

PROVINCE OF NOVA SCOTIA )  
COUNTY OF HALIFAX )

IN THE MATTER OF:      **The Canada Evidence Act**

- and -

IN THE MATTER OF:      **The Medical Act, S.N.S. 1995-96, c.10 formerly  
The Medical Act, R.S.N.S. 1989, c. 278)**

- and -

IN THE MATTER OF:      **The Complaint of the College of Physicians and  
Surgeons of Nova Scotia against  
Dr. Bradley C. Atkinson**

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**HEARING COMMITTEE DECISION**

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Members of the Hearing Committee:

Mr. Alan Stern, Q.C. (Chair)  
Dr. Eugene Nurse  
Dr. Patricia Pearce  
Dr. John Chiasson  
Ms. Joanne Cusack

Date of Decision:      July 22, 1996

**WHEREAS** by Notice of Hearing dated June 19, 1996, a complaint was filed by the College of Physicians and Surgeons of Nova Scotia against Dr. Bradley Atkinson, a physician registered to practice medicine in Nova Scotia;

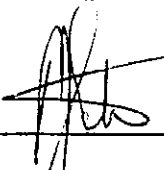
**AND WHEREAS** the Settlement Agreement attached hereto was negotiated pursuant to section 57 (1) of the **Medical Act**;

**AND WHEREAS** acceptance of the Settlement Agreement was recommended by an Investigation Committee on July 17, 1996;

**AND WHEREAS** the Hearing Committee appointed to hear the complaint reviewed the Settlement Agreement on July 22, 1996, and accepted the recommendation of the Investigation Committee;

**THE HEARING COMMITTEE** pursuant to Section 57 (5) of the **Medical Act** accepts the recommendation of the Investigation Committee and confirms its acceptance of the Settlement Agreement attached hereto by this written decision.

**DATED** at Halifax, Nova Scotia, this 22<sup>nd</sup> day of July, 1996.



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Mr. Alan Stern, Q.C.  
Chair of Hearing Committee

PROVINCE OF NOVA SCOTIA )  
COUNTY OF HALIFAX )

**RECEIVED**

JUL 22 1996

IN THE MATTER OF: The Canada Evidence Act

- and -

COLLEGE OF PHYSICIANS &  
SURGEONS OF NOVA SCOTIA  
PER..... AB

IN THE MATTER OF: The Medical Act, S.N.S. 1995-96, c.10 (formerly  
The Medical Act, R.S.N.S. 1989, c. 278)

- and -

IN THE MATTER OF: Dr. Bradley Charles Atkinson

### SETTLEMENT AGREEMENT

Dr. Bradley Charles Atkinson, a Medical Practitioner in the Province of Nova Scotia, and a member of the College of Physicians and Surgeons of the Province of Nova Scotia, hereby agrees with and consents to the following in accordance with the provisions of the *Medical Act*, S.N.S. 1995-96, c. 10 (formerly *The Medical Act*, R.S.N.S. 1989, c. 278).

#### 1. STATEMENT OF FACTS

The following statement of facts is correct:

Bradley Charles Atkinson is a Medical Practitioner practising at the Eastern Shore Memorial Hospital, Sheet Harbour, Nova Scotia. He graduated from Dalhousie University in 1981 with a Bachelor of Science Degree, and from Saint Andrews University in Scotland in 1986 with a Diploma in Medicine. He completed his studies at University Hospital of Wales, College of Medicine, in Cardiff, in 1991. Dr. Atkinson returned to Canada in the Spring of 1993 and accepted a position at the Izaak Walton Killam Hospital For Children in Halifax in order to obtain his Canadian license. On September 1, 1993 he commenced practising in Sheet Harbour, Halifax County, Nova Scotia, where he continues to practice today.

Dr. Atkinson is married and has four children.

In November 1993, Dr. Atkinson was visiting his brother and sister who were attending the University of New Brunswick in Fredericton. He consumed approximately six beer during his visit, and at the end of his visit telephoned for a cab. When the cab had not arrived after approximately one-half hour, Dr. Atkinson decided to drive himself to his cousin's home where he was staying.

As Dr. Atkinson was driving to his cousin's home, a police officer attempted to flag down his car. Dr. Atkinson slowed his vehicle but as he approached the police officer, he accelerated and drove away, with the police officer following him. At one point during the chase, Dr. Atkinson's vehicle made contact with the vehicle of the police officer. The police officer stated that he sustained an injury in the nature of low back pain or strain. Dr. Atkinson's vehicle developed a flat tire, at which time Dr. Atkinson stopped his vehicle and was arrested.

On June 21, 1994 Dr. Atkinson was found guilty of operating a motor vehicle in a dangerous manner thereby causing bodily harm, an offence under *Section 249(3)* of the *Criminal Code*. He was fined \$5,000.00 and prohibited from operating a vehicle for a period of two years.

Dr. Atkinson appealed his conviction, and the appeal was dismissed by the Court of Appeal of New Brunswick.

In November, 1995, at the request of the then Provincial Medical Board, Dr. Atkinson attended an appointment with Dr. Genevieve Campbell-Carlson for an addictions assessment. Dr. Campbell-Carlson concluded "that the incident which has caused Dr. Atkinson so much grief was indicative of at worst poor judgment and that no alcoholism or abusive use of alcohol exists."

Dr. Atkinson has no prior record of criminal convictions.

Dr. Atkinson and the College of Physicians and Surgeons of Nova Scotia agree that this matter can be dealt with by way of Settlement Agreement pursuant to the provisions of the *Medical Act*, S.N.S. 1995-96, c. 10.

Dr. Atkinson has received independent legal advice prior to the execution of this Settlement Agreement.

2. **COMPLAINT:**

In a Notice of Hearing dated the     day of June, 1996, the College of Physicians and Surgeons of Nova Scotia charged Dr. Bradley Charles Atkinson with the following:

That being registered under the *Medical Act*, R.S.N.S. 1989, and being a Medical Practitioner in the Province of Nova Scotia, on or about June 21, 1994, Dr. Atkinson was convicted of operating a motor vehicle in a dangerous manner thereby causing bodily harm, an indictable offence under *Section 249(3)* of the *Criminal Code*.

And that in relation to the above, Dr. Atkinson is alleged to be guilty of conduct unbecoming a Medical Practitioner.

3. **ADMISSIONS:**

Dr. Bradley Charles Atkinson admits that he is guilty of the charge set out in paragraph 2 above.

4. **CONSENT TO PENALTY:**

Dr. Bradley Charles Atkinson hereby consents to a reprimand.

5. COSTS:

Dr. Bradley Charles Atkinson shall pay the sum of \$4,000.00 to the College of Physicians and Surgeons of Nova Scotia for its costs of the investigation and conclusion of this matter. The sum of \$4,000.00 shall be paid in four equal quarterly instalments to the College of Physicians and Surgeons, such that the total of \$4,000.00 shall be fully paid within one year of the date of the execution of this Settlement Agreement by the Hearing Committee.

6. EFFECTIVE DATE:

This Settlement Agreement shall only become effective and binding when it has been recommended for acceptance by the Investigation Committee, and accepted by the Hearing Committee appointed to hear this matter.

DATED at <sup>SINCE</sup> <sub>HAVE BEEN</sub> Nova Scotia, this 10 day of July, 1996.

Barbara P. Robinson  
WITNESS

Bradley C. Atkinson  
DR. BRADLEY CHARLES ATKINSON

CONSENTED TO BY:

Marjorie A. Hickey  
Marjorie A. Hickey  
Solicitor for the College of  
Physicians and Surgeons of  
Nova Scotia

RECOMMENDED BY:

R. J. [Signature]  
Chair,  
The Investigation Committee of  
the College of Physicians and  
Surgeons of Nova Scotia,  
This 19 day of July, 1996.

APPROVED BY:

[Signature]  
Chair,  
The Hearing Committee of  
the College of Physicians and  
Surgeons of Nova Scotia,  
This 22 day of July, 1996.