Physician health issues—ethical and legal responsibilities [1]

Registrants have both ethical and legal responsibilities when they or their colleagues have health conditions that may impact the quality of medical care they provide to patients. The College has a professional standard titled Physician Health [2] which outlines these dual responsibilities and reflects the College’s mandate to protect the public. The standard also highlights applicable sections of the CMA Code of Ethics, which speak to the individual and collective professional responsibilities of physicians to ensure that physical or mental health conditions (including addiction) do not have the potential to cause patients harm.

The College is a regulatory body, and as such, relies on the Physician Health Program [3], under the administration of the Doctors of BC, to provide additional support and resources to colleagues who face health challenges.

Registrants should be aware that the College’s approach to addressing health challenges is a collegial one, recognizing that most physicians find it extremely difficult to be patients, and to accept that personal illness may necessitate a reduction in workload or a withdrawal from practice for a period of time. These situations can also be complicated by negative financial or insurance issues. The College strives to be sensitive and compassionate in its dealings with registrants during this difficult process. Like any other profession, physicians may need to take a temporary leave from work to address their health issues.

In some circumstances the College may ask a physician to agree to have his/her health “monitored” in order to confirm ongoing health and fitness to practise. This is an issue of occupational health monitoring, similar to what the profession provides for many patients who work in safety-sensitive occupations. The process
of health monitoring involves regular reports of fitness to practise from treating physicians, and is intended to be non-intrusive. Occasionally, and in specific situations, more detailed reports may be requested. Currently, the College monitors the health of approximately 300 physicians. Health monitoring is discontinued when it is no longer considered necessary by the treating physicians and the College.

It is important to note that the Health Professions Act [4] requires all regulated health professionals under the Act to report to the appropriate college if another registrant’s impairment due to ill health creates a danger to patients or the public. This requirement includes all registrants with an educational licence, such as medical students and residents.

In addition, section 32.3 of the Act requires notification to the College of the hospitalization of a registrant for a psychiatric or addiction disorder. This legal requirement is quite specific and states both that the admission must be reported and also that a second, more detailed report must be made at the time of discharge.

Some physicians struggle with these legal requirements and there are some situations which may not be immediately clear. The College encourages registrants to seek counsel from a deputy registrar or a staff member in the monitoring department by calling 604-733-7758. Physicians may also choose to contact the CMPA (1-800-267-6522).

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