

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. Sarah Jones

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, incompetence, conduct unbecoming and incapacity pursuant to the *Medical Act*, S.N.S. 2011, c. 38 (“*Medical Act, 2011*”) and, for conduct prior to April 1, 2015, its predecessor the *Medical Act*, S.N.S. 1995-1996, c. 10 (“*Medical Act, 1995-96*”).

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 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 the *Medical Act, 1995-96* and being a physician in the Province of Nova Scotia, it is alleged that you committed professional misconduct, demonstrated conduct unbecoming a physician, acted with incompetence and demonstrated incapacity by:

1. With respect to the care provided to the Patient from January 2010 to August 2015, you failed to meet the accepted standards of practice of medicine respecting the prescription of opioids, by engaging in practices including the following:

- a. prescribing amounts of opioid medication to the Patient that were excessive, unsafe or otherwise inappropriate;
 - b. failing to properly monitor the Patient's use of opioids;
 - c. failing to monitor the system for safe storage of opioids in the Patient's home;
 - d. continuing to prescribe high doses of opioids after there was demonstrable harm to the patient, such as choking, falling and confusion with dosing;
 - e. failing to properly and safely dispose of opioid medication;
 - f. failing to properly document the Patient's opioid medication and use;
 - g. continuing to prescribe large quantities of opioids during an alleged weaning period in July and August, 2015; and/or
 - h. failing to obtain and/or retain a written prescribing agreement with the Patient.
2. With respect to the care provided to the Patient from January 2010 to August 2015, you failed to maintain the appropriate physician/patient boundaries by engaging in practices including the following:
- a. making frequent house calls over large distances, often multiple times a week;
 - b. frequently picking up and delivering the Patient's opioid medication and removing the Patient's unused opioid medication from his residence;
 - c. ignoring and/or failing to act on indications that the Patient was not using the opioid medication properly or safely;
 - d. ignoring and/or failing to act on indications that the Patient was not storing opioid medication properly or safely and/or
 - e. permitting the Patient to direct his own care.
3. In your June 14, 2012 and February 25, 2014 letters to the Prescription Monitoring Program, you violated the accepted standards of practice and *Code of Ethics* by doing one or more of the following:
- a. providing false, misleading and/or incomplete information respecting:
 - i. the Patient's medical history and quality of life;
 - ii. the Patient's level of compliance;
 - iii. the existence of a signed narcotics contract;
 - iv. the filling of prescriptions;
 - v. the disposition of excess medication;
 - vi. your level of consultation with pharmacists and your colleagues about the Patient; and/or
 - vii. the weaning of the Patient;

- b. failing to advise that you had resumed the pick up and delivery of medication to the Patient;
4. During your October 27, 2015 meeting with Dr. D.A. Gus Grant, Registrar of the College, you violated the standards of the profession, the Canadian Medical Association's *Code of Ethics* and the duty to cooperate under the *Medical Act* by providing false, misleading and/or incomplete information, including statements regarding:
 - a. your personal health condition, hospitalization and treatment; and
 - b. your own use of prescribed psychoactive medications.
5. On August 20, 2015, you violated accepted standards of practice and the Canadian Medical Association's *Code of Ethics* by providing false, misleading and/or incomplete information to a hospital pharmacist.
6. You violated accepted standards of practice and the Canadian Medical Association's *Code of Ethics* by providing false, misleading and/or incomplete information to pharmacists, including information that you were working with a pain specialist regarding prescriptions for the Patient when that was not the case.
7. Between August and October 2015, you violated accepted standards of practice and the Canadian Medical Association's *Code of Ethics* by providing false, misleading and/or incomplete information, and impersonating a fictional individual, to your physician colleagues, including statements regarding:
 - a. your personal health condition, hospitalization and treatment; and
 - b. the purpose for accessing and editing the Patient's electronic record during your suspension.
8. You failed to meet accepted documentation standards by engaging in practices including the following:
 - a. failing to retain an alleged written prescribing agreement with the Patient;
 - b. failing to properly document the Patient's prescriptions and treatment; and/or
 - c. making a number of excessively late entries into the Patient's record.
9. You practiced medicine while suspended by editing a large number of patient encounters on the Patient's electronic record while your licence to practice medicine was suspended by the College.

10. You provided false and/or misleading information to your family physician in order to obtain early refills of your own opioid medication.

AND THAT THE ABOVE ALLEGATIONS CONSTITUTES PROFESSIONAL MISCONDUCT, CONDUCT UNBECOMING, INCOMPETENCE AND INCAPACITY.

“Conduct unbecoming” is defined in the *Medical Act, 2011* to include:

conduct outside of the practice of medicine that tends to bring discredit upon the medical profession.

“Incapacity” is defined in the *Medical Act, 2011* to include:

the status whereby a member suffers or suffered from a medical, physical, mental or emotional condition, disorder or addiction that renders or rendered the member unable to practise with competence, or that may endanger or have endangered the health or safety of individuals;

“Incompetence” is defined in the *Medical Act, 2011* to include:

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;

“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;

Dated at Halifax, Nova Scotia, this 30th day of October, 2018.



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