

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. Sudarshan Goomar

NOTICE OF HEARING

You are hereby notified that the College of Physicians and Surgeons of Nova Scotia ("College") will conduct a hearing to consider allegations regarding your professional misconduct, and incompetence pursuant to the *Medical Act*, S.N.S. 2011, c. 38 ("*Medical Act 2011*") and its predecessor the *Medical Act*, S.N.S. 1995-96, c. 10.

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 at the hearing will be made available to you in advance of the hearing in accordance with the *Medical Act 2011*. You have all the rights set out in section 53 of the *Medical Act 2011* 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 2011* and being a physician in the Province of Nova Scotia, it is alleged that:

1. With respect to the care provided to Patient A on July 15, 2016, you violated accepted standards of practice:
 - a. by failing to obtain informed consent prior to Patient A's in-office procedure;
 - b. by failing to conduct the procedure appropriately;
 - c. by failing to provide appropriate follow-up care instructions following the procedure; and
 - d. by failing to properly document the clinical encounter.

2. From January 1, 2010 to December 19, 2017, you failed to fulfill practice time requirements as required by the College's policies in place during that period.
3. You had an absence in clinical practice of longer than 3 years and failed to notify the Registrar and successfully complete a competence assessment as required by section 16 of the *Medical Practitioners Regulations*.
4. In your annual renewal applications with the College, you failed to advise the College of your absence from clinical practice.

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

"Professional Misconduct" is defined in the *Medical Act 2011* 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 2011* 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 20th day of September, 2018.



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