



Dr. Wasim SHEIKH

Council Decision

Date Charge(s) Laid:	May 9, 2023
Outcome Date:	January 19, 2024
Hearing:	Not required
Penalty Hearing:	Completed
Disposition:	Reprimand, Costs

The Council of the College of Physicians and Surgeons imposes the following penalties on Dr. Wasim Sheikh pursuant to The Medical Profession Act, 1981:

- 1) Pursuant to Section 54(1)(e) of The Medical Profession Act, 1981, the Council hereby reprimands Dr. Sheikh. The format of that reprimand will be in written format.
- 2) Pursuant to section 54(1)(i) of The Medical Profession Act, 1981, the Council directs Dr. Sheikh to pay the costs of and incidental to the investigation in the amount of \$600 payable on or before December 1, 2023.
- 3) Pursuant to section 54(2) of The Medical Profession Act, 1981 the Council directs that Dr. Sheikh’s licence will be suspended if the costs in paragraph 2) are not paid as required and that he will remain suspended until those costs are paid.



COUNCIL

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25 March, 2024

Dr. W. Sheikh



Saskatchewan



Dr. Sheikh:

At its meeting on 22 January 2024, the Council of the College of Physicians and Surgeons of Saskatchewan accepted your admission of guilt pertaining to charges of unprofessional conduct. These charges related to your failure to complete, within the designated timeframe, a term of the undertaking you signed.

The Council of the College of Physician and Surgeons of Saskatchewan imposed penalty pursuant to *The Medical Professional Act, 1981*. Council accepted the recommendation for a written reprimand put forward by your legal counsel and that of the Registrar’s Office.

You, Dr. M. Sheikh, having been found guilty of professional misconduct while practicing medicine in the province of Saskatchewan are hereby reprimanded by the Council of the College of Physicians and Surgeons of Saskatchewan.

You signed an undertaking as part of an Alternate Dispute Resolution (ADR) in January 2023. One of the terms of that undertaking was an audit of the education provided to your clinic staff pertaining to protecting the confidentiality of patient records and personal health information to be completed by March 8, 2023. You failed to complete this in a timely fashion even though College counsel sent you a letter at the time you signed the undertaking warning you of the importance of diarizing the due dates for the requirements of your undertaking.

Continued.....

Signed undertakings must be given the utmost attention. It is your responsibility to exercise due diligence in meeting the terms of any undertaking you sign. Council recognised the mitigating factors in this case, including the fact that you admitted your error at the earliest opportunity, this was a late compliance rather than a failure of compliance and there was no harm to patients. However, the fact that you failed to request an extension of time, which Council would have been more than willing to approve, undermines the ability of the College to adequately regulate the profession and protect the public. Council takes the lack of compliance with undertakings seriously and finds your actions unacceptable.

It is the hope of Council that you reflect and learn from this experience and maintain the standards of the profession going forward.

The Council of the College of Physicians and Surgeons of Saskatchewan

In the Matter of a Penalty Hearing before the Council of the College of Physicians and Surgeons of Saskatchewan and Dr. Wasim Sheikh

January 19, 2024

Summary of the Decision

Dr. Wasim Sheikh appeared before the Council for the purpose of a penalty hearing on January 19, 2024. Dr. Sheikh was represented by Ms. Brittnee Holliday. Mr. Evan Thompson presented the penalty position on behalf of the Registrar's Office.

Dr. Sheikh admitted to unprofessional conduct in the charge laid by the Executive Committee.

The charge admitted by Dr. Sheikh

Dr. Sheikh signed an admission which stated:

I, Dr. Wasim Sheikh, pursuant to section 49 of *The Medical Profession Act, 1981*, admit that I am guilty of unbecoming, improper, unprofessional, or discreditable conduct as set out in the charge laid by the Executive Committee of the College of Physicians and Surgeons which charge states:

You Dr. Wasim Sheikh are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) of *The Medical Profession Act, 1981*, the particulars of which are that you failed to comply with an undertaking to the College.

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

- a) You signed an undertaking with the College in January 2023.
- b) You failed to complete a term of the undertaking within the designated timeframe.

Agreed Statement of Facts

Dr. Sheikh and the Registrar's Office provided an agreed statement of facts, which stated:

- 1) Dr. Wasim Sheikh ("Dr. Sheikh") and the Registrar's office of the College of Physicians and Surgeons of Saskatchewan ("CPSS") agree to the following facts without further proof, for the purposes of the penalty hearing to be held before the CPSS Council.

- 2) On January 8th, Dr. Wasim Sheikh, pursuant to a resolution of the College's Executive Committee, entered into an alternative dispute resolution undertaking that required him to take certain remedial steps, with specific timeframes for the completion of each.
- 3) When he provided the signed copy of undertaking, College counsel sent him a letter warning him of the importance of diarizing the due dates for the requirements of the undertaking:

Given the number of individual timelines in the document, please ensure you have made calendar entries/reminders as it is your obligation to complete each of the requirements by the deadlines in order to have complied with the undertaking you have given.

- 4) Dr. Sheikh completed the first three terms of his undertaking without significant issue, however the issue arose with the deadline for the final requirement, which read:

Within 60 days of the signing of this undertaking, [provide] proof satisfactory to the Registrar or their designate of education provided to clinic staff on protecting the confidentiality of patient records and personal health information.

- 5) Completion of this condition was due on March 8, 2023. Nothing was received by the College at that time, and we then wrote to Dr. Sheikh. On Friday March 17, 2023 she wrote to him as follows:

Good morning Dr. Sheikh,

Further to the undertaking you signed on January 8, 2023 with the College, I note that you have an item which is overdue. Item #7 states: Within 60 days of the signing of this undertaking, I will provide satisfactory to the Registrar or their designate of education provided to clinic staff on protecting the confidentiality of patient records and personal health information. To date we have not received this information which was due on March 8, 2023.

Please advise when we can anticipate receiving proof of this.

- 6) Dr. Sheikh responded on the following Monday, March 20th as follows:

Thanks for the email.

There was some confusion about the date of submission of my undertaking. I will urgently get onto it. As I am away for a couple of days and will submit the report by Friday or weekend.

I will ensure that it is submitted as a priority.

- 7) Dr. Sheikh sent the College a document on Sunday, March 26th that contained some information about training for his employees, but it was deemed insufficient by the Registrar, Dr. Shaw.
- 8) College counsel then wrote to Dr. Sheikh on March 29, 2023. A copy of that letter is attached to this document.
- 9) Dr. Sheikh then provided, at 11:08 p.m. on April 20th a further document with additional information about training that he had provided to his employees. That document was confirmed to be sufficient by the Registrar.

Dr. Sheikh also provided further information to Council about the circumstances that led to his non-compliance, including that the staff member that had been related to the conduct that led to his undertaking left his office, and he needed to hire and train a new staff member.

He also advised that while he mistakenly understood when he received the March 29, 2023 letter that he now did not have to provide the further evidence of compliance until April 20, 2023, though he acknowledged this misunderstanding only applied to increase how long he was non-compliant, not whether he was non-compliant in the first place.

Points in Issue

- 1) What is the appropriate penalty for Dr. Sheikh in the circumstances?

The positions taken by the parties

The Registrar's Office took the position that a reprimand plus the costs related to the penalty hearing were an appropriate penalty in the circumstances. Dr. Sheikh likewise took the position that a reprimand and costs was sufficient.

Decision of Council

The Council of the College of Physicians and Surgeons of Saskatchewan imposes the following penalty on Dr. Wasim Sheikh pursuant to *The Medical Profession Act, 1981* (the "Act"):

- 1) Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, the Council hereby reprimands Dr. Sheikh. The format of that reprimand will be in written format.
- 2) Pursuant to section 54(1)(i) of *The Medical Profession Act, 1981*, the Council directs Dr. Sheikh to pay the costs of and incidental to the investigation in the amount of \$600.
- 3) Pursuant to section 54(2) of *The Medical Profession Act, 1981* the Council directs that Dr. Sheikh's licence will be suspended if the costs in paragraph 2) are not paid as required and that he will remain suspended until those costs are paid.

Reasons for Decision

In reaching a decision on penalty, the Council has taken into account the following factors:

Dr. Sheikh had signed an alternative dispute resolution undertaking that required him to take certain remedial steps, with specific timeframes for the completion of each. In providing the signed copy of the undertaking, the College Council sent Dr. Sheikh a letter warning him of the importance of diarizing the due dates for the requirements of the undertaking.

Dr. Sheikh had completed 3 of the 4 undertakings on time. However, the final undertaking was not completed in time. The completion of this condition was due on March 8, 2023. The College contacted Dr. Sheikh on March 17, 2023 indicating that he had not submitted the evidence of education provided to his clinic staff on protecting the confidentiality of patient records and personal health information. On April 20, Dr. Sheikh submitted satisfactory documentation for the undertaking.

The Council was sympathetic to the challenges Dr. Sheikh faced in training his staff especially due to the turnover of office staff. However, the Council notes that Dr. Sheikh was well-informed of the timelines of each undertaking. If there were issues with completing the undertakings on time, Dr. Sheikh should have contacted the College requesting an extension before the deadline.

The Registrar and Dr. Sheikh were in agreement that a reprimand and costs are an appropriate penalty. In the circumstances, Council determined that a reprimand and costs are a fit and proper penalty.

**Approved by the Council of the College of Physicians & Surgeons of Saskatchewan:
22 March, 2024**