



Dr. Bradley SPERLING

Council Decision

Date Charge(s) Laid:	May 9, 2023
Outcome Date:	January 19, 2024
Penalty Hearing:	January 19, 2024
Disposition:	Reprimand, Costs

The Council of the College of Physicians and Surgeons imposes the following penalties on Dr. Bradley Sperling 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. Sperling. 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. Sperling to pay the costs of and incidental to the investigation in the amount of \$780 payable within 30 days.
- 3) Pursuant to section 54(2) of The Medical Profession Act, 1981 the Council directs that Dr. Sperling'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.



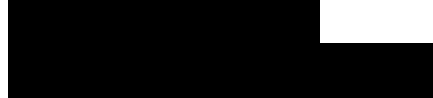
COUNCIL

101 - 2174 Airport Drive
Saskatoon, SK S7L 6M6
OfficeOfTheRegistrar@cps.sk.ca
cps.sk.ca

Business: (306) 244-7355
Fax: Office of the Registrar (306) 244-2600
Toll Free: 1-800-667-1668

25 March, 2024

Dr. B. Sperling



Saskatoon

Saskatchewan



Dr. Sperling:

At its meeting on January 19, 2024, the Council of the College of Physicians and Surgeons of Saskatchewan accepted your admission of guilt and imposed the following penalty. You are hereby ordered to pay costs incidental to the investigation and are subject to a written reprimand.

You, Dr. Sperling, having been found guilty of unprofessional conduct while practicing medicine in the province of Saskatchewan are hereby reprimanded by the Council of the College of Physicians and Surgeons of Saskatchewan.

This particular incident began with a relatively minor issue regarding a complaint from SGI that you had not completed a requested report in a timely fashion. In order to resolve this issue, you signed an undertaking stating that you would establish an audit trail for third party requests, provide a copy of this audit trail at the College’s request and respond to third party requests within 30 days. You also acknowledged in writing that a breach of this undertaking may constitute unbecoming, improper and unprofessional conduct. When the College made repeated requests for this audit trail, you failed to provide the required information for over three months. This was an unacceptable amount of time in which to complete this request.

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The College considers the breach of an undertaking as an extremely serious matter. These undertakings provide the College with a mechanism to precisely provide physicians with direction to bring their practices into compliance with our policies. It also provides physicians with no room for confusion, on exactly what are our expectations. The College has, within its power, the ability to impose a suspension for any breach of undertaking. In your particular situation, due to the relatively minor nature of the original issue and the fact that you did eventually comply, we elected not to impose a suspension. However, should such a breach in undertaking occur on your part in the future, be forewarned that a suspension would very much be a possible part of any penalty decision.

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. Bradley Sperling
January 19, 2024**

Summary of the Decision

Dr. Bradley Sperling appeared before the Council for the purpose of a penalty hearing on January 19, 2024. Dr. Sperling was represented by Mr. Collin Hirschfeld. Mr. Bryan Salte presented the penalty position on behalf of the Registrar's Office.

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

The Charge admitted by Dr. Sperling

Dr. Sperling admitted the following charge, as set out on July 17, 2023:

You Dr Bradley Sperling are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) of *The Medical Profession Act, 1981* s.s. 1980-81 c. M-10.1.

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

1. On or about October 28, 2022 you signed an undertaking with the College of Physicians and Surgeons of Saskatchewan.
2. You failed to comply with the terms of that undertaking.
3. In your undertaking you agreed that you would establish an internal audit trail to track requests for and completion of third party reports.
4. You failed to establish an internal audit trail within a reasonable period of time.
5. In your undertaking you agreed that you would provide a copy of the audit trail to the College of Physicians and Surgeons for review upon request by the College.
6. You failed to provide a copy of the audit trail to the College of Physicians and Surgeons within a reasonable period of time.

The Position taken by the Registrar's Office

The Registrar's Office took the position that, based on previous penalty decisions from the Council, it supported the conclusion that Dr. Sperling should be reprimanded and required to pay costs.

The Position taken by Dr. Sperling's Legal Counsel

Dr. Sperling's position on penalty was in keeping with that of the Registrar's Office:

- (a) A reprimand in written format; and
- (b) Payment of costs in the amount of \$780 payable on or before May 1, 2024.

Dr. Sperling submitted that the above penalty is appropriate, within the range of sentences, fit and reasonable and aligns with the public interest.

Decision of Council

The Council of the College of Physicians and Surgeons imposes the following penalties on Dr. Bradley Sperling 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. Sperling. 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. Sperling to pay the costs of and incidental to the investigation in the amount of \$780 payable within 30 days.*
- 3) Pursuant to section 54(2) of The Medical Profession Act, 1981 the Council directs that Dr. Sperling'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

The Council of the College of Physicians & Surgeons of Saskatchewan had a fulsome discussion and reviewed previous penalty decisions before imposing this penalty. Council considers breaches of undertaking very seriously and penalty for conduct could include suspension.

Dr. Sperling signed an undertaking with the College of Physicians and Surgeons of Saskatchewan. He failed to comply with the terms of that undertaking within the time required.

The discussion at Council centered on whether to impose suspension for breach of this undertaking to act as deterrence.

Council recognized that breach of an undertaking is a serious matter. Undertakings create a clearly documented mechanism to ensure physician compliance. They are agreed to by both the College of the Physicians & Surgeons of Saskatchewan and the physician in question. When a physician is in breach of an undertaking, the College may impose a period of suspension to act as deterrence.

Council made the decision not to impose the penalty of suspension after reviewing the relevant cases and evaluation of mitigating factors put forward.

Council reviewed the relevant cases where a breach of undertaking included penalty of suspension. In those cases, there were other factors that differed from Dr. Sperling. These included previous history of discipline for unprofessional conduct and the nature of the conduct being more serious. Thus, when reviewing these cases and in particular the actions underlying the breach, the nature and gravity of Dr. Sperling's conduct was considered less serious.

Specifically, in Dr. Sperling's case, he ultimately complied with the undertaking, and no patients were placed at risk of harm by the significant delay.

Council also evaluated specific mitigating factors. Dr. Sperling had admitted this unprofessional conduct. Dr. Sperling has been continuously licensed in Saskatchewan since he received his medical degree in 1988 with no prior discipline history. Council considers these as mitigating factors.

Based on the review of relevant cases and consideration of mitigating factors, Council imposed the penalty of written reprimand and costs. While Council had the option to impose penalty of suspension to act as deterrence, Council did not based on the above reasons.

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