



Dr. Anil KUMAR

Council Decision

Date Charge(s) Laid:	September 30, 2017
Outcome Date:	November 25, 2017
Hearing:	November 25, 2017
Disposition:	Reprimand, Suspension, Restrictions, Ethics Course, Costs

Dr. Kumar admitted the charges against him and accepted a joint recommendation for penalty put forward by counsel for Dr. Kumar and the Registrar's office.

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Anil Kumar pursuant to *The Medical Profession Act, 1981*:

- 1) Pursuant to Section 54(1)(e) of *The Medical Professional Act, 1981*, the Council hereby reprimands Dr. Kumar. The format of that reprimand will be determined by the Council;
- 2) Pursuant to Section 54(1)(b) of *The Medical Profession Act, 1981*, the Council hereby suspends Dr. Kumar for a period of two months, commencing on a date to be chosen by Dr. Kumar but not later than January 1, 2018. If Dr. Kumar does not choose an earlier date than January 1, 2018, his suspension will begin at 12:01 a.m. on January 1, 2018;
- 3) Pursuant to section 54(1)(c) of *The Medical Profession Act, 1981*, Council prohibits Dr. Kumar from performing the following medical procedures: posterior or posterolateral thoracic corpectomy or vertebrectomy with application of reconstructive interbody cage. This prohibition shall continue indefinitely unless the Council rescinds this prohibition, in whole or in part.
- 4) Pursuant to section 54(1)(g) of *The Medical Profession Act, 1981*, Council requires that that Dr. Kumar 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.
- 5) Pursuant to section 54(1)(i) of *The Medical Profession Act, 1981*, the Council directs Dr. Kumar to pay the costs of and incidental to the investigation and hearing in the amount of \$20,153.30. Such payment shall be made in full by March 31, 2018.
- 6) Pursuant to section 54(2) of *The Medical Profession Act, 1981*, if Dr. Kumar should fail to pay the costs as required by paragraph 5, Dr. Kumar's licence shall be suspended until the costs are paid in full.

- 7) 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 5 and the right to reconsider and amend the requirements of the retraining or education set out in paragraph 4. Such reconsideration shall only be done if requested by Dr. Kumar.



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REGISTRAR
KAREN SHAW, M.D.

24 January, 2018

Dr. A. Kumar

[Redacted address block]

Dear Dr. Kumar,

On November 25, 2017 the Council of the College of Physicians and Surgeons of Saskatchewan accepted your admission of guilt to charges of misconduct. Following deliberation, penalty was determined based on the joint recommendation presented by counsel for yourself and the College. One component of that penalty was an official reprimand by the Council. It was the will of Council that you be reprimanded.

You, Dr. Anil Kumar, having been found guilty of professional misconduct while practising medicine in the province of Saskatchewan are hereby reprimanded by the Council of the College of Physicians and Surgeons of Saskatchewan.

The Council recognizes that complications and misadventure are inherent to the practice of surgery. The Council recognizes that the practice of neurosurgery carries with it a profile of risk, the consequences of which are often permanent. For these reasons more than others, it is essential for a practitioner in your position of responsibility to ensure that procedures are performed in a manner that mitigates risk to the patient. Moreso, it is essential that patients who may require risk prone procedures are fully counselled as to the risks they are exposed to. It is in this regard, that you failed both of your patients.

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***To serve the public by regulating the practice of medicine
and guiding the profession to achieve the highest standards of care***

Systemic failings resulting in the delivery of life saving blood products to a person who conscientiously objects to administration of blood products are inexcusable. It is, however, incumbent on the surgeon to ensure that any patient undergoing a surgery which is prone to blood loss, is adequately counselled. Such patient education permits the patient to make the often impossible decision between proceeding surgically with an understanding that there is a risk of catastrophic consequences if blood was required and not given, versus abandoning surgical care entirely. There was insufficient education provided by yourself to your patient about the risks that ultimately led to administration of blood products in her surgery. This shortcoming has permanently affected your patient's life as the unwanted delivery of massive transfusion, while life-saving, has permanently altered her faith based perception of self-worth.

The Council was also troubled by the facts surrounding your patient who suffered paralysis. You elected to pursue a complex and high risk procedure without clearly educating your patient as to the extent of the risk of paralysis. You elected to expose the patient to extreme risk of neurological injury by modifying a surgical technique using an approach with which you do not have sufficient experience to pursue. The practice of surgery often mandates pushing the limits of surgeon comfort and experience to obtain clinical results. Unfortunately, you neglected to adequately inform your patient of the risk he faced and thereby did not permit him the right to provide a fully informed consent.

The Council hopes that you will reflect on these two surgical misadventures. It is our hope that you will gain perspective on your surgical armamentarium and limit yourself to procedures that you have the requisite training and expertise to perform. Please also ensure that you never again place a patient in a position of consenting for surgery without full education as to the relative risks inherent in the surgery proposed.

Sincerely,

The Council of the College of Physicians and Surgeons of Saskatchewan.