
Resolution FAQs for Complainants

1. What is the resolution process?

The resolution process is used when the complaint offers a learning opportunity for the Regulated Member. A CPSA Resolution Officer will communicate the Complaint Director's recommendations for resolution to you and the Regulated Member for consideration. Examples of a resolution are:

- An apology to the complainant;
- An explanation to the complainant;
- Education recommendations for the physician;
- Required training for the physician; and/or
- Recommendations of practice changes for the physician.

2. What cannot be done in the resolution?

A complaint cannot result in:

- Money given to the complainant for any harm experienced;
- Change in medical records;
- A change in referral, diagnosis, or prescription; or
- CPSA providing medical records to you.

3. Will I speak with the Regulated Member during resolution?

No. Resolution communications occur between you and a CPSA Resolution Officer via telephone, email or letter. The Resolution Officer will contact the physician separately to discuss resolution.

You and the Regulated Member should not contact one another to discuss the complaints process, unless expressly asked to by CPSA.

4. What if I do not agree with the recommended resolution?

You will have the opportunity to ask questions and offer your perspective if you do not agree with CPSA's recommendation for resolution. The Resolution Officer will do their best to help meet your needs.

CPSA is a learning organization and we prioritize remediation over a punitive approach. This means that the most likely outcome of a complaint would be recommendations to the physician to improve their practice.

5. Does CPSA represent the physician?

No. CPSA's Complaints Director does not represent the physician or you in the complaints process. We act as a neutral party and our role is to investigate complaints to ensure there is no risk to the public.

6. What if I do not consent to participate in the resolution process?

It is your right not to consent to resolution of your complaint. In these cases, the Complaints Director will direct the complaint to a different process under the *Health Professions Act*.

The most likely outcome for complaints where resolution cannot be reached is dismissal. This is because a preliminary investigation has been completed and the Complaints Director has determined that there is little or no risk to the public and/or additional investigation is not needed. Investigative resources are preserved for the most serious issues, such as sexual abuse or misconduct.

If your complaint is dismissed, you will receive a letter outlining the reasons why, and will have the opportunity to appeal the decision.

7. What if I am not available for resolution discussions?

If you do not respond to our communications by the deadlines provided, it may result in dismissal of your complaint. As the complainant, you have a duty to actively engage in the complaints process.

If you have a preferred method of communication, please notify us in writing as soon as possible, and we will be happy to accommodate.

8. What if the physician does not consent to the resolution?

If the physician does not consent to the resolution, the Complaints Director will direct the complaint to a different process under the *Health Professions Act*. Physicians also have an obligation to cooperate throughout the complaints process.

9. How do I prepare for resolution discussions?

The best way to prepare is to review this FAQ sheet, the details of your complaint, and what you have written as your desired outcome in submitting the complaint.

10. Can I send more information prior to resolution discussions?

New information is unlikely to be considered after the preliminary investigation is complete. We ask for all information and evidence to be provided when you submit your complaint, so that the physician has the opportunity to respond appropriately to the allegations. Unless the additional information substantively changes the risk level of the case, it is unlikely to impact resolution.

11. Can I have someone with me during resolution discussions?

We are open to including an additional person on a call if you feel their presence would support you emotionally, or if you require assistance to communicate. Please contact the

Resolution Officer to discuss including another person in your resolution discussions. Communication may also be provided in writing.

Please be aware that any person with you during resolution discussion may hear your personal information during the discussions. Your support person cannot consent, or refuse to consent, to the resolution on your behalf.

12. If the physician agrees to complete education to resolve the complaint, will I be notified once their education is complete?

CPSA will follow up with the physician to ensure all recommendations and requirements related to the resolution are completed. Due to limited administrative resources, we do not update complainants after physicians' complete education or fulfill terms of a resolution agreement. If the physician fails to complete required terms, the Complaints Director will open a new investigation against them.

13. Will I receive financial compensation for harm?

No, CPSA cannot offer financial compensation as an outcome of a complaint. If you feel you have a claim against a physician that would warrant financial compensation, please consult with a lawyer or the Alberta Courts for advice.

14. Does resolution prevent ability to seek financial compensation in court?

CPSA's complaints process is not a civil court action and does not prevent you from taking legal action through the Alberta Courts on the same issues. For legal advice, please consult a lawyer or the Alberta Courts.

15. How long does resolution usually take?

We aim to resolve all complaints within three months after completion of the preliminary investigation. Timeframes may vary depending on the availability and responsiveness of you and the complainant. Timeframes also depend on the availability of a Resolution Officer to take on a new case.

Please note that failure to respond to CPSA by the deadlines provided may result in dismissal of your complaint.

16. Will this complaint become a part of the physician's professional record?

Yes. Complaints are tracked as part of the Regulated Member's professional history at CPSA.

17. Will this complaint be published publicly?

No. Complaints are confidential unless they proceed to a formal hearing, and complaint details are only made public if a regulated member is found guilty of unprofessional conduct by a hearing tribunal. Only 1-3% of complaints are serious enough to conduct a disciplinary hearing.

Complaints resolved under the resolution process are not made public and all complaint discussions and materials must be kept confidential.

18. Can I share information about this complaint publicly?

No. The complaints process is confidential and all information relating to the complaint, including the resolution discussions, should be kept private. With that said, confidentiality of the complaints process should not prevent you from seeking support about your concerns. If you have any questions, please contact the CPSA Resolution Officer.

19. Do I need to use a lawyer?

Most complainants do not use legal counsel; however, it is your right to hire a lawyer if you wish to do so. If you are represented by a lawyer, please provide their contact information to the Resolution Officer as soon as possible, and they will be included in resolution discussions.

20. Will I receive a copy of the physician's response to my complaint?

The physician's response and accompanying records will be summarized for you. You can ask any questions you may have about the material obtained and reviewed as part of the preliminary investigation. Letters, patient records, and documents are not shared in resolution discussions due to limited administrative resources and CPSA's privacy obligations.

21. Will I receive confidential patient information if I am not the patient?

Due to privacy laws, if you are not the patient or legal guardian of the patient, you cannot receive a summary of any health information provided with the complaint.

22. How do I contact CPSA with questions about the resolution?

If you have any questions, please email us at caseinbox@cpsa.i-sight.com with your case number at the beginning of the subject line. Providing the case number as the first item in the subject line ensures your email gets filed properly and allows us to respond to you sooner. Example:

