

## COLLEGE OF PHYSICIANS AND SURGEONS OF NOVA SCOTIA

IN THE MATTER OF:        The *Medical Act*, R.S.N.S. 1995-96, c. 10

-   and   -

IN THE MATTER OF:        A Hearing Conducted Pursuant to Section 52 of  
The *Medical Act* Concerning Dr. Christopher Wozniak

HEARING COMMITTEE:     Mr. Raymond Larkin, Q.C., Chair  
                                  Dr. Don Wescott  
                                  Ms. Gwen Haliburton  
                                  Dr. Keri McAdoo  
                                  Dr. Lesley Whynot  
                                  Dr. Andrew Harris

HEARD:                     December 6, 2007, in Halifax, Nova Scotia

COUNSEL:                 Alexander Benitah  
                                  McInnes Cooper  
                                  Suite 1300 - 1969 Upper Water Street  
                                  Purdy's Wharf Tower II, PO Box 730  
                                  Halifax, NS  
                                  B3J 2V1  
                                  Counsel for the College of Physicians and Surgeons of  
                                  Nova Scotia

### Hearing Committee Decision

[1] This is a matter arising under Section 52 of the *Medical Act, R.S.N.S.* 1995-96, c. 10. This hearing committee is constituted as a disciplinary committee under Section 52. We are advised that Dr. Christopher Wozniak, a medical practitioner licensed to practice in the Province of Nova Scotia, has been suspended by reason of conduct unbecoming a medical practitioner by Order of the College of Physicians and Surgeons of the Province of Alberta who on November 30, 2007, ordered that:

1. Dr. Wozniak's registration with the College is suspended for a period of twelve months commencing August 1, 2007. Dr. Wozniak will be given credit against the 12 month period of suspension for the time he has been away from practice for assessment and treatment, as may be demonstrated to the satisfaction of the Registrar. Dr. Wozniak's period of suspension will end June 5, 2008.
2. Upon completion of the period of suspension, Dr. Wozniak is expected to continue in his current professional role as a hospitalist and surgical assistant, and to continue to adhere to the chaperone requirements that are part of his job description. Should Dr. Wozniak contemplate a change in scope of practice other than as a hospitalist and surgical assistant, this must be negotiated with and approved by the Registrar and it must take into account risk assessment specific to boundary violations.
3. Dr. Wozniak shall enter into the College's Aftercare Program for boundary violations, to the satisfaction of the Registrar.
4. Dr. Wozniak shall be responsible for the costs of the investigation and the hearings before the Investigating Committee and Council in the amount of \$22,155.13, which shall be paid in full within 30 days of the date of this order, failing which Dr. Wozniak's registration shall stand suspended until the costs are paid in full.
5. Dr. Wozniak's name and the circumstances of this matter, other than the name of his patient, will be published.

[2] Notice of this disciplinary action was provided to Dr. Cameron Little, the Registrar of the College of Physicians and Surgeons of Nova Scotia ("College") and

on November 2, 2007 he sent a notice by Registered Mail to Dr. Wozniak stating as follows:

“On behalf of the College of Physicians and Surgeons of Nova Scotia, notice is hereby given to you that in consequence of Section 52(1) of the *Medical Act*, R.S.N.S., 1995-96, c. 10, a Hearing is to be held into the following matters:

THAT being registered under the *Medical Act*, and being a medical practitioner licensed to practice in the province of Nova Scotia, it is alleged that you are guilty of professional misconduct or conduct unbecoming a medical practitioner in that you engaged in a sexual relationship with a patient in or about December, 1995.”

[3] The notice which was sent to Dr. Wozniak at his address in Leduc, Alberta did not reach him because he was then in Ontario. On November 28, 2007, counsel for the College spoke by telephone to Dr. Wozniak about the hearing scheduled in this matter for December 6, 2007, and on November 30, 2007 provided him with a copy of the material sent to him on November 2, 2007 including the notice of hearing and a copy of the decision and order of the College of Physicians and Surgeons of the Province of Alberta.

[4] On November 30, 2007, Dr. Wozniak signed a letter sent to him by counsel for the College indicating his understanding that this matter had been referred to a disciplinary committee of the College for hearing on December 6<sup>th</sup>, that he waived his right to attend the hearing on December 6<sup>th</sup>, and that he agreed to the College’s suggested disposition with respect to his license to practice medicine in the Province of Nova Scotia.

[5] On the basis of this letter signed by Dr. Wozniak on November 30, 2007, the committee accepts and prescribes that the notice given to him on November 30, 2007 was sufficient notice of a hearing as required by Section 52 (11(b)) of the *Act*.

[6] At the hearing on December 6, 2007, Mr. Benitah on behalf of the College reviewed the background to this matter including the decision and order of the Council of the Physicians and Surgeons of the Province of Alberta and the correspondence and discussions between representatives of the College and Dr. Wozniak, including his consent to the disposition of this matter proposed by the College.

[7] In essence the proposed disposition seeks to have the disposition ordered by the Alberta College made applicable to his license to practice medicine in Nova Scotia.

[8] Accordingly, pursuant to the powers and duties of the Committee under Subsection 66(2) of the *Medical Act*, in light of the consent of Dr. Wozniak to the disposition proposed by the College and the requirements of Section 52 of the *Act*, orders that:

1. Your licence with the College of Physicians and Surgeons of Nova Scotia shall be suspended between August 1, 2007 and June 5, 2008 inclusive.
2. Upon completion of the period of suspension, your licence will be restricted to the role of hospitalist and surgical assistant. In the event you wish to change your scope of practice to something other than as a hospitalist and surgical assistant, a copy of the Decision from the Alberta College, together with the Decision of the Disciplinary Committee in this matter, will be provided to the Credentials Committee of the Nova Scotia College to

consider whether such a change in scope of practice should be approved.

3. Your licence in Nova Scotia is subject to the condition that you continue to fulfill your obligations to participate in the Alberta College's After-Care Program for Substance Abuse and the After-Care Program for Boundary Violations. In the event you do not comply with these obligations, your licence in Nova Scotia will remain suspended until you do comply.
4. Prior to the lifting of the suspension of your licence in the Province of Nova Scotia, you are required to pay the outstanding costs assessed against you by the Alberta College.

[9] The College did not seek costs and no costs are ordered. This decision shall be published by the College in accordance with Section 81 of the *Medical Act*.

This decision made at Halifax, Nova Scotia on the 11<sup>th</sup> day of December, 2007.



Raymond F. Larkin, Q.C

On Behalf Of:

Dr. Don Wescott

Ms. Gwen Haliburton

Dr. Keri McAdoo

Dr. Lesley Whynot

Dr. Andrew Harris