

COLLEGE OF PHYSICIANS & SURGEONS OF MANITOBA

REASONS FOR RESOLUTION AND ORDER OF EXECUTIVE COMMITTEE

Re: DR. MARVIN SLUTCHUK

The Executive Committee of the College of Physicians and Surgeons of Manitoba reviewed and considered all of the written and oral submissions which were presented to it on October 4, 2010, in relation to Dr. Slutchuk's application to vary the Executive Committee's Order dated April 19, 2007.

In June 2003 Dr. Slutchuk had been found guilty of professional misconduct, and had been found to have demonstrated an unfitness to practice medicine; as a result, his registration with the College was revoked. The Executive Committee's Order of April 19, 2007, which is the subject of Dr. Slutchuk's current application to vary, was the Order pursuant to which Dr. Slutchuk's name was reinstated in the Register and pursuant to which he regained his license to practice medicine. However since April 2007, Dr. Slutchuk's ability to practice medicine has been subject to the strict terms and conditions outlined in that Order.

In relation to Dr. Slutchuk's current application to vary the Order of April 19, 2007, the Executive Committee agrees with the Investigation Committee's position that it is in the public interest that physicians who engage in a meaningful rehabilitation process be afforded the opportunity to practice within a scope commensurate with that rehabilitation process.

The Executive Committee also agrees with the Investigation Committee that the rehabilitation which Dr. Slutchuk has undertaken to date has been meaningful, as attested to by the letters and report which were filed in support of his application to vary. The Executive Committee recognizes that Dr. Slutchuk has demonstrated a commitment to practice medicine in an ethical fashion. Therefore, the Executive Committee has concluded that Dr. Slutchuk has reached the point of being able to safely provide care to female patients, subject to certain conditions.

However, the Executive Committee is mindful that the position of the Investigation Committee was not unanimous, and that the misconduct which had caused Dr. Slutchuk's registration to be cancelled in 2003 was profoundly serious, and that a repetition of such misconduct would likely have extremely harmful consequences for Dr. Slutchuk's patients and others, including himself.

Notwithstanding the rehabilitation which has been achieved to date, and Dr. Slutchuk's commitment to his ongoing rehabilitation, it is necessary for strict terms and conditions to be in place to provide safeguards sufficient to protect the public and to minimize the risk of relapse.

The Executive Committee is satisfied that the conditions with respect to seeing female patients, including the conditions relating to signage, the presence of a chaperone, and supervision monitoring compliance, are appropriate. The Executive Committee is also satisfied that those conditions reasonably and practically address the issue of public protection. The Executive Committee has also decided that apart from the specific variations now being granted, the other conditions outlined in the April 2007 Order, subject to any necessary consequential amendments, must remain in place.

Therefore, for all of the foregoing reasons, the Executive Committee grants Dr. Slutchuk's application to vary the Executive Committee's Order of April 2007, but on the terms and conditions as more particularly set forth in the Formal Resolution and Order* concurrently being issued by the Executive Committee.

*-The terms and conditions are as follows:

- a. That Dr. Slutchuk continue to receive psychotherapy from his psychiatrist or such alternate psychiatrist as may be approved by the Investigation Committee, in accordance with a schedule of appointments and a care plan approved by the Investigation Committee of the College, such treatment to continue for so long as the Investigation Committee deems necessary.
- b. That Dr. Slutchuk's psychiatrist must provide periodic reports to the College, in accordance with a schedule approved by the Investigation Committee of the College.
- c. That Dr. Slutchuk continue to attend his family physician. Dr. Slutchuk must attend his family physician, or such alternate family physician as may be approved by the Investigation Committee, on at least an annual basis, such visits to continue for so long as the Investigation Committee deems necessary.
- d. That Dr. Slutchuk must not consume any medication other than aspirin, anti-inflammatory agents and antacids unless it is prescribed to him by his family physician or his psychiatrist.
- e. That Dr. Slutchuk must practice only under the supervision and monitoring of his practice supervisor or, if his practice supervisor is absent from the practice for a period of greater than two consecutive weeks, under the supervision and monitoring of the alternate practice supervisor. Dr. Slutchuk's practice shall be restricted to the Lakewood Medical Centre, and shall be in accordance with the supervision and monitoring plan approved by the Investigation Committee of the College.
- f. That Dr. Slutchuk must not change practice locations or supervisors without the prior written approval of the Investigation Committee of the College with the express restriction that Dr. Slutchuk must never engage in solo practice.
- g. That Dr. Slutchuk's practice supervisor must provide periodic reports to the College on such schedule as may be approved by the Investigation Committee of the College.

- h. That Dr. Slutchuk must notify each of his patients that he is practising under supervision.
- i. That Dr. Slutchuk must limit his hours of practice and the nature of his practice activities in accordance with a work plan approved by the Investigation Committee of the College, which work plan must include the following components:
 - A. Dr. Slutchuk must not provide any on-call services.
 - B. Dr. Slutchuk must not provide psychiatric care to any patient who has an active psychiatric illness as defined by the DSM IV.
 - C. Dr. Slutchuk must obtain consultation whenever he is providing medical care to a patient who has an active psychiatric illness as defined by the DSM IV. More particularly:
 - i. Dr. Slutchuk must not provide ongoing regularly scheduled psychotherapeutic interventions for patients with major mental disorders or personality disorders.
 - ii. Dr. Slutchuk may provide initial psychiatric care (i.e. initiating psychotropic medications and basic brief (2-3) sessions of supportive psychotherapy) for follow-up. However, any treatment more intensive than this must be referred to an appropriate mental health professional.
 - iii. Dr. Slutchuk must obtain consultation whenever he is providing medical care to a patient with severe, chronic, major mental disorder (Axis I or Axis II) or acute Axis I or II disorder unresponsive to initial psychotropic interventions (not stabilized within 8 weeks).
 - iv. Dr. Slutchuk may continue or renew prescriptions for medications prescribed by others in the following circumstances:
 - a. The physician who initially prescribed is not available or is no longer providing ongoing care to the patient;
 - b. Dr. Slutchuk must conduct an appropriate assessment to satisfy himself that the requested prescription is medically indicated.
 - D. Dr. Slutchuk may provide care to female patients only in accordance with the following conditions:
 - i. Dr. Slutchuk must have a chaperone present during any breast, pelvic or ano-rectal examination of a female patient.
 - ii. The chaperone must be assigned by Dr. Slutchuk's practice supervisor. It is understood that different individuals may act as the chaperone from time to time.
 - iii. On each visit at which a chaperone is present, the chaperone must sign off on the chart or endorse the appropriate memorial in an electronic charting system confirming his/her presence for the examination.

- iv. Dr. Slutchuk's practice supervisor must assume responsibility for monitoring compliance with the requirement for a chaperone, including the responsibility of ensuring that all clinic staff are aware of the requirement of a chaperone, and aware that they must report any suspected breach of the requirement to the practice supervisor.
- v. Dr. Slutchuk's practice supervisor must conduct a periodic audit of records to check compliance with these monitoring requirements.
- vi. Signs must be posted in the waiting room and in the examination rooms used by Dr. Slutchuk, notifying patients that Dr. Slutchuk is required to have a chaperone present for all breast or pelvic examinations. The wording of the signage to be posted must be:
"A chaperone must be present during breast examinations and female genital examinations by Dr. Slutchuk".
- E. That Dr. Slutchuk must not provide care to any member of his family, except in accordance with Statement 148 of the College.
- F. That Dr. Slutchuk must not provide care to any staff or co-workers at Lakewood Medical Centre, except in an emergency.
- j. That Dr. Slutchuk must not consume alcohol.
- k. That Dr. Slutchuk will permit a random audit of Dr. Slutchuk's practice conducted by a physician acceptable to the Investigation Committee, on such schedule as may be determined by the Investigation Committee of the College.