

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. Jacob Puthenparumpil**

NOTICE OF HEARING

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

The hearing will be held at the offices of McInnes Cooper commencing on April 24, 2019 at 9:30 am, and continuing on April 25th, 26th, May 1st and 2nd, and thereafter on such dates as determined 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 Nova Scotia College of Physicians and Surgeons 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:

1. With respect to Patient A in relation to a surgical procedure performed in August 2016, Dr. Puthenparumpil:

- a. Failed to recognize the increased risk of bowel injuries as a result of the difficulties encountered during surgery;
 - b. Failed to perform adequate post-operative assessments;
 - c. Failed to recognize the presence of bowel injury;
 - d. Inappropriately discharged the patient;
2. Dr. Puthenparumpil, in his interactions with the College and its Investigation Committee, demonstrated a lack of integrity by providing information that was inaccurate, incomplete or untruthful respecting his post-operative assessments of Patient A;
3. With respect to Patient B in relation to a surgical procedure performed in May 2016, Dr. Puthenparumpil:
 - a. Failed to obtain informed consent from the patient;
 - b. Performed the surgical procedure without the patient's informed consent;
 - c. Failed to ensure an appropriate system was in place to obtain informed consent;
 - d. Failed to take responsibility for or to show insight into the seriousness of performing a different surgical procedure than that expected by the patient;
4. Dr. Puthenparumpil, in his interactions with the College and its Investigation Committee, demonstrated a lack of integrity by providing information that was inaccurate, incomplete or untruthful respecting his discussions with Patient B during the initial consultation, statements made by the patient's mother post-operatively, and/or respecting the content of his discussion with the patient prior to surgery.

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 26 day of March, 2019.



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