

## Discipline Report

### ***Dr. Habeeb Tunde Ali's practice permit reissued after stay granted by Alberta Court of Queen's Bench***

Madame Justice M. E. Burns of the Court of Queen's Bench of Alberta ordered a stay of the cancellation of Cochrane family physician Dr. Habeeb Tunde Ali's 2019 practice permit. The Court's decision allows Dr. Ali to practise medicine until his judicial review application is heard on Oct. 2, 2019.

#### **Background**

In May 2018, Dr. Ali's registration and practice permit were cancelled by the College of Physicians & Surgeons of Alberta (CPSA) under section 43 of the *Health Professions Act*, due to his failure to pay outstanding discipline proceedings and Court costs related to his conviction for unprofessional conduct.

The cancellation decision was stayed by Order of the Alberta Court of Appeal pending Dr. Ali's application to seek leave to appeal to the Supreme Court of Canada. The Supreme Court of Canada dismissed the leave application on March 14, 2019, which meant that the previous cancellation decision took effect, resulting in the cancellation of Dr. Ali's 2019 practice permit.

Dr. Ali was found guilty of unprofessional conduct in 2014 after facing three charges, including failure to pay annual monitoring fees to the CPSA, failure to cooperate and meet with the Assistant Registrar as required under his Continuing Care Agreement with CPSA and failure to comply with his obligations as a bankrupt person. Dr. Ali unsuccessfully appealed the hearing decision to the CPSA's Council in May 2016 then appealed to the Alberta Court of Appeal, which dismissed his appeal in December 2017.

#### **Commentary**

While Dr. Ali's practice permit has been reissued, he is expected to continue to adhere to the same practice conditions that were on his practice permit prior to cancellation, which include a chaperone for all appointments with a female patient and a restriction from practicing psychotherapy or counselling.

## Discipline Report

### ***Dr. Habeeb Tunde Ali's practice permit cancelled***

Cochrane family physician Dr. Habeeb Tunde Ali's practice permit has been cancelled for failure to pay the outstanding fees related to previous unprofessional conduct.

#### **Background**

In 2009, Dr. Ali entered into a five-year Continuing Care Agreement with CPSA in response to a matter involving a sexual boundary violation. He was not compliant with all of the terms of this agreement and was subsequently found guilty of unprofessional conduct in 2014 after facing three charges, including failure to pay annual fees to the CPSA, failure to cooperate and meet the CPSA's Continuing Care Agreement and failure to comply with his obligations as a bankrupt person.

Dr. Ali appealed the decision to both CPSA Council in 2016 and the Alberta Court of Appeal in December 2017. Both appeals were unsuccessful and the decision was upheld.

Last spring, Dr. Ali received a stay in his permit cancellation from the Alberta Court of Appeal to allow him to seek leave to appeal the costs award to the Supreme Court of Canada. On March 14, 2019, the Court declined to hear Dr. Ali's appeal. This immediately expired the stay on the College process and his practice permit was cancelled.

#### **Commentary**

Physicians are expected to maintain a high level of professionalism, which includes upholding their agreements with the College and meeting their obligations, whether financial or otherwise. A permit to practise medicine in Alberta is a commitment to upholding the trust that medical professionals have earned over many decades. Failing to cooperate with the College regarding a Continuing Care Agreement, not paying College fees and failing to follow the law demonstrates a lack of professionalism and prioritization of responsibilities to the profession and the public.

## Discipline Report

### ***Court upholds finding of unprofessional conduct for Cochrane physician***

General practitioner **Dr. Habeeb Ali** from Cochrane was found guilty of unprofessional conduct and sanctioned by a College Hearing Tribunal.

The Hearing Tribunal originally made a decision in this case in 2014, with sanctions handed down in 2015. Dr. Ali subsequently appealed the decision to both College Council in 2016, and the Alberta Court of Appeal in December 2017. Both appeals were unsuccessful and the decision was upheld.

### **Background**

In 2009, Dr. Ali entered into a five-year Continuing Care Agreement with the College in response to a matter involving a sexual boundary violation. He was not compliant with all of the terms of this agreement, by failing to pay required fees in a timely manner and by not making himself available for meetings with the College when requested.

Additionally, Dr. Ali did not meet his obligations as a bankrupt person by failing to submit income and tax documentation to his bankruptcy trustee. This constitutes a breach of the *Bankruptcy and Insolvency Act*, which is considered unprofessional conduct under the *Health Professions Act*.

### **Order of the Hearing Tribunal**

The Hearing Tribunal ordered that Dr. Ali receive a reprimand and be responsible for paying \$39,000 towards the initial investigation and hearing (approximately two-thirds of the total cost), \$26,750.28 for the cost of the appeal to College Council and \$4,490.76 for the cost of the appeal to the Alberta courts (totaling \$70,241.04).

### **Commentary**

In making this decision, the Hearing Tribunal recognized that Dr. Ali's behaviour did not compromise patient care. However, physicians are expected to maintain a certain level of professionalism, which includes meeting their responsibilities in matters of financial hardships and agreements with the College.

Failing to cooperate with the College regarding a Continuing Care Agreement and not paying College fees within an appropriate timeframe demonstrates a lack of priority to the College, which is not acceptable. The Hearing Tribunal felt the sanctions they ordered served as a reminder of the importance of professional responsibility for a physician.