

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. Manivasan Moodley**

AMENDED 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/or incompetence pursuant to the *Medical Act*, S.N.S. 2011, c. 38.

The hearing will be held at the offices of the College of Physicians and Surgeons of Nova Scotia Suite 400, 175 Western Parkway, Bedford, Nova Scotia, B4B 0V1 commencing on Monday, February 24 at **9:30 am** and continuing thereafter as directed by the Hearing Committee. Additional dates have been reserved for February 25-28, March 31, and April 1, 2020.

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:

1. With respect to patient A.B., on a date in July, 2017, Dr. Moodley committed professional misconduct and/or was incompetent by :
 - (a) commenting inappropriately on the patient's physical appearance ;
 - (b) performing a physical examination of the patient in a sexualized manner, or alternatively in a manner inconsistent with accepted standards;
 - (c) in the course of the clinical encounter, initiating a discussion of a personal or sexual nature with the patient that was not relevant to the patient's medical issues;
 - (d) following the physical examination, asking questions of a sexual nature that were not relevant to the patient's medical issues.

2. With respect to patient C.D., on a date in July, 2017 Dr. Moodley committed professional misconduct and/or was incompetent by:
 - (a) prior to informing her of test results, asking questions and making comments of a personal and sexual nature that were not relevant to the patient's medical issues;
 - (b) unnecessarily requesting an internal examination;
 - (c) in the course of conducting a pelvic ultrasound, complimenting her on the colour of her underwear;
 - (d) following the physical examination, asking questions and making comments of a personal or sexual nature that were not relevant to the patient's medical issues, including a suggestion about seeing her at her home and advising he knew where she lived;
 - (e) conducting a pelvic ultrasound in a manner inconsistent with accepted standards;
 - (f) unnecessarily magnifying the extent of the patient's medical issues;

3. With respect to patient C.D., after the July, 2017 clinical encounter, Dr. Moodley committed professional misconduct by violating the boundaries between physician and patient through his attendance at the patient's workplace, where he sought her out.

“professional misconduct” is defined in the *Medical Act* to include:

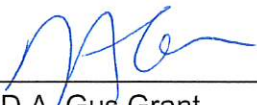
such conduct or acts in the practice of medicine that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional and that, without limiting the generality of the foregoing, may include breaches of

- (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 22 day of January, 2020.



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

cc Robin Cook, Curtis Dawe, legal counsel for Dr. Moodley