

Summary of Settlement Agreement

Dr. Violet Hawes

Musquodoboit Harbour, Nova Scotia

By decision dated August 30, 2011, the Hearing Committee of the College of Physicians and Surgeons of Nova Scotia (“the College”) accepted a Settlement Agreement advanced by the College and Dr. Violet Hawes, and recommended by Investigation Committee “C” of the College pursuant to section 57 of the *Medical Act*.

The Settlement Agreement contained agreed facts, the allegations against Dr. Hawes, the admissions of Dr. Hawes, and the agreed disposition.

Agreed Facts

Dr. Hawes obtained her medical degree in 1983 and following a rotating internship she started a general family practice in Middle Musquodoboit in 1984.

In 1995 the Provincial Medical Board, predecessor to the College, issued a disciplinary decision of professional misconduct against Dr. Hawes arising from two incidents of personal relationships with patients between 1991 and 1993.

In April 2009, a complaint was received by the College from a District Health Authority advising of concerns following receipt of information from a patient of Dr. Hawes. The patient’s concerns are outlined in Allegations (b), (c) and (d) reported in this Summary.

Upon receipt of the complaint Dr. Hawes voluntarily withdrew from practice, sought assistance for addiction issues and attended treatment programs. The College obtained independent assessments of Dr. Hawes and her progress in recovery.

The Investigation Committee of the College suspended Dr. Hawes’ licence to practice on November 27, 2009.

Dr. Hawes provided the College with updates from her treatment providers, and the College obtained updated assessments from its independent assessors with respect to Dr. Hawes’ progress in recovery. Evidence from these treatment providers and independent assessors supported Dr. Hawes’ return to a limited and monitored practice.

Allegations Against Dr. Hawes

The following allegations were referred by the Investigation Committee of the College to the Hearing Committee:

- (a) Dr. Hawes has opioid, gambling and alcohol addictions and also suffers from physical and mental health issues, all of which have impacted her ability to engage in the practice of medicine;
- (b) During the period 2007 to 2009 on several occasions, Dr. Hawes prescribed opioid medication for a patient and then requested the patient to give some of the medication to her for her own use;
- (c) During the period 2007 to 2009, Dr. Hawes used non-prescribed opioid medication for her own use; and
- (d) During the period 2007 to 2009, Dr. Hawes violated physician/patient boundaries with respect to her relationship with a patient.

Admissions

Dr. Hawes admits the various allegations and admits they constitute a disciplinary matter as set out in the Nova Scotia *Medical Act*.

Agreed Disposition

The suspension of Dr. Hawes' licence ordered in November 2009 was lifted by the Hearing Committee. The Committee ordered that Dr. Hawes is not permitted to apply for a renewal of her licence to practice medicine until fulfilment of all conditions set out in the Settlement Agreement, key provisions of which are as follows:

- (a) Dr. Hawes shall abstain from gambling, and from the consumption of alcohol and non-prescribed medications and shall not prescribe medication to herself or to anyone that is intended for her own use;
- (b) Dr. Hawes shall be permanently prohibited from prescribing any narcotics, and any drugs under Schedule I of the *Controlled Drugs and Substances Act*. Dr. Hawes shall advise her patients of this restriction and post a sign in her office to this effect;
- (c) Dr. Hawes will not accept any returned medications from patients;
- (d) Dr. Hawes will not accept any drug samples;
- (e) Dr. Hawes shall engage in a treatment program, the details of which are set out in the Settlement Agreement, and includes participation in drug and alcohol monitoring;

- (f) Dr. Hawes shall return to practice on a graduated basis, on terms set out in the Settlement Agreement;
- (g) Dr. Hawes shall only engage in practice in a setting where at least one other physician is present, in order to provide for peer monitoring;
- (h) Dr. Hawes shall maintain membership in the College of Family Physicians of Canada, and agrees that she must maintain the continuing medical education requirements of the CFPC;
- (i) Dr. Hawes shall attend the next available boundaries course from the College of Physicians and Surgeons of Ontario, or such other boundaries course as may be approved by the College.

Costs and Publication Ban

Under a payment schedule agreed with the College, Dr. Hawes shall pay costs in the amount of \$10,000 as a contribution toward the College's costs for the conclusion of this matter.

The Settlement Agreement approved by the Hearing Committee is subject to a publication ban. The information disclosed in this Summary is not subject to a publication ban.