

Dr. Kristyn INSLEY

Council Decision

Date Charge(s) Laid:	May 13, 2025
Charge(s) Amended:	N/A
Outcome Date:	June 20, 2025
Hearing:	June 20, 2025
Disposition:	Reprimand, Suspension, Costs, Conditions

The Council of the College of Physicians and Surgeons imposes the following penalties on Dr. Kristyn Insley 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. Insley. The format of that reprimand will be in writing.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Insley until the date that Dr. Insley provides the information and documents requested by the preliminary inquiry committee, to the College's satisfaction.
- 3) Pursuant to Section 54(1)(b) of the Act, the Council further hereby suspends Dr. Insley for a period of two months after the date that Dr. Insley provides the information and documents requested by the preliminary inquiry committee referenced in paragraph 2) of this resolution.
- 4) Pursuant to section 54(1)(i) of *The Medical Profession Act, 1981*, the Council directs Dr. Insley to pay the costs of and incidental to the investigation in the amount of \$1,320.00 within 60 days.
- 5) Pursuant to section 54(2) of *The Medical Profession Act, 1981* the Council directs that Dr. Insley's licence will be suspended if the costs in paragraph 4) are not paid as required and that she will remain suspended until those costs are paid.

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REGISTRAR'S OFFICE

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1 October 2025

Dr. K. Insley

Sent via email:

Dear Dr. Insley:

Dr. Insley, you pled guilty to a charge of professional misconduct due to your lack of cooperation with a Preliminary Inquiry Committee (PIC) that was tasked with investigating 29 complaints against you.

You are hereby reprimanded for your behaviour.

The College is responsible to the public and holds public protection as it's highest priority. Physician ethics, professionalism, and clinical care are part of the role of the College to regulate. The College has the responsibility to investigate any complaint that it receives and it is up to the College to determine what information it needs to fully investigate the complaint and not the physician member.

Bankruptcy proceedings are difficult and the Council has empathy for your situation, but it does not dissolve you of your professional responsibility to cooperate with a PIC. Even worse is your tone of arrogance that pervades your correspondence with the College.

A penalty hearing at Council is not a "kangaroo court" as you have stated. It is a legitimate and legislated process to penalize physicians for professional misconduct and was the appropriate venue for your behaviour. You question your desire to ever practice in Canada again, however, Council questions whether you should ever again be allowed to practice in Canada.

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 (CPSS) between The Registrar's Office and Dr. Kristyn Insley

June 20, 2025

Summary of Matter

Dr. K. Insley owned and operated a private clinic, Dr. K. Insley Medical Aesthetics in Saskatoon, which closed and went into bankruptcy on or around October 2024. The Registrar's Office subsequently received several complaints from clients who had paid varying sums of money as prepayment for services.

With the closure of the clinic, the complainants were neither offered a refund nor provided the service. Additionally, they reported difficulties getting through to Dr. Insley to discuss their concern or resolve the issues regarding their prebuys.

On 14 January 2025, the CPSS appointed a Preliminary Inquiry Committee (PIC) to investigate the complaints. The PIC, on repeated occasions, sought information from Dr. K. Insley, who did not co-operate with the investigation. This led to a charge of unprofessional conduct being laid against Dr. Insley by the Council of the College of Physicians and Surgeons of Saskatchewan on 13 May 2025. This charge was admitted by Dr. Insley.

Dr. Insley did inform the College by email dated 11 June 2025 that she would not be appearing before the Council for the penalty hearing on June 20, 2025. She did not appear at the penalty hearing, nor was she represented by legal counsel. Mr. Bryan Salte presented the penalty position on behalf of the Registrar's Office.

Background

Dr. Kristyn Insley graduated from University of Saskatchewan in 2006 and completed Family Medicine residency in 2008. She was the owner Dr. K. Insley Medical Aesthetics, a private clinic in Saskatoon that is now defunct.

She has had a previous finding of unprofessional conduct in 2023 related to a conviction for driving while impaired and dishonesty by failing to disclose this to College. She received a reprimand, suspension and completed an ethics course.

The Charge admitted by Dr. Insley

On 28 May 2025 Dr. Insley provided a signed admission to the charge that she had failed to cooperate with the PIC to the CPSS. However, she disputes the authority of the College to seek the information she failed to provide to the PIC. The formal charge admitted by Dr. Insley reads as follows:

You, Dr. Kristyn Insley 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 paragraph (g) under the heading "Accountability" in Bylaw 7.2.

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

- 1. The Executive Committee of the College appointed a preliminary inquiry committee to conduct an investigation into your conduct.
- 2. The resolutions of the Executive Committee appointing the preliminary inquiry committee stated:

After reviewing the information related to the complaints filed against Dr. Kristyn Insley, the Executive Committee has concluded that there are reasonable grounds to believe that Dr. Insley may be guilty of unbecoming, improper, unprofessional or discreditable conduct. The Executive Committee, therefore, directs that a preliminary inquiry committee be appointed to investigate those issues.

And

After reviewing the information related to the complaints filed against Dr. Kristyn Insley, the Executive Committee previously concluded that there are reasonable grounds to believe that Dr. Insley may be guilty of unbecoming, improper, unprofessional or discreditable conduct. The Executive Committee, therefore, directed that a preliminary inquiry committee be appointed to investigate those issues.

The Executive Committee directs that the preliminary inquiry committee to investigate consist of Dr. Milbrandt and Ms. Arnst.

- 3. You did not cooperate with the investigation by the preliminary inquiry committee.
- 4. The preliminary inquiry committee made requests for information and/or documents in email messages sent to you on March 4, 2025, March 5, 2025 and March 25, 2025.
- 5. You did not provide the requested information and/or documents to the preliminary inquiry committee.
- 6. You sent an email message to Amy Krieger, a person employed by the College of Physicians and Surgeons, in which you stated:

It is my understanding that the role of the college of physicians and surgeons is to regulate the practice of medicine and patient care.

As such, I will not be providing further financial or business information.

Should any concerns arise regarding practice of medicine or patient care, I would be happy to respond.

7. You sent an email message to legal counsel for the College in which you stated:

As per my previous emails, I will not be providing any further financial or business information to the college.

Please make decision/judgement based on the information the college already has.

The Position taken by the Registrar's Office

Co-operation with investigation is a professional obligation

The Registrar's Office's position is that a member does not determine whether they are required to cooperate with an investigation into their conduct. Cooperation is obligatory; if a professional does not cooperate, they will be found guilty of professional misconduct unless they are able to demonstrate that the request for information was made in excess of jurisdiction, in bad faith, for an improper use or was clearly wrong.

The obligation to cooperate with an investigation is also set out in CPSS bylaws which define failure to cooperate as unprofessional conduct. College Regulatory Bylaw 7.2 (the *Code of Conduct*) states:

(a) No person who is registered under the Act shall contravene or fail to comply with the Code of Conduct

The CPSS expects that physicians will:

(g) Cooperate with the CPSS when the CPSS is involved in a regulatory activity that involves the physician or the physician's practice.

In support of his position the Registrar cited the following cases:

College of Physicians and Surgeons of Ontario vs Killian, 2024 ONPSDT23, the tribunal commented that professional misconduct will be found if a professional fails to cooperate with investigation. A belief by the member that the investigation may be unlawful is not a defence to an allegation of misconduct based on a failure to cooperate with an investigation.

College of Physicians and Surgeons of Ontario vs Kustka, 2025 ONPSDT7, the discipline tribunal noted that the duty to cooperate, by contrast, is situated in the context of the responsibility placed on health regulatory colleges to protect the public interest and the corresponding need to ensure they have sufficiently effective means at their disposal to carry out this responsibility.

It is this policy and regulatory context that gives rise to the mandatory nature of the duty to cooperate.

In Law Society of Ontario v. Diamond, 2021 ONCA 255, the Appeal Court not only reiterated the obligation to cooperate but also affirmed the response to communication must be prompt and complete.

Penalty resolutions suggested by Registrar's Office:

The College has an obligation to investigate the complaints received against Dr. Insley, irrespective of whether she thinks that the conduct alleged did not constitute investigation.

By stonewalling the investigation with her refusal to provide information she deems unnecessary for the PIC to request, Dr. Insley impaired the ability of the College to fulfill its statutory obligation to regulate the profession including its investigative role in responding to complaints. Such conduct ultimately erodes the trust of the public in the profession and the College being eroded. The misconduct is serious, and an indefinite period of suspension is warranted until the member complies with the requests of the PIC.

The approach that has been taken by regulatory bodies dealing with a professional's refusal to cooperate with an investigation into the conduct is to order suspension that will remain in effect until the professional cooperates, and then for a defined term thereafter. If a professional refuses to cooperate, that means that the investigation into their conduct cannot be completed. The professional should not be permitted to remain in practice in such circumstances. An indefinite suspension is the only means to either obtain the person's cooperation into their conduct or prevent them from practising until they cooperate.

In Law Society of Ontario v Watson, 2025 ONLSTA7, the Appeal Division noted that the usual penalty for non-compliance with an investigation was an indefinite suspension until completion of the lawyer's response followed by a definite one-month suspension. A similar approach was followed in Choi(Re) 2023 CanLii 85024 (BC CPS) and CPSSO v. Luchkiw 2024 ONPSDT 4.

The Registrar, following those authorities submits that the following penalty be imposed:

- 1. Reprimand, the form of which will be decided by the Council.
- 2. Suspension until the date that Dr. Insley provides the information and documents requested by the preliminary inquiry committee, to the College's satisfaction.
- 3. Further suspension for a period of two months after the date that Dr. Insley provides the information and documents requested by the preliminary inquiry committee referenced in paragraph 2) of this resolution.
- 4. Payment by Dr. Insley of the costs of and incidental to the investigation in the amount of \$1,320.00 within 60 days.

5. Dr. Insley's licence will be suspended if the costs in paragraph 4) are not paid as required and that she will remain suspended until those costs are paid.

Dr. Insley's position

Dr Insley did not appear, nor did she submit any written submissions on penalty. She had in a written communication, admitted the charge.

Decision of Council

The Council of the College of Physicians and Surgeons imposed the following penalties on Dr. Kristyn Insley pursuant to *The Medical Profession Act, 1981*:

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Reasons for Decision

Considerable time was given by Council to discuss the appropriate penalty in this case. As Dr. Insley chose not to attend nor send representation, her position could only be deduced from the written communication between herself and the College staff.

Council considered the various case laws provided by Registrar's Office's legal counsel and Dr. Insley's opinions on their relevance. The most relevant were *College of Physicians and Surgeons of Ontario vs Killian, 2024 ONPSDT23* (failure to cooperate with investigation being regarded as unprofessional conduct) and *Law Society of Ontario v Watson, 2025 ONLSTA7* (indefinite suspension for non-compliance with investigation until member responds completely). Consideration was also given to the relevant sections of the CPSS Bylaws as noted in the Registrar's Office's submissions.

It must be noted that the issue here is a penalty determination for non-cooperation with investigation which the CPSS is duly and legally mandated to carry out when a complaint of unprofessional conduct has been received against a registrant of the College. This investigation is necessary to determine whether the allegations in the received complaints are provable, not just casting aspersions on Dr. Insley.

There is nothing unique or unusual about being required to provide a regulator with information needed to ensure public safety – this obligation to share information about one's activities is by no means limited to professionals. Restaurants must allow for health inspections; taxpayers must provide detailed financial information to the Canada Revenue Agency, etc.. As time-consuming as this may be, compliance with investigation is one of the fundamental citizen responsibilities in the society, more so, when it involves a professional regulatory body and its registrants.

Council also deliberated on Dr. Insley's position that these are solely financial matters and do not pertain to clinical care. The Council agrees with the Registrar's Office that the complaints are regarding the physician's practice which bylaw 7.2(g) empowers the College to regulate. Those said financial matters arose from Dr. Insley's status as a licensed physician in Saskatchewan, and the College, as the licensing authority, has a mandate to investigate allegations of professional misconduct against its members.

If a professional refuses to cooperate, that means that the investigation into their conduct cannot be completed, and an indefinite suspension is the only means to either obtain the person's cooperation into their conduct or prevent them from practising until they cooperate.

A reprimand is felt appropriate in this situation. However, as Dr. Insley decided not to attend this hearing, this gives an insight as to whether she would appear in-person for a reprimand; Council thus decided the reprimand should be in written format.

The costs incurred for the investigation and hearing reflect the challenges posed by Dr. Insley's refusal to cooperate with the investigation; Council agrees with the Registrar's Office that it is appropriate to order the costs.

Approved by the Council of the College of Physicians & Surgeons of Saskatchewan: 27 September 2025