

CPSA Council Statement of Principles: sexual misconduct and disclosure of disciplinary information

At its May 2018 meeting, the Council of the College of Physicians & Surgeons of Alberta (CPSA) adopted a "Statement of Principles on Sexual Misconduct by Physicians," and endorsed a recommendation from management to improve transparency in disclosure of discipline and related information.

The Statement of Principles is as follows:

The CPSA has no tolerance for sexual abuse of patients. Society and our profession have evolved over time to more clearly understand the devastating impact on patients of sexual abuse by health care professionals. As a result, the sanctions imposed in some previous cases may no longer reflect the values of contemporary Canadian society. Each case needs to be considered on its own facts, taking into account all relevant mitigating and aggravating factors, and the hearing tribunal (or Council on appeal) retains full discretion to impose sanctions it consider appropriate, taking into account all of the relevant facts. However, where a physician is found to have engaged in unprofessional conduct due to sexual abuse of a patient, the physician should understand that the Complaints Director is likely to seek an order requesting that the hearing tribunal cancel the regulated member's registration and practice permit.

The Statement will be put into practice through the following direction to management endorsed by Council: "From this point forward, in all cases related to sexual abuse or sexual misconduct the CPSA will look for stricter sanctions, up to and including revocation of the practice permit for convictions of sexual assault."

Council also endorsed a proposal to improve transparency. Starting as soon as possible (within the next few weeks), public notices of upcoming discipline hearings will include specific charges, as opposed to the current generic charge of "unprofessional conduct;" the CPSA website will be adjusted to make discipline information on individual members more visible; and the discipline history shown on member profiles will be increased from the current five years to 10 years. The College will also work with Alberta Health to make legislative changes to allow CPSA and all other health profession regulators to disclose more information, including criminal convictions and discipline imposed on Alberta physicians in other jurisdictions.

"The public's expectations are changing and we're changing with them," says Council President Kate Wood, a Calgary-based lawyer and one of four public members of Council. "The Minister of Health supports both these directions so we're looking forward to working with her and Alberta Health to move forward, including changing legislation as needed. We share the same goal: to make sure every patient feels safe seeing a doctor, and to maintain the confidence of all Albertans in the medical profession."

The College of Physicians & Surgeons of Alberta is the professional regulator for more than 10,000 Alberta physicians. Under the Alberta Health Professions Act we issue practice permits to those who meet our education and training criteria, ensure physicians uphold



ethical and practice standards, and investigate and resolve physician-related complaints. We also accredit various medical facilities and provide input on policy to help ensure responsible healthcare delivery.