

Policy Title	Publication of Hearing Tribunal Decisions & Criminal Charges
Date Revised	September 25, 2020
Date of next Review	March 2023

POLICY STATEMENT

The Registrar is authorized under the *Health Professions Act (HPA)* Section 119(f) and CPSA Bylaws, Section 47 to publish any order or direction of a Hearing Tribunal or decision of Council. Section 135.92(e) requires the Registrar to publish any decision or order of Hearing Tribunal that is based on a finding of sexual abuse or sexual misconduct on CPSA’s website, subject to the limited exceptions set out in s. 135.93(3).

Subject to the exception in s.135.93(3) of the HPA, CPSA will publish all decisions issued by the Hearing Tribunal or Council, with redactions when needed, by posting the decisions on CPSA’s website and sending a press release within a reasonable period of time.

Decisions or orders that are published may be redacted to protect personal and health information. In deciding what information to redact, CPSA will attempt to publish the decision in a manner that achieves maximum transparency, while balancing the need to safeguard sensitive personal information of third parties. CPSA’s Registrar will consider the following when determining what information should be redacted:

- The privacy interests of the individuals whose personal or health information may be disclosed;
- The need for openness and transparency in CPSA’s discipline process;
- The need to educate regulated members and Albertans about the content of the decision or order;
- The extent to which disclosure of information about third parties is reasonably necessary to achieve the objectives of openness and transparency; and
- Any other factors or information considered to be relevant.

If the decision relates to conduct other than sexual abuse or sexual misconduct, it will be posted on the CPSA’s website for a period of 10 years.

If the decision or orders arise in whole or in part from a finding that the regulated member engaged in sexual abuse or sexual misconduct, the decision will be posted on CPSA’s website indefinitely.

CRIMINAL CHARGES AGAINST A PHYSICIAN

In the rare instances where CPSA becomes aware of serious criminal charges against a physician, CPSA will distribute a media release to communicate the potential risk to Albertans. Charges of a serious nature can be defined using the following criteria:

- The nature and gravity of the offence and the facts surrounding the offence;
- Whether the offense involved a patient;

- The relevance of the offence to the profession;
- The public's perception of the regulated member is impacted;
- The likelihood of future threat to a patient of the applicant or regulated member or any member of the public;
- Any other matter that the Registrar considers relevant.

Exceptions to sending a media release can be considered in the following instances:

- If the physician has a file open with PHMP;
- If the physician assures CPSA they will notify any patient of the conditions placed on their practice permit, in enough time for the patient to make other arrangements for care if they choose, but absolutely no later than 24 hours in advance of their appointment, throughout the duration of the criminal investigation.

The release will be sent within three weeks of CPSA being informed of the criminal charges, whether notification comes from law enforcement, media or self-reporting.

Physicians will be required to post signage in their offices, indicating the conditions (whether by voluntary undertaking or s. 65 order) on their practice permit as a result of any criminal charges.

PURPOSE

The *Publication of Hearing Tribunal and Council Review Panel Decisions Policy* is guided by the principles of accountability, transparency, fairness and education. CPSA's objective when publishing is to increase and maintain public trust by disclosing the facts of a tribunal's decision. By publishing these decisions, CPSA's intention is to:

- Inform Albertans of conditions placed on a member's permit.
- Provide Albertans and regulated members with real examples of unprofessional conduct.
- Reinforce the best practices of medicine, to protect the public interests.
- Provide insight into the discipline process for members of the public and regulated members who may be going through the discipline process, or are seeking a better understanding of professional conduct, discipline and the role of the CPSA.
- Maintain public trust by demonstrating transparency.

This policy aligns with the direction from the CPSA's May 2018 Council meeting motions (C-26-18 and C-27-19), which aim to increase transparency.

SCOPE

This policy applies to all decisions made by a Hearing Tribunal or Council Review Panel regarding the conduct of regulated members.

RESPONSIBILITIES

CPSA's Registrar is delegating authority to the Hearings Director (HD) who is accountable for ensuring compliance with this policy and responsible for the review of the policy and supporting documents at least every three years:

- (a) unless otherwise required by legislation; or

(b) at the HD's discretion to review more frequently as required.

APPROVAL

This policy requires approval by the Registrar.

AUTHORITY DOCUMENTS (Hyperlink documents for access)

[Health Professions Act \(HPA\) Section 119, 1\(f\)](#)
[College Bylaws, Section 47](#)

SUPPORTING DOCUMENTS

Publication of Hearing Tribunal and Council Review Panel Decision Procedure list.
Hearing Tribunal and Council Review Panel Decision Media Release Template.

DOCUMENT HISTORY

VERSION NO.	Version Date	DESCRIPTION OF CHANGE
1	15 May 2012	Initial
2	11 March 2020	Changes to the timing and purpose to achieve greater transparency.
3	25 September 2020	Criminal Charges section added
APPROVAL	DATE	Signature