

## EXTRACT OF THE COUNCIL MINUTES FOR OCTOBER 19, 2000

365e Mr. D. Thera, legal counsel for Dr. M.S. Hanna of Regina, was present at Council to speak to the issue of penalty following Council's finding Dr. Hanna guilty of unprofessional conduct. Dr. Hanna was not in attendance. Mr. B. Salte, College legal counsel, was also present at this time.

366e When asked by the President how Dr. Hanna pleads to the charge, Mr. Thera indicated he plead guilty. Mr. Salte indicated that he and Mr. Thera had come to a joint agreement as to penalty in the event Council found Dr. Hanna guilty of unprofessional conduct and this was provided to Council for consideration.

### MOTION

THAT following Dr. M.S. Hanna's guilty plea to the charges in Minute 364e above, Council approves the joint resolution put forward by Mr. D. Thera and Mr. B. Salte as noted in Appendix III to these Minutes.

### APPENDIX III

- I. Pursuant to section 54(l)(d) of **The Medical Profession Act, 1981**, Dr. Hanna is required to provide all medical services or procedures under the supervision of a Q.uly qualified medical practitioner approved by the Council.
- II. Pursuant to section 54(1)(c) Dr. Hanna is suspended from the privileges of a duly qualified medical practitioner for a period of 6 months commencing June 23, 2000 and the following conditions are imposed upon Dr. Hanna before his privileges as a duly qualified medical practitioner may be restored:
  1. Dr. Hanna will enter into an undertaking in which he undertakes that he will not practice medicine in any setting other than in a medical practice in which:
    - a. at least one other physician is present in the clinic at all times that Dr. Hanna is seeing patients. It will not be a breach of this condition if a physician is present at the beginning of a shift worked by Dr. Hanna and is temporarily required to leave the medical clinic for a temporary period due to an emergency or for other unexpected reason, provided there is at least one other person other than the chaperone present in the clinic at all times that Dr. Hanna is seeing patients and that person is assigned the responsibility to ensure that the conditions of-this undertaking are followed;
    - b. a written record is maintained, for at least a three-year period, of all patients seen by Dr. Hanna, and the dates on which they were seen and that such documents will be made available for inspection by the College of Physicians

- and Surgeons pursuant to paragraph 3 of the undertaking dated February 15, 2000 and signed by Dr. Hanna.
- c. a sign is prominently posted notifying female patients of the requirement for the presence of a chaperone during all visits.
  - d. a physician approved by the Council agrees with the College of Physicians and Surgeons of Saskatchewan that the physician will verify, in a written report to the College, sent on a monthly basis, that:
    - i. the physician is aware of these conditions of practice for Dr. Hanna and the terms of Dr. Hanna's undertaking of February 15, 2000;
    - ii. to the best of that physician's information and belief, Dr. Hanna has complied with these conditions of practice and the terms of Dr. Hanna's undertaking of February 15, 2000;
    - iii. to the best of that physician's information and belief, Dr. Hanna has seen no patients without at least one other physician present in the clinic.
    - iv. to the best of that physician's information and belief, Dr. Hanna has seen no female patients without a chaperone present;
    - v. to the best of that physician's information and belief, all chaperone sheets required by Dr. Hanna's undertaking of February 15, 2000 are maintained as a part of the patient charts to which they relate or that such chaperone sheets have been placed in the central filing system of the physician's medical practice;
    - vi. to the best of that physician's information and belief, a written record is maintained, and will be maintained for at least a three year period, of all patients seen by Dr. Hanna, and the dates on which they were seen; and,
    - vii. the physician is generally aware of the billings done by Dr. Hanna for medical services and that, in that physician's opinion, the billings are appropriate to the services provided by Dr. Hanna.
2. Dr. Hanna will enter into an undertaking that all chaperone sheets required by his undertaking of February 15, 2000 will be maintained as a part of the patient charts to which they relate, or will be placed in the central filing system of the medical practice in which the patient was seen.
  3. Dr. Hanna will enter into an undertaking that
    - a. he will repay to the Medical Services Plan all payments made to him in connection with his manual billings for clinic 000. Such repayments are to be

- made in the amount of \$500.00 per month commencing the first of each month beginning March 1, 2001 and continuing on the first of each month thereafter until the amounts are repaid in full; or
- b. if a written agreement is reached with the Medical Services Plan respecting repayment of the billings made in connection with Clinic 000, he will make the payments required by the written agreement in accordance with the terms of that agreement. For greater certainty, if the Medical Services Plan and Dr. Hanna are able to reach agreement with respect to the amount to be repaid, the terms upon which any repayment will be made, or both, the terms of such agreement will take precedence over the terms in paragraph (a) above.
4. Dr. Hanna will enter into an undertaking that states his acknowledgement that, if an audit by the College of Physicians and Surgeons should ever disclose that Dr. Hanna is not compliant with these conditions of practice or is not compliant with the terms of his undertaking of February 15, 2000, or if a physician should ever refuse to sign the certification referred to in paragraph 1 (d) above, he will immediately cease medical practice in Saskatchewan pending the outcome of any investigation and/or discipline proceedings by the College of Physicians and Surgeons of Saskatchewan and will remain out of medical practice until the finalization of any investigation and/or discipline proceedings.
- III. Pursuant to section 54(1)(f) of **The Medical Profession Act, 1981**, Dr. Hanna is required to pay a fine of \$10,000.00, to be paid at a rate of \$1,000 per month commencing on the 1st day of March, 2001 and continuing on the first day of each month until paid in full;
- IV. Pursuant to section 54(1)(b) of **The Medical Profession Act, 1981**, in the event that any monthly payment of the fine is not made as required, Dr. Hanna shall be immediately suspended from the practice of medicine and shall remain suspended until such fine has been paid;
- V. The Council reserves to itself the right to extend any time for payment of the fine, remove the requirement for supervision referred to in paragraph I, or to waive or vary any of the terms of the undertaking granted by Dr. Hanna upon application by Dr. Hanna.