
Resolution FAQs for Regulated Members

1. What is the resolution process?

The *Health Professions Act* provides CPSA's Complaints Director with the following options after receiving a complaint:

1. Dismiss the complaint;
2. Ask the regulated member and complainant to resolve the complaint directly;
3. Facilitate resolution of the complaint with the consent of the regulated member and the complainant;
4. Investigate formally; or
5. Obtain an expert opinion.

If your case has been directed to resolution, the Complaints Director has determined that the third option (facilitate resolution) is the most appropriate way to handle this complaint. The intent of the resolution process is to use a collaborative and remedial approach to close the complaint in a timely manner.

2. What kind of recommendations will the Complaints Director make for resolution?

The Complaints Director, or delegate, will make recommendations proportionate to the concerns raised and evidence available. Common terms of resolution include:

- An apology to the complainant
- An explanation to the complainant
- Advice or recommendation to you for professional development
- Recommendations or requirements for changes to your office procedures
- Requirement to complete education

If both you and the complainant agree to the proposed resolution, the complaint will be closed.

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

A Resolution Officer will contact you to communicate the Complaints Director's recommendations for resolution. You will have the opportunity to ask questions and make suggestions. The Resolution Officer will mediate between you, the complainant, and Complaints Director to help the parties arrive at an agreement.

The complainant will not be present for your discussions with CPSA.

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

It is your right not to consent to resolution of this matter. If you do not agree to resolve the complaint, the Complaints Director will direct the complaint to a different process under the *Health Professions Act*. The other possible directions include:

- Investigate formally;
- Obtain an expert opinion; or
- Dismiss the complaint.

5. What if the complainant does not consent to the resolution?

If the complainant does not consent to the resolution, the Complaints Director will direct the complaint to a different process under the *Health Professions Act*. The other possible directions include:

- Investigate formally;
- Obtain an expert opinion; or
- Dismiss the complaint.

6. Will the complainant be there for the resolution discussions?

No. The resolution discussions occur between you and a CPSA Resolution Officer, often via telephone or letter. The Resolution Officer will contact the complainant separately to facilitate resolution.

You should not contact the complainant directly during the complaints process.

7. How do I prepare for resolution discussions?

The best way to prepare is to be familiar with the details of the complaint and to consider the matter with empathy for the complainant. We encourage physicians to use this experience as a learning opportunity, whether or not you agree with the claims made by the complainant.

If you have a lawyer, they can assist you through the resolution process and will be included on resolution discussions.

8. How long does resolution usually take?

We aim to resolve all complaints within three months of notifying you that the Complaints Director has recommended the case be resolved. 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.

9. Will this complaint be published in *The Messenger* on CPSA's website?

Complaints are confidential unless they proceed to a hearing, and articles are only published in *The Messenger* if a regulated member is found guilty of unprofessional conduct by a hearing tribunal. Only 1-3% of complaints are serious enough to reach the level of a hearing.

The majority of complaints can be closed with a simple explanation, apology, and/or agreement to complete education or implement process changes to your practice.

10. Do I need to use a lawyer?

It is not mandatory to use a lawyer and seeking representation is your decision. We encourage all members to reach out to the Canadian Medical Protective Association (CMPA) for guidance. They can be very helpful in navigating the complaints process. Their contact information can be found at www.cmpa-acpm.ca.

11. Will the complainant see my initial response?

We do not send a copy of your letter, records, or other evidence to the complainant without first seeking your approval, however, your response may be summarized verbally to the complainant to facilitate resolution of the complaint.

If the complaint is dismissed, your response will be summarized in writing in the dismissal letter sent to the complainant.

12. Will the complainant receive confidential patient information if they are not the patient?

In cases where the complainant is not the patient (or legal guardian of the patient), they will not receive a summary of the health information provided in your response.

Identifying the information that is private is the responsibility of CPSA and your role is to provide all the information and documentation you have regarding the issues raised so that the Complaints Director can make an informed decision.

13. Will this complaint show up on my Certificate of Professional Conduct (CPC)?

Generally, complaints do not need to be reported on a CPC unless they proceed to a formal investigation, or if there has been a written agreement for you to complete education or take another action as a result of the complaint.

If a written agreement is part of the resolution, the complaint will show up on your CPC. With that said, having a complaint history on your CPC is common and is unlikely to

impact your ability to change employment in the future. For more information about what regulatory colleges must report on a CPC, see <https://fmrac.ca/policy-of-disclosure-of-professional-information/>.

14. 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:

