

COLLEGE OF PHYSICIANS & SURGEONS OF ALBERTA

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. YOLANDA ALCARAZ-LIMCANGCO

**DECISION OF THE HEARING TRIBUNAL OF  
THE COLLEGE OF PHYSICIANS  
& SURGEONS OF ALBERTA  
May 2, 2024**

## **I. INTRODUCTION**

1. The Hearing Tribunal held a hearing into the conduct of Dr. Yolanda Alcaraz-Limcangco on March 25, 2024. The members of the Hearing Tribunal were:

Dr. Neelan Pillay as Chair;  
Dr. John Pasternak;  
Ms. Shelly Flint (public member);  
Ms. Lillian (Patricia) Hull (public member).

2. Appearances:

Ms. Annabritt Chisholm, legal counsel for the Complaints Director;  
Dr. Gordon Giddings, Complaints Director;  
Ms. Brittany Goetz, Associate Complaints Director;  
Mr. Bruce Mellett, legal counsel for Dr. Alcaraz-Limcangco;  
Dr. Yolanda Alcaraz-Limcangco.

Mr. Gregory Sim acted as independent legal counsel for the Hearing Tribunal.

## **II. PRELIMINARY MATTERS**

3. Neither party raised any preliminary issues. There were no objections to the composition of the Hearing Tribunal. There were no applications to close the hearing and the hearing remained open to the public.

## **III. CHARGES**

4. The Notice of Hearing listed the following allegation:

1. You contravened an order under Part 4 of the *Health Professions Act* when you failed to:
  - a. attend at the Centre for Personalized Education for Physicians (“CPEP”) for a Clinical Competence Assessment and remediation plan by September 30, 2022, or at such a later date acceptable to the Complaints Director.

as directed by order of the Hearing Tribunal in its June 2, 2022 Sanctions Decision in the matter of a hearing respecting your conduct.

## **IV. EVIDENCE**

5. An Agreed Exhibit book was entered into evidence by agreement. The Agreed Exhibits were:

1. Admission and Joint Submission Agreement dated March 24, 2024:
  - a. Notice of Hearing dated October 6, 2023;
  - b. Decision of the Hearing Tribunal dated June 2, 2022;

c. Section 56 complaint letter dated December 22, 2022.

## **V. SUBMISSIONS**

6. Ms. Chisholm explained that this case is about Dr. Alcaraz-Limcangco's failure to complete an order of the Hearing Tribunal made in a previous hearing. The Hearing Tribunal's role is determine whether the allegation in the Notice of Hearing has been proven, and if so whether Dr. Alcaraz-Limcangco's conduct is unprofessional conduct under the *Health Professions Act*. If the Hearing Tribunal finds that unprofessional conduct has occurred, it would then determine the appropriate sanctions.
7. Ms. Chisholm advised the Hearing Tribunal that the parties had reached an agreement. The agreement included facts and an admission to the allegation of unprofessional conduct in the Notice of Hearing as well as an agreement on the appropriate sanctions. The agreement was intended to be comprehensive so there would be no other evidence called in the hearing.
8. Ms. Chisholm referred the Hearing Tribunal to section 70 of the *Health Professions Act*, which provides for the Hearing Tribunal to consider an admission agreement and decide whether it is acceptable. Ms. Chisholm then reviewed the documents in the Agreed Exhibit Book and Dr. Alcaraz-Limcangco's admission and submitted that the Hearing Tribunal should accept the admission of unprofessional conduct. Dr. Alcaraz-Limcangco admitted that she failed to undertake an assessment she had been ordered by a previous Hearing Tribunal to do. She has now done it, but it was done 1½ years late. Dr. Alcaraz-Limcangco's conduct met the definitions of unprofessional conduct in section 1(1)(pp)(viii) and (xii) of the *Health Professions Act*.
9. Mr. Mellett indicated he had nothing to add to Ms. Chisholm's submissions about Dr. Alcaraz-Limcangco's admission.

## **VI. FINDINGS**

10. The Hearing Tribunal accepts Dr. Alcaraz-Limcangco's admission. The Tribunal finds that she contravened an order under Part 4 of the *Health Professions Act* and that her conduct was unprofessional conduct contrary to sections 1(1)(pp)(viii) and (xii).

## **VII. DECISION WITH REASONS**

11. Dr. Alcaraz-Limcangco was the subject of a previous hearing before a different Hearing Tribunal of the College of Physicians and Surgeons of Alberta. On January 4, 2022, that Hearing Tribunal found Dr. Alcaraz-Limcangco to have committed unprofessional conduct when she failed to participate in and complete an Individual Practice Review as required by an agreement with the College to resolve an earlier complaint. The Hearing Tribunal received

submissions from the parties and on June 2, 2022 it issued its decision on sanctions.

12. On June 2, 2022 the Hearing Tribunal ordered Dr. Alcaraz-Limcangco to attend the Centre for Personalized Education for Physicians ("CPEP") for a Clinical Competence Assessment and remediation plan by September 30, 2022, with the results to be provided to the Complaints Director by October 30, 2022. The Hearing Tribunal also imposed a fine and costs of the investigation and hearing.
13. Dr. Alcaraz-Limcangco did not attend the CPEP assessment by September 30, 2022 as ordered. She commenced an appeal of the Hearing Tribunal's decision, but did not apply for a stay of the sanctions. The appeal was subsequently withdrawn. By December 22, 2022 Dr. Alcaraz-Limcangco had still not made any arrangements to attend the CPEP assessment and the Associate Complaints Director initiated a new complaint under section 82(3)(a) of the *Health Professions Act*. Section 82(3)(a) provides that a complaint may be opened in accordance with section 56 if the Complaints Director is satisfied that a person has not complied with an order of the Hearing Tribunal.
14. In Dr. Alcaraz-Limcangco's Admission and Joint Submission Agreement, she agreed that she contravened an order under Part 4 of the *Health Professions Act* when she failed to attend at the CPEP for the assessment by September 30, 2022. Dr. Alcaraz-Limcangco also agreed that failing to complete an order of the Hearing Tribunal constitutes unprofessional conduct as defined by sections 1(1)(pp)(viii) and (xii) of the *Health Professions Act*. Dr. Alcaraz-Limcangco did complete the CPEP assessment by February 8, 2024 and she agreed to complete her remaining obligations.
15. The College's ability to regulate the medical profession depends upon physicians respecting the Hearing Tribunal's authority to make disciplinary orders, subject only to the physician's right of appeal and right to seek a stay of those orders. Dr. Alcaraz-Limcangco showed a lack of respect for the Hearing Tribunal's authority when she failed to comply with the Tribunal's order despite the lack of a stay of enforcement. Her failure to comply was by definition unprofessional conduct, but it was also unprofessional because it was conduct that undermined the integrity of the medical profession.
16. In this case, the Hearing Tribunal was particularly concerned that Dr. Alcaraz-Limcangco's unprofessional conduct resulted from her failure to comply with orders that were put in place for her failure to comply with an earlier agreement with the College. The earlier agreement was itself put in place to resolve an even earlier complaint about Dr. Alcaraz-Limcangco. Dr. Alcaraz-Limcangco's conduct demonstrated a concerning pattern of non-compliance.

## VIII. ORDERS

17. The Complaints Director and Dr. Alcaraz-Limcangco jointly submitted that she is an experienced physician having been registered with the College from August 2011 to February 2017, March 2017 to February 2023 and from August 2023 to the present. The Admission and Joint Submission Agreement submitted that the following sanctions orders should be imposed:
  1. Dr. Alcaraz-Limcangco shall receive a reprimand, with the Hearing Tribunal's written decision to serve as the reprimand;
  2. Dr. Alcaraz-Limcangco's practice permit will be suspended for 30 days, all of which shall be served consecutively and commencing on dates acceptable to the Complaints Director no later than October 1, 2024;
  3. Dr. Alcaraz-Limcangco shall, at her own cost and within nine months from the date of the Hearing Tribunal's written decision, provide the Complaints Director with evidence that she has received an unconditional pass on the CPEP Probe course. If Dr. Alcaraz-Limcangco fails to complete this order, her practice permit shall be suspended until such time as she does so;
  4. Dr. Alcaraz-Limcangco shall pay a fine in the amount of \$5,000 within one year from the date the Hearing Tribunal issues its written decision and on a monthly schedule satisfactory to the Complaints Director; and
  5. Dr. Alcaraz-Limcangco shall be responsible for 25% of the costs of the investigation and hearing, to a maximum of \$10,000, to be paid within 36 months from the date the Hearing Tribunal issues its written decision and on a schedule acceptable to the Hearings Director.
18. On behalf of the Complaints Director, Ms. Chisholm submitted that the jointly-submitted sanctions would serve the four purposes of sanctions in professional discipline: public protection, maintaining the integrity of the profession, fairness to the registrant, and deterrence. Ms. Chisholm referred the Hearing Tribunal to relevant factors from the case of *Jaswal v. Medical Board (Newfoundland)*, 1996 CanLII 11630 (NLSC). She described Dr. Alcaraz-Limcangco's conduct as being so serious that it is unprofessional by definition. She is an experienced physician with one prior finding of unprofessional conduct that led to this matter. Dr. Alcaraz-Limcangco admitted her conduct and recognized that it was unprofessional. She also agreed to a suspension and a further suspension if she fails to comply again and this was indicative of Dr. Alcaraz-Limcangco's insight into her own conduct. Ms. Chisholm added that the costs up to the date of the hearing were very modest, at approximately \$2,000.
19. Ms. Chisholm then referred to the case of *R. v. Anthony-Cook*, 2016 SCC 43 in which the Supreme Court of Canada confirmed the public interest test for joint submissions. The Court held that adjudicators should accept a joint

submission on sanctions, unless the sanctions would undermine the administration of justice or be contrary to the public interest.

20. Mr. Mellett endorsed Ms. Chisholm's submissions on sanctions and explained that the parties had worked together to develop the Admission and Joint Submission Agreement. He submitted that the jointly-proposed sanctions are appropriate and sufficiently severe to deter similar unprofessional conduct in the future.
21. The Hearing Tribunal carefully considered Dr. Alcaraz-Limcangco's proven unprofessional conduct and the jointly-submitted sanctions. The Tribunal was satisfied that the jointly-submitted sanctions are appropriate. They are not contrary to the public interest, nor would they undermine the administration of justice. The order for a 30 day suspension and for a further suspension to come into effect if Dr. Alcaraz-Limcangco fails to comply with the orders is proportionate to the severity of the conduct, particularly given Dr. Alcaraz-Limcangco's prior discipline history. The reprimand and fine are appropriately punitive and the requirement to complete the Probe course is appropriately remedial. The order for Dr. Alcaraz-Limcangco to contribute a portion of the investigation and hearing costs is also appropriate and reasonable.

Signed on behalf of the Hearing Tribunal by the Chair:



Dr. Neelan Pillay

Dated this 2<sup>nd</sup> day of May, 2024.