



College of Physicians and Surgeons of British Columbia

Communications Briefing Note

Complaints and Disciplinary Process

College position

The College administers a process by which patients or representatives of patients may file a complaint against a physician for any of the following reasons:

- inadequate treatment of care of a medical condition
- inappropriate or unprofessional conduct
- concerns of a boundary violation

The College is committed to a process that is transparent, objective, impartial and fair to all those involved.

Key messages

- Every complaint submitted to the College is taken seriously and investigated thoroughly.
- Complaints submitted to the College and information about a subsequent investigation are protected by BC privacy laws.
- If an investigation leads to formal disciplinary action, this information is published on the College website, and it remains on the public record.

General

The College's mandate is to ensure that patients receive quality medical care, and that patients are safe and protected when treated by licensed physicians in BC. The College has established procedures for:

- managing public complaints and concerns
- adjudicating complaints about the care provided by a physician registered with the College
- adjudicating complaints about the conduct of a physician registered with the College

The College receives about 1,000 complaints a year. The College has a range of options available in resolving complaints. These include (but are not limited to):

- providing remedial advice through written correspondence

- requiring a mandatory interview with College staff
- placing limits and conditions on a physician's practice
- removing a physician from practice

The goal of the complaints process is to take appropriate action necessary to ensure that patient safety is not being compromised in any way.

Complaint submission

Complaints are accepted in writing by letter or form. The College typically receives complaints from patients; however, complaints can also be submitted by a designated representative of the patient.

Regulated health professionals also have a statutory duty to report to the College any concerns they may have about a physician that may be placing patients at risk.

Timeline

Complaints can be made at any time. Once a complaint is received, it is acknowledged in writing within two weeks. The goal is to conclude complaints within 255 days; however, the time may vary depending on how complex the case is.

Inquiry Committee

The College Board is not the decision maker in matters related to physician competence and conduct. This is the role of the Inquiry and Discipline Committees. The Inquiry Committee panel that investigates and the Discipline Committee are both comprised of 50 per cent public members.

Process

The College investigates every complaint it receives. The College will inform the physician of the complaint by providing them with a copy of the complaint letter/form. The physician will then be asked to submit a response, at which point, the complainant may respond once more. The College may contact other individuals who have been identified as holding relevant information to the investigation. The College may also obtain copies of office or hospital records. When all relevant information has been received, the College's Inquiry Committee will review the complaint, considering all points of view, and would investigate further, including speaking with outside experts where needed. The Inquiry Committee would then make a decision based on the facts before it.

Criticism of conduct

Inappropriate conduct by a physician must be proven to a legal standard in order for the Inquiry Committee to be critical. Such conduct is proven when it is admitted to, or tested at a hearing.

Consent agreement

Typically, in more serious cases where the physician agrees that the formal charges are valid and is prepared to admit fault, the matter may be resolved by a "consent agreement" with an agreed-to statement of fact, admissions, and an agreed-to penalty. In such situations, a hearing

is not required and the matter is settled by this alternative dispute resolution method. Consent agreements relieve the complainant of testifying at a hearing.

The fact that the physician consents does not minimize a consent order's validity or authority in any way.

The greatest advantage is that a consent agreement, which is founded on an admission of guilt, prevents any chance of future appeal. It provides a high level of certainty in concluding the matter.

Possible outcomes

If the College's Inquiry Committee is critical of a physician(s), possible outcomes are:

- advice/interview
- training
- practice changes
- general practice review
- reprimand
- disciplinary action

Not all complaints lead to discipline, even when the College is critical of a physician. Many situations warrant a remedial approach, which may include additional training and education. Formal consequences short of discipline may result in a written reprimand and practice restrictions. Complaints that lead to discipline may result in a physician being suspended for a period of time and fined. When a physician is disciplined by the College, that action is published and remains on the public record in perpetuity.

Appeal

A patient may appeal the decision of the Inquiry Committee to the Health Professions Review Board (HPRB). The HPRB is an independent tribunal tasked with reviewing the thoroughness of the investigation and the reasonableness of the decision. Patients who are dissatisfied with the College's review and adjudication of their complaint have the right to submit the matter to the HPRB for further evaluation and review of the College's action and conclusions within 30 days of receipt of the College's adjudication letter.

Disciplinary action

If formal charges are initiated by the College against a physician as a result of a complaint, a hearing is scheduled. The complainant will be fully informed of this process and what they are expected to do next. A hearing is a formal process with lawyers for the College (who will prosecute the charges), lawyers for the physician, a court reporter, sworn witnesses, examination and cross-examination. The hearing is usually held before a committee of four people consisting of two physicians, a public representative, and a senior lawyer. The physicians and public members are current or previous members of the College Board. This committee decides whether or not the charges are proven. With some exceptions related to confidentiality and protection of the patients involved, hearings are open to the public.

If the charges are proven, the physician will receive a penalty, which may involve a reprimand, practice limitations, a fine, suspension, or erasure from the register.

Disclosure

Fairness and impartiality are foundational principles in the robust regulatory system and legislative framework within which the College operates. During an investigation, allegations cannot be considered proven until they are admitted, or successfully tested at a hearing. The College is not permitted to disclose allegations publicly, regardless of how serious they might be, until they are proven such that they lead to discipline. Privacy legislation also prevents the College from offering public comment, even in situations where patients may choose to do so.

Reference

- Website: [Complaints process](#)
- Infographic: [Complaints process](#)