



EXECUTIVE SUMMARY

of the

16 JANUARY, 2015 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 Robinson, Executive Assistant to the Registrar, at 500, 321A 21st Street East, Saskatoon, Saskatchewan, S7K 0C1, phone (306) 667 4625, Fax (306) 244 2600, or email OfficeOfTheRegistrar@cps.sk.ca.

1. Council reviewed a matter pertaining to the laying of possible charges against a physician who was convicted of an assault upon his wife which occurred in August, 2013 in New Zealand. Council considered the matter and laid the following charge:

The Council 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. Sujay Ishwarlall, namely:

You, Dr. Sujay Ishwarlall are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o) of The Medical Profession Act, 1981 s.s. 1980-81 c. M-10.1.

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

- a) In August of 2013, while in New Zealand, you committed an assault upon your wife;*
- b) You were charged with the criminal charge of assault with intent to injure and the criminal charge of male assaults female*
- c) You admitted the charges by entering guilty pleas to those charges;*
- d) On or about the 28th of July, 2014 the New Zealand Court convicted you of the two criminal offences and discharged you.*

2. Council reviewed and adopted reasons for the penalty which Council imposed on Dr. Cornelius Spies at the November, 2014 Council meeting, following his admission of unbecoming, improper, unprofessional or discreditable conduct.
3. Council reviewed an update on the status of the contracts with the Government to provide Diagnostic Imaging Quality Assurance and Laboratory Quality Assurance programs.
4. Council reviewed a report prepared by the Associate Registrar on the status of outstanding discipline investigations.
5. Council received a report on the new building which discussed the current status of construction, provided a financial update and discussed the College's existing lease.
6. Council received and discussed Monitoring Reports from the Registrar in respect to:
 - (a) The Registrar's advancement of Council's End 1 – The Mission of the College, and
 - (b) End 2 – Public Protection.
 - (c) The Registrar's compliance with Council's Executive Limitation policies pertaining to:
 - (i) EL - 1 – General Executive Constraint
 - (ii) EL – 2 – Treatment of Staff, and
 - (iii) EL – 6 – Interaction with Members of the Public
7. Council also received a report from the Registrar updating the status of the strategic initiatives for the CPSS 5 year operational plan – 2014 – 2019.
8. Council received a report from the Registrar on the current status of the development of guidelines or understandings related to the operation of the Physician Health Program. The Registrar identified the challenges in considering the recommendations of the Alberta Health Law Institute report and the implications for potential policy development relating to physicians with Blood borne pathogens.

9. Council deferred discussion of the draft policies relating to Primary Care and Episodic Care to the March 2015 Council meeting.
10. The Associate Registrar provided an update on the possible bylaw amendment regarding regulation of office procedures.
11. The Registrar provided a verbal update on the progress in planning for the educational session for the Annual General Meeting on the afternoon of June 20, 2015. The theme of the session will be related to aspects of communication. Potential speakers are currently being approached.
12. Council appointed members to a number of College committees and reaffirmed members who were eligible for reappointment.
13. Council received a report from the Deputy Registrar with respect to improvements to the complaints resolution advisory committee process.
14. Council conducted a penalty hearing pertaining to Dr. Tshimanga Willy Kalala pursuant to section 54 of *The Medical Profession Act, 1981*. Dr. Kalala pled guilty and a joint submission was accepted by Council. Council adopted the following resolution:

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

Pursuant to Section 54(1)(e) of The Medical Profession Act, 1981, the Council hereby reprimands Dr. Kalala.
15. Council conducted a suspension hearing. It received additional information from Dr. Luhning relating to his practice and determined that it would not suspend him from the practice of medicine. Council deferred a decision on the two outstanding potential discipline matters to the March 2015 meeting of Council.
16. Council directed the Nomination Committee to provide a recommendation for a process to refresh the membership of College committees.
17. Council deferred discussion of the policy on Medical Practice Coverage to the March 2015 meeting of Council.
18. Council received a report from the Associate Registrar on a draft policy statement on Conscientious Objection. Council approved in principle the policy and directed the Registrar's Office to proceed with consultations.

19. Council deferred discussion of the Role of Legal Counsel, Investigation of Possible Unprofessional Conduct or Lack of Skill and Knowledge to the March 2015 meeting of Council. An outside expert will facilitate the discussion and provide expert guidance.
20. Council received a report from the Associate Registrar with respect to the document Duty to Inform when a Patient Discloses Intent to Harm. Council approved in principle the guideline Patient Disclosure of Intent to Harm and agreed in principle that the document should cover disclosure to prevent harm to third parties and disclosure to prevent harm to the patient. Council adopted the guideline in principle and directed the Registrar's Office to seek consultation from the CMPA, SMA and the Privacy Commissioner.
21. Council received a report from the Registrar pertaining to the Saskatchewan College of Podiatrists' request for support for proposed prescription drug and diagnostic test bylaws. Council decided it would support in principle the proposed changes but would reconsider the matter when it receives the detailed bylaws during the consultation phase. Council requested additional information from the Saskatchewan College of Podiatrists regarding requirements for licensure, and educational requirements pertinent to the proposal.
22. Council received a report from the Registrar requesting guidance on the use of physicians' email addresses and directed that the College will limit the use of physicians' email addresses to matters regarding legitimate College business.
23. Council received a report from the Director of Registration Services on a registration transition strategy for those physicians with international specialty qualifications who had not achieved full licensure under the regulatory bylaws which were in place until September, 2014. Council directed that physicians with specialty qualifications who were licensed on provisional licences prior to the new bylaws that came into effect September 18, 2014 will be provided an option to choose continued licensure under the bylaws in place at the time the physician was registered or be issued a licence under the new bylaw that was effective in September 2014. Under the new bylaws specialist physicians with eligibility for the Royal College specialty examinations may choose either the Royal College examination route or the summative assessment route to regular licensure. This aligns with the choice provided to those physicians who hold Royal College

eligibility and who obtain a provisional licence, subsequent to September 18, 2014.

24. Council received a report from Registration Services with respect to registration options for a particular physician and directed that the physician should continue to re-establish Royal College eligibility by seeking training as previously directed. If training has not been secured, the physician will be offered a summative assessment, if such an assessment can be arranged.
25. Council received a report from the Associate Registrar on the pending Supreme Court decision with respect to physician assisted suicide.
26. Council received a report from the Associate Registrar with respect to an inconsistency in approach between the bylaw requiring physicians to report blood borne illnesses and the bylaw which required physicians to respond to certain questions when seeking renewal of their licences. Council was advised that the issue is being reviewed as part of the broader review considering the report of the Alberta Health Law Institute on Physician Health Programs and the College's review of the process to monitor physicians and students affected with a blood borne virus.
27. Council received a report from the Registrar with respect to the proposal from First Nations Inuit Health Branch-SK for involving the College of Physicians and Surgeons in its prescription drug abuse strategy.
28. Council received a report from the Associate Registrar on the status of bylaws. The regulatory bylaws adopted by the Council at the November 2014 Council meeting are waiting Ministry approval.
29. Council elected Dr. Grant Stoneham as President and Dr. Pierre Hanekom as Vice President. The three additional members elected to the Executive Committee were Ms. Susan Halland (public member), Dr. Mark Chapelski and Dr. Alan Beggs.