



# Standard of Practice: Duty to Report a Colleague (2022)

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

Physicians have a responsibility to uphold patient safety and to protect the integrity of the medical profession. As such, if a physician has reasonable grounds to believe that a colleague has engaged in unprofessional or unethical conduct or has provided medical care which falls below the expected standard, the physician has a legal obligation to report their concerns to the College.

### 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 learner, the physician **must** report the known facts to the Registrar ([Medical Act, 2011](#), s. 41).

“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 (see details below).

Failure to report may result in the Registrar's filing of an allegation against the physician who had information on the circumstances. If a physician is unsure if a report is required, the physician should consult the Canadian Medical Protective Association or obtain legal advice.

Physicians meet their duty to report by advising the College in writing of the following: their name, the name of the physician about whom they have concerns, and the specific concern, including all known facts relating to that concern. After reviewing the report, the College will determine if further action is required. Further action could include seeking additional information from the named physician, initiating a quality assurance review, initiating a professional conduct complaint, or taking no action.

### **Physician Health Concerns**

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. Where possible, physicians with health concerns are managed independently of the College's Professional Conduct process.

### **Conduct Deserving of Sanction**

The College has defined "conduct deserving of sanction" in respect of "incapacity/unfitness" as follows:

"Continuing to practice the profession in circumstances where a medical practitioner knows, ought to know, or has been advised that they have a deficient clinical ability as a result of a physical or mental condition, disease, or disorder."

If a physician is aware that a colleague has a deficient clinical ability and has not limited their practice of medicine to ensure patient safety, they 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.

Physicians 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.

## 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, the physician must report the information to the Registrar, only revealing the identity of the patient if they consent.

## Acknowledgements

CPSBC (2022) Duty to Report  
CPSA (2020) Duty to Report a Colleague  
CPSO (2020) Mandatory and Permissive Reporting  
CPSNS (2019) Duty to Report Health Professionals

## References

[Medical Act, 2011, SNL 2011 Chapter M-4.02](#)  
CPSNL [By-Law 5: Code of Ethics](#)

## Document History

Approved by Council	September 8, 2018
Updated	December 10, 2022 June 3, 2020
Expected Review Date	December 10, 2027
Effective Date	December 12, 2022