



# Duty to Report a Colleague

## Frequently Asked Questions

This companion document is intended to provide physicians with general advice to support their understanding of the expectations set out in a College Standard of Practice.

This document may be edited or updated for clarity at any time. Please refer to the document regularly to ensure you are aware of the most recent advice.

### **Under what circumstances am I required to report a colleague's conduct?**

If you have reasonable grounds to believe a colleague has engaged in unprofessional or unethical conduct or has provided medical care which falls below the expected standard, you have a legal obligation to report your concerns to the College's Registrar.

You can find examples of what constitutes reportable conduct in the Standard of Practice on [Duty to Report a Colleague](#). If you are unsure whether a report is required, we recommend you seek advice from the CMPA or a legal advisor of your choosing.

### **Do "colleagues" include undergraduate and postgraduate learners?**

Yes.

### **What happens if I fail to report a colleague?**

Physicians have a legal responsibility to uphold patient safety and to protect the integrity of the medical profession and professional self-regulation, by reporting to the College. By failing to report, you could find yourself subject to an allegation that you have acted in breach of the *Medical Act, 2011*.

### **A patient has provided me with information that leads me to believe a colleague may have engaged in reportable conduct. What should I do?**

Provide the patient with information on how to file a complaint with the College. Explain the role of the College in regulating the practice of medicine and provide the College's website and/or telephone number. If the patient does not wish to file a complaint, report your concerns to the Registrar, only revealing the identity of the patient if they consent.

### **Am I required to report concerns about a colleague's health or wellness?**

The College's approach to matters related to a physician's health are generally viewed through a treatment and/or rehabilitation lens, aimed at supporting physician wellness while ensuring patient safety. If you are aware that a colleague has a deficient clinical ability and **has not limited their practice of medicine to ensure patient safety**, you must report this information to the Registrar. This duty to report applies both to colleagues and treating physicians who provide medical care to their colleagues.

You are **not** required to report to the College in circumstances where a colleague has a deficient clinical ability, but the colleague has withdrawn from practice or limited their practice to areas where their clinical ability has not been impacted.

### **Are there protections in place for those who file a Duty to Report?**

Yes. The *Medical Act, 2011* protects a physician from legal action for the reason of providing a mandatory report to the Registrar in accordance with the *Act*.

### **How do I file a report?**

To file a report, you must complete a [Form](#).

If you are making a report as a physician leader in a role you hold within NL Health Services, you do not need to use this form. This type of report can be made from NL Health Services to the Office of the Registrar by email: [registrarsoffice@cpsnl.ca](mailto:registrarsoffice@cpsnl.ca).

### **What information should I include in the report?**

Provide your name, the name of the physician about whom you have concerns, and the specific concern, including all known facts relating to that concern.

### **What happens after I submit my report?**

The College Registrar will review your report and determine if further action is required. Further action could include seeking additional information, initiating a quality assurance review, or filing an allegation against the physician.

### **Will the physician involved know that I filed a report?**

If an allegation is filed against the physician, we are required to provide all information relating to the allegation, including a copy of your report, to the physician.

### **Will I be updated on what happens with my report?**

The College will acknowledge receipt of your report. If your report leads to the filing of a Registrar's allegation, you may be interviewed as part of the investigation into the allegation. Otherwise, to ensure confidentiality for the named physician which you have reported, we will not provide you with updates on what occurs after the filing of your report.

### **I have questions not answered in this FAQ, who can I contact?**

Please contact the Office of the Registrar at 709-726-8546 or by email: [registrarsoffice@cpsnl.ca](mailto:registrarsoffice@cpsnl.ca).

## **Related Documents**

College of Physicians and Surgeons of Newfoundland and Labrador Standard of Practice on [Duty to Report a Colleague](#).

## Document History

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