



College of Physicians and Surgeons of British Columbia

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MEDIA RELEASE – May 17, 2010

Dr. NELKEN, Mayer

Richmond, BC

When reporting this release, it is requested that the name and location of the physician be provided in full in order to avoid confusion with other physicians who may have a similar name or initials.

VANCOUVER, BC: Following the issuance of disciplinary charges, Dr. Nelken, a psychiatrist, has admitted unprofessional conduct with respect to the care of a patient who attended at a MindCare Centres (MindCare) clinic in Toronto for repetitive transcranial magnetic stimulation (rTMS) treatment. The treatment for depression is a non-invasive method of brain stimulation in which magnetic fields are used to induce electric currents in the cerebral cortex.

Dr. Nelken admitted unprofessional conduct in the period 2005-2009 as follows:

- He failed to obtain College consent to practise in association with MindCare, contrary to the requirements of the *Medical Practitioners Act*;
- His rental arrangements with MindCare constituted a conflict of interest and were ethically inappropriate;
- He was represented as the rTMS Psychiatrist and Medical Director of the MindCare clinics in both Vancouver and Toronto, when he had no experience or expertise in that area of practice; was not registered or licensed to practise medicine in Ontario, and had no personal knowledge of the rTMS services offered in Ontario;
- In May 2007, he accepted a patient for rTMS treatments at MindCare without seeing the patient, obtaining collateral information or obtaining appropriate consent. He had no involvement in the patient's treatment but co-signed the Patient Discharge Report without any knowledge of the treatment provided or the patient's response to treatment. He gave no follow-up care recommendations and made no arrangements for transfer of care.

Following consultation with the patient, and with the patient's consent, the College imposed the following penalty:

Dr. Mayer Nelken will be removed from the Full – Specialty class of registration and transferred to the Conditional – Disciplined class, effective 2400 hours March 31, 2010, subject to limits and conditions that include:

- (a) The imposition of a formal reprimand in writing by the Board of the College under section 39(2)(a) of the *Health Professions Act*;

- (b) A fine of \$15,000;
- (c) Refraining from any future involvement in MindCare or in the provision of rTMS treatments;
- (d) Establishing a mentorship with a physician approved by the College;
- (e) Participating in continuing medical and professional education acceptable to the College; and
- (f) Complying with the monitoring of his practice.

The College of Physicians and Surgeons is the licensing and regulatory body for all physicians and surgeons in the province. Governed by provincial legislation, the College's role is to protect the public by establishing, monitoring and enforcing high standards of qualification and ethical practice across the province.

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For more information/media inquires:

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