

PROVINCE OF NOVA SCOTIA)
CITY OF HALIFAX)

IN THE MATTER OF: The College of Physicians and Surgeons of Nova Scotia

- and -

IN THE MATTER OF: Dr. Arif Samad

NOTICE OF HEARING

You are hereby notified that the College of Physicians and Surgeons of Nova Scotia will conduct a hearing to consider allegations regarding your professional misconduct and/or incompetence pursuant to the *Medical Act*, S.N.S. 2011, c. 38.

The hearing will be held at the offices of McInnes Cooper commencing at a date to be determined.

Your presence at the stated time of the hearing is required. You may attend with legal counsel or other representative of your choice, and may present evidence or witnesses on your behalf.

TAKE NOTICE that if you do not attend this hearing, the Hearing Committee may proceed in your absence and you will not be entitled to any further notice of proceedings.

Any documentary evidence to be used by the College of Physicians and Surgeons of Nova Scotia at the hearing will be made available to you in advance of the hearing in accordance with the *Medical Act*. You have all the rights set out in section 53 of the *Medical Act* as well as the disclosure obligations set out in the same section.

The Hearing Committee will consider the following matters:

That being registered under the *Medical Act* and being a physician in the Province of Nova Scotia, it is alleged that:

- a. During your February 2016 preoperative meeting with Patient X, you did not adequately and properly explain the risks of cataract surgery.

- b. During the cataract surgery performed on Patient X on March 10, 2016, you failed to appropriately assess the situation and modify the procedure as necessary; and
- c. In your March 10, 2016 Operative Report, you failed to accurately document the surgery and Patient X's condition by stating that "the patient tolerated the procedure well and left the operating room in satisfactory condition."

AND THAT THE ABOVE ALLEGATIONS CONSTITUTE PROFESSIONAL MISCONDUCT AND/OR INCOMPETENCE.

"Professional Misconduct" is defined in the *Medical Act* to include:

Such conduct or acts in the practice of medicine that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional and that, without limiting the generality of the foregoing, may include breaches of

- (i) the Code of Ethics approved by the Council,
- (ii) the accepted standards of the practice of medicine, and
- (iii) the *Medical Act*, the regulations and policies approved by the Council;

"Incompetence" is defined in the *Medical Act* to mean:

The lack of competence in the respondent's care of an individual or delivery of medical services that, having regard to all the circumstances, rendered the respondent unsafe to practise at the time of such care of the individual or delivery of medical services or that renders the respondent unsafe to continue in practice without remedial assistance.

Dated at Halifax, Nova Scotia, this 17th day of May, 2018.



Dr. D.A. Gus Grant
Registrar
College of Physicians and Surgeons of Nova Scotia