

LEGISLATION TO PROTECT PATIENTS

On April 1, 2019, the Government of Alberta passed legislation which states any healthcare professional proven guilty of sexual abuse towards a patient will face permanent license cancellation, and if proven guilty of sexual misconduct, will face mandatory suspension. CPSA has a standard of practice to hold physicians accountable for any unacceptable sexual behavior involving patients. In addition, the *Funding for Treatment and Counselling Regulation* was established in June 2021 to provide funding for treatment and counselling services to affected patients.

RESOURCES THAT CAN HELP

Patients should never have to endure the mental and physical effects of abuse or misconduct by a trusted healthcare professional, but resources are available and may help you navigate this potentially damaging situation.

Our Patient Relations Program:

- Offers funding for patients to receive counselling and therapy services.
- Counselling and therapy can start as soon as CPSA's Complaints Director approves your eligibility for funding.
- An independent third party facilitates the services and administers the funding available to you.

We have
resources **that**
can help

WHAT TO EXPECT - STEP-BY-STEP

After we receive a sexual abuse or sexual misconduct complaint:

1. Our Complaints Director will review the complaint, determine if you are eligible for the Patient Relations program and direct the file to the appropriate process. The physician will be given a copy of your complaint and provided an opportunity to give an initial response.
2. You will receive an authorization form to sign, which allows us to provide your information to the third-party program administrator. Once we receive your signed form, you will receive a funding confirmation letter, with details on the funding available and how you can access these resources.
3. If the Complaints Director assigns your file to an investigator, they will arrange to meet with you to answer questions, and discuss the investigation process and possibility of a hearing. If you are comfortable doing so, you will be given the opportunity to tell your story.
4. The physician will be advised not to contact you.

5. The investigator will prepare a report, which is presented to the Complaints Director who determines next steps:
 - If the report supports the allegation of abuse or unprofessional conduct, the complaint will be referred to CPSA's Hearings Director for a hearing.
 - If the evidence within the report is unable to support a finding of unprofessional conduct under CPSA's mandate, the file will be dismissed and not proceed to a hearing. If you disagree with the decision to dismiss the complaint, you have the right to request a review of that decision by CPSA's Complaint Review Committee.

The Complaints Director will send you a letter detailing the decision made and how to appeal the decision should you disagree with it. The letter will contain strict timelines to be met should you wish to appeal.

6. If the matter goes to a hearing:
 - Hearings are open to the public and decisions made at the hearing are posted on CPSA's website.
 - You will have the opportunity to meet with CPSA legal counsel.
 - You may request to give your testimony privately in a closed session (i.e., not public). The decision to close a session is made by the Hearing Tribunal.
 - You will be given the opportunity to provide a victim impact statement.
7. You will be informed of the Hearing Tribunal's decision.

During this process,
**the physician is not
to contact you**

FREQUENTLY ASKED QUESTIONS

Can my complaint be resolved without a formal investigation?

No. There is no option for informal resolution when complaints are about sexual abuse or sexual misconduct.

Can the accused physician contact me?

No. If they do, this is in violation of CPSA directives. Please report any contact immediately to the Investigator.

Is there a cost to filing a complaint or the counselling service?

No, but some conditions do apply surrounding funding for counselling services under the Patient Relations Program. The third-party program administrator will provide you with details on what is eligible under the program.

What happens if my complaint is dismissed or the physician is found not guilty?

In those situations, funding under the Patient Relations Program will end as of the date the complaint is dismissed, or the date on the Hearing Tribunal's written decision, whichever is applicable.

** Note: References to "you" throughout this document assumes the complainant is also the patient.*