



Dr. Alfred ERNST

Council Decision

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| Date Charge(s) Laid: | January 23, 2021 |
| Outcome Date: | July 15, 2021 |
| Hearing: | Not required |
| Disposition: | Undertaking |

The Council authorizes the Registrar's Office to accept Dr. Alfred Ernst's resignation and undertaking as an appropriate outcome and directs the Registrar's Office not to prosecute the charges of unprofessional conduct currently outstanding.

Reasons for Decision
In the Matter of Dr. Alfred Ernst
September 18, 2021

Introduction

Dr. Alfred Ernst submitted his resignation to the Registrar's Office effective 15 July, 2021. Given this resignation, the Registrar is seeking the approval of Council to terminate prosecution of the charges of unprofessional conduct currently outstanding.

Background

Dr. Ernst has a prolific discipline history with the College of Physicians and Surgeons of Saskatchewan. He has been found guilty of professional misconduct resulting in fines, suspension, and reprimands on several occasions as follows:

- 9 Jun, 2013 Dr. Ernst entered a guilty plea to one charge that he made a comment in a public area that there was a rumour in the community that a person to whom he had provided medical care was Hepatitis C positive.
- 20 Sept, 2014 Dr. Ernst was found guilty of unprofessional conduct by the Discipline Hearing Committee. The Committee found that he had failed to exercise due diligence to ensure appropriate billing, and that he knowingly billed certain codes and surcharges inappropriately.
- 5 Oct, 2015 Dr. Ernst admitted unprofessional conduct for providing inaccurate or misleading information to the Heartland Health Region on two occasions when applying for reappointment to the practitioner staff.
- 15 Sept, 2018 Dr. Ernst admitted to unprofessional conduct for engaging in unprofessional behavior with employees of the local health region.

Dr. Ernst has been working under the terms of an undertaking which was recently superseded by his undertaking to resign his license to practise medicine:

I, Dr. Alfred Ernst, undertake to the College of Physicians and Surgeons of Saskatchewan as follows:

- 1. I hereby irrevocably resign as a member of the College of Physicians and Surgeons of Saskatchewan, and relinquish my licence to practise medicine, effective 12:01 a.m. July 15, 2021.*
- 2. I hereby irrevocably agree that I will not practise medicine in Saskatchewan, or anywhere else in the world, after July 14, 2021;*
- 3. I hereby irrevocably agree that I will not at any time in the future seek a licence to practise medicine, either in Saskatchewan or in any other jurisdiction;*

4. *I hereby agree that I will immediately begin to assist my patients to transfer their care to other physicians. I will cooperate with other physicians to assist my patients to transfer their care.*
5. *I hereby agree that I will limit my practice of medicine in the period July 1, 2021 to July 14, 2021 to the following:*
 - a. *Care provided virtually to those patients who have ongoing chronic conditions for whom I have been providing care and who may require prescriptions to address those chronic medical conditions; and*
 - b. *Assisting my patients to transition their care to other physicians.*
6. *I acknowledge that should I breach any of the terms of this undertaking, the College of Physicians and Surgeons may proceed with an investigation into the concerns about my conduct that are currently the subject of disciplinary investigations, and that I will not raise any **Charter**, procedural or delay arguments to attempt to prevent the College from so doing. I further acknowledge that I am aware that, should I breach any of the terms of this undertaking, I may be subject to further disciplinary action by the College of Physicians and Surgeons.*

DATED this 23 day of June, 2021

In addition to these findings of professional misconduct and complaints, until recently, under investigation, Dr. Ernst has been charged with two separate charges of unbecoming, improper, unprofessional or discreditable conduct. The 2 separate charges allege improper billing of services to the Medical Services Branch. The prosecution of these charges would be stopped pending the decision of Council.

In addition to these past and current discipline matters, the Council is aware of five separate complaints against Dr. Ernst alleging a variety of unprofessional conduct. These matters were before the Executive Committee and have not been fully investigated nor adjudicated. Dr. Ernst maintains his innocence in these matters. The associated PICs were terminated by the Executive Committee after being apprised of Dr. Ernst's resignation.

Documents under review

- a) Confidential 51_21

Decision

At the September meeting of Council the following resolution was passed:

The Council authorizes the Registrar's Office to accept Dr. Alfred Ernst's resignation and undertaking as an appropriate outcome and directs the Registrar's Office not to prosecute the charges of unprofessional conduct currently outstanding.

Reasons for Decision

There are few physicians whose practise has come under Council scrutiny as often as Dr. Ernst. As his discipline history has evolved, it has been argued that Dr. Ernst has developed a pattern of behavior that could be considered ungovernable. Due to the significance of Dr. Ernst's past discipline and the scope of processes recently underway, the Council felt that written reasons were required to articulate our thinking to the profession at large and the public whom we serve.

In general the Council accepts that in circumstances where a physician voluntarily and irrevocably resigns their licensure the safety of the public, as it pertains to that physician's care or lack of the same, can thereby be assured. The Council is aware of similar circumstances whereby physicians resigned rather than face formal discipline. Dr. M. Davies, Dr. S. Ukabam, Dr. M. Moolman, Dr. D. Couture and Dr. M. Haque represent the most current examples. It is understood that the public safety achieved by the resignations can justify the subsequent loss of general deterrence obtained by findings of guilt with subsequent appropriate penalty. In this matter the Council is satisfied that Dr. Ernst's escalating pattern of misconduct both alleged and proven can be terminated by his removal from the practise of medicine. This goal is achieved by his proffered undertaking of resignation.

The Council recognizes its role as the steward of finite resources entrusted to us by the profession. The processes of formal discipline are invariably expensive, and that cost must be borne by the profession through membership fees paid to the College. In circumstances where the avoidance of prosecution or defense of appeals can be accomplished while not sacrificing either public safety or risking reputational damage to the medical profession at large, Council recognizes its responsibility to do so. Extensive effort has been put forward to encourage alternate dispute resolutions in the discipline process to great effect in this regard. In this matter the Council feels Dr. Ernst's self-imposed removal from the practise of medicine renders further investigation and prosecution of his many and varied discipline matters unnecessary. In this circumstance the Council recognizes that complainants may be dissatisfied by the termination of investigation and potential for prosecution in the event of charges. This is an unfortunate, but unavoidable result of our decision.

The Council recognizes that it is wholly unfortunate that Dr. Ernst has allowed his ethics to stray so far from professionalism. The Council cannot predict the outcome of two pending disputed discipline hearings, nor the outcome of the five matters under investigation. Regardless, the Council accepts that Dr. Ernst's resignation from the practise of medicine will not permit further episodes of misconduct and will put an end to this unfortunate chapter. The Council recognizes that it remains responsible to investigate any new complaints that may be raised against Dr. Ernst for the period of two years from the date his resignation became effective.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan:
20 November, 2021**