



## Dr. Bruce ZIMMERMANN

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### Council Decision

<b>Dates Charges Laid:</b>	March 29, 2019 March 9, 2021
<b>Outcome Date:</b>	March 18, 2022
<b>Penalty Hearing:</b>	Completed
<b>Disposition:</b>	Reprimand, Suspension, Conditions, Costs

The Council of the College of Physicians and Surgeons of Saskatchewan imposes the following penalty on Dr. Bruce Zimmermann pursuant to **The Medical Profession Act, 1981** (the “Act”):

- 1) Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Zimmermann. The format of that reprimand will be in written format.
- 2) Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Zimmermann for a period of 2 month(s), such suspension to take effect no later than June 1, 2022.
- 3) Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Zimmermann successfully complete a course on medical record-keeping acceptable to the Registrar, and provide proof of completion. Such course shall be completed at the first available date, but in any case within six months. The programs “Medical Record Keeping” by PACE, “Medical Record Keeping MR-17 Extended” by PBI Education, and “Medical Documentation: Clinical, Legal and Economic Implications for Healthcare Providers” by Case Western Reserve University are programs acceptable to the Registrar.
- 4) Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Zimmermann successfully complete a course on time management for physicians acceptable to the Registrar, and provide proof of completion. Such course shall be completed at the first available date, but in any case within six months. The “Joule – Practice Management Curriculum” program “Evaluation practice options; time management” is a time management course acceptable to the Registrar.
- 5) Pursuant to Section 54(1)(i) of the Act, the Council directs Dr. Zimmermann to pay the costs of and incidental to the investigation and hearing in the amount of \$1,740.00. Such payment shall be made in full by 1 June, 2022.
- 6) Pursuant to Section 54(2) of the Act, if Dr. Zimmermann should fail to pay the costs as required by paragraph 5, Dr. Zimmermann’s licence shall be suspended until the costs are paid in full.
- 7) The Council reserves to itself the right to reconsider and amend any of the terms of this penalty decision, upon application by Dr. Zimmermann. Without limiting the authority of the Council, the Council may extend the time for Dr. Zimmermann to pay the costs required by paragraph 5.



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REGISTRAR  
KAREN SHAW, M.D.

**PERSONAL AND CONFIDENTIAL**

20 June, 2022

Dr. B. Zimmermann

[REDACTED]

Dr. Zimmermann,

On March 18, 2022 the Council of the College of Physicians and Surgeons of Saskatchewan accepted your admission of guilt to charges of professional misconduct. Penalty was determined after deliberation. One component of that penalty was an official written reprimand by the Council.

*You Dr. Bruce Zimmermann, having been found guilty of professional misconduct while practising medicine in the province of Saskatchewan are hereby reprimanded by the Council of the College of Physicians and Surgeons of Saskatchewan.*

You failed to complete hospital charts in a timely manner while practising at the Indian Head Union Hospital thereby breaching an undertaking you provided to the College on April 23, 2019. Proper record keeping and timely completion of hospital charts is important not only for continuity of care but also for ensuring patient safety. When hospital charts are not completed in a timely fashion, patients' medical history can be permanently lost. This is a disservice to those patients.

One of the most important statutory functions of the Council is the protection of the public. One of the ways Council achieves this end is to ensure that its members maintain a high standard of ethical and professional behaviour at all times. Your action fell below that standard. Council therefore considers your actions as grievous and unbecoming.

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***To serve the public by regulating the practice of medicine  
and guiding the profession to achieve the highest standards of care***

Council considered the mitigating factors put forward by your Counsel. Council acknowledged the fact that you admitted guilt at the earliest opportunity and that the workload caused by the Covid-19 pandemic might have contributed to your inability to complete hospital charts in a timely fashion. However, by breaching a willfully signed undertaking, you undermined the self-regulatory ability of the College. This is unacceptable.

It is the hope of Council that you will reflect and learn from this experience. Council reminds you that based on the principles of progressive discipline, any further unprofessional conduct will likely result in a more severe penalty. It is therefore the expectation of Council that you maintain the utmost professional and ethical standards going forward.

**Council of the College of Physicians and Surgeons of Saskatchewan**

**In the Matter of a Penalty Hearing before The Council of the College of Physicians and Surgeons of Saskatchewan and Dr. Bruce Zimmermann**

**Ms. Sheila Torrance** appearing for the College of Physicians & Surgeons of Saskatchewan

**Mr. D. Thera**, appearing for Dr. B. Zimmermann

**March 18, 2022**

**Background:**

Dr. Bruce Zimmermann is a family physician in Indian Head, SK, where he has been in practice for over 30 years. The Council laid a charge against Dr. Zimmermann pertaining to a failure to complete hospital charts in a timely manner and the Executive Committee laid two charges; one relating to a failure to complete hospital charts in a timely manner and breach of an undertaking signed in 2019 by Dr. Zimmermann.

Dr. Zimmermann admitted all the charges, and as such there was no contested hearing or preliminary inquiry committee investigation. There was also no joint submission on recommendation for sanctions.

**The Position of the Registrar's Office**

The Registrar noted Dr. Zimmermann's past records of disciplinary issues and concerns, and particularly that Dr. Zimmermann in March 2019 signed an undertaking agreeing to complete all charts within one week of a patient's discharge from hospital. The Registrar's Office took the position that the appropriate penalty for Dr. Zimmermann would be:

1. A reprimand, the form of which should be directed by the Council
2. A suspension in the range of 2-4 months
3. Successful completion of a medical record-keeping course
4. Successful completion of a time-management course for physicians
5. Payment of costs in the amount of \$1,740.00
6. A further suspension if he fails to pay the assessed costs within the stipulated time established by Council.

### **Position of Dr. Zimmermann and Counsel, Mr. Thera**

Through his counsel, Mr. Thera, Dr. Zimmermann acknowledged the charges but attributed the delay in completing the hospital charts to the COVID-19 pandemic which has brought busier schedules and more time demands for clinical care. This was acknowledged in a written submission provided by the Area Chief of Staff for the area Dr. Zimmermann practices in.

His counsel expressed concern that Dr. Zimmermann's suspension would impact service provision in the community as Dr. Zimmermann has long been established in the community and has a large patient list; he also argued against the payment of the costs of investigation. Dr. Zimmermann also submitted that his previous participation in an educational course on record-keeping should be a mitigating factor.

### **Council's Penalty Decision**

The Council of the College of Physicians and Surgeons of Saskatchewan imposed the following penalty on Dr. Bruce Zimmermann pursuant to The Medical Profession Act, 1981 (the "Act"):

1. Pursuant to Section 54(1)(e) of the Act, the Council hereby reprimands Dr. Zimmermann. The format of that reprimand will be in written format.
2. Pursuant to Section 54(1)(b) of the Act, the Council hereby suspends Dr. Zimmermann for a period of 2 months. Such suspension to take effect no later than June 1, 2022.
3. Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Zimmermann successfully complete a course on medical record-keeping acceptable to the Registrar and provide proof of completion. Such course shall be completed at the first available date, but in any case, within six months. The programs "Medical Record Keeping" by PACE, "Medical Record Keeping MR-17 Extended" by PBI Education, and "Medical Documentation: Clinical, Legal and Economic Implications for Healthcare Providers" by Case Western Reserve University are programs acceptable to the Registrar.
4. Pursuant to Section 54(1)(g) of the Act, the Council requires that Dr. Zimmermann successfully complete a course on time management for physicians acceptable to the Registrar and provide proof of completion. Such courses shall be completed at the first available date, but in any case, within 6 months. The "Joule – Practice Management Curriculum" program, "Evaluating practice options: time management" are time management courses acceptable to the Registrar.
5. Pursuant to Section 54(1)(i) of the Act, the Council directs Dr. Zimmermann to pay the costs of and incidental to the investigation and hearing in the amount of \$1,740.00. Such payment shall be made in full by 1 June, 2022.
6. Pursuant to Section 54(2) of the Act, if Dr. Zimmermann should fail to pay the costs as required by paragraph 5, Dr. Zimmermann's licence shall be suspended until the costs are paid in full.

7. The Council reserves to itself the right to reconsider and amend any of the items of this penalty decision, upon application by Dr. Zimmermann. Without limiting the authority of the Council, the Council may extend the time for Dr. Zimmermann to pay the costs required by paragraph 5.

### **Reasons for the Penalty Decision**

The written submission of the Registrar's Office provided evidence to prove the charges laid against Dr. Zimmermann, charges which he admitted to. With this admittance, the Council's responsibility was not to weigh the evidence not to ascertain probable misconduct, but to determine the appropriate penalty in this case.

The Council deliberated on the arguments presented by the Registrar's Office and Dr. Zimmermann and the regret expressed personally by Dr. Zimmermann during the hearing. The Council felt that breach of an undertaking is a serious offence and this also undermines the authority of a regulating body. It was also noted that Dr. Zimmermann demonstrates an ongoing pattern of such abandonment of undertakings.

Contrary to the submission of Dr. Zimmermann and his counsel that no direct patient harm occurred due to his failure to complete charts in a timely fashion, the Council's deliberations concluded that lack of completion of timely records actually has the potential of harming future patient care, especially not documenting history and physical examinations which reflects poor care.

The Council also concluded that participation in a relevant educational course, which would normally have been a mitigating factor, is an aggravating factor in this case as the physician had previously garnered the knowledge of why this is an important practice and was already equipped with strategies to perform adequate record-keeping.

The charges laid against Dr. Zimmermann are serious offences for which a lengthy suspension would be deemed appropriate under normal circumstances. However, the Council agreed and acknowledged the impact of the COVID-19 pandemic globally in workplaces, and therefore deemed a suspension of 2 months would be appropriate in view of the mitigating circumstances of COVID-19. The Council contended that the potential hardship to a community, resultant from a physician's suspension, is not and should not, be a reason to not apply appropriate sanctions in cases and goes against the principle of fairness. The Council deliberated on the option of imposing a fine pertaining to the charge of the breach of an undertaking and concluded this would not be an appropriate penalty.

The Council considered the overall costs of the investigation and it has consistently been the Council's position that such costs should be borne by the erring physician and not the profession. The costs of \$1,740.00 in this case are an appropriate reflection of the expenses of the investigative panel.

Educational courses are mandated in an attempt to rehabilitate the physician and mitigate the risk of future misconduct. Courses recommended by the Registrar are usually reflective of the nature of the offence; in this matter, a record-keeping course and a time management course are entirely relevant.

Reprimands are issued to physicians who are guilty of professional misconduct. A written reprimand is deemed preferable in this matter due to the seriousness and the repeated nature of the offences.

**Accepted by the Council of the College of Physicians and Surgeons of Saskatchewan:  
18 June, 2022**

**In the Matter of an Application brought by Dr. B. Zimmermann  
requesting an Extension to the Terms of his Penalty Order**

**Background**

On 12 January, 2022 Dr. Bruce Zimmermann admitted to three charges of unprofessional conduct. A penalty hearing was held at the 18 March, 2022 Council meeting. The following were some of the terms of the penalty decision:

- *The requirement to successfully complete a course on medical record-keeping acceptable to the Registrar, and provide proof of completion. This was to be completed at the first available date but in any case within 6 months.*
- *The requirement to successfully complete a course on time management for physicians acceptable to the Registrar. This was also to be completed at the first available date, but in any case within 6 months.*

The aforementioned terms of penalty were due for completion by no later than the 18 September, 2022.

After communications in June and July of 2022 between the Registrar's Office and counsel for Dr. Zimmermann alternatives for the time management course were provided as the initial course under consideration was not available. Dr. Zimmermann submitted a modified self-study plan on the 23 September, 2022, three days after the terms of the penalty were to have been completed. Following the 18 September, 2022 the Registrar's Office obtained information confirming that neither the record keeping course nor the time management self-study program had been completed within the time mandated by the Penalty Order.

As of the 18 October, 2022 the Registrar's Office had suggested that an application for retroactive extension to the timelines of the penalty order would not be opposed by the Registrar's Office if the outstanding requirements of the penalty had been completed prior to the application being brought before Council.

Dr. Zimmermann failed to complete the totality of outstanding requirements of the Penalty Order prior to the application being brought before Council.

**The Position of the Registrar's Office**

The Registrar's Office has offered a timeline and facts pertinent to this application. Alternative decisions were suggested but no specific position has been taken by the Registrar's Office. It is noteworthy that the Registrar's Office has attempted to mitigate the effects of Dr. Zimmermann's decisions by offering corrective strategies both with respect to completion of the penalty terms as well as suggestions as to

how best to approach Council for consideration of the ramifications of his decisions thus far.

### **The Position of Dr. Zimmermann**

Mr. Thera submitted an application on behalf of Dr. Zimmermann on the 10 November, 2022 (document Info 206\_22). Verbal arguments were also presented.

Completion of the medical record keeping course which was scheduled for August 2022 conflicted with a triathlon for which Dr. Zimmermann and family members had registered in 2019 and which had been delayed due to the pandemic. It was argued that completion of this triathlon was of great importance to the overall wellness of Dr. Zimmermann, who had recently recovered from a humeral fracture. The triathlon was also felt to be of significance as a means of recovering from the stresses of practise during the pandemic. The value of competing in the triathlon as a means of achieving physical and mental wellness was emphasized.

Written submissions from Mr. Thera do clarify that completion of the time management course and its required assignments and follow-up hours were not completed and that this could have been avoided with greater diligence and planning.

### **The Decision**

Council refused the application for extension requested by Dr. Zimmermann.

### **Reasons for the Decision**

Dr. Zimmermann has an extensive history with the Council. The majority of discipline to which Dr. Zimmermann has subjected himself has been based on failures to respond to College correspondence within an acceptable timeframe and other manifestations of poor planning, poor time management and an inability to prioritise matters essential to the management of his own practise.

Dr. Zimmermann has also breached the terms of undertakings demonstrating a lack of understanding of the gravity of his poor decision making with respect to Council penalties which have been imposed on him.

The members of Council clearly recognize the toll that the pandemic has taken on the physicians of Saskatchewan from both a physical and mental wellness perspective. The Council was unable to accept that Dr. Zimmermann has been so disproportionately victimized by the rigors of practise in a pandemic to justify his deliberate decision to ignore the terms of a Penalty Order until the '*11<sup>th</sup> hour.*' Dr. Zimmermann had the option to complete a record keeping course within the

timeframe established by the Penalty Order but chose not to do so. No application for extension to accommodate a triathlon was brought forward for Council's consideration. Dr. Zimmermann prioritized the triathlon over the completion of this course and therefore deliberately defaulted on the terms of the Penalty Order by his own actions. Council considered Dr. Zimmermann's past history with the College, and his repeated demonstration of misguided prioritization and poor planning. A voluntary amateur sporting event, no matter how grand or worthwhile, cannot be considered a greater priority than meeting the terms of a Penalty Order. This decision on the part of Dr. Zimmermann demonstrates an overwhelming lack of respect for the College, the Council and the entire concept of medical self-regulation.

Dr. Zimmermann demonstrated valid challenges in completing an acceptable time management course due to a lack of course availability. Unfortunately, Dr. Zimmermann failed to act in a timely fashion to establish alternatives to the course suggested. Dr. Zimmermann did not offer a finalized self-study plan until after the timeline for completion of the terms of the Penalty Order had already elapsed. Dr. Zimmermann failed to develop a self-study program in time management until after the time allotted for completion of this course had already passed. Subsequent to the acceptance of the self-study plan, Dr. Zimmermann then proceeded to fail to meet his own suggested timeline which in turn required an application to extend the timeframe into 2023. While this demonstrates the clear need for further education in time management, it also demonstrates a 'laissez-faire' attitude toward the entire Penalty Order of the Council. The Council was appalled by this lack of apparent concern into the consequences of once again defaulting on the terms of a Penalty Order.

Council was dismayed by the audacity of Dr. Zimmermann's application.

**Accepted by the Council of the College of Physicians & Surgeons of Saskatchewan: 28 January, 2023**