



EXECUTIVE SUMMARY

of the

19 & 20 MARCH, 2021 COUNCIL MEETING

COLLEGE OF PHYSICIANS AND SURGEONS OF SASKATCHEWAN

The Council of the College of Physicians and Surgeons of Saskatchewan operates under an explicit set of governance policies. It strives to make its work as transparent as possible to the medical profession and to the general public.

Those portions of Council's deliberations that are not confidential are open to observation by any person subject to space availability in the meeting room.

At the conclusion of each Council meeting an Executive Summary of the meeting is widely distributed to the district medical associations, related organizations and the public media. This Executive Summary provides a brief overview of issues discussed, decisions made, and/or actions taken by the Council. If any person wishes more detailed information about any of the issues which are not subject to confidentiality constraints, these can be obtained by contacting Ms. Sue Waddington, Executive Assistant to the Registrar, at 101 – 2174 Airport Drive, Saskatoon, Saskatchewan, S7L 6M6, phone (306) 244 7355, Fax (306) 244 2600, or email OfficeOfTheRegistrar@cps.sk.ca.

1. Council acknowledged that the land on which we gather is Treaty 6 Territory, the traditional territory and home of the Cree, Dakota, Saulteaux and Métis Nations. We would like to affirm our relationship with one another now and for the future, and our role in guiding the profession to achieve the highest standards of care to benefit all people in this territory equally.
2. Council adopted the open agenda and while no items were removed from the open to the closed or vice versa, Council directed that a certain portion of the minutes that referenced a specific physician pertaining to Appointment of College Committees be redacted should there be a request for a copy of the open minutes of the January Council meeting. Council also directed that personal information contained in document numbers Info 65_21 and Info 78_21 be redacted prior to releasing the document if requested.
3. Council reviewed the minutes from the January 22 and 23, 2021 meeting of Council. The minutes were adopted without amendment.
4. Council received a report from the Associate Registrar on the actions taken in relation to the "For Action Items" from the January 22 and 23, 2021 Council meeting.

5. Council reviewed and approved Monitoring Reports from the Registrar with respect to:
 - a. The Registrar's Compliance with Council's Executive Limitation Policies pertaining to:
 - (i) EL-7 Regulatory Functions;
 - (ii) EL-9 Communication and Support to Council;
 - (iii) EL-10 Emergency Executive Succession.
6. Council received a report from Mr. Burton O' Soup, Chair of the Truth and Reconciliation Committee, on the progress to date of some of the proposed initiatives. It was noted that the focus on Covid -19 has delayed some of this work.
7. Council received a report from Ms. Sheila Torrance on the review of health related renewal questions (Bylaw 3.1) and the committee's progress to date. It was noted that the revisions were to ensure that appropriate health related information was being requested and the questions were not overly intrusive. It was also noted that the College needs to align its renewal questions with those asked on the initial application for licensure, as we and other medical regulatory authorities utilize the Application for Medical Registration (AMR). The questions on the AMR were vetted by the Medical Council of Canada and were deemed by various experts to be consistent with Human Rights Codes. The committee will bring back proposed amendments to Bylaw 3.1 at the June meeting.
8. Council received a report from Ms. Torrance on the Medical Practice Coverage Policy. Council reviewed the consultation feedback and in addition clarified that virtual care will be included in the scope of this policy. The amended policy was approved with a sunset date of March 2023 to facilitate the review of this policy in conjunction with the policy "Primary Care Standards" and the policy "Clinics that Provide Care to Patients Who Are Not Regular Patients of the Clinic".
9. Council reviewed the proposed guideline "Physician Use of Social Media". Council discussed the question whether self identification as a physician on social media imposes a greater responsibility to be held to a higher standard, and believes it does. The guideline was approved with a sunset date of 3 years.
10. Council reviewed the policy "Blood-borne Viruses: Screening, Reporting and Monitoring of Physicians/Medical Students" and Bylaw 24.1 "Reporting of Blood-borne Viruses". The Policy and Bylaw had been approved in principle for a second time at the January Council meeting, however Council was asked to review further feedback from the stakeholders and to consider transition planning. Council adopted the amendments to bylaw 24.1 and approved the amended policy with a 3 year sunset date. It was noted that the "in force" date for the policy needs to align with the date that Bylaw 24.1 is published in the Saskatchewan Gazette.

It was also noted that a communication plan that captures individual physicians involved in the current monitoring program and physician members at large, along with other organizations that have a legitimate interest, will be developed as there are many changes within this policy, including the requirement for those physicians performing exposure prone procedures to know their status on an ongoing basis. It was suggested that the requirement for ongoing testing of a physician's status should be facilitated by the Saskatchewan Health Authority and the Registrar was directed to explore this. There

is also change in who monitors the physicians with the Saskatchewan Physician Health Program now accepting this responsibility.

11. Council received an update on the Guideline "Patient-Physician Communication Using Electronic Communications". Council considered the proposed amendments and directed the guideline be returned to the committee for further revisions. The committee is to bring back the amended policy in June for Council to consider approval in principle.
12. Council received a report from the Associate Registrar on the policy development pertaining to End-of-Life Care. Council considered and adopted principles for an End-of-Life Care Policy. The committee will continue its work.
13. Council reviewed a proposed policy on "Responsibility for a Medical Practice", suggested some revisions and directed the committee to bring back the policy for approval in principle in June.
14. Council received a report on whether there should be oversight of cosmetic practices that are not captured by the Non-Hospital Treatment Facility Program (Bylaw 26.1). Council considered the existing policies and other documents that apply to these practices, and determined it did not require a separate policy to apply to cosmetic clinics. Council directed the Registrar's Office to develop an educational document that will raise awareness of the requirements for oversight of medical clinics, including cosmetic clinics.
15. Council considered amendments to Bylaw 17.1 Minimum Standards for Written and Verbal Medication Prescriptions Issued by Physicians and amendments to Bylaw 18.1 the Prescription Review Program, and considered the feedback from the consultation process. Council adopted the amendments, to be presented to the Ministry for regulatory approval.
16. Council appointed Dr. Brian Brownbridge as Chair of the Finance and Audit Committee.
17. Council received a report from Ms. Torrance and Ms. Wright on developing better communications with patients. Council directed that the committee bring five priority initiatives with a cost analysis back to the June meeting.
18. Dr. O. Mabadeje, Chair of the standing Committee on Diversity and Bias, provided a verbal update on the committee's work to date. The committee will gather information on other medical regulatory authorities' terms of reference for their diversity and bias committees to inform our terms of reference which will be presented to Council in June.
19. Council reviewed the policy "Physician Obligations regarding Medical Certification of Death" and accepted the policy without major amendments with a sunset date of 5 years.
20. Council reviewed the policy "Withdrawal of Physician Services during Job Action" and directed a committee be formed to review this policy. It was suggested that representatives be sought from both the Saskatchewan Medical Association and the Saskatchewan Health Authority. Other members include Dr. A. Beggs - Chair, Dr. B. Brownbridge, Dr. M. Chapelski, Mr. K. Smith, Dr. O. Mabadeje, and Mr. B. O'Soup.

21. The Registrar provided a report on the CPSS Implementation Plan that outlines the progress to date on the strategic goals identified in our new Strategic Plan.
22. Council re-nominated Dr. Mahli Brindamour as the joint representative for the CPSS and the College of Medicine, to serve on the Board of Directors of the Saskatchewan Prevention Institute. Council directed that a short report be requested so Council is informed of Dr. Brindamour's work on this Board.
23. Council reviewed a request for its consideration of Bill 20 and directed the Registrar's Office to provide feedback on the Bill including recommendations for improvement to both the Minister of Health and the Opposition party.
24. Council conducted a Penalty Hearing pertaining to Dr. Ashis Paul. Dr. Paul admitted the following charges:

*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 charge against Dr. Ashis Paul, namely:*

*You, Dr. Ashis Paul, 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)(ix) and/or bylaw 23.1 and/or paragraphs 1, 2, and/or 4 of bylaw 7.1 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 one or more of the following:

- a) You failed to maintain the standard of practice of the medical profession in relation to the use of carried doses when prescribing methadone;*
- b) Your medical records for patients receiving methadone prescriptions were inadequate and/or failed to meet the requirements of College regulatory bylaw 23.1;*
- c) You failed to make appropriate arrangements for counselling for your patients and/or failed to record information related to such counselling;*
- d) You failed to follow College of Physicians and Surgeons' Standards and Guidelines on the prescribing of methadone related to the use of ECGs and carried doses;*

*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 charge against Dr. Ashis Paul, namely:*

*You, Dr. Ashis Paul, 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 9.1 and/or paragraphs 7 and/or 11 of bylaw 7.1 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 one or more of the following:

- a) You carried out the practice of medicine at Parliament Methadone Clinic located on Dewdney Avenue, Regina, Saskatchewan;
- b) You had a conflict of interest in relation to your practice of medicine associated with Parliament Methadone Clinic;
- c) The amount which you paid for the use of the premises and/or staff and/or services provided to you was not a fair reflection of the value of the premises and/or staff and/or services;
- d) You were aware that the patients to whom you prescribed methadone at the Parliament Methadone Clinic generally were dispensed methadone at R & C Drugs;
- e) R & C Drugs was located in close proximity to Parliament Methadone Clinic;
- f) You caused Medical Services Plan to be billed for urine drug screens which, if done at all, were not done by you or your staff;

Submissions were made on behalf of the Registrar's Office by Ms. Rochelle Wempe. Submissions on behalf of Dr. Paul were made by Mr. Nicholas Cann. Council imposed the following penalty on Dr. A Paul:

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

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Paul. The format of that reprimand will be in written format.
- 2) Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council requires that within 6 months Dr. Paul successfully complete an ethics course on professionalism to the satisfaction of the Registrar. Such course shall be completed at the first available date. The programs "Medical Ethics, Boundaries and Professionalism" by Case Western Reserve University, "Probe Program" by CPEP and "Medical Ethics and Professionalism" by Professional Boundaries Inc., are ethics programs acceptable to the Registrar.
- 3) Pursuant to section 54(1)(g) of The Medical Profession Act, 1981, Council requires that within 6 months Dr. Paul successfully complete an accredited course on medical recordkeeping, to be approved in advance by the Registrar, and will provide proof of completion. The programs "Medical Record Keeping" by ProBE/CPEP, "Medical Record Keeping" by PACE, "Medical Record Keeping" by PBI, "Medical Record Keeping" by the University of Toronto, and "Medical Record Keeping for Physicians" by the College of Physicians and Surgeons of British Columbia are programs acceptable to the Registrar.
- 4) Pursuant to section 54(1)(i) of the Act, the Council directs Dr. Paul to pay the costs of and incidental to the investigation and hearing in the amount of \$19,600.88. Such payment shall be made in full by 30 September, 2021.
- 5) Pursuant to section 54(2) of the Act, if Dr. Paul should fail to pay the costs as required by paragraph 4, Dr. Paul'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 4 and the right to reconsider and

amend the requirements of the retraining or education set out in paragraphs 2 and 3. Such reconsideration shall only be done if requested by Dr. Paul.

Reasons for the decision will be prepared for the next Council meeting. The penalty imposed will be published on the College website.

25. Council reviewed the annual reports submitted by the Chairs of the standing committees of Council.
26. Council authorized an additional \$10,000 of funding to be applied to existing funding to support the hiring of a second full-time pharmacist for the Prescription Review Program for the duration of the contract with the Saskatchewan Government.
27. Council considered and approved a bylaw amendment for Bylaw 35.1 to allow residents completing residency training in the 2021 cohort who have not had an opportunity to challenge the certifying examination to be paid at specialist rates until they are afforded an opportunity to challenge the examination at the first opportunity and report their results.
28. Council received a report from the Registrar on the uneven application of the Model Registration Standards pertaining to the requirement for Medical Council of Canada Qualifying Examination Part II for Canadian trained physicians for a full unrestricted licence. Two medical regulatory authorities have on a temporary basis permitted the Spring and Fall cohorts of 2020 and the Spring cohort of 2021 to achieve full unrestricted licensure without the MCCQE Part II.
29. Council received a report from the Registrar on the uneven application of Model Registration Standards to require Canadian trained graduates to achieve the certifying examinations for full unrestricted licensure. It is apparent that several medical regulatory authorities are permitting an assessment route if the Canadian trained candidate has exhausted their Royal College of Physicians and Surgeons of Canada eligibility for the certifying examinations. The matter has been referred to the Registration Committee.
30. Council received a presentation on the Website Survey from the IT and Office Manager Mr. Tim Edwards. The information captured in this survey will inform us on our re-design of the website. Dr. Boye Adeboye and Ms. Sheila Torrance volunteered to assist with the website redesign.
31. Council received an educational session on Robert's Rules from Mr. Bryan Salte, the Associate Registrar.
32. The Status of Bylaws approval was reviewed. All bylaws have received approval except for those submitted after the January Council meeting and are not yet past the 90 day period.
33. Council reviewed and adopted the Closed agenda.
34. Council reviewed and adopted the minutes of the Closed session for January 23, 2021.

35. The President provided a report on actions taken by the Executive Committee since the previous Council meeting.
36. A reprimand pertaining to Dr. W. Sheikh was approved by Council. The reprimand will be provided in writing to Dr. Sheikh and posted on the College website.
37. A reprimand pertaining to Dr. T. Tshiyombo was approved by Council. The reprimand will be provided in writing to Dr. Tshiyombo and posted on the College website.
38. Council approved reasons for its decision pertaining to the penalty imposed on Dr. W. Sheikh at the January 2021 Council meeting. The reasons will be provided to Dr. Sheikh and posted on the College website.
39. Council approved reasons for its decision pertaining to the penalty imposed on Dr. T. Tshiyombo at the January Council meeting. Reasons will be provided to Dr. Tshiyombo and posted on the College website.
40. Council considered a Preliminary Inquiry Committee Report and laid a charge of unprofessional conduct against a physician, in relation to his post-delivery management of an infant. The charge alleges he failed to maintain the standards of the profession in a number of respects and he failed to arrange a timely transfer of the infant. The full charge will be posted on the College website.
41. Council considered a Preliminary Inquiry Committee Report and laid a charge of unprofessional conduct against a physician, in relation to inappropriately ordering and billing Medical Services Branch for pregnancy tests and urinalyses. Full charges will be posted on the College website.
42. Council considered a Preliminary Inquiry Committee Report and laid charges of unprofessional conduct against a physician, in relation to his billing to Medical Services Branch. The full charge will be posted on the College website.
43. Council considered a Preliminary Inquiry Committee Report related to a complaint that a physician had inappropriately communicated with a patient and dismissed the matter without further action.
44. Council considered a Preliminary Inquiry Committee Report and laid a charge of unprofessional conduct against a physician in relation to failing to respond in a timely manner to one or more requests for information or reports. Synoptic charges will be posted on the College website.
45. The Associate Registrar provided an update on the outstanding discipline cases and reported on litigation against the College and a senior staff member.
46. Council received a report from Dr. Werner Oberholzer, the Deputy Registrar, on the Quality of Care Tracker, which summarizes the standard of care and conduct issues that are reviewed through the Quality of Care Process. Additional information on activities of staff within the process was noted.

47. During the Environmental Scan portion of the meeting, Council was apprised that on March 19, 2021 the Senate passed Bill C7 related to Medical Assistance in Dying Legislation. The changes in legislation will require amendments to be made to Council's Medical Assistance in Dying (MAiD) Policy. The amendments will be presented to Council at the June Council meeting. The MAiD program will be apprised of the timing of the policy amendments.
48. Council was apprised that staff receive many requests for information from the College for a variety of purposes. Some of the information requested is in the public domain and can be provided. Other information is not collected and therefore we cannot provide it; other information is not in the public domain but may on occasion be requested for the purpose of assisting physicians. Council will be asked to consider this issue at its June Council meeting.
49. Mr. Salte provided a list of "For Action Items".
50. The President conducted a post-meeting assessment.