



# College Notes

## The College of Physicians and Surgeons of Prince Edward Island Fall 2019

### Dear Colleagues:

The College office staff is pleased to issue the Fall edition of our *College Notes* as a means of communication with our members. This Newsletter provides a brief summary on some topics that we feel are important.

### Our Council members for 2019- 2020:

Dr. Matt Kutcher, President  
Dr. Kristian MacDonald, Vice President  
Dr. Jocelyn Peterson, Acting Registrar  
Dr. Bruce Jones  
Dr. Roy Montgomery  
Dr. Rachel Kassner  
Dr. Paul Seviour  
Mr. Sean Aylward, Lay member appointed by Government  
Ms. Verna Barlow, Lay member appointed by Government

### The Office Staff:

Dr. Cyril Moyses, Registrar  
Dr. Geraldine Johnston, Deputy Registrar  
Melissa MacDonald, Office Manager  
Sherry Glass, Administration Support  
Melanie Smith, Administration Support

The Council and staff welcome our new office administrative support person, Ms. Melanie Smith, who started November, 2019.

### **New Policies**

Once approved by Council, new and revised Policies and other documents are continually added to the website. Please regularly check our website [www.cpspei.ca](http://www.cpspei.ca). Since our last newsletter we have not added any new policies. In August, 2019, Council endorsed the new CMA Code of Ethics and Professionalism (December, 2018) and with this a number of our policies have since been updated/revised to reflect the new CMA Code including: "Conscientious Objection to Provision of Service", "Continuity of Care", "Ending a Physician Patient-Relationship", "Medical Assistance in Dying", "Professional Standard on Treating Self, Family Members and Friends", "Retention, Access and Transfer of Medical Records", "Guideline on Standard of Care Walk-in Clinics", "Statement on Withdrawal of Physicians Services".

### **News**

#### **1). Medical Assistance In Dying (MAID)**

The last (Fourth) Interim Report on Medical Assistance in Dying in Canada was published in April, 2019. To see the full report go to <http://www.canada.ca/en/health-canada/services/publications/health-system-services/medical-assistance-dying-interim-report-april-2019.html> No new report has been released since that time.

In January, 2019, two Montreal residents, Nicole Galdu and Jean Truchon, with neurodegenerative diseases seeking access to medical assistance in dying launched a court challenge to Quebec and Canada's MAID laws. In September, 2019 a Quebec Superior Court Justice declared parts of both the federal and provincial laws on MAID unconstitutional because they are too restrictive. Federal and provincial laws currently say only people who are facing "foreseeable death" can receive MAID. The plaintiffs argued the laws are too narrow in their criteria and run counter to their Charter rights. The court finding agreed with the plaintiffs: the court found that the statutory provision requiring natural death be reasonably foreseeable infringes life, liberty and security of the person guaranteed by section 7 of the Charter of rights, inconsistent with the principles of fundamental justice. The reasonably foreseeable natural death requirement deprives an individual of their autonomy and their choice to end their life at the time and in the manner desired. The Quebec judge's decision gives both provincial and federal governments six months to come up with something new before suspending that provision of the law. It is reported that both the federal and provincial governments have decided not to appeal the decision and instead will amend their legislation.

The full decision can be found at <https://www.canlii.org/fr/qc/qccs/doc/2019/2019qccs3792/2019qccs3792.html> CMPA recently published a revision to their educational document: "Medical assistance in dying; Where do we stand now?" in October, 2019. It is a summary document well worth reading and found at <https://www.cmpa-acpm.ca/en/advice-publications/browse-articles/2018/medical-assistance-in-dying--where-do-we-stand-two-years-later>

## **2). Federal Cannabis Legislation**

The federal Cannabis Act, Bill C-45, came into force on October 17, 2018. In January, 2019, proposed amendments to the regulations and the Cannabis Act were released, proposing three new classes of cannabis: edible cannabis, cannabis extracts and cannabis topicals. The full document can be found at <http://canadacannabislegal.com/assets/files/2018-Canada-Regulations-and-RIAS-R%C3%A8glement-et-REIR.pdf>

As of October 17, 2019 cannabis edible products, concentrates and topicals are legal for sale in Canada. This means cannabis food products, concentrated extracts (hash oil, shatter, budder & wax), lotions and creams are covered under the new regulations. Canada's regulations are fairly strict with edibles limited to 10 mg of THC per package. Inhaled cannabis extracts and topicals are allowed up to 1,000 mg of THC per package. One gram of dried cannabis is equivalent to 15 gms of edible product and 0.25 gms of concentrates (solid or liquid). How these products are sold is determined by the provincial governments.

## **3). Opioids**

The Centre for Addiction and Mental Health is presently developing a new set of Canadian Opioid Use Disorder Clinical Guidelines. This initiative was proposed to streamline efforts and create a consistent approach for regulators and physicians. The deadline for the dissemination of these clinical guidelines is January 2020. This new harmonized set of adapted provincial guidelines will not replace any existing current national guidelines, but rather will complement existing initiatives and support MRAs and physicians with best practice and evidence. The final draft version will be reviewed very soon by MRA participants and the final guideline once approved will be made available, hopefully next month.

## **Professional Issues / Education**

### **4). CMPA Publications**

Important articles in the CMPA Perspective, June 2019, for all to read include:

- What happened to the physical exam?
- Do you need to report your patient's fitness to drive?
- Medical-legal cases in spinal surgery: 3 essential lessons
- Texting safely about patient care

and in the CMPA Perspective, September, 2019:

- Recognizing subarachnoid hemorrhage: The role of situational awareness in preventing serious patient harm
- Accepting new patients: Guidance for specialists
- Can AI assist you with clinical decisions? Looking at the benefits and risks of AI technologies in medicine
- When you improve communication, you reduce risk
- Walk-in clinics: Unique challenges to quality of care, medical-legal risk

CMPA has a new surgical safety course: Theatre Arts- It is a three day intensive course for physicians and their perioperative teams to improve their OR environment and foster safe surgical care. For more information go to <https://www.cmpa-acpm.ca/en/education-events/workshops/workshop-theatre-arts>

The CMPA Annual Meeting and Conference will be in Toronto August 14, 2019. There will be a session on Test Results Follow-up and another on Artificial Intelligence in Healthcare.

### **5). Health Product Infowatch**

Health Product Infowatch is a monthly Health Canada publication designed to raise awareness and to provide clinically relevant information to healthcare professionals concerning health products and their safety. Each publication includes a recap of health product advisories and summary safety reviews, as well as new health product safety information. The Health Canada Infowatch replaced HC's quarterly Canadian Adverse Reaction Newsletter (CARN) in 2015.

The Health Product Infowatch Publications can be found at: <http://www.hc-sc.gc.ca/dhp-mps/medeff/bulletin/index-eng.php>

To report an adverse reaction contact Canada Vigilance Program at 1-866-234-2345.

### **6). Annual General Meeting**

The Annual Meeting of the CPSPEI was held on November 26, 2019 at the Delta Convention Centre in Charlottetown. There was a very good attendance to this year's meeting. The guest speaker was Dr. Grant Matheson, a former practicing Family Physician, who spoke candidly about his journey with addiction to opioids and alcohol. His story of addiction is definitely one worth hearing. Dr. Matheson has written a book titled "The Golden Boy: A Doctor's Journey with Addiction" (2017). Dr. Matheson is in recovery

now and he does speaking engagements with nursing and medical students, as well as other interested groups. Thank you again Grant for sharing your story with us.

### **7). Re-dispensing of Medication**

It was brought to the attention of the College by a local pharmacist that some physicians are re-dispensing medications to patients that have been returned to the physicians by other patients. Council discussed this at length at the September Council meeting. The PEI Pharmacy Board does not support this practice, considering it to be unsafe. There is a possibility that the medication has been altered, expired or not even the medication it is suppose to be. In canvassing other provincial Medical Regulatory Authorities (MRAs), there is a difference in approach to this, though it seems that most MRAs do not support re-dispensing of medication: one College allows this to happen in remote areas only, another has sent a letter of caution to the physician, while at least two other Colleges would open a complaint against the physician found to be doing this. Although the reasons for doing this are understandable, it was the consensus of the Council of the CPSPEI that this practice should be discouraged.

### **8). Initial Registration & Annual Renewals Declarations**

Members will note that our annual renewal forms have been changed somewhat, to better ask and collect member information. Similarly, our initial registration forms have also been updated. It seemed with the past sets of questions that some members failed to report some pertinent information. Council wants to remind members of their professional responsibility to declare any investigations into their medical practices by other bodies (including HPEI), any medical-legal lawsuits they have been named in and any criminal charges against them.

### **9). Looking into Patient's charts- the Humboldt review**

Controversy surrounds the outcome of the Saskatchewan Privacy Commissioner's investigation of six physicians' who accessed electronic health records related to the Humboldt Broncos players involved in the fatal bus crash of April 2018. Three physicians who treated the patients in the ER later reviewed records of those they treated. The physicians believed they were in the patient's 'circle of care', however that province's Health Information Protection Act does not address circles of care and so the physicians were not authorized to access the records. It was determined that a physician may only access a record when there is a 'need to know' and this only extends until the care provided by the physician has ended. This has been of concern to physicians; for example, without this access, physicians will not know if the care they provided to patients contributed to a positive outcome. Dr. Moyses has been in contact with our provincial Privacy Commissioner, Ms. Karen Rose, on this matter. She has been advised of our physicians' concerns and we await her comments.

### **10). Mentorship Complaint Procedure**

The CPSPEI has undertaken a new initiative to develop a Mentorship Procedure for the complaint process, if interested. A physician who has a complaint against them before the College can be assigned a physician mentor, to provide collegial, emotional support. A mentor is a physician who has previously had a complaint against them and has been through the complaint process. The College now has a list of physicians who are willing to serve as mentors in this process. The name of the complainant is never to be shared between physicians, but the nature of the complaint may be shared. The Mentor should not provide legal advice or health advice to the physician complained about. This is still in development and should be in action soon. For more information on this new initiative, please call the College office.

## **Extended Relationships**

### **11). Federation of Medical Regulatory Authorities of Canada (FMRAC)**

The FMRAC AGM was held in Whistler, BC, June 7-10, 2019. The theme of this year's meeting was "Physician Sexual Boundary Violations: Effective and Proactive Regulation for Public Protection". CPSPEI office staff and the current President, Dr. Matt Kutcher attended the meeting. Educational sessions on this topic were held over 2 days with multiple presentations by: CMPA, by several Canadian MRAs and several foreign MRAs, including the USA, Australia and New Zealand. As well, the usual FMRAC business sessions were held with Dr. Moyses and Dr. Kutcher in attendance. The current organizational priorities of FMRAC include: The Impaired Physician, Streamlined Registration, Artificial Intelligence and the Practice of Medicine. Standardizing the Certificate of Professional Conduct, Prescription Opioids, and Physician Competence.

**12). Medical Council of Canada (MCC)**

The MCC Annual General Meeting was held September 22-24, 2019 in Ottawa. This was the first MCC AGM for the new Executive Director and CEO, Dr. Maureen Topps and new President, Dr. Jay Rosenfield. The theme of this year's meeting was Assessment in the "Real" World. Informative debate, workshops, and panel discussions were held on this subject. Many forces are at play today in a physician's world: the evolving needs of patients, shifting population health patterns, virtual care, and the integration of innovative technologies that draw on artificial intelligence and data collection, management and dissemination into practice. There were also several sessions on the MCC's KPMG-led governance review, which commenced in 2019 to determine what changes in the governance structure are needed for best practices for the MCC as a non-profit organization. It is possible that the MCC's Governance structure will change as a result of this review.

To honor Dr. Ian Bowmer's retirement after 11 years as Executive Director of the MCC, the MCC awarded a one-time Dr. Ian Bowmer Award for Leadership in Social Accountability at the 2019 AGM. The recipients of this award were: Dr. Nicole Thompson, for her advocacy for gender-affirming care, and Dr. Lloyd Douglas for improving addiction treatment services in Northern Ontario. For more information on MCC activities visit <https://mcc.ca>

**13). Atlantic Provinces Medical Peer Review (APMPR)**

Dr. Chris Veal, CPSPEI representative to APMPR, reported on the dissolution of APMPR at the CPSPEI AGM in November, 2019. Previously in 2018, there was a review of APMPR by all involved stakeholders. The NFLD College decided to withdraw from APMPR and develop it's own peer review program with the assistance of Memorial University. Nova Scotia had withdrawn from APMPR several years ago and developed their own NSPAR program. Thus, with only NB and PEI remaining, APMPR has been dissolved. NB does intend to continue with a Peer Review program similar to APMPR. The CPSPEI will need to plan its process, probably in conjunction with another province.

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*Please look after your own health & well-being.*

*Healthy & happy physicians look after their patients competently and with compassion.*

*The College office will be closed December 24, 2019 to January 1, 2020 for the Christmas holiday.  
Staff will have access to emails and they will be checked periodically.*

*There is a mail slot at the front door of our building for those who wish to drop off anything when the office is closed during this time.*

*The Council and the College office staff want to extend best wishes for a happy holiday time now and best wishes for the coming year 2020!*