

SUMMARY OF SETTLEMENT AGREEMENT DR. JAVED ALI SYDNEY, NOVA SCOTIA

By decision dated May _____, 2012, 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. Javed Ali, and recommended by Investigation Committee "A" of the College pursuant to Section 57 of the *Medical Act*. The Settlement Agreement contained agreed facts, the allegations against Dr. Ali, the admissions of Dr. Ali and the agreed disposition.

Agreed Facts

Dr. Javed Ali is a psychiatrist practising in Sydney, Nova Scotia, who has been licensed to practice medicine in Nova Scotia since 1993.

In 2010 a family member of Dr. Ali was admitted to a hospital with psychiatric concerns. Instructions were given by hospital staff to transfer the family member to a different hospital facility. Dr. Ali agreed with these instructions, but took the family member home instead. He then administered medications to the family member in a manner contrary to the prescribed times and dosages.

When the family member did not arrive at the intended hospital, arrangements were made to bring the family member to the hospital.

A complaint was filed with the College expressing concern about the actions of Dr. Ali in failing to transfer the family member to the hospital. In the course of investigating the complaint, the College obtained information establishing that on numerous occasions from 2005 to 2010 Dr. Ali had prescribed a variety of medications, including psychiatric medications for a family member.

Dr. Ali initially advised the College's Investigation Committee that his signature had been forged on a number of these prescriptions for the family member. Evidence obtained from the pharmacies in question established that the signatures were those of Dr. Ali. Dr. Ali later admitted to writing the prescriptions for the family member.

Prior Disciplinary History

In 2005 Dr. Ali was the subject of a complaint alleging boundary violations arising from his involvement in the psychiatric care of a family member. In particular, the College's Investigation Committee noted that Dr. Ali failed to establish and maintain appropriate professional boundaries by his involvement in the psychiatric care of a family member by providing primary psychiatric care to the family member and prescribing and renewing psychiatric medications. Dr. Ali was reprimanded for this professional misconduct.

Allegations Against Dr. Ali

The following allegations have been referred to the Hearing Committee by the Investigation Committee: (*Blank spaces and words in parentheses refer to matters subject to a publication ban*)

- (a) On or about _____, 2010, Dr. Ali transported (a family member) to _____ residence, despite knowledge of a physician's order for (the family member's) admission to hospital;
- (b) On or about _____, 2010, Dr. Ali provided prescription medications to (a family member) in a manner that was not in keeping with the dosage and frequency ordered by (the family member's) treating physician;
- (c) On various occasions between 2005 and 2010 Dr. Ali provided prescriptions for psychiatric and other medications to (a family member), contrary to the Canadian Medical Association's Code of Ethics; and
- (d) Dr. Ali misled the Investigation Committee of the College during its investigation of a complaint against him.

Admissions

Dr. Ali admits the above allegations and agrees the admitted allegations constitute professional misconduct.

Agreed Disposition

Dr. Ali's licence to practice medicine shall be suspended for a period of two months, commencing on June 5, 2012 and continuing to and including August 4, 2012.

The two month suspension will apply to all aspects of Dr. Ali's practice of medicine, with the exception that during the period of suspension, Dr. Ali shall continue to treat his opiate dependent patients in his private practice for their opiate dependence, but not for any other purpose. This requirement to treat these patients is for the purpose of ensuring continuity of care for these patients regarding their opiate dependence.

Dr. Ali must enrol in and complete the next offering of the course "Understanding Boundaries in Managing the Risks Inherent in the Doctor-Patient Relationship" offered by the Schulich School of Medicine and Dentistry at the University of Western Ontario (the "Boundaries Course"). Dr. Ali must register for the next offering of the Boundaries course within two weeks of approval of the Settlement Agreement. In the event Dr. Ali does not successfully complete the Boundaries Course, his licence to practice medicine will be immediately suspended and the suspension will continue until such time as Dr. Ali successfully completes the Boundaries Course.

Dr. Ali must complete an Ethics course offered through the College of Physicians and Surgeons of Ontario, the details of which shall be approved by the Registrar of the College (the "Ethics Course"). In the event Dr. Ali does not successfully complete the Ethics Course in the time and manner approved by the College, Dr. Ali's licence to practice medicine will be immediately suspended and the suspension will continue until such time as Dr. Ali successfully completes the Ethics Course.

All costs incurred for the completion of the Boundaries Course and the Ethics Course shall be borne by Dr. Ali.

Costs

In addition to the costs for the Boundaries Course and the Ethics Course, Dr. Ali shall pay costs to the College for the investigation and resolution of this matter in the amount of \$3,000.00. These costs shall be paid no later than June 30, 2012, failing which Dr. Ali's licence to practice medicine will be suspended pending payment in full, including interest.

Publication Ban

The Settlement Agreement approved by the Hearing Committee is subject to a limited publication ban to remove references that could identify Dr. Ali's family member. The information disclosed in this Summary is not subject to a publication ban.

(Note that the Summary may include further information as a result of the Decision to be rendered by the Hearing Committee)