

EXTRACT OF THE COUNCIL MINUTES FOR APRIL 16, 2011

Dr. Nolan Jansen and his legal counsel, Mr. George Green of McKercher LLP arrived and introductions were made.

Mr. Salte explained the facts which led to the Penalty Hearing as set out in (**Info 100_11**). There was an altercation between Jansen and another physician. Jansen entered a guilty plea to the criminal charge. He withdrew from practice. Dr. Jansen effectually had a 2 week suspension as part of the consequences of his conduct. (See joint recommendation) Dr. Jansen should be reprimanded and pay the costs associated. Costs are nominal as he entered the guilty plea very quickly. Dr. Jansen has already suffered consequences associated with his conduct. If Council disagrees with the joint recommendation, it must explain what and why it disagrees. If Council proposes something different, it must be on the basis of Council's conclusion that the joint recommendation is fundamentally flawed.

Mr. Green reiterated that he and Dr. Jansen agree with Mr. Salte in the joint submission and will be bound by the order Council deems just. He gave additional background information to the situation but stated that it was not an excuse for Dr. Jansen's behavior and Dr. Jansen would be the first to admit that. Mr. Green hoped to show Council that Dr. Jansen has taken all steps to address the situation. Dr. Jansen is aware of the role physicians play in the community. His behavior was unbecoming and not appropriate in any way. Jansen is 33 years old, born and raised Cape Town. He received his degree in 2001. He came to Canada in 2008 and started practicing in La Ronge. What happened was not appropriate but there are mitigating factors. How did Dr. Jansen react? He took immediate responsibility for his actions. He entered a guilty plea at the earliest opportunity and with the College at once as well. He also made a pledge to abstain from alcohol and illicit drugs. Voluntary urine testing is taking place weekly and he is making a pledge to abstain for a lifetime. He maintains regular contact with Brenda Senger of the SMA's Physician Support Program. He is a first time offender. He has since abstained from all drugs and alcohol. He has taken the risk factors and dealt with them immediately. He has never been in trouble before. This is the first and last time that Dr. Jansen will appear before the Council. A few of the factors which should be considered by the Council: The biggest thing that happened to him was spending the night in jail, handcuffed and on a rubber mat. He had time to think. He worked so hard to get his medical degree and this trouble was all his fault. There was no one else to blame. There certainly has been some punishment. Jansen has been away from practice voluntarily for 21 days. There have been criminal sanctions which he went through without any problems. He doesn't have a criminal record. He remains committed to staying in La Ronge. This is not the easy way out. He is dealing with this head on and wants to make amends and to be a good example. He hit a speed bump, a rough patch in his life.

Mr. Green talked about the four cases Mr. Salte proved in the joint recommendation.

Mr. Green emphasized that there was no physical contact. Jansen made a full apology

to Dr. Archer. They are working together but are not friends. Jansen has a great deal of remorse. There are mitigating factors. The penalty proposed is certainly within the range and he asked the Council to agree to it.

MOTION

Following Dr. Jansen's admission of unbecoming, improper, unprofessional or discreditable conduct pursuant to section 49 of **The Medical Profession Act, 1981**, the Council makes the following orders under section 54 of that Act:

- 1) Pursuant to section 54(1)(e) of **The Medical Profession Act, 1981**, Dr. Jansen is hereby reprimanded;
- 2) Pursuant to section 54(1)(g) of **The Medical Profession Act, 1981**, Dr. Jansen is directed to pay the costs of an incidental to the investigation and hearing in the amount of \$420.00 such costs to be payable forthwith.