

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. Juan Rivas**

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 pursuant to the *Medical Act*, S.N.S. 2011, c. 38.

The hearing will be held at the offices of McInnes Cooper commencing on a date to be determined and continuing thereafter as directed by the Hearing Committee.

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 you committed professional misconduct by:

1. violating the College-endorsed *CMA Code of Ethics* and the *Medical Act* when you failed to comply with your March 27, 2014 undertaking with the College to “have a chaperone present for all female breast examinations”. By failing to abide by the terms of your undertaking:

- a) you breached your duty to co-operate with the College in the conduct of its professional conduct processes;
 - b) you undermined the privilege of physician self-regulation;
 - c) you failed to practice the art and science of medicine competently, with integrity and without impairment;
 - d) you risked undermining your patients' trust in the medical profession;
 - e) you risked undermining the public's trust in the medical profession, and the College's ability to regulate the practice of medicine; and
 - f) you failed to preserve the integrity of the medical profession.
2. violating the College-endorsed *CMA Code of Ethics* and the *Medical Act* when you provided false and/or incomplete information to the College, including in your letters dated January 2, 2014, January 30, 2017 and October 26, 2017. By providing false and/or incomplete information to the College:
- a) you breached your duty to co-operate with the College in the conduct of its professional conduct processes;
 - b) you undermined the privilege of physician self-regulation;
 - c) you failed to practice the art and science of medicine competently, with integrity and without impairment;
 - d) you risked undermining your patients' trust in the medical profession;
 - e) you risked undermining the public's trust in the medical profession, and the College's ability to regulate the practice of medicine; and
 - f) you failed to preserve the integrity of the medical profession.

AND THAT THE ABOVE ALLEGATIONS CONSTITUTE PROFESSIONAL MISCONDUCT.

"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;

Dated at Halifax, Nova Scotia, this 14th day of August, 2018.



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