

COLLEGE OF PHYSICIANS & SURGEONS OF ALBERTA
(“THE COLLEGE”)

IN THE MATTER OF
A HEARING UNDER THE *HEALTH PROFESSIONS ACT*,
RSA 2000, c. H-7

AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF DR. JEREMY REED

**DECISION OF THE HEARING TRIBUNAL OF
THE COLLEGE OF PHYSICIANS
& SURGEONS OF ALBERTA:
SANCTIONS and COSTS**

INTRODUCTION

1. In a decision of the Hearing Tribunal, dated August 15, 2024, Dr. Jeremy Reed was found guilty of failing or refusing to provide certain documentation to the Complaints Director of the College of Physicians and Surgeons of Alberta. The documentation related to the status and outcome of a criminal investigation into an allegation by his ex-spouse that he had breached the terms of a probation order, and confirmation that his conditional discharge had been fulfilled and implemented.
2. The members of the Hearing Tribunal were:
 - Mr. Terry Engen as Chair (and public member);
 - Dr. Anca Tapardel;
 - Dr. William Craig; and
 - Ms. Dianna Jossa (public member)
3. Mr. Gregory Sim acted as independent legal counsel for the Hearing Tribunal.
4. In the August 15, 2024 merits decision, the Complaints Director and Dr. Reed were invited to enter submissions on sanctions in written form, unless either party requested to submit orally.
5. Legal counsel for the Complaints Director, Mr. Craig Boyer, K.C. provided a written submission on behalf of the Complaints Director, dated August 21, 2024. No submission was received from Dr. Reed.
6. The Hearing Tribunal, with the same membership, met again in camera on November 8, 2024, to deliberate on sanctions.

SUBMISSION FROM THE COMPLAINTS DIRECTOR

7. The Complaints Director requested that the Hearing Tribunal impose the following sanctions:
 - That Dr. Reed be given a reprimand for the findings of unprofessional conduct;
 - That Dr. Reed be required to undergo a fitness to practice assessment, at his own expense, satisfactory to the Complaints Director before he would be eligible to apply for a practice permit with the CPSA;
 - That Dr. Reed be held responsible for the full amount of the costs of the investigation and hearing.
8. Mr. Boyer referred the Hearing Tribunal to *Jaswal v. Newfoundland Medical Board* [1996] N.J. No. 50 ("*Jaswal*") as outlining a number of factors that the Hearing Tribunal could consider in determining sanction.

9. Mr. Boyer also advised that Dr. Reed had been found guilty of unprofessional conduct in 2012 and provided a copy of that decision.
10. In support of the sanctions sought against Dr. Reed, Mr. Boyer provided copies of previous CPSA decisions that he submitted support the proposed sanction:
 - Dr. Jeannine Howey was found guilty of unbecoming conduct (under the *Medical Profession Act*) for failure to respond to correspondence sent to her by the Assistant Registrar responsible for complaints. The Council of the CPSA ordered that Dr. Howey be suspended for a period of one year and that she be required to undergo a fitness to practice assessment as determined by the Registrar.
 - Dr. Dennis Hayes was found guilty of unprofessional conduct in 2017 for having failed to complete his Physician Achievement Review program requirements despite multiple reminders and extensions of deadlines. The Hearing Tribunal ordered that Dr. Hayes undergo a fitness to practice assessment as well as being responsible for the costs of the hearing.
 - Dr. Kevin Mowbrey was found guilty of unprofessional conduct in 2020 for having failed to respond to multiple inquiries from the Complaints Director regarding a complaint against him. The Hearing Tribunal ordered Dr. Mowbrey to undergo a fitness to practice assessment and pay costs of the investigation and hearing.
 - Dr. Hasan Hafiz was found guilty of unprofessional conduct in 2023 and the Hearing Tribunal ordered a reprimand, a completion of a professionalism course and a competence assessment and that Dr. Hafiz pay the costs of the investigation and hearing up to a maximum of \$10,000.00.
11. Mr. Boyer submitted that given that Dr. Reed had been involved in a domestic violence situation that came before the courts and had failed to cooperate with the CPSA in confirming his representation that he had received a complete discharge of the criminal charges, there is a question regarding Dr. Reed's fitness to practice.
12. Accordingly, it was Mr. Boyer's position that the public interest is served in requiring Dr. Reed to demonstrate his fitness to practice medicine before he is able to return to practice in Alberta. Notwithstanding that Dr. Reed has not held a practice permit in Alberta since 2023, he would otherwise be eligible to apply, and a requirement of fitness to practice before he becomes eligible protects the public interest.
13. Mr. Boyer also advised that given the publication obligations on the Registrar under section 119 of the *Health Professions Act* ("HPA") the Hearing Tribunal's order would be published to the College of Physicians & Surgeons in

Saskatchewan and other regulatory Colleges across Canada. Those regulatory bodies will then have knowledge of this proceeding and can take steps to protect members of the public who reside outside of Alberta.

SUBMISSIONS FROM DR. REED

14. No submissions were received from Dr. Reed or from anyone on his behalf.

DECISION OF THE HEARING TRIBUNAL, WITH REASONS

15. In *Jaswal*, the Court provides a non-exhaustive list of factors to consider when determining appropriate sanctions in a professional discipline matter. These include the nature and gravity of the proven allegations, the need for deterrence, the need for maintenance of public confidence in the profession and its proper regulation, and sanctions that were imposed in other, similar cases.
16. The Hearing Tribunal considered a professional who disregards reasonable requests for information and inquiries of a regulatory nature from his or her regulator to have engaged in a serious type of unprofessional conduct. As we wrote in our August 15, 2024 decision, we can only conclude that Dr. Reed did not consider it his obligation to respond to the College's inquiries. This conduct must be deterred, both for Dr. Reed but also for the profession at large. The resulting sanction should reflect the serious nature of that conduct and send a message to other professionals that this type of conduct is not acceptable. It must signal to the public that the College treats non-cooperation seriously in order to maintain public confidence in the proper regulation of the profession.
17. Based on the factors in *Jaswal* and the cases provided by Mr. Boyer, the Hearing Tribunal is satisfied that a reprimand is appropriate in this case. A reprimand is not insignificant, but it is among the least serious types of sanctions that may be imposed by the Hearing Tribunal. A reprimand clearly communicates to Dr. Reed and to the profession that Dr. Reed's conduct was unprofessional.
18. The Hearing Tribunal also accepts that public protection calls for an order requiring a fitness to practice assessment before Dr. Reed can be eligible to apply for a practice permit in Alberta. Dr. Reed's failure to cooperate with the College and respond to inquiries of a regulatory nature raise questions about his fitness to practice medicine in a regulated profession. An assessment of Dr. Reed's fitness to practice by an assessor satisfactory to the Complaints Director is a rational and proportionate requirement for Dr. Reed to return to practice in Alberta.
19. With respect to costs, the Hearing Tribunal is of the view that Dr. Reed's conduct was serious. His alleged unprofessional conduct was proven and it impeded the investigation of the original s. 56 complaint matter and created

the need for this hearing. His failure to attend the hearing created a need for the application to proceed in his absence, which occupied a significant amount of the hearing time.

20. The Hearing Tribunal was advised that the investigation and hearing costs up to the point of submissions on sanctions was approximately \$14,000. While the Tribunal expects the final tally of costs to be somewhat higher, this represents a modest quantum of costs for a discipline investigation and hearing.
21. For these reasons the Hearing Tribunal considers this an appropriate case for Dr. Reed to bear the full costs of the investigation and the hearing.

ORDERS

22. The Hearing Tribunal therefore makes the following orders pursuant to s. 82 of the HPA:
 1. That Dr. Reed be reprimanded for the findings of unprofessional conduct;
 2. That Dr. Reed be required to undergo a fitness to practice assessment, at his own expense, satisfactory to the Complaints Director before he would be eligible to apply for a practice permit with the CPSA;
 3. That Dr. Reed be held responsible for the full amount of the costs of the investigation and hearing.
23. Dr. Reed will receive a reprimand, with the Hearing Tribunal's decision serving as the reprimand.

Signed on behalf of the Hearing Tribunal by the Chair:



Mr. Terry Engen

Dated this 23rd day of December, 2024.