



Standard of Practice:

Duty to Report a Colleague (2020)

A **Standard of Practice** is the minimum standard of professional behavior and ethical conduct expected by the College on a specific issue.

Duty to Report a Colleague

Preamble

The College of Physicians and Surgeons has been relegated the ability to regulate the practice of medicine in Newfoundland and Labrador. In exchange for this relegation, the profession must regulate in the public interest. As such, physicians have professional and legal obligations to report to the College if they have knowledge of “conduct deserving of sanction” on the part of other physicians or medical students/residents.

Standard of Practice

If a physician has knowledge, from direct observation or objective evidence, of “conduct deserving of sanction” on the part of another physician or medical student/resident, the physician **must** report the known facts to the Registrar (*Medical Act, 2011, s. 41*).

Failure to report may result in the Registrar’s filing an allegation against the physician who had information on the circumstances. If a physician is unsure if a report is required, the physician should seek legal advice.

Conduct Deserving of Sanction

“Conduct deserving of sanction” is defined in the *Medical Act, 2011* and the College’s By-Law 5: Code of Ethics.

Examples of “conduct deserving of sanction” include, but are not limited to:

- Failing to apply and maintain the standard of the profession unless the departure was in accordance with specific conditions, as outlined in By-Law 5;
- Prescribing medication contrary to the standards of the College;
- Practising while impaired;
- Falsifying a medical record;
- Accepting from, or giving to, a patient any gift of a substantial nature;
- Inappropriate comments or examination procedures reflecting a lack of respect for patient's dignity or privacy;
- Verbal abuse of a patient;
- Any form of sexual activity with a patient, even if initiated by the patient and/or consented to by the patient;
- Persistent or egregious unprofessional conduct towards professional colleagues; and
- Incapacity/unfitness to engage in the practice of medicine.

Information Disclosed by a Patient

If a patient discloses information which leads a physician to believe that another physician has engaged in conduct deserving of sanction, the physician must:

- Provide the patient with information on how to file a complaint with the College;
- If the patient does not wish to file a complaint, report the information to the Registrar, only revealing the identity of the patient if he/she consents.

Acknowledgements

CPSA (2012) Duty to Report a Colleague
CPSNB (2017) Mandatory Reporting

Document History

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