

Legislative Guidance

Duty to Report Criminal Charges or Convictions under the Criminal Records Review Act

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Related topic(s):	Duty to Report

Legislative guidance provides physicians and surgeons with assistance in navigating legislation applicable to medical practice. These documents are meant to be used as a helpful resource and should be read in conjunction with the legislation they refer to.

Registrants may seek guidance on these issues by contacting the College or by seeking medical legal advice from the CMPA or other entity.

PREAMBLE

Registrants are expected to be aware of and comply with their legal, professional and ethical obligations in relation to reporting criminal charges and convictions, and are encouraged to seek the guidance of legal counsel or the Canadian Medical Protective Association (CMPA) on these issues.

COLLEGE'S POSITION

1. Under the *Criminal Records Review Act (CRRRA)*, registrants of the College of Physicians and Surgeons of British Columbia (including medical students, residents and fellows) who may work with or have unsupervised access to children (anyone under the age of 19) or vulnerable adults (anyone 19 years of age or older who receives health services other than acute care from certain health-care providers) must undergo a criminal records review. A criminal record review occurs at the time of an application for registration for any class and every five years thereafter. Registrants are expected to provide full cooperation in meeting the requirements of the CRRRA.
2. Relevant and specified offences include sexual offences, violent offences, drug trafficking offences, theft, fraud, and breach of trust. All applicants applying for registration (educational register or independent practice) must complete an authorization for a criminal record search prior to registration. A full list of relevant offences and specified offences may be found at: <https://www2.gov.bc.ca/gov/content/safety/crime-prevention/criminal-record-check/offences-reviewed>
3. If a registrant is charged with or convicted of a relevant or specified offence(s) at any time subsequent to the criminal record check, the registrant must, without delay, report the charge or conviction to the College. Additionally, the registrant must provide the College, in a timely manner, with a new signed *Consent to a Criminal Record Check* form. This includes if a registrant has received an absolute or conditional discharge, if the registrant's charges were dismissed, stayed, withdrawn, or did not result in a conviction. This also includes charges or convictions for which registrant was granted a pardon.