



Dr. Laura TANYI-REMARCK

Council Decision

Date Charge(s) Laid:	November 25, 2023
Charge(s) Amended:	N/A
Outcome Date:	June 8, 2024
Penalty Hearing:	June 8, 2024
Disposition:	Reprimand, Costs

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Laura Tanyi-Remarck pursuant to *The Medical Profession Act, 1981* (the "Act"):

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Tanyi-Remarck. The format of that reprimand will be in writing.
- 2) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Tanyi-Remarck to pay the costs of and incidental to the investigation and hearing in the amount of \$5,860.34. Such payment shall be made in full on or before 31 December 2024.
- 3) Pursuant to section 54(2) of the Act, the Council directs that Dr. Tanyi-Remarck's licence shall be suspended if the costs in paragraph 2 are not paid as required and that she will remain suspended until the costs are paid in full.
- 4) The Council reserves to itself the right to reconsider and amend the time within which payment of costs must be made set out in paragraph 2. Such reconsideration shall only be done if requested by Dr. Tanyi-Remarck.



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16 September 2024

Dr. L. Tanyi-Remarck



Dr. Tanyi-Remarck:

The Council of the College of Physicians and Surgeons of Saskatchewan held a penalty hearing on June 8, 2024 in relation to your admission of charges of unbecoming, improper, unprofessional and discreditable conduct. The charges pertain to alteration of medical records that were submitted for review by the Joint Medical Professional Review Committee (JMPRC).

The Council of the College of Physician and Surgeons imposed penalties pursuant to **The Medical Professional Act, 1981**. These penalties include payment of costs and a written reprimand.

You, Dr. L. Tanyi-Remarck, 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.

Maintaining accurate medical records is a core foundational component of medical practice. Council expects that a physician with your years of experience should be aware of the significance of not only keeping adequate medical records but also adding an addendum with the dates of any changes made when alteration is deemed necessary. Council was particularly appalled that this occurred in the setting of a JMPRC review.

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Council considered and acknowledged that this conduct occurred within the same timeframe as the conduct that led to your previous penalty hearing in 2022. While Council was magnanimous not to impose a separate suspension for this conduct, make no mistake, Council views your actions as egregious and unacceptable and a charge of alteration of medical records will ordinarily lead to a suspension. Council reminds you that based on the principles of progressive discipline, any further professional misconduct may result in a more substantial penalty.

It is the hope of Council that you learn from this experience and the ethics course that you have completed, and that you strive to maintain the professional standards expected of physicians practicing in Saskatchewan.

The Council of the College of Physicians and Surgeons of Saskatchewan

**In the Matter of a Penalty Hearing for Dr. L. Tanyi-Remarck held before the Council of the
College of Physicians and Surgeons of Saskatchewan**

Mr. C. Hirschfeld appearing for Dr. Tanyi-Remarck

Ms. S. Torrance appearing for the Registrar's Office

8 June 2024

Background

Dr. Tanyi-Remarck was charged with inappropriately altering medical records which had been requested by the Joint Medical Professional Review Committee (JMPRC). She has admitted to the conduct charged.

This matter was brought to the College by the JMPRC after an investigation of billing anomalies. In 2022 Dr. Tanyi-Remarck was the subject of a penalty order based on a complaint from the owner of the Alliance Clinic at which she worked. The initial misconduct related to ordering and billing for patient tests that were not indicated and/or not performed. This misconduct resulted in the JMPRC investigation into the associated billing anomalies and the inappropriate alteration of records identified by the JMPRC. It is pertinent that the misconduct of the 2022 charges and of the current charges are components of the same misconduct presented to Council via two different mechanisms of complaint that were in series, but relate to different aspects of the same matter.

The 2022 charges were as follows:

*The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.5 of **The Medical Profession Act, 1981**, the Discipline Committee hear that the following charges against Dr. Laura Tanyi-Remarck, namely:*

You Dr. Laura Tanyi-Remarck are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of sections 46(i), 46(j), 46(o) and/or section 46(p) of The Medical Profession Act, 1981 and/or bylaws 7.1, 8.1(iii), and 9.1 of the bylaws of the College of Physicians and Surgeons of Saskatchewan.

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

- 1) From January 2019 until September 2019 you practised at the Alliance Clinic in Saskatoon.*
- 2) During the period of January 2019 to September 2019 you ordered or were responsible for ordering pregnancy testing for patients when it was not clinically indicated.*
- 3) During the period of January 2019 to September 2019 you ordered or were responsible for ordering urinalysis testing for patients when it was not clinically indicated.*

- 4) *During the period of January 2019 to September 2019 you billed or were responsible for billing Medical Services Branch for pregnancy testing (Code 62V) for patients when that was not clinically indicated.*
- 5) *During the period of January 2019 to September 2019 you billed or were responsible for billing Medical Services Branch for urinalysis testing (Code 59V) for patients when that was not clinically indicated.*
- 6) *During the period of January 2019 to September 2019 you billed or were responsible for billing Medical Services Branch for pregnancy testing (Code 62V) for patients for whom testing was not performed as required by Code 62V.*
- 7) *During the period of January 2019 to September 2019 you billed or were responsible for billing Medical Services Branch for urinalysis testing (Code 59V) for patients for whom testing was not performed as required by Code 59V.*
- 8) *During your time at the Alliance Clinic you failed to exercise due diligence to ensure that lab tests including urinalysis and pregnancy tests were appropriately ordered and billed to the Medical Services Branch.*
- 9) *During your time at the Alliance Clinic you ordered urinalysis and pregnancy tests which patients were not aware of.*
- 10) *During your time at the Alliance Clinic you failed to record the results of urinalysis and pregnancy tests in the patient charts.*

The Council accepted a joint recommendation for penalty at that time:

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Laura Tanyi-Remarck pursuant to The Medical Profession Act, 1981:

- 1) *Pursuant to Section 54(1)(b) of The Medical Profession Act, 1981, the Council hereby reprimands Dr. Tanyi-Remarck. The format of that reprimand will be in writing;*
- 2) *Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Tanyi-Remarck for a period of 2 months, such suspension to commence on February 14, , 2022.*
- 3) *Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Tanyi-Remarck successfully complete a course on ethics/professionalism acceptable to the Registrar, and provide proof of completion. Such course shall be completed at the first available date, but in any case within six months. The programs "Medical Ethics, Boundaries and Professionalism" by Case Western Reserve University and "Medical Ethics and Professionalism (ME-15 Extended)" by PBI Education are ethics programs acceptable to the Registrar.*
- 4) *Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Tanyi-Remarck to pay the costs of and incidental to the investigation and hearing in the amount of \$30,693.06. Such payment shall be made in full by January 29, 2023.*
- 5) *Pursuant to section 54(2) of the Act, if Dr. Tanyi-Remarck should fail to pay the costs as required by paragraph 4, Dr. Tanyi-Remarck's licence shall be suspended until the costs are paid in full.*
- 6) *Council reserves to itself the right to reconsider and amend the time within which payment of costs must be made set out in paragraph 5 and the right to reconsider and amend the*

requirements of the retraining or education set out in paragraphs 3 and 4. Such reconsideration shall only be done if requested by Dr. Tanyi-Remarck.

The charges laid by the Council and admitted by Dr. Tanyi-Remarck with respect to the inappropriate alteration of records requested by the JMPRC are, as follows:

The Council of the College of Physicians and Surgeons directs that, pursuant to section 47.5 of The Medical Profession Act, 1981, the Discipline Committee hear the following charges against Dr. Laura Tanyi-Remarck, namely:

- 1. You, Dr. Laura Tanyi-Remarck 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 bylaw 7.2(d) 2 and/or bylaw 8.1(b)(vi) and/or bylaw 8.1(b)(ix) and/or bylaw 23.1(d) of the Regulatory Bylaws of the College of Physicians and Surgeons of Saskatchewan, particulars whereof are that you altered medical records.*

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

- a) On or about June 4, 2020 you received a letter from the Joint Medical Professional Review Committee (JMPRC). The letter stated that the JMPRC would be conducting a review of your medical practice and requested a sampling of your medical records.*
- b) On or about June 4, 2020 after receiving the letter from the JMPRC you accessed approximately twenty patient charts and made changes to those charts. You did not add an addendum with the date that the changes were made.*
- c) On or about September 9, 2020 you accessed thirty-two patient charts and made changes to those charts. You did not add an addendum with the date the changes were made.*
- d) Some of the changes made on June 4, 2020 and September 9, 2020 included adding times for time based billing codes such as 40B and 41B and adding who called to request a home visit appointment for a 615A billing code.*

The Position of the Registrar's Office

Ms. Torrance presented the position of the Registrar's Office. The penalty felt to be appropriate by the Registrar's Office included:

- A reprimand in the format preferred by Council,
- A suspension of one month,
- Costs to be applied including 2/3 of the cost of the PIC and full legal costs to a total of \$5,860.34.

As the conduct admitted occurred coincident with the misconduct of 2020, there is no need to consider this a matter of progressive discipline.

There is significant need to consider general deterrence in this matter.

With respect to the application of costs there has been no demonstration on the part of Dr. Tanyi-Remarck of financial hardship, nor is the amount prohibitively large.

The Registrar's Office considers a one-month suspension appropriate based on the significance of the misconduct.

The case law presented argued that the prior suspension was appropriate to the prior misconduct but that suspension should not be taken as a mitigating factor per se in the determination of the appropriateness of suspension for the current misconduct. The gravity of the conduct should be considered independent of past penalty despite the association of the matters.

The Position of Dr. Tanyi-Remarck

Mr. Hirschfeld presented the position of Dr. Tanyi-Remarck.

Dr. Tanyi-Remarck admitted the conduct at the earliest point in time, however, she was not admitting that the alterations were in any way nefarious, but rather provided information required by the JMPC in its deliberations.

The unique timing of these matters was given significant emphasis in that the current misconduct occurred coincident with the prior misconduct.

It was argued that the inappropriate nature of the alterations was exacerbated by the novelty of the Med Access EMR used in Dr. Tanyi-Remarck's current clinic as opposed to the Accuro EMR used in Alliance.

The case law presented focussed on the Dr. I. Muhammad case where a two-month suspension was applied to a matter which demonstrated somewhat similar circumstances with respect to the totality of the matters under consideration with Dr. Tanyi-Remarck. Dr. Tanyi-Remarck does not consider further suspension to be necessary to achieve either specific or general deterrence. The fact that the JMPC complaint lagged behind the initial complaint does not increase the totality of the matter.

Dr. Tanyi-Remarck presented a prepared statement. She recounted the significance of her past suspension with respect to her own resilience and the grave impact of her penalty on her family, particularly her son. It is unfortunate that the penalty had a deleterious effect on her child,

however, there was no recognition given to the fact that the genesis of her shame inducing penalty was in fact her own misconduct. Dr. Tanyi-Remarck presented a very personal statement, however the Council was not substantially swayed with respect to penalty based on her comments.

The Decision

The Council accepted the following resolution:

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Laura Tanyi-Remarck pursuant to The Medical Profession Act, 1981 (the "Act"):

- 1. Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Tanyi-Remarck. The format of that reprimand will be in writing.*
- 2. Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Tanyi-Remarck to pay the costs of and incidental to the investigation and hearing in the amount of \$5860.34. Such payment shall be made in full on or before December 31, 2024.*
- 3. Pursuant to section 54(2) of the Act, the Council directs that Dr. Tanyi-Remarck's licence shall be suspended if the costs in paragraph 3 are not paid as required and that she will remain suspended until the costs are paid in full.*
- 4. The Council reserves to itself the right to reconsider and amend the time within which payment of costs must be made set out in paragraph 3. Such reconsideration shall only be done if requested by Dr. Tanyi-Remarck.*

Reasons for Decision

The Council determined that a written reprimand would be appropriate.

The Council found Mr. Hirschfeld's arguments against the need for further suspension persuasive. Based on the totality of the misconduct, there was not felt to be sufficient grounds for a further suspension. While the Council did consider the arguments put forth by Ms. Torrance with respect to consideration of the current misconduct on its own merits, consideration of the past penalty order did move Council to consider the past suspension to be sufficient when considering case law and the totality of the coincident misconduct.

It should be noted that the Council considers the inappropriate alteration of medical records to be a form of misconduct worthy of suspension in and of itself. However, the unique timing of the complaints in this matter did sway the Council to consider further suspension to be overly punitive based purely on the delay in the two serial complaint processes.

The Council accepted the perspective of the Registrar's Office with respect to the application of costs. The costs applied were neither prohibitively large, nor punitive. Dr. Tanyi-Remarck has not provided any evidence of financial hardship.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan: 14
September 2024**