

PROVINCE OF NOVA SCOTIA)
COUNTY OF HALIFAX)

IN THE MATTER OF: The *Canada Evidence Act*

- and -

IN THE MATTER OF: The *Medical Act*, R.S.N.S. 1995-96, c.10

- and -

IN THE MATTER OF: Dr. Ishtiaq Muhammad

SETTLEMENT AGREEMENT

Dr. Ishtiaq Muhammad, a medical practitioner holding a defined licence from the College of Physicians and Surgeons of the Province of Nova Scotia (the "College"), hereby agrees with and consents to the following in accordance with the provisions of the *Medical Act*, R.S.N.S. 1995-96, c.10.

I. STATEMENT OF FACTS

1. Dr. Ishtiaq Muhammad is a 40 year old medical practitioner, currently practicing as a Hospitalist in the Capital District Health Authority.
2. Dr. Muhammad graduated from Punjab University, Pakistan in 1992.
3. In September, 2003 Dr. Muhammad was granted a defined licence from the College of Physicians and Surgeons of Nova Scotia. Pursuant to the defined licence, Dr. Muhammad was authorized to practice at the Westville Medical Clinic. He also applied for and was granted full hospital privileges at the Aberdeen Hospital. In accordance with the provisions of the *Medical Act*, Dr. Muhammad had a sponsoring physician approved by the College.
4. In or about March, 2005, Dr. Muhammad's sponsoring physician became aware of charting irregularities by Dr. Muhammad. In particular, it was noted that on dates in December, 2004 and February, 2005 chart entries were written by Dr. Muhammad with respect to clinical visits by patients seen by him, when it appeared that the notations were not accurate. For example, in some instances the

chart notes indicated a detailed examination of a particular patient, when in fact no examination was done.

5. A letter of complaint was filed by the sponsoring physician on March 29, 2005 with the College of Physicians and Surgeons of Nova Scotia. Dr. Muhammad filed a response to the complaint on April 16, 2005. He appeared before the Investigation Committee of the College and advised that in the situations referenced by the sponsoring physician in the letter of complaint, he was particularly busy and had not made his chart notations during or immediately following his visits with these patients. Dr. Muhammad advised that in attempting to recollect the content of his visits with these patients at a later time when he was required to complete his charts for billing purposes, he mistakenly recollected some of the information found on the charts.
6. Dr. Muhammad advised the Investigation Committee that since this matter was brought to his attention he began completing charts during or immediately after the patient visit and booked patients with sufficient time to complete his charting. He expressed remorse for his actions.
7. In June, 2005, Dr. Muhammad applied for a position as a Hospitalist with the Capital District Health Authority. As part of the application process for privileges, Dr. Muhammad was required to complete an application form where he was asked "Have you ever been the subject of a complaint to any College of Physicians and Surgeons?". Dr. Muhammad checked the box "No" on this form, and completed the form on June 28, 2005. He was accepted for the position of Hospitalist and left the Westville Medical Clinic in August, 2005 to commence this new position.
8. The Investigation Committee of the College received a copy of Dr. Muhammad's application for privileges in September, 2005. Given the ongoing investigation into the complaint of March 29, 2005 the Committee questioned Dr. Muhammad's negative response on the application form to the question regarding his history of complaints. Dr. Muhammad advised the Investigation Committee that because of the confidentiality of the Complaints process he did not believe he had to respond "yes" to the question asked on the application form provided by the Capital District Health Authority. He acknowledges that he was in fact the subject of a complaint to the College, by virtue of the letter of complaint to the College from his sponsoring physician dated March 29, 2005.
9. The Investigation Committee referred the issue of the documentation of patients' visits and the issue of not responding truthfully on the CDHA application, to the Hearing Committee of the College.

II. COMPLAINT

10. A Notice of Hearing issued by the College refers the following allegations of professional misconduct to the Hearing Committee:
 1. That in December, 2004 and February, 2005 Dr. Muhammad documented examinations on patients' charts that he had not conducted; and
 2. That in June, 2005 Dr. Muhammad did not respond truthfully to a question asked on an application for appointment to the medical staff of the Capital District Health Authority.
11. It is alleged that the conduct described in these allegations amounts to professional misconduct.

III. ADMISSIONS

12. Dr. Muhammad admits the allegations set out in the Notice of Hearing and admits such conduct amounts to professional misconduct.

IV. CONSENT TO PENALTY

13. Dr. Ishtiaq Muhammad hereby consents to the following:
 - (a) Dr. Muhammad is reprimanded for his professional misconduct and his defined licence is suspended for a period of three (3) months. Service of two of the three months of the period of suspension shall be suspended if Dr. Muhammad successfully completes the courses outlined in subparagraph (b). The first month of the period of suspension shall commence on such date as agreed between Dr. Muhammad and the College.
 - (b) Dr. Muhammad shall complete the College of Physicians and Surgeons of Ontario course on Medical Record Keeping , together with an Ethics course offered by Dr. Abbyann Lynch in Ontario, as approved by the Registrar. Both courses shall be completed within one year of the effective date of this Settlement Agreement (the "completion period").
 - (c) In the event Dr. Muhammad does not complete the courses outlined in subparagraph (b) within the completion period he shall remain suspended until such time as the courses have been completed.

- (d) Dr. Muhammad shall bear the costs of registering for and attending the courses outlined in subparagraph (b).
 - (e) At any time that Dr. Muhammad wishes to change from his current practice as a Hospitalist at the Capital District Health Authority or seeks a change of sponsor, the full complaints file at the College shall be disclosed to the Registration Department of the College, and to any new sponsor who may be appointed by the College.
 - (f) In the event Dr. Muhammad is issued a full licence to practice medicine, the licence shall be restricted such that he shall not engage in independent practice, ie, practice as a sole medical practitioner, for a period of 3 years from the granting of the full licence.
14. Dr. Muhammad agrees to pay the amount of \$3,000 as a contribution towards the costs of this matter. This amount may be paid in equal quarterly installments of \$750, commencing December 31, 2006, with the final installment due December 31, 2007. In the event Dr. Muhammad does not repay the full amount of costs by December 31, 2007, his licence shall be suspended pending receipt of full payment of all costs due under this Settlement Agreement.
15. Dr. Muhammad agrees that any alleged breach of any provision of this Settlement Agreement shall be reviewed by the Hearing Committee. If the Hearing Committee determines that a breach has occurred, Dr. Muhammad acknowledges that any such breach amounts to professional misconduct and will result in such further disposition as will be determined by the Hearing Committee.
16. A copy of this Settlement Agreement shall be provided to Dr. Muhammad's current sponsor.

VI. EFFECTIVE DATE

17. This Settlement Agreement shall become effective and binding when it has been recommended for acceptance by the Investigation Committee of the College, and accepted by the Hearing Committee appointed to hear this matter.

DATED at Halifax, Nova Scotia this 27th day of November, 2006.

[Signature]
WITNESS

[Signature]
DR. ISHTIAQ MUHAMMAD

DATED at Halifax, Nova Scotia this 4th day of Dec, 2006.

[Signature]
WITNESS

[Signature]
MARJORIE A. HICKEY
COUNSEL FOR THE COLLEGE OF
PHYSICIANS AND SURGEONS
OF NOVA SCOTIA

DATED at HALIFAX, Nova Scotia this 8 day of December 2006.

[Signature]

[Signature]
CHAIR,
Investigation Committee "B"
of the College of Physicians and Surgeons
of Nova Scotia

DATED at Halifax, Nova Scotia this 17th day of January 2006.

[Signature]
CHAIR,
The Hearing Committee
of the College of Physicians and Surgeons
of Nova Scotia