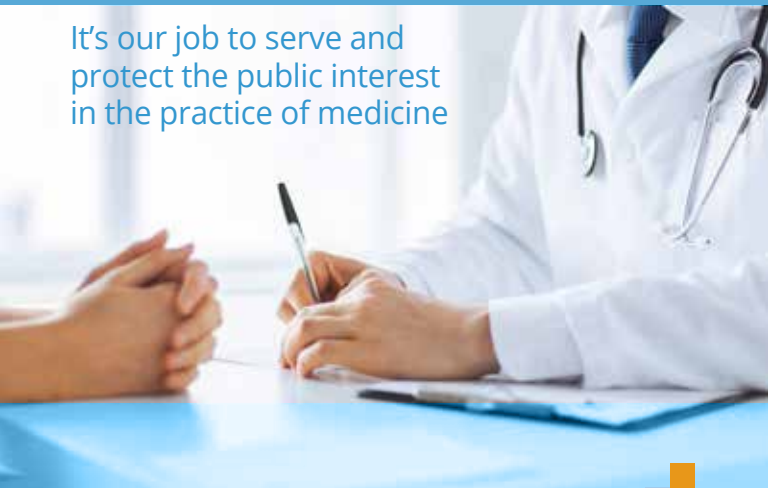




COLLEGE OF
PHYSICIANS & SURGEONS
OF NOVA SCOTIA

Your guide to filing a complaint about a doctor

It's our job to serve and
protect the public interest
in the practice of medicine



www.cpsns.ns.ca

It's our job to serve and protect the public interest in the practice of medicine

One of our responsibilities is to investigate complaints about doctors who are licensed to practise medicine in Nova Scotia.

If you have a concern, please contact us at:

1.877.282.7767 toll-free in Nova Scotia
902.422.5823

info@cpsns.ns.ca

7071 Bayers Rd. Suite 5005
Halifax, Nova Scotia
B3L 2C2

Contacting us does NOT mean you are automatically filing a complaint against your doctor.



We investigate all complaints about the conduct, actions, skill, or ability of a doctor. If you think your doctor is doing something wrong, you may want to file a complaint.

You can find out from our website how your doctor should behave in many situations. Visit www.cpsns.ns.ca and look for "Professional Standards & Guidelines" and "CMA Code of Ethics."

If you are concerned about the care you received from your doctor, you may want to talk to your doctor about it. You may be able to resolve the issue together.

If you would rather discuss your concern with someone other than your doctor, contact us at the College and we will discuss the situation privately. Our contact information is on the inside cover of this brochure. We are here to help.

How do I know if I have a complaint?

If you are not sure whether you should proceed with a complaint, contact us. Our contact information is on the inside cover of this brochure.

Is there a time limit to file a complaint?

No. We suggest you file your complaint as soon as possible. The sooner we receive a complaint, the sooner we can address any possible risks to the public.

Does it cost money to file a complaint?

No.

Will I get financial compensation if my complaint is upheld?

No. The College is not the same as a court of law. It cannot order a doctor to pay compensation to a patient. If you want financial compensation, you should seek legal advice.

Who can file a complaint?

Anyone. Most often, complaints are filed by patients, their families, or other doctors. Once you

file a complaint with us, you are known as “the complainant.”

Who investigates complaints?

Preliminary Investigation

All complaints undergo a preliminary investigation carried out by College investigators. The findings of the preliminary investigation determine how your complaint will be addressed.

Investigation Committee

Your complaint may be sent to one of our Investigation Committees. These are made up of doctors and members of the public who are trained for this purpose. At any time during an investigation, if the committee thinks public safety may be at risk and action must be taken, the committee may ask the Registrar of the College to do one of these things:

- suspend the doctor’s licence to practise;
- impose restrictions or conditions on the practice;
- suspend the doctor’s ability to be licensed; or
- suspend the doctor’s ability to be licensed if they are not already licensed.

The Investigation Committee can issue a warning or offer a doctor advice on how to improve their practice. If the doctor does not agree to these measures, the complaint is referred to a Hearing Committee.

Hearing Committee

If the Investigation Committee finds evidence of professional misconduct or incompetence, it may refer your complaint to a Hearing Committee. Like the Investigation Committee, a Hearing Committee is made up of doctors and members of the public.

The hearing is like a trial. There is sworn evidence and legal arguments. A prosecutor acts on behalf of the College. Another lawyer represents the doctor. You may be called to testify as a witness.

Who will know that I filed a complaint?

While all complaints are kept confidential, they are NOT anonymous. The following people will need to be made aware of your complaint:

- the doctor named in the complaint – a copy of your complaint is sent to the doctor who has 30 days to respond;
- our investigations staff and Investigation Committee members – these people are bound by confidentiality agreements. We have a number of security measures to protect any information you give us;
- the Registrar of the College of Physicians and Surgeons;
- the police but only if necessary; and
- members of our Hearing Committee if the Investigation Committee has referred your complaint to this committee.



PLEASE NOTE:

Meetings of Investigation Committees are NOT open to the public. Their decisions are only made public when they result in a disciplinary finding. Your name as the complainant is not made public by the College.

Will my name be published?

No. However, proceedings before Hearing Committees are usually open to the public and their decisions are published, Publication bans may be imposed in some cases. We do NOT publish the names of patients.

Will I need to find another doctor?

Yes. You should plan to see another doctor while we investigate your complaint. A complaint can take up to six months to resolve. In some cases, it can take longer. While your complaint is being investigated, we advise you to avoid contact with the doctor named in the complaint.

If you need to see the doctor named in the complaint, please contact us before doing so.

How to file your complaint

STEP 1

Complete the complaint form and the Authorization and Consent to Release of Information Form

You can find both forms on our website: www.cpsns.ns.ca. Look under “Complaints & Investigations” or call us and we will mail the forms to you.

- sign, date, and have the forms witnessed BEFORE you send them to us;
- the consent form lets us obtain and use medical records or any other information we may need to investigate your complaint;
- we can only investigate written complaints; and
- we cannot process complaints sent by email.

STEP 2

You only need to complete this step if you are filing a complaint on behalf of someone else.

Filing a complaint for someone who cannot do so because of illness or death

You must attach a copy of one of the following documents to your complaint form:

- power of attorney/administrator of an estate documents;
- death certificate naming you as next of kin; or
- last will and testament.

Filing a complaint for someone who has given their consent

- Complete the complaint form and the Authorization and Consent to Release of Information form.
- Sign, date, and have the forms witnessed BEFORE you send them to us.

Filing a complaint for someone who has NOT given their consent

You may file a complaint about the care provided to someone even if that person has NOT given their consent to do so. This is called a third-party complaint.

- Information obtained through the investigation is NOT shared with you.
- You will be notified if there is a disciplinary decision as a result of your complaint.

STEP 3

Response from the College

We will send you a letter telling you that we received your complaint. Someone from the College may call you to ask for more information.

Copies of all the information you send to us during an investigation will be sent to the doctor named in the complaint.

Outcomes

STEP 4

Preliminary investigation

Our investigations staff will look into your complaint.

We then send your complaint to the doctor for a written response. You will get a copy of the doctor's response to your complaint. Our investigations staff and the Registrar review the responses. They may ask for any additional medical records, documents or statements that would be helpful.

If you find that the doctor's response addresses your concern, you may ask the Registrar to withdraw your complaint. The Registrar may do this if it poses no risk to public safety.

Once our investigations staff complete their work it is reviewed by the Registrar.

Possible outcomes after a preliminary investigation

There are three possible outcomes after a preliminary investigation:

- You and the doctor may agree to an informal resolution.
- Your complaint may be dismissed.
- Your complaint may be referred to an Investigation Committee.

If your complaint is referred to an Investigation Committee, we may ask you for additional information.



You may also be asked to meet with the committee. Throughout the investigation, our staff will discuss the process with you, tell you about the next steps that are available to you, and answer any questions you may have.

Possible outcomes to a complaint

Registrar outcomes

The Registrar may dismiss your complaint in the following circumstances:

- the complaint is outside the jurisdiction of the College;
- no basis is found for the complaint;
- the goal of the complaint is to harass or annoy the doctor;
- the complaint constitutes an abuse of process; or
- the acts complained about would not, even if true, be considered professional misconduct, incompetence, or incapacity and they would not merit a caution.

Outcomes

If the Registrar does NOT dismiss the complaint, he may do one of the following:

- informally resolve the complaint as long as the resolution is consistent with the objects of the College;
- accept the doctor's resignation;
- with the doctor's consent, have the doctor's skills and abilities assessed, and send the doctor for further training if needed; or
- refer the complaint to an Investigation Committee.

The Registrar may offer advice of a non-disciplinary nature to you, the doctor, or any person affected by the complaint.

Investigation Committee outcomes

The Investigation Committee has the authority to do the following:

- temporarily suspend the doctor while the complaint is being investigated;
- impose restrictions or conditions on the doctor's practice; and
- temporarily prevent the doctor from getting a licence to practice in Nova Scotia.

These actions may take place at the beginning or during an investigation.

Temporary suspensions or restrictions are issued when the committee determines such action is necessary to serve and protect the public interest in the practice of medicine.



Dismiss complaint

The committee may dismiss your complaint without interviewing you or the doctor.

Caution

The committee may warn a doctor of a breach of the standards of professional ethics or practice. Such a warning is issued when a licensing sanction is not required.

Licence restrictions and conditions

The committee may limit the doctor's practice or prescribing. The doctor may agree to such limits. Such limits may be made permanent.

Consensual reprimand

The committee may reprimand a doctor after finding evidence of:

- professional misconduct;
- incompetence; or
- conduct unbecoming of a doctor.

Outcomes

When the doctor agrees to such a reprimand, it is “consensual.” If the doctor does NOT agree to the reprimand, the complaint is referred to a Hearing Committee.

Hearing Committee outcomes

Reprimand

A disciplinary sanction imposed against a doctor after finding evidence of:

- professional misconduct;
- incompetence; or
- conduct unbecoming of a doctor.

Such a sanction may be reached through an agreement between the doctor and a Hearing Committee, or it may be imposed by the Hearing Committee.

A sanction may include the following:

- **Licence suspension.** The doctor remains licensed but is temporarily not allowed to practise medicine. The doctor may have to complete additional training or undergo assessment before being allowed to practise.
- **Licence restrictions and conditions.** Limits are put on a doctor’s practice or prescribing.
- **Revocation.** The doctor’s licence to practise medicine is taken away either by a Hearing Committee or with the doctor’s consent.



While we investigate your complaint, we keep information about you and your complaint confidential.

We ask anyone connected to the complaint to avoid speaking publicly about it while we investigate.

If you have filed a complaint about a doctor, you should plan to see another doctor while we investigate your complaint.

Where to find a new doctor

Nova Scotia Department of Health and Wellness
www.cdha.nshealth.ca
www.findafamilypractice.ca

Annapolis Valley, South Shore and
South West Nova Scotia
1.844.491.5891

Cape Breton, Guysborough & Antigonish areas
1.844.491.5892
(Press option #1 to ask about a family doctor)

Colchester-East Hants
1.855.893.1930

Cumberland and Pictou areas
1.844.491.5893

Halifax, Eastern Shore and West Hants
1.855.444.4415 or visit
www.findafamilypractice.ca

**You can find out more about filing a
complaint on our website: www.cpsns.ns.ca.**