

Dr. W. van Tonder-Penalty Hearing (Minute 198) (Info. 261/08)

588m The Associate Registrar reported that Dr. Werner van Tonder has pled guilty to a charge of unbecoming, improper, unprofessional or discreditable conduct for leaving his practice in Kamsack at the end of May, 2008 without making appropriate arrangements for the follow-up care of his patients, review of laboratory results and/or consultation reports for patients and for the ongoing care for patients admitted to hospital under his care. He also pled guilty to not making appropriate arrangements to complete hospital records for patients under his care and for not responding to correspondence from the Deputy Registrar within the required timeframe and that he did not provide the information requested by her.

589m The Associate Registrar advised Council that Dr. van Tonder no longer resided in Saskatchewan and that he would not be present at the meeting to speak to penalty.

590m Moved by Dr. Fritz
Seconded by Dr. Malhotra

THAT, pursuant to Section 54(1)(f) of **The Medical Profession Act, 1981**, a fine of \$10,000.00 be imposed against Dr. Werner van Tonder following his guilty plea to a charge of unbecoming, improper, unprofessional or discreditable conduct in that he left his practice in Kamsack on or about the 30th day of May, 2008 having failed to:

- (a) Make appropriate arrangements for follow-up care of his patients; and/or
- (b) Make appropriate arrangements for review of laboratory results and/or consultation reports for his patients for whom he had ordered tests or referred for consultation; and/or
- (c) Make appropriate arrangements for ongoing care for one or more patients admitted to hospital under his care.

THAT, pursuant to Section 54(1)(f) of **The Medical Profession Act, 1981**, a fine of \$1,500.00 be imposed against Dr. Werner van Tonder following his guilty plea to a charge of unbecoming, improper, unprofessional or discreditable conduct in that he left his practice in Kamsack on or about the 30th day of May, 2008 having failed to:

- (a) Make appropriate arrangements to complete hospital records for those patients for whom he had provided hospital care; and/or

- (b) Comply with the provisions of paragraph 12 and/or 13 and/or 14 of **The Hospital Standards Regulations, 1980** with respect to:

- 1) recording a medical history, a physical examination and a provisional diagnosis of patients' conditions;
- 2) completing a discharge summary for patients' health records within seven days after a patient's separation;
- 3) completing and signing patients' health records within twenty-one days of a patient's separation;
- 4) signing those parts of the health record for which the physician is responsible;

5) preparing a report of the nature and extent of an injury or illness, the diagnostic procedures undertaken, the treatment given, and the diagnosis and disposal of a case within forty-eight hours.

THAT, pursuant to Section 54(1)(f) of **The Medical Profession Act, 1981**, a fine of \$1,500.00 be imposed against Dr. Werner van Tonder following his guilty plea to a charge of unbecoming, improper, unprofessional or discreditable conduct in that upon receiving a letter from Dr. Karen Shaw, Deputy Registrar of the College of Physicians and Surgeons, dated June 6, 2008, he failed to:

- (a) Reply to that correspondence within 14 days; and/or
- (b) Respond substantially to the requests; and/or
- (c) Provide the information or explanation requested to the best of his ability to do so.

Carried.

2 Abstentions

591m Mr. Mitchell will draft the reasons for Council's decision with respect to Dr. Werner van Tonder, as noted in Minute 590m above, for consideration by Council at its January 2009 meeting.