

EXTRACT OF THE COUNCIL MINUTES FOR FEBRUARY 16, 2002

42g Dr. A.N. Mettle, accompanied by legal counsel Ms. Chris Glazer, was present at Council to speak to his application for restoration to the Register. Ms. Gwen Vanstone acted as the College's counsel in Mr. Salte's absence.

43g Ms. Glazer stated Council was being asked to consider whether Dr. Mettle has met the conditions set down by Council. These were that a minimum period of nine months elapses, Council is in receipt of a satisfactory report from a professional person(s) on boundary issues, Dr. Mettle has undertaken (at his expense) counselling for sexual abuse and gained insight into the matter and that he has achieved a measure of rehabilitation that protects the public from risk of future harm. It is her contention that Dr. Mettle has met all the conditions imposed by Council. She cited two previous cases where the Council had restored the physician's license after they had been suspended for similar reasons.

44g Dr. Mettle stated he had been willing to undertake education in the matter of boundary breaches. In September 2001 he underwent an assessment and completed the Winnipeg Program in December 2001. He stated he learned a great deal about appropriate relationships between physicians and patients and that there is no place for consensual sexual activity between a physician and a patient. He believes he is now very well equipped to recognize boundary crossings. Dr. Mettle indicated that if he is allowed to return to practice he plans to make a number of changes in his practice, namely:

- (1) There will be a receptionist in his office at all times when there is a medical consultation.
- (2) Patients who phone and indicate they will be late for their scheduled appointment will be advised to make another appointment.
- (3) Patients who engage in lengthy discussions will be limited to ten minutes and advised to make another appointment for further discussion.
- (4) Invitations from patients for social activities will be declined.
- (5) He will continue to read about boundary issues.
- (6) One of his patients, who is related to KK, will be referred to another physician.
- (7) Patients who refuse referrals to psychiatrists will be advised not to return to his office.
- (8) If issues of boundary arise he will seek counselling from Dr. Stella Blackshaw.

45g Dr. Mettle apologized to the members of Council for his boundary transgressions. He apologized to patients H. K and K K for the hurt he has caused them and took full responsibility for his actions. He also apologized to his patients for the disappointment he caused them and thanked those patients who offered him words of encouragement during this time. He asked Council to give him a second chance.

46g In answer to a question from Mr. Fisher, Ms. Glazer provided documentation stating that Dr. Mettle did not require counselling before entering the boundaries program in Winnipeg.

47g Ms. Vanstone stated she was not taking a position either supporting or opposing Dr. Mettle's application for restoration of his license. She was present only to assist Council in making a decision in this matter. Ms. Vanstone's comments were limited to four separate areas: (1) definition of the issues or questions that need to be answered,

(2) provision of information that may be instructive to Council in making a determination in this case, (3) provision of commentary on the materials being relied on by Dr. Mettle in support of his application, and (4) provision of possible resolutions, or examples of resolutions, that Council might wish to make.

MOTION

Pursuant to Section 86 of **The Medical Profession Act, 1981**, the Council of the College of Physicians and Surgeons restores Dr. Armstrong Mettle's license to practice medicine, subject only to the conditions stipulated by the Council in its previous penalty order. That condition is that, "Pursuant to Section 54(c)(ii) of **The Medical Profession Act, 1981**, Dr. Armstrong Mettle is prohibited, unless or until given permission of the Council to do so, to provide any form of counselling to any female patient other than counselling that relates solely to a physical condition of the patient and crisis intervention followed by immediate referral."