

## Discipline Report

### Guilty of disruptive behaviour reaching the threshold of unprofessional conduct

A Hearing Tribunal has found Dr. Mohammed Al-Ghamdi, an orthopedic surgeon from Grande Prairie, guilty of disruptive conduct on eight of 13 charges. Dr. Al-Ghamdi was the focus of three separate College investigations—two complaints from personnel within Alberta Health Services (AHS) and one initiated by the College’s Complaints Director.

The concerns arose from Dr. Al-Ghamdi’s interactions with healthcare colleagues (physicians and nurses) and from AHS management. The hearing began in April 2015, with a decision issued on April 11, 2017, followed by a further sanction decision on Dec. 21 2017.

Dr. Al-Ghamdi has appealed that decision and Council will hear that appeal in September of 2018.

### Background

It was alleged that “Since 2003 [Dr. Al-Ghamdi has] demonstrated a pattern of disruptive conduct in [his] dealings with a number of [his] medical colleagues and nursing staff at the Queen Elizabeth II hospital, which has resulted in a breakdown of [his] professional relationship with those colleagues and staff to the detriment of the health services at that hospital, with particular acts in one or more of the following categories of conduct,” which included these eight charges on which Dr. Al-Ghamdi was found guilty:

1. Failing to participate in and follow the on-call schedule and procedures for orthopedic surgery at the hospital.
2. Purporting to have a parallel on-call schedule of his own to try to avoid having to deal with the on-call orthopedic surgeon at the hospital when booking a patient for surgery.
3. Failing to cooperate with his medical colleagues and nursing staff to ensure surgical cases were performed on the basis of medical need for urgent care.
4. Cultivating a culture of fear and distrust through making complaints to the Alberta Human Rights commission, the College and Association of Registered Nurses of Alberta or the College of Physicians & Surgeons of Alberta.
5. Cultivating a culture of fear and distrust through threatening legal action.
6. Cultivating a culture of fear and distrust through making numerous complaints to administration at the hospital and the health authority.
7. Failing to follow the issue/dispute resolution processes set out in the bylaws and policies applicable to hospital medical staff.
8. Having nursing staff open sterilized packs of surgical instruments, which were not reasonably required for the procedure at hand and thereby making those instruments unavailable for other surgeons until the nursing staff had re-sterilized the instrument packs.

## **Penalty**

The penalty ordered by the Tribunal included:

1. A practice permit suspension for a minimum of two years. Dr. Al-Ghamdi may apply to the Registrar for reinstatement after two years, if he completes a comprehensive assessment program to determine his fitness to practise. The program must be approved by the Registrar in advance and Dr. Al-Ghamdi is responsible for all costs of such an assessment. In addition, Dr. Al-Ghamdi would be expected to successfully complete any and all direction from the comprehensive assessment, including any recommended therapy, courses on interpersonal communication and endorsement of a mentor acceptable to the College. Dr. Al-Ghamdi would be responsible for all associated costs.
2. Dr. Al-Ghamdi was awarded eight-thirteenths of the cost of the hearing, inclusive of the cost of legal counsel retained by the Hearing Director to assist with Dr. Al-Ghamdi's multiple objections and other actions. The sum of \$701,450.57 is to be paid in full, no later than three years from the date of the sanction decision – a failure to do so allows for the suspension of Dr. Al-Ghamdi's practice permit.

Dr. Al-Ghamdi can still practise medicine while his appeal to Council is pending.

## **Commentary**

The basic tenet of the matters—the issue of physician disruption in the workplace and its impact on the healthcare team—cannot be overstated. The delivery of modern healthcare requires a responsible and functional team approach, as envisioned by the Code of Conduct and the Code of Ethics.

## Discipline Report

### *Hearing Tribunal decision on disruptive conduct offenses upheld on appeal*

**Dr. Mohammed Al-Ghamdi**, an orthopedic surgeon from Grande Prairie, was found guilty by a College Hearing Tribunal in 2017 of eight charges relating to disruptive behaviour in his dealings with colleagues and Alberta Health Services management.

### Background

An overview of the charges which led to the disciplinary action and sanctions against Dr. Al-Ghamdi can be found in the [July issue of \*The Messenger\*](#).

Dr. Al-Ghamdi appealed the disciplinary decision to College Council on 11 grounds, which included claims that the Hearing Tribunal was mistaken in their assessment of Dr. Al-Ghamdi's credibility and behaviour, in the weight given to expert opinion evidence presented at the hearing and in the severity of the sanctions imposed.

### Order of College Council

Dr. Al-Ghamdi's appeal was heard in September of 2018. After carefully reviewing all the evidence presented at the original hearing, Council found that the Tribunal's decision was reasonable and dismissed Dr. Al-Ghamdi's appeal, upholding the recommended sanctions:

1. Al-Ghamdi's practice permit is suspended for at least two years from the date on Council's decision.
  - a. Al-Ghamdi can apply for reinstatement after two years if he successfully completes a comprehensive assessment program to determine his fitness to practise medicine. The program must be approved in advance by the Registrar.
  - b. Al-Ghamdi must also enroll in any therapy recommended by the above-mentioned assessment and is responsible for any costs associated with both the assessment and subsequent therapy.
2. Al-Ghamdi must cover a portion of the costs associated with the investigation and hearing, totaling \$701,450.57, to be paid in full within three years of the date of this order. In addition, because Dr. Al-Ghamdi's appeal to Council was unsuccessful, he is also responsible for those costs (totaling \$15,970.83).

## **Commentary**

College Council's decision found no errors in the way the Hearing Tribunal interpreted the evidence that was presented and agreed with the assessment that Dr. Al-Ghamdi's conduct which led to the charges was disruptive and contrary to both the [Code of Ethics](#) and the [Code of Conduct](#). Furthermore, since it was found that Dr. Al-Ghamdi was responsible for the complexity and length of the original hearing (47 days), it was appropriate that he be responsible for a portion of the costs.