

STANDARDS OF PRACTICE

Non-Treating Medical Examinations

Under Review: No

Issued By: Council: January 1, 2010

The ***Standards of Practice*** of the College of Physicians & Surgeons of Alberta (“CPSA”) are the **minimum** standards of professional behavior and ethical conduct expected of all regulated members registered in Alberta. Standards of Practice are enforceable under the *Health Professions Act* and will be referenced in the management of complaints and in discipline hearings. CPSA also provides ***Advice to the Profession*** to support the implementation of the Standards of Practice.

This Standard of Practice is intended to be in addition to the requirements or obligations on a regulated member agreeing to undertake an NTME under the [Minor Injury Regulation](#) or an NTME under Rules 5.41 to 5.44 of the [Alberta Rules of Court](#). The regulated member is also expected to act in accordance with the provisions of the *Minor Injury Regulation* and *Alberta Rules of Court* 5.41 to 5.44.

1. When accepting a request to perform a Non-Treating Medical Examination (hereafter referred to as “NTME”), a regulated member **must**:
 - a. treat the person under the same ethical obligations as would apply to any patient;
 - b. provide an objective and scientifically sound report; and
 - c. be aware of the terms of authority for the examination set out in contract, statute or [Rules of Court](#), whichever applies.
2. When agreeing to undertake an NTME, a regulated member **must** disclose to all parties:
 - a. his/her involvement at any time in the medical care of the person undergoing the examination; and
 - b. any relationship with the third party outside of a fee for service arrangement.
3. In advance of the examination, a regulated member **must** [discuss the fee](#) for the NTME with the party requesting the examination.

Terms used in the Standards of Practice:

- “Regulated member” means any person who is registered or who is required to be registered as a member of this College. The College regulates physicians, surgeons and osteopaths.
- “Must” refers to a mandatory requirement.
- “May” means that the physician may exercise reasonable discretion.
- “Patient” includes, where applicable, the patient’s legal guardian or substitute decision maker.

4. The regulated member undertaking the NTME **must** obtain [informed consent](#) from the person for the examination, diagnostic interventions and release of the regulated member's report.
5. Notwithstanding clause (4), the regulated member is **not** legally required to obtain consent if a person has been ordered by a court order or statutory direction to undergo an NTME; however, the regulated member is also not required to:
 - a. enforce the terms of a court order or statutory direction; or
 - b. proceed with an NTME if the person refuses to cooperate with the regulated member undertaking the NTME.
6. A regulated member **must not** [establish a therapeutic relationship](#) with the person being examined unless:
 - a. there is no other regulated member readily available to provide those services; and
 - b. then only after concluding the process with the third party.
7. If a patient requires urgent intervention, the regulated member **must** [make arrangements for follow-up care](#) through another regulated member who can treat the patient. If no other regulated member is available or there is no known treating regulated member, the regulated member **must**:
 - a. promptly advise the patient of the particulars of the medical issue that requires urgent attention; and
 - b. provide necessary care if the situation is emergent or urgent and no alternative is available.
8. The regulated member **must** [retain the following records](#) obtained or created for the NTME for a period of ten (10) years or longer if required by statute:
 - a. the final report and any interim reports issued to the third party;
 - b. informed consent document;

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- c. contract (if it exists in written form) outlining scope, purpose, timeliness, and fee arrangements;
- d. notes of history;
- e. notes of physical examination;
- f. audio and video recordings if made by the regulated member;
- g. a list of sources of ancillary information, including medical reports, records, and any audio or visual information recorded by another person; and
- h. the name of any person who attended with the person being examined.

RELATED STANDARDS OF PRACTICE

- [*Code of Ethics & Professionalism*](#)
- [*Charging for Uninsured Professionals Services*](#)
- [*Establishing the Physician-Patient Relationship*](#)
- [*Informed Consent*](#)
- [*Patient Record Retention*](#)
- [*Responding to Third Party Requests*](#)
- [*Transfer of Care*](#)

COMPANION RESOURCES

- [*Advice to the Profession: Medical Examinations by Non-Treating Physicians*](#)
- [*Advice to the Profession: Informed Consent for Adults*](#)
- [*Advice to the Profession: Informed Consent for Minors*](#)

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