 2016.*
- 4) Pursuant to section 54(2), if Dr. Pillay should fail to pay the costs as required by paragraph 3, Dr. Pillay's licence shall be suspended until the costs are paid in full.*
- 5) Pursuant to section 54 (1)(g) of The Medical Profession Act, 1981, Dr. Pillay is required to take a Boundaries Course in a form acceptable to the Registrar on or before December 31, 2016. The "Probe Program" offered by CPEP in Toronto on October 28 to 30 is a boundaries course acceptable to the Registrar.*

18. Council received the quarterly financial reports to the end of June 2016 from the Director of Accounting and Finance of the College. Council accepted the quarterly financial reports.
19. Council reviewed the draft 2017 budget prepared by Ms. Amy McDonald, Director of Accounting and Finance and the Registrar. It approved the budget and set the annual fee for regular and provisional licensure at \$1880, unchanged from 2016.
20. Council received a report from the Director of Registration Services with respect to the annual review of physicians who have lost Royal College eligibility. Council reviewed the three individuals' situations and approved a 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. The College may conduct a summative assessment if the physician is directed by the Royal College to obtain additional residency training and is unable to locate the required training.
21. Council received a verbal update on the potential nominees for the Kendel Service. The nomination period ends September 30<sup>th</sup> and the committee will meet to determine if there will be a recipient for the award this year.
22. Council received a report from Dr. Jon Witt, Director of the SIPPA Program outlining the proposed changes to the SIPPA process. The College is required to approve assessment programs that lead to licensure. The Council determined that the SIPPA program will remain an assessment program approved by the College when SIPPA adopts two changes to its eligibility criteria to enter into the program:

- *Effective immediately: Candidates have been successful in either the National Assessment Collaboration (NAC) OSCE taken in 2013 or later (cut score of 75) or the Medical Council of Canada Qualifying Examination Part II (MCCQE2) will be exempted from the SIPPA OSCE.*
  - *Effective September 1, 2017: Candidates can no longer qualify for entry to the program by passing the SIPPA OSCE. Candidates will have to either be successful in the National Assessment Collaboration (NAC) OSCE taken in 2013 or later (cut score of 75) or the Medical Council of Canada Qualifying Examination Part II (MCCQE2).*
23. The Council reviewed a report from the Registrar with respect to the follow-up from the Saskatchewan College of Paramedics' request for amendments to the approved protocols for paramedics in the Lloydminster area and amendment to clinical practice protocols related to the use of Magnesium Sulfate and manual defibrillation. Council approved the amendment to the protocols for use in Lloydminster with an approval date for implementation of the approved protocols to be set at the November Council meeting. Council approved the amendments to the clinical practice protocols related to the use of Magnesium Sulfate and manual defibrillation.
  24. Council considered a request from the Saskatchewan Registered Nurses' Association and the Saskatchewan College of Pharmacy Professionals to comment on their practice guidelines for medical assistance in dying. Council discussed the comments previously made by the Executive Committee.
  25. Council reviewed the request for feedback to Bill – 26 – The Patient Choice Medical Imaging Act. Mr. Salte provided his assessment and Dr. Micheal Howard-Tripp provided some comments from the Advisory Committee on Medical Imaging. Council directed the Registrar's Office to provide comments on the technical aspects of The Bill but to also include its concern that the legislation as currently drafted would allow changes to how imaging is provided in a community beyond that of MRI and CT.
  26. Council received a request to review GP-8 which establishes the rate of reimbursement for members of Council and College committees and tabled the request until March of 2017.
  27. Council received an updated report from Dr. Malhotra and Dr. Shaw on the Annual General Meeting and Educational Session planning. Council affirmed that it wished to have the AGM and Educational Session attached to the March Council meeting which will be the 24 and 25 March, 2017 and approved the format to be a half day on the Saturday starting at 1.00 pm to approximately 5.00 pm with a series of shorter presentations being given. Council will consider an overall theme and some topics for short presentations.
  28. Council received a report from the Associate Registrar with respect to the status of bylaws.
  29. Council received a report on the actions taken by the Executive Committee since the last Council meeting.
  30. Council reviewed 3 separate Preliminary Inquiry Reports and determined that the outcome of the PIC did not support charges being laid in any of the 3 cases. Council asked the Registrar to write to each of the three physicians with suggestions to avoid similar problems in the future.

31. Council reviewed and approved the amendments to the College's policy on Medical Assistance in Dying (MAID).
32. Council received a report from the Associate Registrar on the role of Council on joint submissions, alternate dispute resolution, reprimands, fines and disciplinary process, and publicly available information related to interim practice restrictions. Council determined it would appoint a Working Group to work on alternate dispute resolution and will consider at a later meeting issues related to reprimands, fines and the disciplinary process. Council will also re-visit the publicly available information related to interim practice restrictions.
33. Council received a Preliminary Inquiry Committee report and approved the laying of 3 charges against a physician.
34. Council received a report from the Associate Registrar and accepted a proposal for an alternative dispute resolution related to another physician.
35. Council reviewed and adopted Reasons for the Decision with respect to the penalty imposed upon Dr. N. Chawane-Bekwayo at the June 24, 2016 meeting of Council, following her admission of unbecoming, improper, unprofessional or discreditable conduct.
36. Council reviewed and adopted Reasons for the Decision with respect to the penalty imposed upon Dr. C. Schoeman at the June 24, 2016 meeting of Council, following his admission of unbecoming, improper, unprofessional or discreditable conduct.
37. Council reviewed and adopted Reasons for the Decision with respect to the penalty imposed upon Dr. A. Ali pertaining to its decision to decline the application for restoration of licence and termination of suspension.
38. Council received a report from the Associate Registrar advising Council that 17 physicians had undergone orientation to the investigation and discipline processes of the College and appointed the following members to the Discipline Committee:
  - Dr. J. Rizk
  - Dr. I. Radevski
  - Dr. C. Overli-Domes
  - Dr. Dimitri Louvish
39. Council received a report from the Associate Registrar in review of the discipline tracker and the status of discipline cases.