

WHAT IS AN INVESTIGATION?

An investigation is a formal process to determine whether a physician's conduct was unprofessional as defined by the *Health Professions Act* (HPA). An investigation can provide you with valuable feedback and an opportunity to make practice improvements, or it may result in discipline.

WHEN AN INVESTIGATION IS REQUIRED

We use investigations when the Complaints Director believes more information is needed on complaints involving management of care or serious allegations.

Unprofessional conduct is defined in the *Health Professions Act*. The most common conduct referred for evaluation includes:

- Displaying a lack of knowledge, skills or judgment in the provision of professional services.
- Contravening the *Health Professions Act*, the *Code of Ethics & Professionalism* or the *CPSA Standards of Practice*.
- Failure or refusal to comply with the requirements of the Continuing Competence program.
- Failure or refusal to comply with a request from or co-operate with an investigator.
- Conduct that harms the integrity of the regulated profession.

Investigations are mandatory for complaints involving serious allegations about competency issues, ethical issues, boundary violations or criminal behaviour. Conduct that may be perceived as abrupt, harsh or inappropriate may not rise to the threshold of unprofessional conduct.

When CPSA accepts a complaint, it's either considered a priority file or is diverted to the pending queue. A priority file will immediately be assigned to an investigator, while those in the pending queue are assigned based on caseloads and availability of investigators and resources.

HOW AN INVESTIGATION WORKS

1. The investigator will review all the collected information and, if necessary, clarify facts by:
 - requesting additional information,
 - meeting with and/or interviewing you
 - meeting with and or interviewing the complainant
 - meeting with others who may have supporting information, and/or
 - sending the file out for an expert opinion.

Investigations are
a formal process
**available under
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2. The investigator will prepare an Investigation Report for the Complaints Director.
3. The Complaints Director will review the Investigation Report:
 - If there is no or insufficient evidence of unprofessional conduct, no further action is necessary and the complaint file is closed.
 - If the Investigation Report supports the allegation of unprofessional conduct, the Complaints Director will either:
 - a. Get the complainant's consent to work with you collaboratively to resolve the issues with education and/or assessment and peer review, OR
 - b. Refer the complaint to CPSA's Hearings Director for a hearing.

FREQUENTLY ASKED QUESTIONS

What should I include in my response to CPSA?

- Describe in general the circumstances involved.
- Specifically address all the issues identified in your letter from CPSA.
- Explain the reasons for your actions and opinions expressed, and outline any extenuating factors.
- Include a copy of all the supporting medical documentation you have relevant to the complaint. This may include visit notes, consultations, investigation results and or ER records.
- You can also contact the Canadian Medical Protective Association for advice on your response. Ensure you respond by the date identified in your letter from CPSA. If you anticipate a delay in responding, notify us as soon as possible.

Our investigation process is **fair, consistent and open.**

What should I write if I'm not the physician named in the complaint?

Provide any information you have that will assist us in understanding the circumstances surrounding the complaint and/or assist us in resolving the complaint.

Will I be asked for additional information during the complaints process?

Yes, we may ask you to respond to additional questions to help clarify information.

Still have questions? See more FAQs on our website at cpsa.ca.