

BETWEEN:

COLLEGE OF PHYSICIANS AND SURGEONS
OF PRINCE EDWARD ISLAND

AND:

DR. SHESHAGIRI BENERI

NOTICE OF HEARING

TAKE NOTICE THAT a hearing pursuant to subsection 55(1) of the *Regulated Health Professions Act*, R.S.P.E.I. 1988, c. R-10.1 ("RHPA") into certain allegations arising out of a complaint by Norma Costain on June 14, 2021, against Dr. Sheshagiri Bengeri will be held in Charlottetown, Prince Edward Island at the offices of the College of Physicians and Surgeons of Prince Edward Island, 14 Paramount Drive, Charlottetown, Prince Edward Island, commencing at *****1:00 p.m. on Wednesday, November 1, 2023,***** and continuing at 9:00 a.m. on November 2, 3, 6, 7 and 8, as well as such further dates as might be required.

FURTHER TAKE NOTICE THAT the allegations against Dr. Bengeri involve events which occurred while he was licensed to practice as an anesthesiologist in Prince Edward Island, which events relate to an individual identified as Patient "A" for whom Dr. Bengeri was the responsible anesthesiologist assisting in providing surgical care and treatment, and the hearing will inquire into whether Dr. Bengeri engaged in professional misconduct or acted as an unfit member, as those terms are defined in the *Medical Act* (repealed) (the "Act") and the College of Physicians & Surgeons of Prince Edward Island Regulations (repealed) (the "Regulations"). Specifically, it is alleged that on or about September 30, 2020, at Prince County Hospital in Summerside, Prince Edward Island, Dr. Sheshagiri Bengeri:

A. engaged in professional misconduct by failing to maintain accepted professional standards and procedures in the practice of medicine regarding recognition and management of significant bilateral pulmonary aspiration prior to, during and after a surgical procedure on Patient 'A', contrary to paragraph XI,1(a) of the Regulations and subsection 32(c) of the Act;

8. demonstrated lack of knowledge, skill or judgment in the recognition and management of significant bilateral pulmonary aspiration while performing his role as anesthesiologist prior to, during and after a surgical procedure on Patient "A", and was therefore an unfit member as defined in subsection 1(y) of the Act, contrary to subsection 32.1(1) of the Act;

C. engaged in professional misconduct by failing to maintain accepted professional standards and procedures in the practice of medicine prior to, during and after surgery, in communications with other members of the health care team,

including the surgeon who was conducting a surgical procedure on Patient "A", contrary to paragraph XI,1(a) of the Regulations and subsection 32(c) of the Act;

D. engaged in professional misconduct by failing to communicate properly and effectively with other members of the health care team, including the surgeon who was conducting a surgical procedure on Patient "A", prior to, during and after surgery, while Dr. Bengeri's ability to perform any professional service in accordance with accepted professional standards was impaired by a disability, illness, addiction or condition, to wit, poor hearing, contrary to section XI,1(b) of the Regulations referred to above.

FURTHER TAKE NOTICE THAT section 8 of the *Interpretation Act*, R.S.P.E.I. 1988, c. 1-8.1 permits allegations pertaining to conduct which occurred before the *Medical Act* and its regulations were repealed to proceed, and subsection 99(3.1) of the RHPA requires the procedure at the hearing to follow the provisions of the RHPA.

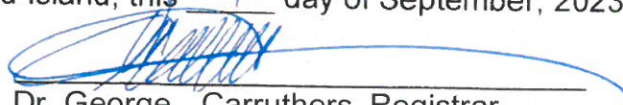
AND FURTHER TAKE NOTICE THAT you are required to attend the hearing, and failure by you to attend at the time and the date indicated in this Notice and thereafter as required by the Hearing Committee could result in the hearing proceeding without you, and with no further notice being given to you.

AND FURTHER TAKE NOTICE THAT the Hearing Committee might make one or more of the orders set out in subsection 58(2) of the RHPA in the event that the Hearing Committee finds that Dr. Bengeri has committed an act or acts of professional misconduct or acted as an unfit member, as those terms are defined in the repealed *Medical Act* and its Regulations.

AND FURTHER TAKE NOTICE THAT the College of Physicians and Surgeons of Prince Edward Island has disclosed all documents which might be relevant to the allegations to Dr. Bengeri and his legal counsel, and in case of doubt, disclosure can be obtained again by Dr. Bengeri or his authorized representatives at the office of the College of Physicians and Surgeons of Prince Edward Island, 14 Paramount Drive, Charlottetown, Prince Edward Island, C1E 0C7, telephone: 902-566-3861.

AND FURTHER TAKE NOTICE that the Hearing Committee is not bound by strict rules of evidence or the provisions of the PEI *Evidence Act*, as per subsection 56(6) RHPA.

DATED at Charlottetown, Prince Edward Island, this 21 day of September, 2023.



Dr. George Carruthers, Registrar
College of Physicians and Surgeons of
Prince Edward Island
14 Paramount Drive
Charlottetown, PE C1E 0C7

Please NOTE, the Hearing will commence Monday, January 29, 2024 – Friday, February 2, 2024 starting at 9:30 am on the first day.

TO: Dr. Sheshagiri Bengeri
c/o Janet Clark
Stewart McKelvey
65 Grafton Street
Charlottetown, PE C1A 1KB

AND TO: Norma Costain



AND TO: Council
College of Physicians and Surgeons of Prince Edward Island
14 Paramount Drive
Charlottetown, PE C1E 0C7