

NEW LEGISLATION PROTECTS PATIENTS

On April 1, 2019, the Government of Alberta passed new 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 also created a standard of practice to hold physicians accountable for any unacceptable sexual behavior involving 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:

A CPSA complaint navigator can:

- Provide information about how CPSA investigations work.
- Maintain contact with you, answer your questions and support you throughout the complaints process.
- Provide information on how to get counselling services through our Patient Relations Program.

Our Patient Relations Program:

- Offers funding for patients to receive counselling and therapy services.
- Counselling and therapy can start as soon as a complaint is submitted.
- A third party provides these services at no cost to the patient (conditions apply).

We have
resources **that**
can help

WHAT TO EXPECT - STEP BY STEP

After we receive a sexual abuse or sexual misconduct complaint:

1. A complaint navigator will contact you and provide information about the process.
2. Our Complaints Director will review the complaint, direct an investigation and assign an investigator to the file.
3. We'll let you know how to get counselling and therapy under the Patient Relations Program, including funding.
4. The investigator will offer to meet with you, the complaint navigator and your own support person, if desired. At the meeting, we'll explain the role of CPSA, our mandate and our entire investigation process, including the possibility of a hearing. If you agree to meet, you will be given the opportunity to tell your story. If you consent to proceed with the investigation, we'll then:
 - a. Obtain your medical chart, and
 - b. Provide a copy of the complaint to the physician

5. We'll advise the physician not to contact you.
6. After the investigator has collected all the necessary information and is preparing their report, we will once again invite you, the complaint navigator and your own support person, if desired, to meet. We'll go over the process so far and the physician's response to the allegation. We'll also ask you for advice regarding the process, including your willingness to give evidence at a disciplinary hearing.
7. The investigator completes the final report and gives it to the Complaints Director to determine next steps:
 - If the investigation report supports the allegation of abuse or unprofessional conduct, the complaint will be referred to CPSA's Hearings Director for a hearing.
 - If there is no, or not enough, evidence to show abuse or unprofessional conduct, the file is dismissed. However, you have the right to request a review of that decision by CPSA's Complaint Review Committee. Your complaint navigator will be able to help with this process.

The Complaints Director will send you a letter notifying you of the decision.

8. If the matter goes to a hearing, which is open to the public:
 - 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. Your complaint navigator will explain how to you prepare the statement.
 - Your support person and/or your complaint navigator can be present during your testimony.
9. The Complaints Director will inform you 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 misconduct.

Is there a cost to filing a complaint, accessing a CPSA complaint navigator or the counselling service?

No, but some conditions do apply surrounding counselling services under the Patient Relations Program. Please talk to your complaint navigator.

Can the accused physician contact me?

No. If they do, this is in violation of a CPSA directive. Please report any contact immediately to your complaint navigator.