



Dr. Medhi HORRI

Council Decision

Effective Date:	January 18, 2019 March 10, 2020
Outcome Date:	March 20, 2020
Hearing:	March 20, 2020
Disposition:	Reprimand, Suspension, Costs

The Council accepted a joint recommendation for the penalty to be imposed by Council following Dr. Horri's admission of unprofessional conduct.

The Council adopted the following resolution;

- 1) Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, the Council hereby reprimands Dr. Horri. The format of that reprimand will in written and verbal format. Dr. Horri is required to appear before the next regularly scheduled meeting of the Council to be present to have the reprimand administered in person.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Horri for a period of four months commencing April 4, 2020 at 12:01 a.m.
- 3) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Horri to pay the costs of and incidental to the investigation and hearing. The costs of the investigation and hearing are the costs of the preliminary inquiry committee consisting of Dr. Vogel and Mr. Mulder in the amount of \$5189.45, legal costs of \$5,280 and the costs of the preliminary inquiry committee consisting of Dr. Overli-Domes and Lorne Mulder. The costs shall be payable in full by September 20, 2020.
- 4) Pursuant to section 54(2) of the Act, if Dr. Horri should fail to pay the costs as required by paragraph 3, Dr. Horri's licence shall be suspended until the costs are paid in full.
- 5) The Council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Horri. Without limiting the authority of the Council, the Council may extend the time for Dr. Horri to pay the costs required by paragraph 4.



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REGISTRAR
KAREN SHAW, M.D.

22 June, 2020

Dr. M. Horri

[REDACTED]

Dear Dr. Horri:

The Council of the College of Physicians and Surgeons of Saskatchewan accepted your admission of guilt to charges of professional misconduct. One component of the penalty was the administration of a formal verbal reprimand.

You have demonstrated poor judgment in administering a paralytic agent to a patient and not informing medical transport personnel, and compounded that error by leaving a medical student in charge of this critically ill patient without providing sufficient oversight.

You failed to accept direction from a consultant that you had contacted for medical advice and against reasonable medical practice administered a blood transfusion to the patient while at the same time failing to adhere to the hospital transfusion protocol. Your actions were made more egregious by your anger at the nursing staff and suggesting that you would report them to the SRNA. These actions indicate that you have poor judgment and demonstrated a lack of medical expertise. You also apparently lack insight into your actions.

You have also contravened medical standards in your management of another patient in the administration of blood products and iron transfusion. You have failed to meet accepted standards in not documenting your reasons for not following recommendations in administering quantities of medications to another patient.

Continued.....

***To serve the public by regulating the practice of medicine
and guiding the profession to achieve the highest standards of care***

To add insult to injury these are only your latest offences. You have a previous record of unprofessional conduct and revocation of your licence for sexual misconduct with a patient. You have had previous revocation of your licence in Ontario.

You have demonstrated a lack of judgment, lack of competence and lack of insight. The people of this province deserve a better physician than you have demonstrated yourself to be. Council hopes that the delivery of this painful assessment of your inadequate performance stimulates you to consider the downward trajectory of your medical career and motivates you to initiate significant reform to immediately rectify your deficiencies. We expect that we will not have you appear before us again for more disciplinary action.

Sincerely

The Council of the College of Physicians and Surgeons of Saskatchewan

IN THE MATTER OF AN APPLICATION TO AMEND THE TERMS OF THE UNDERTAKING OF

DR. M. HORRI

30 September, 2022

Introduction and Background

Dr. Horri is a family physician practising in Estevan, Saskatchewan. He has also previously been privileged as an anesthetist. Dr. Horri's name was struck from the register in Saskatchewan after being found guilty of a sexual boundary breach with a patient in Ontario. Having met the terms under which he was permitted to reapply for licensure, the Council deliberated and restored Dr. Horri's license as of 22 June, 2018. At that time, Dr. Horri was permitted to practise under the conditions of an undertaking signed before his license was restored. The terms of the undertaking are as follows:

- 1) *I will not have any in-person professional encounters with female patients in my office practice, except in the presence of a female chaperone;*
- 2) *I will post a visible sign in my waiting room and each of my examination rooms in my clinic that states that I will not see female patients without the presence of a female chaperone;*
- 3) *I will limit my medical practice in Saskatchewan to practice in a medical clinic seeing patients by appointment or on a walk-in basis;*
- 4) *I agree that I will actively participate in the Physician Health Program of the Saskatchewan Medical Association and will follow the recommendations of the Physician Health Program;*
- 5) *This undertaking shall remain in effect for as long as I stay in practice in the province of Saskatchewan. The terms of this undertaking can only be amended with the consent of the Registrar or the Council.*
- 6) *I acknowledge that a breach of this undertaking may constitute unbecoming, improper, unprofessional, or discreditable conduct.*

In 2019 and 2020, Dr. Horri brought applications before Council to amend the terms of his undertaking with respect to potentially seeing patients in long-term care facilities. In addition, a request was made to alter the terms of the undertaking concerning signage and chaperones for his practise. The Council denied this application with the reasons provided.

On 31 May, 2022 Dr. Horri brought an application for consideration by the Council. The request for alteration of his undertaking was as follows:

Dr. Horri respectfully requests that the Council amend the undertaking by:

- i. Removing the requirement, outlined in paragraph three, that he "limit [his] medical practice in Saskatchewan to practice in a medical clinic seeing patients by appointment or on a walk-in basis."*

Dr. Horri provided no specific wording concerning the modification of the undertaking. It was clear from the written and verbal submissions, on behalf of Dr. Horri, that no modification of the other terms of the undertaking was requested.

Documents Under Consideration

- 1) Info 174_22 - Dr. M. Horri - Request to Amend Practice Restrictions - Submissions on Behalf of Dr. Horri
- 2) Info 175_22 - Dr. M. Horri - Request to Amend Practice Restrictions - Affidavit of Dr. Horri
- 3) Info 173_22 - Dr. M. Horri - Request to Amend Practice Restrictions - Registrar's Office Submissions

Position of Dr. Horri

Ms. M. Ouellette K.C. represented Dr. M. Horri.

An affidavit was provided by Dr. Horri, which among other things, articulated;

- Current compliance with the undertaking of 19 June, 2018.
- Evidence of learning done to address prior misconduct.
- Describing the domestic stressors felt to be contributory to three of the 2019 charges.
- The nature of the fourth charge regarding propofol administration.
- The terms of the joint submission managing the four charges of 2019.
- The investigation of two subsequent complaints with no charges laid.
- The nature of ongoing and recent rehabilitation efforts:
 - o Avoidance of boundary violations
 - o Improved behavior in a team setting
 - o Improved professional communication
- CME to maintain currency in G.P. anesthesia.
- The willingness of Dr. A. Eshawesh (ACOS) to supervise his return to hospital-based practice.

There is a considerable need for medical practitioners in Estevan. Counsel for Dr. Horri opined that if able to practise outside of his current restrictions, Dr. Horri would be able to provide service to a larger number of patients safely.

Counsel for Dr. Horri commented on the depth of educational and rehabilitative training that Dr. Horri has completed over the last several years to prepare himself for a return to a broader

scope of practise. She opined that it becomes essential that Dr. Horri be returned to a wider range of practice to prove that rehabilitation has succeeded. There is no way Dr. Horri can functionally demonstrate his improved behavior other than a return to broader practice environments. He has shown an ability to work in his clinic under appropriate chaperone surveillance, but engaging with a larger working team in the more varied hospital environment is the proper test to confirm his rehabilitation.

Counsel for Dr. Horri confirmed that the CEO of St. Joseph's Hospital in Estevan has a well-thought-out plan for a gradual return to hospital practise. The hospital administration has suggested that some safeguard restrictions remain in place to avoid the risk of harm to the public should recidivism occur. There was no clear objection of the hospital administration to the idea of Dr. Horri returning to provide ward and anesthesia services.

Counsel for Dr. Horri confirmed that Dr. A. Eshawesh, who serves as Area Chief of Staff, would be willing to serve in a direct supervisory role for Dr. Horri if such supervision was required during Dr. Horri's return to a broadened scope of practice.

Position of the Registrar's Office

Mr. B. Salte, K.C. represented the Office of the Registrar.

Mr. Salte offered that the Council need not concern itself with Dr. Horri's competency to provide hospital-based medical care or anesthesia services. Any alteration to the restrictions on Dr. Horri's practise would be subject to Bylaw 4.1 - Returning to Practice in Saskatchewan after an absence or disability, inactive practise, or change in scope of practice.

Mr. Salte reviewed the entirety of Dr. Horri's discipline history and the disposition of all matters to date.

Mr. Salte reviewed the factors that he felt were significant from the SHA perspective if restrictions were to be modified. There is no significant difference between the SHA perspective and that of Dr. Horri. Mr. G. Hoffort has suggested that in addition to on-call anesthesia of a peri-operative and peri-partum nature, Dr. Horri could also provide ward coverage for his in-patients.

Mr. Salte spent some time advising the Council with respect to the requirement to identify factors in Dr. Horri's situation which have changed in such a way as to justify any Council decision to remove any of the restrictions currently governing Dr. Horri's practice. As the onus of proof lies with Dr. Horri, in this matter, any departure from previous decisions of the Council need to be justified by arguments brought forth on behalf of Dr. Horri.

Mr. Salte recognized the educational efforts documented by Dr. Horri. Still, he was not convinced that there was any substantive evidence that would support a departure from prior decisions of the Council concerning Dr. Horri's practice. The most recent discipline matters were dealt with by 'Letters of Concern' within the last calendar year. Further, it was noted that

lapses in judgement occurring within the last several years, while not rising to the level of charges, have indeed demonstrated ongoing issues even in the relatively controlled environment of his family practice clinic.

Decision of Council

Council agreed to release Dr. Horri from paragraph 3 of the 2018 undertaking, upon receiving an undertaking signed by Dr. Horri, which states the following:

1. I will comply with bylaw 4.1 before engaging in any medical practice that is not practiced in a medical clinic seeing patients by appointment or on a walk-in basis.
2. I will not have any in-person professional encounters with female patients in St. Joseph's Hospital in Estevan except in the presence of a female chaperone.
3. I will not be present in any location in St. Joseph's hospital that is not a public or patient area.
4. Unless I am authorized to practise in other locations within St. Joseph's Hospital, I will limit my practice to:
 - a. peri-operative anesthesiology services;
 - b. anesthesiology on call services in the Emergency Department;
 - c. anesthesiology on call services in the Obstetrics Department.

Dr. Horri has agreed to include in an undertaking with the College the terms requested by St. Joseph's Hospital in Estevan for a return to practice in that hospital.

Reasons for Decision

The Council appreciates the complexity and chronicity of Dr. Horri's discipline history. We are aware of the varied nature of the misconduct he has been penalized for, and that we must remain true to the mandate of the College, which is the protection of the public.

Through that lens, Council accepted that, it appears that, Dr. Horri has expended time and effort on self-reflection while attending training to improve his insight and communications in a team setting. The Council has no intention of removing the restrictions on Dr. Horri's practice which are specifically in place to protect his female patients from the risk of re-offence. The Council did, however, accept that the most appropriate test of Dr. Horri's rehabilitation will require a carefully monitored and graded expansion in his scope of practise.

The Council feels that removing all scope of practise restrictions would be imprudent. Instead, we think that by permitting Dr. Horri to return to the practise of G.P. anesthesia, there is an opportunity to allow Dr. Horri to practise a more varied scope while working in a tightly controlled and easily observable team-based clinical environment. Dr. Horri will have to demonstrate compliance with Bylaw 4.1 to the satisfaction of the Registrar. It is the opinion of the Council that such a scope expansion is an appropriately conservative approach to addressing this application.

The Council was not convinced that Dr. Horri has had sufficient time to demonstrate he is ready to return to ward medicine. Further, maintaining his chaperone requirements on the ward would be a tremendous logistical challenge. The ward environment presents too many potential pitfalls for Dr. Horri, given his past misconduct. Peri-operative and peri-natal clinical settings generally mandate a higher ratio of physicians and nurses to patients. By permitting Dr. Horri to practise in these settings, he will be able to continue to meet the chaperone restrictions of the undertaking. In addition, these team-based environments will allow him the opportunity to demonstrate his professed rehabilitation for interpersonal communication and clinical insight while mitigating risk to patients.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan:
26 November, 2022**