



Dr. Nigel PAINTER

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## Council Decision to Restore Licence

<b>Date of Application</b>	September 3, 2015
<b>Date of Decision:</b>	November 21, 2015
<b>Decision:</b>	Restoration

On November 21, 2015 the College restored Dr. Painter's licence to practise following his successful completion of the conditions imposed for reinstatement in the Council decision of November 21, 2014.

Council's resolution was:

Council concludes that, pursuant to Section 86 of **The Medical Profession Act, 1981**, the interest of the public has been adequately protected and that Dr. Nigel Painter is eligible to have his licence to practice medicine restored effective November 21, 2015, upon meeting the usual requirements for licensure.

Council's reasons for its decision are attached.

**IN THE MATTER OF A SECTION 86 OF THE MEDICAL PROFESSION ACT, 1981  
RESTORATION OF LICENCE APPLICATION FOR DR. NIGEL PAINTER**

Mr. David M. Stack appearing for Dr. Nigel Painter

Mr. Bryan E. Salte Q.C. appearing for the  
College of Physicians and Surgeons of Saskatchewan

**REASONS FOR DECISION**

**INTRODUCTION AND BACKGROUND**

In response to complaints raised to the College and subsequent investigation of those complaints the Executive Committee in 2014 laid the following charges against Dr. Nigel Painter:

***You Dr. Nigel Painter 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 8.1(b)(xvi), particulars whereof are that during the years 2013 and 2014 you committed acts of sexual impropriety with your patient, referred to in this charge as patient number 1.***

***The evidence that will be led in support of this charge will include the following:***

***a) Patient number 1 was your patient at all times material to this charge;***

***b) You engaged in sexual activity with patient number 1, which included sexual intercourse with the patient.***

***You Dr. Nigel Painter 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:***

- a) Patient number 1 was your patient;***
- b) You engaged in sexual activity with Patient number 1, which included sexual intercourse with her;***
- c) The College of Physicians and Surgeons sent a letter dated 24th day of July, 2014 to Patient Number 1. That letter advised Patient number 1 that the College had received information that she had been involved in a sexual relationship with you and asked Patient Number 1 to meet with College representatives and to provide information to College representatives;***
- d) After receiving the letter from the College, Patient Number 1 contacted you;***
- e) On or about the 30th of July, 2014 Patient Number 1 sent a text message to you which stated "I'm not going to respond to them.. They can't make me talk to them can they?"***
- f) You responded by a text message which stated "No... can we chat tomorrow before you say anything."***
- g) You prepared a draft letter for Patient Number 1 to send to the College in which Patient Number 1 denied that she had been in a sexual relationship with you;***
- h) You were aware when you prepared the letter for Patient Number 1 that the information in the letter that there had not been a sexual relationship between you was false;***
- i) Patient Number 1 copied the letter which you provided into her own handwriting;***
- j) On or about the 30th day of July, 2014 Patient Number 1 sent you a text message which included an image of the letter in her own handwriting to the College of Physicians and Surgeons;***
- k) You responded with a text message which stated "Looks good. now delete the text."***

***1) Patient Number 1 sent the letter to the College of Physicians and Surgeons in which she denied there was a sexual relationship between you.***

On November 6, 2014, Dr. Painter entered a guilty plea to both charges. At its November 2014 meeting, Council was presented with, and imposed, a joint resolution for penalty. No reasons for the penalty were drafted as they were based on a guilty plea and joint resolution of penalty.

***The Council of the College of Physicians and Surgeons imposes the following penalties on Dr. Nigel Painter pursuant to The Medical Profession Act, 1981:***

***1) Pursuant to Section 54(1)(a) of The Medical Profession Act, 1981, the name of Dr. Nigel Painter is struck from the Register of the College of Physicians and Surgeons, effective November 21, 2014.***

***2) Pursuant to Section 54(1)(a) of The Medical Profession Act, 1981, Dr. Nigel Painter shall not be eligible to have his name restored to the Register until both of the following conditions are met:***

***a) a period of twelve months has elapsed from the effective date of revocation of his licence; and***

***b) the Council receives a satisfactory report from a professional person, persons or organization chosen by the Council which attests that Dr. Nigel Painter has undertaken counseling at his expense for sexual abuse, has gained insight into the matter and has achieved a measure of rehabilitation which protects the public from risk of future harm from Dr. Nigel Painter. Such a report may be provided by Dr. Glen Gabbard at the Gabbard Center, Texas, Professional Renewal Center of Lawrence, Kansas, Acumen Assessments of Kansas or Dr. Peter Collins of Toronto, Ontario or such other persons or organizations that are acceptable to the College of Physicians and Surgeons of Saskatchewan.***

***3) Dr. Nigel Painter may apply to have his name restored any time after condition b) is met, provided that the restoration will take effect only after the expiry of the twelve month period referenced in condition a).***

On September 3, 2015, Council received an application for restoration of licence from Dr. Painter through his legal counsel. This application was made in accordance with the third provision of the joint submission which permitted application to be made for restoration of licence at any point after having provided the College with an acceptable report outlining that Dr. Painter has undertaken counseling at his expense for sexual abuse, has gained insight into the matter, and has achieved a measure of rehabilitation which protects the public from risk of future harm from Dr. Nigel Painter. Dr. Painter made his application understanding that restoration of his licence would not be possible until the one year anniversary of his name being struck from the record. Council accepted the application and reviewed documentation provided by Dr. Peter Collins in support of this application.

Dr. Collins' report of August 28, 2015, attests to the following conclusions:

***“In my professional opinion, there are no psychiatric, psychological or medical reasons why Nigel PAINTER cannot return to practice. Through attendance at the Boundaries Course, at the University of Western Ontario, coupled with therapy with Brenda SENGER, he has gained insight in to how to recognize and prevent boundary crossings and profession boundary violations. In addition, he never projected blame on the complainant.***

***Dr. PAINTER's marriage, at the time of the assessment, appeared to still be at risk of falling apart. He admits his wife is still having a “tough time” with his infidelity. In my professional opinion, I do not feel the stress of a break-up will pose him at risk for repeated behaviour.***

***Dr. PAINTER did not provide any excuses or rationalizations for his inappropriate behaviour. He is willing to accept any restrictions, placed on his practice, by the College of Physicians and Surgeons of Saskatchewan.”***

## **REASONS FOR DECISION**

Council deliberated on the application. Council accepted the report of Dr. Collins as presented, and believes that Dr. Painter does not present an ongoing risk to re-offend. In addition, Council was convinced of Dr. Painter's acceptance of guilt without excuse in this matter and that he demonstrated significant remorse for the described actions. Council agreed that the penalty served was in keeping with similar cases, and was in compliance with our common goals of protecting the public while guiding the profession. Dr. Painter

has complied with the joint resolution and demonstrated attendance at both counselling and an acceptable boundaries course. Based on the information provided, Council voted to accept the resolution proposed by the Registrar's office.

## **DECISION**

Council concludes that, pursuant to Section 86 of The Medical Profession Act, 1981, the interest of the public has been adequately protected and that Dr. Nigel Painter is eligible to have his licence to practice medicine restored effective November 21, 2015, upon meeting the usual requirements for licensure.