



Dr. Tshipita KABONGO

Council Decision

Date of Competency Hearing:	December 16, 2024
Outcome:	Skill and Knowledge, Lack of
Date of Remedy Hearing:	January 24, 2025
Disposition:	Remediation Order, Costs, Conditions,

- 1) Pursuant to section 45(12)(b) of *The Medical Profession Act, 1981*, the Council hereby suspends Dr. Kabongo effective June 1, 2025, unless prior to that date Dr. Kabongo provides proof to the Registrar that Dr. Kabongo has entered into a program of retraining that is satisfactory to the Registrar. The remediation program Drexel Medicine® Physician Refresher/Reentry Program offered by Drexel University is a program of retraining that is satisfactory to the Registrar.
- 2) Pursuant to section 45(12)(b) of *The Medical Profession Act, 1981* the Council hereby suspends Dr. Kabongo effective December 1, 2025, unless prior to that date Council has received information that satisfies it that a) Dr. Kabongo has completed the retraining program described in paragraph 1 and b) the remedial training program has resulted in Dr. Kabongo regaining adequate skill and knowledge to practise.
- 3) The Council directs that, pursuant to section 45(12)(f) of *The Medical Profession Act, 1981*, Dr. Kabongo's skills and knowledge be assessed after December 1, 2025, following the procedures for the assessment of physicians' skills and knowledge in section 45 of *The Medical Profession Act, 1981* and College regulatory bylaw 12.1, unless prior to the date Council has received information that satisfies it that Dr. Kabongo has completed the remedial training program described in paragraph 1 and that Dr. Kabongo has regained adequate skill and knowledge to practise.
- 4) Pursuant to section 45(12)(g) of *The Medical Profession Act, 1981*, Council directs that Dr. Kabongo pay the costs of and incidental to the investigation and hearing in the amount of \$10,985.00 on or before December 1, 2025, and directs that in the event that Dr. Kabongo fails to pay the costs by that date Dr. Kabongo's licence to practise medicine in Saskatchewan will be suspended until the costs are paid in full.
- 5) The Council reserves the right, upon application by Dr. Kabongo, to revise any of the terms of this order.

Decision Related to Competency

Mr. B. Salte, K.C. for the Registrar's Office

Mr. A. Thera for Dr. T. Kabongo

January 24, 2025

The Competency Hearing Committee concluded on December 16, 2024 that Dr Kabongo "does not have adequate skill and knowledge in the practice of medicine." Dr. Kabongo and the Registrar consented to the Committee adopting a resolution to that effect.

The resolution reads, in part, as follows:

In conclusion, the competency committee is of the unanimous opinion that Dr. Kabongo's practice does not meet the current standard of care expected of a family physician. He failed three out of the five objective components and there was little to alleviate the concerns that were raised during the initial reports and chart review processes. There is a concern not only for substandard family practice care, but also potentially unsafe care due to unclear clinical decision making. While Dr. Kabongo does appear to be relatively knowledgeable with background medical knowledge, there was frequently poor translation of this knowledge into practice — an absolutely critical skill necessary for any physician.

The Council of the College of the Physicians and Surgeons of Saskatchewan is tasked with determining the next course of action for Dr. Kabongo. The Council is bound by *The Medical Profession Act, 1981*.

- 45(12) Where the competency hearing committee decides that the person who was under investigation does not have adequate skill and knowledge to practise, the Council may do one or more of the following:
- (a) order that:
 - (i) the name of the person be struck from the appropriate register; and
 - (ii) the licence or permit of the person be revoked and that any conditions that the Council considers proper be attached to the restoration of the name of the person to the appropriate register;
 - (b) suspend the privileges of the person as a duly qualified medical practitioner or as a podiatric surgeon, as the case may be, under this Act and impose any conditions that the Council considers proper to be met by the person before those privileges may be restored;
 - (c) prohibit the person, for any period of time that the Council may determine, from:
 - (i) practising any branch of medicine, surgery, midwifery or podiatric surgery; or
 - (ii) performing any medical procedure or any medical treatment or surgery of any kind;

- (d) require the person to provide any services or procedures only under the supervision of a duly qualified medical practitioner or by a podiatric surgeon approved by the Council;
- (e) require the person to undertake any upgrading, retraining, education or treatment that the council may specify and provide for the suspension of the privileges of the person as a duly qualified medical practitioner or as a podiatric surgeon, as the case may be, if the person should fail to obtain the upgrading, retraining, education or treatment;
- (f) provide for any further assessment of the skills and knowledge of the person at any future time as the council may determine;
- (g) direct that the costs of and incidental to the investigation and hearing, including fees payable to solicitors, Council and witnesses, or any part of those costs, shall be paid by the person.

Registrar's Position

The Registrar's position is that Dr. Kabongo be required to successfully complete remedial training at Drexel University and to pay the costs associated with the competency assessment. The registrar considers Dr. Kabongo's failings not so significant that his license be revoked. However, he should not remain in practice indefinitely without the deficiencies being addressed with remediation.

Dr Kabongo is presently practicing with several undertakings that; limit his scope of practice; place him in a Practice Supervision Plan that requires that he practice under supervision of Dr. Pervaiz. They are to receive monthly reports and a 6-month review. While the Registrar considers that this protects the public adequately it is not sufficient to address the deficiencies identified in Dr. Kabongo's skill and knowledge.

The Registrar has recent experience with a physician that is similar to this case who was found to not have adequate skill and knowledge in the practice of medicine. Dr. Mugerwa was eventually successful, after several time extensions, in remediation at Drexel University and regained adequate skill and knowledge in the practice of medicine.

Dr. Kabongo's Position

Dr. Kabongo agrees with most of what the Registrar is asking. Dr. Kabongo does not feel that an intensive, time consuming and expensive remediation course is necessary. Dr. Kabongo has been under a supervisory order by the Registrar as of August 2024. He feels he has gained skill and knowledge in the practice of medicine. He is due for a 6-month review by the registrar in March 2025. Dr. Kabongo would like that to take place before any decision is made.

Dr. Kabongo has made an effort at remediation. He completed the CPEP - medical record keeping course October 2023 and the PBI – Stratified Protection Plan and PBI Maintenance and Accountability Seminars January 2024.

Dr. Kabongo feels that practicing under supervision is allowing him to improve his knowledge and skill in the practice of medicine and this should be sufficient for remediation. He does not dispute the appropriateness of the Drexel Remediation course but is of the view that it is overly onerous and will detract from his ability to care for his patients. He proposes that he be permitted to propose a less onerous remediation program to the College.

Council's Decision

Council considered arguments for the Registrar and Dr. Kabongo. Council reviewed both the competency report and the competency hearing committee decision. Council supports the decision by the competency hearing committee that Dr. Kabongo does not have adequate skill and knowledge in the practice of medicine.

Council supports the position of the Registrar. Council is reassured to hear that Dr. Kabongo feels his practice has improved under supervision and encourages him to continue down this path of learning. However, the Council is well aware of what supervision provides. Guidance, feedback and review are the responsibilities of the supervisor. Supervisors are not expected to be teachers or educators.

A structured and organized program that delivers consistent detailed assessments is what the Council agrees is needed to adequately address the deficiencies in Dr. Kabongo's practice. The Council has experience with Drexel University and their assessments. They have educators skilled at working with physicians to improve their skills and knowledge and in assessment. Council considers them thorough and vital in determining whether the participant has regained adequate skill and knowledge in the practice of medicine. However, Council is aware that the Drexel program is not the only option to address the issues with Dr. Kabongo's practice and the Council is prepared to allow him to present other retraining options which, if satisfactory to the Registrar, may be followed.

On the issue of costs, the Registrar is seeking that Dr. Kabongo pay the costs of the competency assessment in the amount of \$10,985.00 on or before 1 December 2025. The Registrar is not seeking any of its legal or other costs of these proceedings as Dr. Kabongo cooperated with the College.

Every physician has an ethical obligation under the College's bylaws to maintain the necessary skills and knowledge. Dr. Kabongo has failed to do so. The work of the Competency Committee was thorough and its assessment report was extensive. Dr. Kabongo does not dispute the reasonableness of the costs claimed or the deadline imposed for payment.

The following motion was passed:

1. Pursuant to section 45(12)(b) of *The Medical Profession Act, 1981*, the Council hereby suspends Dr. Kabongo effective June 1, 2025, unless prior to that date Dr. Kabongo provides proof to the Registrar that Dr. Kabongo has entered into a program of retraining that is satisfactory to the Registrar. The remediation program Drexel Medicine® Physician Refresher/Re-entry Program offered by Drexel University is a program of retraining that is satisfactory to the Registrar.
2. Pursuant to section 45(12)(b) of *The Medical Profession Act, 1981* the Council hereby suspends Dr. Kabongo effective December 1, 2025, unless prior to that date Council has received information that satisfies it that a) Dr. Kabongo has completed the retraining program described in paragraph 1 and b) the remedial training program has resulted in Dr. Kabongo regaining adequate skill and knowledge to practise.
3. The Council directs that, pursuant to section 45(12)(f) of *The Medical Profession Act, 1981*, Dr. Kabongo's skills and knowledge be assessed after December 1, 2025, following the procedures for the assessment of physicians' skills and knowledge in section 45 of *The Medical Profession Act, 1981* and College regulatory bylaw 12.1, unless prior to the date Council has received information that satisfies it that Dr. Kabongo has completed the remedial training program described in paragraph 1 and that Dr. Kabongo has regained adequate skill and knowledge to practise.
4. Pursuant to section 45(12)(g) of *The Medical Profession Act, 1981*, Council directs that Dr. Kabongo pay the costs of and incidental to the investigation and hearing in the amount of \$10,985.00 on or before December 1, 2025, and directs that in the event that Dr. Kabongo fails to pay the costs by that date Dr. Kabongo's licence to practise medicine in Saskatchewan will be suspended until the costs are paid in full.
5. The Council reserves the right, upon application by Dr. Kabongo, to revise any of the terms of this order.

**Approved by the Council of the College of Physicians and Surgeons of Saskatchewan:
Saturday 29 March 2025**