



Dr. Susan BELL

Council Decision

Date Charge(s) Laid:	October 4, 2016
Outcome Date:	March 24, 2017
Hearing:	March 24, 2017
Disposition:	Reprimand, Costs, Conditions

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

- 1) Pursuant to Section 54(1)(b) of The Medical Profession Act, 1981, the Council hereby reprimands Dr. Bell. The format of that reprimand will be determined by the Council;*
- 2) Pursuant to Section 54(1)(d) of The Medical Profession Act, 1981, the Council hereby requires Dr. Bell to practise only under the supervision of a duly qualified medical practitioner approved by the Council. The Council approves Dr. Micheal Howard-Tripp as a duly qualified medical practitioner for the purpose of providing the supervision.*
- 3) The supervision required by paragraph 2) will include a requirement that Dr. Bell provide reports to the supervisor, on such frequency as may be directed by the supervisor, related to the status of Dr. Bell's practice, including reports and documentation related to her practice.*
- 4) Pursuant to section 54(1)(f) of The Medical Profession Act, 1981, Dr. Bell is required to continue to receive treatment from the physicians currently providing treatment to her, including Dr. Anne Bellows, or such other physician or physicians as the Registrar may approve, and to follow treatment recommendations from those physicians.*
- 5) Pursuant to section 54(1)(i), the Council directs Dr. Bell to pay the costs of and incidental to the investigation and hearing in the amount of \$1,230. Such payment shall be made in full by April 7, 2017*
- 6) Pursuant to section 54(2), if Dr. Bell should fail to pay the costs as required by paragraph 5, Dr. Bell's licence shall be suspended until the costs are paid in full.*

- 7) *The Council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Bell. Without limiting the authority of the Council, the Council may determine which physician or physicians will be approved as supervisors pursuant to paragraph 2), may alter or remove the requirement of supervision, may alter or remove the requirement of treatment in paragraph 4) and may provide an extension of time for payment of the costs of the investigation and hearing.*

IN THE MATTER OF THE MEDICAL PROFESSION ACT, 1981, RSS 1980-81, c. M-10.1

PENALTY HEARING FOR DR. SUSAN BELL

FRIDAY MARCH 24, 2017

Mr. Bryan Salte, Q.C. representing the College of Physicians and Surgeons of Saskatchewan

Ms. Anita Fraser representing Dr. Susan Bell

Introduction and Background

[1] In response to complaints raised to the College and subsequent investigation of those complaints the Executive Committee laid the following charges against Dr. Susan Bell on October 4, 2016.

The Executive Committee of the College of Physicians and Surgeons directs that, pursuant to section 47.6 of The Medical Profession Act, 1981, the Discipline Committee hear the following charge against Dr. Susan Bell, namely:

1. *You Dr. Susan Bell 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 18.1 and/or bylaw 16.1 and/or bylaw 16.2 of the bylaws of the College of Physicians and Surgeons.*

The evidence that will be led in support of this charge will include one or more of the following:

- a) *By letter dated January 25, 2016, the Prescription Review Program wrote to you and asked you to confirm that the prescriptions on the profile attributed to you had been written by you;*
- b) *By letter dated January 25, 2016 the Prescription Review Program asked you to provide the latest three urine drug screening records;*
- c) *You did not respond to the requests made to you in the letter dated January 25, 2016;*
- d) *By letter dated February 25, 2016, The Prescription Review Program wrote to you and asked for the information requested in the letter to you dated January 25, 2016;*
- e) *You did not respond to the request made to you in the letter dated February 25, 2016;*

- f) *On or about March 16, 2016 the Prescription Review Program sent an email to you which stated: "The Prescription Review Program sent letters dated January 25 and February 25 for the following patient: [REDACTED] It appears I have not received your reply. Did you receive these letters?"*
- g) *You did not respond to the email sent on or about March 16, 2016;*
- h) *On or about May 19, 2016, Dr. Micheal Howard-Tripp, the deputy Registrar of the College of Physicians and Surgeons, spoke to you and asked you to provide the information which had been requested by the Prescription Review Program;*
- i) *In the conversation of on or about May 19, 2016 you stated that you would attend to the request by the Prescription Review Program immediately, or made a statement to similar effect;*
- j) *You did not provide the information requested by the Prescription Review Program as you told Dr. Howard-Tripp you would;*
- k) *On or about June 20, 2016, Dr. Micheal Howard-Tripp, the deputy Registrar of the College of Physicians and Surgeons, spoke to you and asked you to provide the information which had been requested by the Prescription Review Program;*
- l) *In the conversation of on or about June 20, 2016, you stated that you would attend to the request by the Prescription Review Program immediately, or made a statement to similar effect;*
- m) *You did not provide the information requested by the Prescription Review Program as you told Dr. Howard-Tripp you would;*
- n) *On or about July 29, 2016, Dr. Micheal Howard-Tripp, the deputy Registrar of the College of Physicians and Surgeons wrote to you and asked you to provide the information which had been requested by the Prescription Review Program;*
- o) *You did not respond to the letter from Dr. Howard-Tripp sent to you on or about July 29, 2016, nor did you provide the information which had been requested by the Prescription Review Program.*

The Executive Committee of the College of Physicians and Surgeons directs that, pursuant to section 47.6 of The Medical Profession Act, 1981, the Discipline Committee hear the following charge against Dr. Susan Bell, namely:

1. *You Dr. Susan Bell 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 8.1(b)(xii) of the bylaws of the College of Physicians and Surgeons.*

The evidence that will be led in support of this charge will include one or more of the following:

By letter dated January 29, 2016, Mr. Ivan Ng, of Child and Family Programs, Regina, Saskatchewan asked you to provide records with regards to the health history of an individual referred to in this charge as Patient Number 1;

- a) By letter dated January 29, 2016, Mr. Ivan Ng, of Child and Family Programs, Regina, Saskatchewan asked you to provide records with regards to the health history of an individual referred to in this charge as Patient Number 2;*
- b) By letter dated January 29, 2016, Mr. Ivan Ng, of Child and Family Programs, Regina, Saskatchewan asked you to provide records with regards to the health history of an individual referred to in this charge as Patient Number 3;*
- c) The records for Patient 1, Patient 2 and Patient 3 were required for the purpose of a potential adoption of one or more of these children;*
- d) You did not respond to any of the three letters dated January 29, 2016;*
- e) On or about February 17, 2016, Mr. Ng sent a follow up to you requesting the records with respect to Patient 1, Patient 2 and Patient 3;*
- f) You did not respond to the communication from Mr. Ng on or about February 17, 2016;*
- g) On or about February 29, 2016, Mr. Ng sent a follow up to you requesting the records with respect to Patient 1, Patient 2 and Patient 3;*
- h) You did not respond to the communication from Mr. Ng on or about February 29, 2016;*
- i) On or about March 21, 2016 Mr. Ng called your clinic asking about his request for the records with respect to Patient 1, Patient 2 and Patient 3;*
- j) You did not respond to the communication from Mr. Ng on or about March 21, 2016;*
- k) On or about April 29, 2016 Mr. Ng called your clinic asking about his request for the records with respect to Patient 1, Patient 2 and Patient 3;*
- l) You did not respond to the communication from Mr. Ng on or about April 29, 2016;*
- m) On or about May 25, 2016, Mr. Ng sent a follow up to you requesting the records with respect to Patient 1, Patient 2 and Patient 3;*
- n) You did not respond to the communication from Mr. Ng on or about May 25, 2016;*
- o) On or about June 2, 2016, Ms. Leslie Frey of the College of Physicians and Surgeons of Saskatchewan called your office and spoke to a member of your staff to discuss your failure to provide the requested records to Mr. Ng;*

- p) *On or about July 17, 2016, Ms. Leslie Frey of the College of Physicians and Surgeons of Saskatchewan spoke to you to discuss your failure to provide the requested records to Mr. Ng;*
- q) *On or about August 2, 2016, Ms. Leslie Frey of the College of Physicians and Surgeons of Saskatchewan called your office left a message on the answering machine for your office related to your failure to provide the requested records to Mr. Ng. Ms. Frey asked you to return her telephone call;*
- r) *You did not return Ms. Frey's call of on or about August 2, 2016;*
- s) *You did not provide the patient records for Patient 1 within a reasonable time;*
- t) *You did not provide the patient records for Patient 2 within a reasonable time;*
- u) *You did not provide the patient records for Patient 3 within a reasonable time.*

[2] On 24 February, 2017 Dr. Susan Bell admitted to the charges presented.

[3] On 24 March, 2017 the Council heard arguments on this issue. After deliberation, the Council imposed the following penalty.

- 1) *Pursuant to Section 54(1)(d) of The Medical Profession Act, 1981, the Council hereby requires Dr. Bell to practice only under the supervision of a duly qualified medical practitioner approved by the council. The Council approves Dr. Micheal Howard-Tripp as a duly qualified medical practitioner for the purpose of providing the supervision.*
- 2) *The supervision required by paragraph 1) will include a requirement the Dr. Bell provide reports to the supervisor, on such frequency as may be directed by the supervisor, related to the status of Dr. Bell's practice, including reports and documentation related to her practice.*
- 3) *Pursuant to section 54(1)(f) of The Medical Profession Act, 1981 Dr. Bell is required to continue to receive treatment from the physicians currently providing treatment to her, including Dr. Anne Bellows, or such other physician or physicians as the Registrar may approve, and to follow treatment recommendations from those physicians.*
- 4) *Pursuant to section 54(1)(i), the Council directs Dr. Bell to pay the cost of and incidental to the investigation and hearing in the amount of \$1,230. Such payment shall be made in full by April 7, 2017.*
- 5) *Pursuant to section 54(2), if Dr. Bell should fail to pay the costs as required by paragraph 4, Dr. Bell's licence shall be suspended until the costs are paid in full.*
- 6) *The council reserves to itself the right to amend any of the terms of this penalty decision, upon application by Dr. Bell. Without limiting the authority*

of the council, the Council may determine which physician or physicians will be approved as supervisors pursuant to paragraph 1), may alter or remove the requirement of supervision, and alter or remove the requirement of treatment in paragraph 3) and may provide an extension of time for payment of the costs of the investigation and hearing.

Dr. Bell's Background

[4] Dr. Bell received her Medical Degree from the University of Saskatchewan in 1991, and she attained her LMCC and CCFP qualifications in 1993 and 1994, respectively. After she completed her family medicine residency in Calgary, Dr. Bell practiced medicine in British Columbia for two years and Ontario for five years. In 2002 Dr. Bell returned to Saskatchewan, practicing in Saskatoon between 2002 and 2008.

[5] In 2009 Dr. Bell moved to the village of Caronport, where she currently resides and practices medicine. Dr. Bell is the sole family physician at the Caronport Medical Clinic, and she is the only family physician practicing medicine for the village of Caronport and surrounding farms.

The Position of the Registrar

[6] The Registrar provided the Council with objective evidence of an ongoing failure on the part of Dr. Bell to respond to the College on a repetitive basis regarding multiple complaints involving failure to provide medical records and complete the reasonable medical forms required of several of her patients. The facts of these shortcomings were not contested. Evidence was also presented regarding a failure to respond to the Prescription Review Program on an ongoing basis.

[7] Due, in part, to the underlying mental health issues that are alleged to have played a role in the misconduct, the Registrar's Office offered the following suggested penalty:

- 1) *An order for a reprimand;*
- 2) *A requirement that Dr. Bell practise only under the supervision of a duly qualified medical practitioner approved by the council. Dr. Howard-Tripp, deputy registrar of the College, is willing to provide that supervision which would entail Dr. Bell providing regular, probably monthly, reports detailing the status of administrative matters in her clinic, such as requests for reports, requests for patient charts and other similar matters.*
- 3) *An order that Dr. Bell continue to be treated by a psychiatrist approved by the College (currently Dr. Anne Bellows) and her family physician and that she comply with treatment recommendations from her physicians.*
- 4) *An order for payment of costs of \$1,230 within such period as Council may specify.*

[8] As with most penalty considerations, the factors for establishing penalty from **Camgoz v. College of Physicians and Surgeons, 1993 CanLII 8952 (SK.Q.B.)** were presented for consideration.

[9] Case law in support of the proposed penalty was presented as follows with complete text available in CPSS Information document 95_17:

- 1) STEENBERG, LOURENS – CPSS DECISION
- 2) LUHNING, ALLAN – CPSS DECISION
- 3) LARTON, Heather Allison – CPSO DECISION
- 4) NEWELL, Emilie N. – CPSO DECISION
- 5) RILEY, George Terence - CPSO DECISION
- 6) FAULKNER, John R. – CPSO DECISION (2001)
- 7) KOZNER, Alice S. – CPSO DECISION
- 8) TAMARI, Erez – CPSO DECISION

The Position of Dr. Bell

[10] Counsel for Dr. Bell did not contest the content of the charges. There was no argument put forward with respect to the case law submitted by the Registrar's Office. No submission was made with respect to the penalty itself. Rather, considerable discussion was made with respect to potential mitigating factors for consideration. Potential mitigating factors included:

- 1) Dr. Bell manages a busy practice at the Caronport Medical Clinic. Caronport has a population of approximately 900 people, and it is home to Briercrest College and Seminary. The residents of Caronport and the students of Briercrest, rely on Dr. Bell as their local family physician. Dr. Bell's patients also include residents of nearby Moose Jaw, Mortlach, Caron, Eyebrow, Marquis, Tugaske and Chaplin, as well as residents of nearby farms.
- 2) In 2015 and 2016, Dr. Bell faced an inordinate number of stressors. These stressors concerned her professional life as a family physician, as well as her personal life.
- 3) When a person's mental health is compromised, he or she isn't always capable of abiding by the rules of productivity, performance and prioritization.
- 4) Dr. Bell was overwhelmed with stress and anxiety, and these factors played a critical role in her inability to respond to the Prescription Review Program and the Department of Social Work.
- 5) Dr. Bell has been practicing medicine for over 15 years, and this is her first disciplinary matter before the College of Physicians and Surgeons.

Reasons for Decision

[11] On several occasions, the Council has had to intervene with penalty levied on physicians who have repeatedly failed to respond to College inquiry. Precedent has generally called for a fine in such circumstances. The Council accepts that Dr. Bell is contrite and has substantial mitigating circumstances. As a result, no fine was levied.

[12] The Council has directed Dr. Bell to pay the costs of and incidental to the investigation and hearing in the amount of \$1,230 payable by April 7, 2017. In their consideration of this penalty, it is a general policy of Council to recover costs associated with an investigation leading to an admitted charge. It is deemed unfair to impose the cost of these investigations to the general membership.

[13] The Council was highly sympathetic to the current and past stressors which affected Dr. Bell's ability to complete required paperwork and respond to the PRP in a timely fashion. The College has long encouraged physicians to avoid solo practise as the only physician serving a community. While we recognize that this can be a major source of physician 'burn out', it cannot serve as justification for inadequate care.

[14] Dr. Bell has demonstrated a willingness to engage with the Physician Health Program of the SMA. She has thoroughly documented her own mental health issues, which have compromised her ability to maintain office processes and to respond to the College. Unfortunately, the roles of the College cannot be subject to the health factors of its physician members. Certainly, such health concerns can be and were applied to the consideration of penalty.

[15] The Council felt that formal referral to the PHP would be beneficial in ensuring mental health and other resources are in place to prevent recurrence. The Council also felt that remote supervision by Dr. Michael Howard-Tripp would provide prospective surveillance and guidance. It is hoped that this supervision will be an asset and assist in avoiding recurrence. Remote supervision should not be considered intrusive but rather, be considered supportive.

[16] Dr. Bell argued that IT deficiencies in her practise should be considered as mitigating factors. Unfortunately, the length of time over which the conduct continued, argued against any single IT issue as being a major consideration. All practices require IT and office support for normal business functions. Unfortunately, Dr. Bell has permitted her office to fall into a state where efficient processes are not observed, and as a result paperwork suffers in order to maintain clinical productivity.

[17] Dr. Bell has demonstrated through counsel that she is taking steps in her office to improve IT support and limit her clinical load to help avoid repetition of these issues.

[18] The potential harm to patients who are not provided with timely medical records or forms is real. Patients have a justifiable expectation to have forms completed in a timely fashion. Failure of this process can have substantial financial impact on the patients involved. In this circumstance the very real and catastrophic risk of multiple failed adoptions was present. It has been demonstrated that Dr. Bell's deficiencies did not result in failure of the adoption process, however, the risk for such a result was evident and unjustifiable.

[19] The Council was persuaded by arguments from the Registrar's Office concerning Dr. Bell's letter of explanation as an aggravating factor. This letter served as a 'mia culpa' but the Registrar's perspective was considered valid that if Dr. Bell had dedicated similar time to the completion of medical records and paperwork that she spent in the writing of her 14 page letter of explanation, it is likely that she could have completed the required paperwork for her patients.

**Accepted by the Council of the College of Physicians and Surgeons:
6 November, 2017**



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of Saskatchewan*

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REGISTRAR
KAREN SHAW, M.D.

19 June, 2017

Dr. S. Bell

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Dr. Bell,

On 24 March, 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. One component of that penalty was an official reprimand by the Council. It was the will of Council that I personally compose the reprimand.

You, Dr. Susan Bell, 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 has spent a great deal of time in the consideration of this matter. While we recognize that the establishment and operation of a solo medical practice can be overwhelming, this cannot be accepted as an excuse for the mismanagement of that practice. Your actions can certainly be attributed in part to the constant pressures placed upon all physicians in our daily lives, however, when the stresses of practice and life become too much to manage, it behooves us all to solicit assistance from the College, colleagues, or to draw upon available support resources of the Saskatchewan Medical Association.

Continued.....

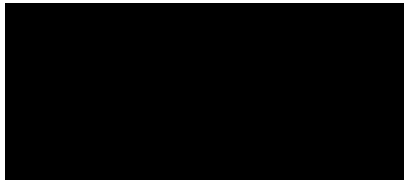
***To serve the public by regulating the practice of medicine
and guiding the profession to achieve the highest standards of care***

Thankfully, the results of your misconduct had no tangible negative effect on the wellbeing of the patients involved. However, there could have been highly significant implications to the future wellbeing of several families and individuals had circumstances been less fortuitous. The true significance of this unfortunate set of circumstances lies in the narrowly avoided potential for harm, rather than actual harm observed.

It was a source of great concern to the members of the Council that you found the time to respond to concerns in extreme detail, when a similar effort toward the clerical aspects of your practice would likely have served to avoid the difficulties in arising in the first instance.

Moving forward, the Council wishes to encourage you to seek the support you require before circumstances become unmanageable. Concentrate on your own health in order to avoid clinical overload from placing your patients at risk. Finally, when correspondence from the College requires a response, ensure that you prioritize such responses so as to avoid future disciplinary entanglements.

Sincerely,

A large black rectangular redaction box covering the signature area.A short black horizontal redaction bar.A short black horizontal redaction bar.

Council of the College of Physicians and Surgeons of Saskatchewan