



## Dr. Mehdi HORRI

### Council Decision

Date Charge(s) Laid:	April 13, 2023
Outcome Date:	September 22, 2023
Penalty Hearing:	September 22, 2023
Disposition:	Reprimand, Suspension, Costs

The Council of the College of Physicians and Surgeons of Saskatchewan imposes the following penalty on Dr. Mehdi Horri pursuant to *The Medical Profession Act, 1981* (the "Act"):

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Horri. Dr. Horri is required to appear before the next regularly scheduled meeting of the Council to have the reprimand administered in person.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Horri for a period of 2 months, commencing at 12:01 a.m. on November 1, 2023 and ending at 11:59 p.m. on 31 December, 2023.
- 3) Pursuant to Section 54(1)(i) of the Act, the Council directs Dr. Horri to pay the costs of and incidental to the investigation and hearing in the amount of \$900 to be paid by 1 November, 2023.
- 4) Pursuant to Section 54(2) of the Act, if Dr. Horri should fail to pay the costs as required by paragraph 3, Dr. Horri's licence shall be suspended until the costs are paid in full.
- 5) The Council reserves to itself the right to reconsider and amend any of the terms of this penalty order if requested to do so by Dr. Horri.

**In the Matter of a Hearing before the Council of the College of Physicians and Surgeons of  
Saskatchewan and Dr. Mehdi Horri**

**Mr. Evan Thompson appearing on behalf of the Registrar's Office**

**Mr. M. Wiens appearing on behalf of Dr. M. Horri**

**22 September, 2023**

**Reasons for Decision**

**Background**

Dr. M. Horri is currently practising under the terms of an undertaking. Dr. Horri has been disciplined in the past for breaching the terms of his undertakings. Dr. Horri was recently suspended from practise by the Executive Committee of Council due to his breach of undertaking. The specific term breached reads:

*I will not have any in-person professional encounters with female patients in my office practice except in the presence of a female chaperone.*

The temporary suspension was in place until the next regular meeting of the Council. At that time, Dr. Horri was placed under a new undertaking in large part developed by Dr. Horri and his legal counsel. The undertaking was refined by the Registrar's Office and then signed by Dr. Horri. The Council ordered that Dr. Horri, his legal counsel and the Deputy Registrar meet in person to go over every term of the undertaking to ensure absolute understanding. The Council hoped that this unusual step would drive home not only the non-modifiable nature of the undertaking, but also the importance Council places on the adherence to the terms of undertakings. Dr. Horri was provided with a written synopsis of this interview which he has admitted to reviewing and believes is an accurate description of the discussion. This document may be reviewed on red page 27 of the Registrar's Office's submissions for the current matter.

Dr. Horri has also confirmed that he has reviewed the reasons for Council's decision of 24 March, 2023. Those reasons articulated the following:

*The current terms of Dr. Horri's undertaking are sufficient to protect the public if one accepts that Dr. Horri complies with the terms of the undertaking. It is this question which was of greatest import in this deliberation.*

*It is not under debate if Dr. Horri requires a chaperone to be present for any in-person professional encounter with female patients. This is a precise term of the initial and modified undertakings signed by Dr. Horri.*

Less than one month after having signed his current undertaking Dr. Horri breached terms 3 and 15 of his current undertaking. On 14 April 2023, Dr. Horri signed an admission to the charges laid by the Executive Committee.

*Charge Number 1:*

*You Dr. Mehdi Horri are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) of The Medical Profession Act, 1981, the particulars of which are that you failed to comply with an undertaking to the College.*

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

- a) On January 27th, 2023 the Council of the College ordered that your ability to practice medicine be suspended until you provided a satisfactory undertaking to the College.*
- b) On or about February 24th, 2023 you provided a signed undertaking to the College, including the condition "I will not have any professional encounter or any portion thereof with female patients except in the presence of a female practice monitor."*
- c) On or about March 20th, 2023 you failed to comply with your undertaking by having a professional encounter with a female patient without the presence of a female practice monitor.*

*Charge Number 2:*

*You Dr. Mehdi Horri are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) of The Medical Profession Act, 1981, the particulars of which are that you failed to comply with an undertaking to the College.*

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

- a) On January 27th, 2023 the Council of the College ordered that your ability to practice medicine be suspended until you provided a satisfactory undertaking to the College.*
- b) On or about February 24th, 2023 you provided a signed undertaking to the College, including the condition "I will immediately report to the College any known or suspected breaches of the terms of this undertaking by myself or any known or suspected breaches of the terms of an undertaking by a practice monitor."*
- c) On or about March 20th, 2023 you had a professional encounter with a female patient without the presence of a female practice monitor.*

- d) You failed to comply with your undertaking by failing to immediately report to the College a known or suspected breach of your undertaking.*

Dr. Horri attended to a 4 year old female patient in the absence of a practise monitor. The patient was in the care of her father for the duration of the interaction. The interaction is reported to have lasted four minutes. There is no allegation of harm to the patient, nor is there any allegation of inadequate care. The breach was reported later that morning by the practise monitor. There was no self reporting of the incident from Dr. Horri.

## **Decision**

After deliberation the Council agreed that appropriate penalty would include:

- 1) An in person reprimand to be administered by Council
- 2) A suspension of 2 months duration to begin 1 November, 2023
- 3) Payment of costs in the amount of \$900 to be paid by 1 November, 2023

## **Reasons for Decision**

Legal counsel for the Registrar and Dr. Horri agree that a reprimand and costs are appropriate.

### Suspension

The Registrar's Office has argued that past breaches of undertakings on the part of Dr. Horri raise the significance of this matter. It was opined that the repetitive nature of Dr. Horri's breaches demonstrate that specific deterrence has not been successful thus far with Dr. Horri and therefore a suspension is appropriate. Case law was presented, but all parties agreed to the lack of direct comparators to the matter at hand. The Registrar's Office considered the short time between the last breach and the current breach to be an aggravating factor worth consideration in determining if a suspension is warranted and how long such a suspension should be.

Legal counsel for Dr. Horri argued that the current breach does not rise to the level of suspension. It was argued that the current undertaking is sufficiently robust to protect the public. The isolated nature of this breach was presented as evidence that the undertaking is working. The breach in question was considered to be a mistake that only occurred due to the relative novelty of the new practise monitor processes. It was argued that this accidental breach was not a deliberate choice to offend the terms of the undertaking. It was argued that a suspension would not serve to increase either general or specific deterrence and would only disenfranchise Dr. Horri's patients who live in a highly underserved municipality. Discussion of the case law again did not add much to the position of Dr. Horri.

The deliberation in this matter focussed on the nature of the breach. Council was unable to understand why Dr. Horri did not disengage from the patient encounter once it was determined that the patient was a female and the practise monitor was not present. To have done so would have been relatively easy, and upon reporting of the unintentional and immediately corrected breach, there likely would have been no need for further College involvement.

Legal counsel for Dr. Horri stated that it was virtually impossible to breach the undertaking in its current form, and yet Dr. Horri has succeeded in exactly that. Further, Council was told that there is no need for Council to trust Dr. Horri, as we can trust in the undertaking. Council was incredulous in the first assertion, and found the latter assertion to be flawed as the agreed upon facts clearly demonstrate the current undertaking is in fact breachable.

Dr. Horri entered an examination room with a female patient, albeit a very young child who was with her father. Dr. Horri made a conscious decision to proceed without a monitor. If he was unaware that the monitor was not present then he has demonstrated that the current office procedures in place are flawed in this way and that the public is not in fact adequately protected.

Dr. Horri decided to proceed with his clinical interaction with a female patient. The absence of harm to the patient is not remotely the point. Dr. Horri practises under an undertaking, the terms of which he has confirmed clear understanding of. Dr. Horri had a professional encounter with a female patient without a practise monitor present. Dr. Horri then made the decision not to report his breach to the College. The current undertaking mandates that any breach, known or suspected, shall be reported by Dr. Horri to the College. The fact that the practise monitor is also to report does not free Dr. Horri from his reporting requirement.

Dr. Horri has admitted his understanding of the terms of the undertaking. Dr. Horri has admitted to the breaches in question. Dr. Horri has again demonstrated a lack of respect for the discipline process and for the weight given by Council to physician adherence to undertakings. For this reason a two month suspension from practise was considered appropriate.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan**