

## CONSULTATION OUTCOMES

# Consultation 017

Dec. 2, 2019-Feb. 1, 2020

*Duty to Report a Colleague*

Reissued Oct. 1, 2020

*Duty to Report Self (formerly Self-Reporting to the College)*

Reissued Oct. 1, 2020

*Duty Of Treating Physicians And Physicians Working In The Context Of A Physician Health Program To Report A Physician To The College*

Rescinded October 1, 2020

*An Act to Protect Patients* and changes to the *Health Professions Act* included updated rules around a physician's duty to report and self-report with regard to boundary violations involving patients. As a result, amendments to existing standards around reporting were made to ensure consistency in all of our standards of practice and the expectations we have of physicians in Alberta.

Additionally, these standards reinforce the importance of reporting for both patient safety and trust in health professions, as some health problems impact physician practice and need to be reported so they may be managed to ensure fitness to work.

### **PRE-CONSULTATION**

Pre-consultation took place from May 13-June 3, 2020. We received 94 responses to the *Duty to Report a Colleague* survey and 57 responses to the *Duty to Report Self* survey.

During pre-consultation, many respondents correctly identified the requirements of *An Act to Protect Patients* missing from the standards—these are now included in the draft documents.

We received a number of comments suggesting *Duty of Treating Physicians...* be amalgamated into the *Duty to Report a Colleague* standard, as they are very similar. We have defined the two in one document with headings, to indicate when reporting must be done by a colleague and how a physician treating a physician-patient must proceed with reportable concerns.

While unprofessional behaviour unrelated to patient care is addressed in the current standard, feedback indicated a lack of clarity, which we have attempted to address in the draft.

Where clarity was called for by way of examples and scenarios, these will be addressed in the upcoming *Advice to the Profession* document.

### **CONSULTATION**

CPSA members, partner organizations, other healthcare professionals and Albertans were invited to provide feedback from Dec. 2, 2019-Jan. 31, 2020.

We received 77 responses to the *Duty to Report a Colleague* survey, as well as comments from 27 regulated members, 13 stakeholder organizations, and 2 other healthcare professionals.

We received 17 responses to the *Duty to Report Self* survey, as well as comments from 9 regulated members and 9 stakeholder organizations.

The majority of respondents found the proposed edits to be clear, but a number of themes emerged:

- Concern for doctor-patient confidentiality where physician-patients are concerned
- The likelihood of the standards preventing physicians from seeking care for fear of being reported
- Managing third-party/hearsay information and spurious reports
- Concerns regarding the broad timeframe with regard to health concerns in the future
- Questions regarding reporting without physician-patient consent
- Suggested wording aligns with *Boundary Violations: Sexual* standard/HPA

## **RE-CONSULTATION**

Based on the responses received during consultation, additional edits made to the draft standards were extensive enough that a re-consultation was done from Aug. 17-26, 2020, with those who provided feedback initially.

The 6 responses received indicated general support for the additional edits, with areas of clarification appropriate for an Advice to the Profession document:

- Clarifying the importance of documenting accounts of sexual abuse or sexual misconduct in the patient's medical record
- Clarifying instances in which a colleague who is off work sick would need to be reported
- Clarifying sexual abuse or sexual misconduct of a colleague

## Key changes subsequent to consultation:

### [Duty to Report a Colleague](#)

- A preamble was added advising of other legislated duties to report to address feedback from Alberta Health: Compliance & Monitoring regarding abuse of persons in care.
- A definition of “reasonable grounds” was added.
- “Reasonably foreseeable future” was removed from clause 1(b) based on independent legal review, as it contradicted with “presently has” and focuses on the wrong time frame.
- The most substantive change involved expanding the duty of a treating physician to report any regulated health professional-patient based on feedback received, including from a regulatory college.

### [Duty to Report Self](#)

- Clause 1 was clarified to whom a report must be made.
- “in the future” was removed from clause 2(b) based on independent legal review, as it contradicted with “presently has” and focuses on the wrong time frame.
- A definition of “reasonable” was added.

## **IMPLEMENTATION**

Council considered non-nominal feedback at its September 2020 meeting and approved the suggested edits.

Council discussed how best to communicate that reporting one’s self or a colleague does not necessarily nor automatically result in a complaint with Professional Conduct; to that end, we have replaced “report” with “notify” where appropriate in both standards, as it may be a matter of a simple telephone conversation where a situation is described and guidance is provided by CPSA (where clauses relate specifically to the *HPA*, “report” has been maintained to mirror its language). We will address this further in the Advice to the Profession document.



As recommended in pre-consultation feedback, the *Duty of Treating Physicians and Physicians Working in the Context of a Physician Health Program to Report a Physician to the College* standard was amalgamated into the *Duty to Report a Colleague* standard: it will no longer remain as a stand-alone document after Dec. 31, 2020.

The updated *Duty to Report a Colleague* and *Duty to Report Self* standards took effect Oct. 1, 2020.

**Questions?** Please contact Chantelle Dick, Standards of Practice Advisor, by emailing [chantelle.dick@cpsa.ab.ca](mailto:chantelle.dick@cpsa.ab.ca).