



Dr. Allan LUHNING

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## Council Decision

Outcome Date: September 18, 2015

Council accepted Dr. Luhning's admission of unprofessional conduct to the charges of failing to complete hospital records, failing to respond to correspondence from the Registrar and failing to provide a report requested by a patient and imposed the following penalty:

*Pursuant to section 54 of The Medical Profession Act, 1981, the Council of the College of Physicians and Surgeons of Saskatchewan imposes the following disposition upon Dr. Allan Luhning:*

- 1) Pursuant to section 54(1)(b), the Council suspends Dr. Luhning from the privileges of a duly qualified medical practitioner under The Medical Profession Act, 1981, for a period of one month stayed for 2 years subject to the bi-monthly receipt of monitoring reports satisfactory to the Registrar's Office for a 2 year period after which time the suspension will be lifted.*
- 2) Pursuant to section 54(1)(f), the Council imposes a fine of \$1,000 payable in full by May 1, 2016.*
- 3) Pursuant to section 54(1)(i), the Council directs Dr. Luhning to pay the costs of and incidental to the investigation and hearing in the amount of \$3,100. Such payment shall be made in full by May 1, 2016.*
- 4) Pursuant to section 54(2), if Dr. Luhning should fail to pay the costs as required by paragraph 3, Dr. Luhning's licence shall be suspended until the costs are paid in full.*

## Reasons

Approved by Council:

January 22, 2016

### IN THE MATTER OF A SECTION 54 OF *THE MEDICAL PROFESSION ACT, 1981* PENALTY HEARING FOR DR. ALLAN LUHNING

Mr. David Thera appearing for Dr. Allan Luhnig

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

#### **REASONS FOR DECISION**

Dr. Luhnig pled guilty to three charges as laid out in his signed admission of guilt dated August 25 2015. This can be found in CPSS Information document 178\_15. On September 18 2015 Dr. Luhnig attended a Council meeting for a penalty hearing.

The penalty approved by Council was:

- 1) Pursuant to section 54(1)(b), the Council suspends Dr. Luhnig from the privileges of a duly qualified medical practitioner under The Medical Profession Act, 1981, for a period of one month stayed for 2 years subject to the bi-monthly receipt of monitoring reports satisfactory to the Registrar's office for a 2 year period after which time the suspension will be lifted.
- 2) Pursuant to section 54(1)(f), the Council imposes a fine of \$1,000 payable in full by May 1, 2016.
- 3) Pursuant to section 54(1)(i), the Council directs Dr. Luhnig to pay costs of and incidental to the investigation and hearing in the amount of \$3,100. Such payment shall be made in full by May 1, 2016.
- 4) Pursuant to section 54(2), if Dr. Luhnig should fail to pay the costs as required by paragraph 3, Dr. Luhnig's license shall be suspended until the costs are paid in full.

#### **Background**

Five Hills Health Region first disciplined Dr. Luhnig in November 2012 for failing to complete hospital charts. In November 2013 his case appeared before Council and he was charged with failure to maintain hospital charts in accordance with the Hospital Standard Regulations, 1980. As well he was charged with failure to respond to 2 letters from the Registrar April 4 and 26 2013.

The charges laid in November 2013 were held in abeyance until March 2014 due to mitigating factors surrounding Dr. Luhnig that were brought forth to Council. They were to be reconsidered in one year's time. During that year Dr. Luhnig was to maintain a relationship with the Physician Health Program of the SMA, he did not maintain this relationship. As well there were to be no more complaints filed with the College that could be attributed to him. There was one for failing to complete a medical form in a timely matter.

March 2015 the previous charges and a new charge were laid against Dr. Luhning. The three charges can be reviewed in information document 178\_15.

## **Reasons**

### **Suspension and Staying of the Suspension**

It was felt that a suspension was in order due to the lack of recognition of the seriousness of the issues at hand by Dr. Luhning. He was given one year to attend to his personal and professional issues that led to his delinquency. He did not keep up the Physician Health Program nor in our opinion properly deal with his work and home issues. Council offered much leeway and help to him. However Dr. Luhning eventually did accept and participate in a plan to minimize the effect of his personal life on his professional life, thereby minimizing impact on his patients. Council felt that due to the mitigating circumstances a stay of the suspension was in order to minimize any effect on his patients, as long as he continued with monitoring that was acceptable to the Registrar.

### **Fine**

Based on previous cases as presented to us by the College a fine was appropriate in deterring this type of behavior by Dr. Luhning and the membership. The amount of \$1,000 was felt to fairly acknowledge the seriousness of the breach, but also take into account Dr. Luhning's reduced workload and income. As well the extended period for Dr. Luhning to pay the fine recognized his reduced income.

### **Costs**

The two parties agreed upon costs of \$3,100. The extended period for Dr. Luhning to pay recognizes his reduced income. As always failure to pay costs may lead to suspension of a license.