



Dr. Kristyn INSLEY

Council Decision

Date Charge(s) Laid:	May 9, 2023
Outcome Date:	September 23, 2023
Hearing:	Not required
Disposition:	Reprimand, Suspension, Conditions, Costs

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

- 1) Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, the Council hereby reprimands Dr. Insley. The format of that reprimand will be in writing.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Insley for a period of 3 months commencing 1 November, 2023.
- 3) Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Insley successfully complete an ethics course 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. While any post-course requirements may not be completed within the six months, Dr. Insley is to apply diligence in completing any such requirements and must then provide proof of successful completion. If Dr. Insley fails to complete the course in the directed timeframe, her licence will be suspended until such time as the course has been successfully completed.
- 4) Pursuant to section 54(1)(i) of *The Medical Profession Act, 1981*, the Council directs Dr. Insley to pay the costs of and incidental to the investigation in the amount of \$1,410 payable on or before 31 December, 2023.
- 5) Pursuant to section 54(2) of *The Medical Profession Act, 1981* the Council directs that Dr. Insley's licence will be suspended if the costs in paragraph 4) are not paid as required and that she will remain suspended until those costs are paid.



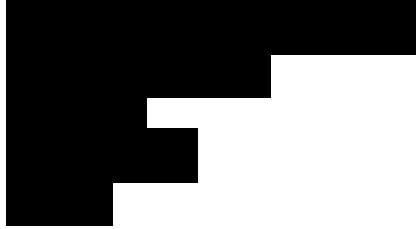
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27 November, 2023

Dr. K. Insley



Dr. Insley:

On September 23, 2023, the Council of the College of Physicians and Surgeons of Saskatchewan accepted your admission of guilt to charges of unprofessional (discreditable) conduct relating to providing inaccurate information to the College and operating a vehicle whilst impaired.

After presentation by your legal counsel and legal counsel of the College, the Council deliberated and following deliberations penalty was imposed. One component of the penalty was an official reprimand by the Council.

You, Dr Kristyn Insley, having been found guilty of unprofessional conduct while practicing medicine in the province of Saskatchewan are hereby reprimanded by the Council of the College of Physicians and Surgeons of Saskatchewan.

In 2014, you were criminally charged for driving while impaired and failing to provide a breath sample suitable for analysis; and were convicted of same in 2015.

Despite unambiguous questioning which indicates the requirement to report such criminal charge or conviction to the College, you consistently failed to do so.

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Council considered mitigating factors and also noted that there has not been any past or new concerns or disciplinary matters concerning you and that you have made efforts to seek help in dealing with difficult circumstances you have experienced.

Nevertheless, the Council considers your actions to be irresponsible and dishonest. Any responsible driver should understand the risks they pose to other road users and themselves by driving impaired. This is even more pertinent to a physician as we are expected to act in a socially responsible manner. The consequences of the dangers of driving whilst impaired are very much known to members of this profession as we would all have seen or heard of injuries or fatalities caused by operating a motor vehicle whilst impaired.

Your repeated dishonesty, cumulatively over a four-year period, strikes at the heart of one of the pillars of conduct expected of our profession – trust and integrity. This is a serious breach of ethical standards. It is essential that patients, members of the public, and the College can rely upon a physician's integrity and honesty. Being untruthful to the College hampers the College's function in regulating the profession and keeping the public safe. Good character means doing the right thing even if there could be consequences to oneself; in this case, you have not demonstrated such.

It is the hope of Council that you will use your period of suspension to reflect on your actions and to continue working to better yourself, and that upon your return to practice, you will strive to maintain good character.

The Council of the College of Physicians & Surgeons of Saskatchewan

In the Matter of a Penalty Hearing before the Council of the College of Physicians and Surgeons of Saskatchewan and Dr. Kristyn Insley

Mr. Bryan Salte appearing for the Registrar's Office

Ms. Jessie C. Buydens appearing for Dr. K. Insley

September 23, 2023

Background:

Dr. Kristyn Insley graduated from University of Saskatchewan in 2006 and completed Family Medicine residency in 2008. She is the owner, medical director and sole medical practitioner at Dr. K. Insley Medical Aesthetics, a private clinic in Saskatoon.

The Council laid charges against Dr. Insley in relation to her criminal conviction for driving while impaired and repeated dishonesty in her failure to disclose to the College her criminal conviction for driving whilst impaired in 2014.

Dr. Insley admitted to all the criminal charges and her dishonesty in that she withheld this information provided to the regulatory body in her annual licence application.

The Position of the Registrar's Office

The Registrar noted that Dr. K. Insley had no previous disciplinary history, was forthcoming in admitting guilt and disclosing pertinent personal and work-related stressful experiences she was going through at time of being criminally charged and convicted for driving while impaired. Dr. Insley's effort in seeking help to deal with these stressful situations were noted as well as the fact that there has been no other disciplinary matters arising from her practice or otherwise since the incident that led to the charges under discussion.

The Registrar's Office took the position that appropriate penalty for Dr. Insley would be:

1. A reprimand, the form of which should be directed by the Council
2. A requirement to take an ethics course.
3. A suspension in the range of 2-4 months.
4. A requirement to pay costs.

The reasonings behind the Registrar's Office recommendation are detailed in the submissions by Mr. Bryan Salte, legal counsel for the Registrar's Office.

Position of Dr. Insley and Legal Counsel Ms. Jessie C. Buydens

Through her counsel, Ms. Jessie C. Buydens, Dr. Insley admitted the charges. She stated that at the time of the criminal offence, she was dealing with significant personal issues which affected her mental health. She also stated that her actions in not reporting the criminal charges and conviction to the College, were based on continuing the care of her patients and the livelihood of her staff which would have been jeopardized if she were to be suspended by the College.

In her submission Dr. Insley's counsel was agreeable to a reprimand, a requirement to attend an ethics course, and a requirement to pay costs but was opposed to a suspension.

Council's Penalty Decision

*The Council of the College of Physicians and Surgeons of Saskatchewan imposed the following penalties on Dr. K. Insley pursuant to **The Medical Profession Act, 1981** (the "Act"):*

- 1) Pursuant to Section 54(1)(e) of **The Medical Profession Act, 1981**, the Council hereby reprimands Dr. Insley. The format of that reprimand will be in written form.*
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Insley for a period of three months commencing 01 November, 2023.*
- 3) Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Insley successfully complete an ethics course 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. While any post-course requirements may not be completed within the six months, Dr. Insley is to apply diligence in completing any such requirements and must then provide proof of successful completion. If Dr. Insley fails to complete the course in the directed timeframe, her licence will be suspended until such time as the course has been successfully completed.*
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- 5) Pursuant to section 54(2) of **The Medical Profession Act, 1981** the Council directs that Dr. Insley's licence will be suspended if the costs in paragraph 4) are not paid as required and that she will remain suspended until those costs are paid.*

Reasons for the Penalty Decision:

The written submission of the Registrar's Office contained an Agreed Statement of Facts, executed by Dr. K. Insley in which she admitted guilt to all of the charges. With this admittance, the Council's responsibility was not to weigh evidence and ascertain misconduct, but to determine the appropriate penalty in this case.

The Council deliberated on the arguments by legal counsel to both parties, the Registrar's Office and Dr. Insley, and also the verbal apology offered by Dr. Insley.

Truth telling is at the core of the ethics of the medical profession. The medical profession holds itself to high standards and the respect afforded to us by the general public. Regulatory bodies, members of the public and patients rely on this high ethical standard and regulatory bodies rely on honesty and truthful information at all times from its members.

Whilst the College takes a sympathetic view of the personal life circumstances Dr. Insley was dealing with at the time the infraction was committed, it is the view of the Council that this does not provide an excuse for the criminal offence. A physician who places others at risk by driving while impaired to the extent described in the decision of the provincial court, commits a serious breach of the public's expectation that physicians will act in a socially responsible manner.

The Council noted the submission by Dr. Insley's counsel that nobody was harmed during the incident. It is the Council's view that this is a rather fortunate outcome of what could have resulted in injuries or fatalities, and it is not seen by the Council as a mitigating factor in this penalty hearing. The Council also strongly disagreed that Dr. Insley should not be subjected to further sanction as she has been amply punished by the criminal justice system and sentence imposed on her by courts. It is the Council's view that the roles of criminal justice system in upholding the rule of law and the role/function of a professional regulatory body in self-regulating its members and protecting the public are different. Importantly, the charges of dishonesty in failing to report her criminal charge and conviction to the regulatory body are separate and were not addressed by the criminal justice system.

The Council was further appalled that Dr Insley continued to deliberately lie and deny her criminal charge and conviction repetitively over a period of four annual renewal cycles, from 2014 to 2017, until the statute of limitation on disclosure expired. This lends to a conclusion of a pattern of repeated dishonesty which strikes at the heart of the ethics of honesty of our profession.

The Council does not find the explanation of fear for jeopardising the care of her patients and the livelihood of her staff as a cogent reason for the dishonesty. Good character is doing what is right even if there could be personal consequences for this.

The Council strongly disagreed with the submission by Dr. Insley's counsel that a suspension should not be imposed based on the above reasons.

In deciding the length of suspension, the Council considered the range of 2-4months suggested by the Registrar's Office. Council considered the following as mitigating factors in not applying the maximum recommended period: the fact that Dr. Insley has had no previous disciplinary history, was dealing with significant difficult personal circumstances at the time of the criminal offence, and more importantly, she has taken steps to turn herself around and there has been no infractions since then. Nonetheless, Council found her repeated pattern of dishonesty as egregious misconduct and by applying a 3-month suspension this adequately addresses her repeated dishonesty and will act as a deterrent to further similar actions of breach in ethics and honesty.

There was no contention between both parties that Dr Insley receive the reprimand, requirement to attend an ethics course and requirement to pay costs associated with the matter.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan:
25 November, 2023**