



College of Physicians and Surgeons of British Columbia

Communications Briefing Note

Unlawful Practice

College position

The College's public protection mandate includes ensuring that people who are not registered or licensed with the College do not provide any service or treatment that is considered the "practice of medicine." The practice of medicine is a designated profession under the *Health Professions Act*. Only physicians and surgeons who are licensed and registered with the College (known as College registrants) are authorized to practise medicine in BC.

Individuals who claim to be College registrants, and/or who offer medical services without being licensed and registered with the College are engaging in unlawful practice. Unlicensed practitioners who perform medical services are practising unlawfully and putting the public at risk.

Key messages

- Only registrants of the College can practise medicine in the province.
- Unlicensed individuals are not accountable to any regulatory body, which means the public has nowhere to turn if the service or treatment they receive results in complications.
- Members of the public who seek services from unlicensed practitioners risk exposure to disease, infection, injury and even death.
- Patients should always check the credentials of the health practitioner they are seeing to ensure they are licensed and registered with a health regulatory authority, and that they are authorized to perform the procedure.
- Patients can use the College's physician directory to verify whether the practitioner is currently registered and licensed in British Columbia. Alternatively, patients can contact the College by phone or email.

What the College can do

The College has a legislated duty to act when it becomes aware of the unlawful practice of medicine in the province. The College can enact the following steps to mitigate unlawful practice:

Cease and desist

- The College can effectively communicate with the unlicensed practitioner by providing them with a letter outlining the College's mandate and demanding that they cease and desist providing services which fall under the scope of the practice of medicine and/or using titles which are reserved for College registrants.

Undertaking

- The College can demand that an unlicensed practitioner cease engaging in the unlawful practice of medicine and/or from using reserved titles by having the individual(s) execute an undertaking, which is a legally binding document.

Search and seizure

- The College can apply to the Supreme Court for an order that allows a College investigator and/or a contractor to search the property of the suspected unlicensed practitioner, and seize records, assets and other items for further investigation.

Permanent injunction

- The College can apply to the Supreme Court for an injunction to restrain a person from practising medicine, or posing as a College registrant.

What the College cannot do

The College does not have the authority to constrain an unlicensed practitioner to cease and desist unlawful activity without obtaining a court order. Further, the College cannot direct or influence the payment of financial compensation on a client's behalf when monies have been paid for services, nor can the unlicensed practitioner be ordered by the College to compensate clients for damages.

The College cannot compensate injured clients on behalf of unlicensed practitioners. Clients who have been injured may wish to seek recourse from the unlicensed practitioner through civil litigation.

While the College is unable to submit a complaint to the police on a client's behalf where illegal activities are suspected, the College may report the matter to the police for further action when required.

Common types of unlawful practice

These services may not be provided by individuals who are not registered or licensed with the College, even if they are offered without expectation of payment:

- minor surgical procedures or invasive cosmetic procedures
- mole removal
- chelation therapy
- injection of botulinum toxin (Botox)
- injection of hyaluronic acid (dermal fillers)
- injection of local anesthetic or other substances dispensed by pharmacies
- diagnostic services by unlicensed individuals, such as MRIs, ultrasounds and X-rays

Reserved titles

Only registrants of the College are permitted by law to use the title “doctor” with some notable exceptions: members of certain other regulated health professions (e.g. dentists, naturopaths, chiropractors), and persons who have the appropriate academic or educational designation (e.g. PhD). The BC Supreme Court has previously held that even persons with medical training and degrees cannot call themselves “doctor” in circumstances where they are expressing or implying that they are registrants of the College.

Reference

- College website: [Unlawful Practice](#)