

COLLEGE OF PHYSICIANS AND SURGEONS OF NEW BRUNSWICK

COUNCIL OF THE COLLEGE

**IN THE MATTER OF DR. FLOYD DUNCAN
MACDONALD, M.D., of the Town of
Hartland, in the County of Carleton and
Province of New Brunswick**

ORDER OF COUNCIL

UPON MEETING OF THIS COUNCIL on March 12 and March 13, 1993, at the City of Saint John, in the County of Saint John and Province of New Brunswick, with respect to the matter of Floyd Duncan MacDonald, M.D., of Hartland, New Brunswick;

AND UPON RECEIVING the report of the Board of Inquiry as established by this Council on March 11, 1992, said report being dated January 20, 1993; a copy of which was served on Dr. MacDonald;

AND UPON THE BOARD OF INQUIRY having found Dr. MacDonald guilty of 13 charges of professional misconduct involving 9 complainants;

AND UPON CONSIDERING the recommendations of the Board of Inquiry, dated February 4, 1993, with respect to penalties to be imposed on Dr. MacDonald, a copy of which was served upon Dr. MacDonald;

AND UPON HEARING John P. Barry, Q.C., legal counsel to the College, who was also present;

AND UPON HEARING David N. Rogers, legal counsel to Dr. MacDonald;

AND UPON HEARING numerous character witnesses called on behalf of Dr. MacDonald as well as considering oral and written submissions on behalf of both the College and Dr. MacDonald, and Victim Impact Statements;

AND WHEREAS it has been pointed out by legal counsel to the College that the Board incorrectly found that charge 2(b) was included in charge 2(a) and that charge 4(b) was included in charge 4(a), and therefore Council is disregarding charge 2(b) and 4(b) and the recommendations in relation thereto;

NOW THEREFORE, the Council of the College of Physicians and Surgeons of New Brunswick hereby orders that:

- a) With respect to the first finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between July 2, 1975 and September 1, 1981, at the Town of Hartland or at Somerville, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be suspended for a period of three (3) months from April 1, 1993;
- b) With respect to the second finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between September 1, 1981 and December 31, 1983, at the Town of Hartland or at Somerville, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be revoked and his name be stricken from the Registers in which it is entered;
- c) With respect to the first finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between December 1, 1975 and September 1, 1981, at the Town of Hartland or at Somerville, and also at the Town of Woodstock, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be revoked and his name be stricken from the Registers in which it is entered;
- d) With respect to the second finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between September 1, 1981 and December 31, 1986, at the Town of Hartland or at Somerville, and also at the Town of Woodstock, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be suspended for a period of one (1) year from April 1, 1993;
- e) With respect to the first finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between January 1, 1978 and September 1, 1981, at the Town of Hartland or at Somerville, Carleton County, New Brunswick, the licence to practise medicine in the Province of New

Brunswick of Dr. Floyd Duncan MacDonald be revoked and his name be stricken from the Registers in which it is entered;

- f) With respect to the second finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between September 1, 1981 and December 31, 1986, at the Town of Hartland or at Somerville, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be revoked and his name be stricken from the Registers in which it is entered;
- g) With respect to the finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between May 1, 1978 and January 1, 1980, at the Town of Hartland or at Somerville, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be suspended for a period of one (1) year from April 1, 1993;
- h) With respect to the finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between April 1, 1984 and July 30, 1990, at the Town of Hartland or at Somerville, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be suspended for a period of one (1) year from April 1, 1993;
- i) With respect to the finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between December 1, 1986 and December 31, 1986, at the Town of Woodstock, Carleton County, New Brunswick, the penalty be a reprimand and that the said reprimand be entered in the Registers wherein the name of Dr. Floyd Duncan MacDonald is entered;
- j) With respect to the finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring on or about September 26, 1987 at the Town of Woodstock, Carleton County, New Brunswick, the penalty be a reprimand and that the said reprimand be entered in the Registers wherein the name of Dr. Floyd Duncan MacDonald is entered;

- k) With respect to the findings of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between January 1, 1986 and December 1, 1987, at the Town of Hartland or at Centreville, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be revoked and his name be stricken from the Registers in which it is entered;
- l) With respect to the finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between January 1, 1988 and October 1, 1991, at the Town of Hartland, Carleton County, New Brunswick, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be revoked and his name be stricken from the Registers on which it is entered; and,
- m) With respect to the finding of professional misconduct following the complaint of [REDACTED] with respect to incidents occurring between January 1, 1976 and December 31, 1976, at the Town of Woodstock, County of Carleton, New Brunswick, the penalty be a reprimand and that the said reprimand be entered in the Registers wherein the name of Dr. Floyd Duncan MacDonald is entered.

IT IS FURTHER ORDERED that these sentences be concurrent;

AND IT IS FURTHER ORDERED that as a result of these various Orders of this Council, the licence to practise medicine in the Province of New Brunswick of Dr. Floyd Duncan MacDonald be revoked and his name stricken from the Registers in which it is entered with the College of Physicians and Surgeons of New Brunswick;

AND IT IS FURTHER ORDERED with respect to all costs incurred by Council of the College of Physicians and Surgeons of New Brunswick with respect to these various matters, Dr. Floyd Duncan MacDonald be ordered to pay all costs incurred by Council of the College as agreed by Consent Order or taxed by the Registrar of the Court of Queen's Bench of New Brunswick as between solicitor and client;

ALL OF WHICH HAS BEEN DULY RESOLVED by Order of the Council of the College of Physicians and Surgeons of New Brunswick, pursuant to the terms and provisions of the Medical Act, S.N.B., 1981, Chapter 87.

DATED at Saint John, New Brunswick, this 13th day of March, 1993.

Dorothy F. McLeod M.D.
Chairperson

I do hereby certify that the foregoing is a true copy of the Order of Council in the within matter.

Given under my hand, this 13th day of March, 1993.

Ed Schollenberg
Ed Schollenberg, M.D., LLB., F.R.C.P.C.
Registrar
College of Physicians and Surgeons of
New Brunswick

