



# Frequently Asked Questions by Members of the Public

## Making a Complaint

### **How do I know if my concerns about a physician are cause for a complaint?**

We expect physicians to act in their patient's best interest, communicate clearly and honestly, and offer professional care and advice that meets our standards.

We have summarized what patients can expect of their physician in areas such as communication, physical examinations, virtual care, and medical records: [What to Expect of Your Physician](#). For more information, you can also review the College's [Standards of Practice and Practice Guidelines](#).

If you believe a physician has not met the College's standards, we want you to tell us. By bringing your concerns to our attention, we can ensure that licensed physicians are providing quality medical care to the people of Newfoundland and Labrador.

### **I am considering making a complaint, what should I do first?**

If you feel comfortable doing so, we recommend that you speak with the physician involved about your concerns.

If you do not wish to do so, or if talking to the physician does not resolve matters, you can ask to discuss your concerns with the physician's Clinical Supervisor/Chief of Staff or the Client Relations Office, if applicable.

If none of these options are possible for you contact the College's [Professional Conduct Coordinator](#) to discuss next steps, including making a complaint.

### **How do I make a complaint?**

To make a complaint about a physician, you must complete a [Form](#).

If you are making a complaint against more than one physician, please complete a separate complaint form for each physician.

If you would prefer to submit a complaint by mail, please contact us and we will send you a paper copy of the form.

### **Can I continue seeing the physician I made a complaint against?**

Making a complaint to the College can impact on your professional relationship with the physician. While we encourage conflict resolution whenever possible, many physicians may decide that they cannot continue the professional relationship after a complaint has been filed.

### **Can I make a complaint anonymously?**

No. All complaints must be in writing and include the name of the complainant.

### **Can I make a complaint about a physician in training?**

Yes. We accept complaints about medical residents/learners who are completing their undergraduate or postgraduate training.

### **Can I make a complaint about someone who is not a physician?**

No. We cannot accept complaints about hospitals, clinics, or medical professionals who are not physicians (e.g., nurses, pharmacists, etc.). If you have a concern about care provided by a non-physician in a hospital facility, we recommend that you contact Client Relations at [NL Health Services](#).

If you have a concern regarding an interaction with clinic staff (e.g., receptionist, office manager) at a physician's private medical clinic, we recommend that you bring that concern to the attention of the office manager, or the physician involved. If the concern cannot be resolved to your satisfaction, you can contact the College's [Professional Conduct Coordinator](#) to discuss the next steps.

### **Is there a time limit to make a complaint?**

No. There is no time limit to make a complaint. We do recommend that you tell us what happened as soon as possible after the event. By doing so, it becomes more likely that:

- relevant documents can be found;
- potential witnesses can be located;
- memories have not faded; and
- evidence is not missing.

Physicians are not required to hold onto medical records forever – records may be destroyed after a defined period. This may impact on our ability to investigate your complaint.

**Can the College be involved directly in my medical care?**

No. We cannot find you a new doctor, give medical opinions, diagnoses, referrals, or treatment. We also cannot make your doctor provide a prescription, specific treatment, or make a referral.

**Can I receive financial compensation?**

No. The College cannot order financial compensation. If you are seeking compensation, you may want to seek legal advice about the civil litigation process.

**Is there a cost associated with making a complaint?**

No. There is no cost.

Processing your Complaint

**What happens after I submit my Complaint Form?**

Once the College has received your completed complaint form, we will review it to make sure your concern is something that we can deal with. We will then send you a letter summarizing your complaint, based on the information provided by you, and confirm your intention to proceed.

After you have confirmed your intention to proceed, we will send a copy of your complaint form to the physician and ask for their written response.

**Do I get to see the physician's response to my complaint?**

In most cases, we will send you a copy of the physician's response and ask if you would like to make any comments on the response.

Please note that if you are filing a complaint without the consent of the patient, we cannot share the patient's confidential information with you.

**Will the College provide me with copies of my medical records relating to the complaint?**

No. If you wish to obtain a copy of your records, you must contact the individual or organization who is responsible for the medical record. Contact either the physician (if in a private clinic) or the hospital's medical records department (if in a hospital setting), to obtain a copy of your records.

Please note that the College's investigator will obtain a copy of all relevant medical records as part of their investigation into your complaint. You do not need to provide us with copies.

## Early Resolution

### **What is “Early Resolution”?**

If you are satisfied with the physician’s response to your complaint, you can request to withdraw your complaint before it is sent to the Committee.

In some circumstances, we may identify your complaint as one which might be able to be resolved through an agreement. In these cases, our investigator will reach out to both you and the physician to determine if you can agree on how to resolve the complaint. If a complaint is not resolved through early resolution, it is sent for investigation.

## Investigation

### **Does the College investigate all complaints?**

All complaints which are not resolved at the early stages are investigated. The extent of the investigation depends on the complexity and seriousness of the complaint.

### **What is involved in an investigation?**

The investigator will collect relevant information relating to the complaint. This may include, but is not limited to:

- obtaining copies of the patient’s medical records;
- interviewing witnesses;
- contacting the complainant or physician for further information;
- obtaining copies of relevant policies and other documents; and
- retaining a consultant physician to provide an opinion on the expected standard of practice.

### **Do I get to see the Investigator’s Report?**

No. The investigator reports directly to the Committee on their investigation - their report is an internal document. The investigator may contact you to ask questions after their preliminary investigation is completed. If you believe you have information which may be important in the investigation of your complaint, please provide it to the investigator or the Professional Conduct Coordinator.

## Complaints Authorization Committee

### **What is the Complaints Authorization Committee (the “Committee”)?**

The Committee is made up of physician members of the College Council as well as non-physician members who are appointed by the Minister of Health and Community Services to represent the public interest. A listing of current Committee members can be found on the About Us page of the College’s website.

### **What is the role of the Committee?**

The Committee screens complaints to determine if there are reasonable grounds to believe that the physician engaged in “conduct deserving of sanction.” You can find more information about what this includes by reviewing the College’s [By-Law 5: Code of Ethics](#).

### **Can I meet with the Committee?**

No. The Committee reviews written documents. In most cases this includes the complaint form, the physician’s response, and any information collected by the College’s investigator. If you have information which you believe the Committee should know about, you can provide the information in writing to the Professional Conduct Coordinator or the College’s investigator.

### **How long does the process take?**

If resolved through early resolution, the process usually takes 2-3 months. For matters which require full investigation, it takes an average of 10-12 months to receive a written decision.

### **What are the possible outcomes of a complaint investigation?**

After the Committee reviews all relevant information, it has four choices:

- Dismiss the complaint (sometimes giving the physician direction);
- Give the physician a warning or guidance (“caution/counsel”);
- Send the complaint to alternative dispute resolution; or
- Ask the College Registrar to refer the complaint to a public hearing.

### **If my complaint is referred to a hearing, will I have to testify?**

You may be called as a witness if your complaint is referred to a hearing. In some circumstances, no witnesses are required. If your complaint is referred to a hearing we will contact you to discuss your role in the hearing.

**What happens if I am not satisfied with the College's decision?**

Complaints that are dismissed can be appealed to the Supreme Court of Newfoundland and Labrador within 30 days of dismissal. The College cannot assist you with this process. We recommend that you seek legal advice if you are considering filing an appeal.