

## Privacy

If the patient is **deceased**, the privacy rights for the patient continue after death unless one of the exceptions stated in Section 27(4)(e) of The Health Information Protection Act (HIPA) applies. When the complaint relates to circumstances surrounding the death of the patient, or services recently received by the patient, Section 27(4)(e) permits the College to disclose relevant information to a member of the patient’s immediate family, or to anyone else with whom the patient had a close personal relationship.

**Third party complaints** without patient authorization, or complaints regarding the medical care provided to a deceased patient are, upon receipt of the physician’s response, reviewed by the Medical Manager and may be directed to resolution by a Medical Advisor or the Committee.

Third party complainants may not receive a copy of the physician’s response, if it contains personal health information, unless authorized to do so by the patient.

To ensure continuity of communication when multiple members of a family are submitting a complaint, select one member as a contact designate to forward correspondence – the designate can discuss this communication with the other family members.



## Your Guide To

# The College’s Complaints Processes



TO SERVE THE PUBLIC BY  
REGULATING THE PRACTICE OF  
MEDICINE AND GUIDING THE  
PROFESSION TO ACHIEVE  
THE HIGHEST STANDARDS OF CARE.

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### For more information, contact:

**College of Physicians and Surgeons of Saskatchewan**  
101 – 2174 Airport Drive  
SASKATOON, SK S7L 6M6  
(306) 244-7355 or Toll Free: 1-800-667-1668  
complaints@cps.sk.ca

Our staff is available to answer any questions you may have about the complaints processes and any other services provided by the College of Physicians and Surgeons of Saskatchewan.

## When to Make a Complaint

As a patient, you may sometimes be dissatisfied with your medical care provider or the manner in which medical care was provided. You are encouraged to speak directly to your physician to help him or her understand your concerns, and to hopefully enhance your satisfaction with future medical care.

However, if a **problem** or **misunderstanding** arises between you and your physician that cannot be resolved, you can **file a complaint** with the College. In lodging a complaint, you are asking the College to examine the professional behavior and/or medical care provided by a physician.

The College investigates complaints from patients and from third parties acting on behalf of patients.

If you decide to proceed with a formal complaint, the College can assist you in understanding the complaints processes, advise you on what information is required, and send you the necessary forms for completion.

Keep in mind that the College is not the same as a court of law. It cannot make a determination of negligence or order a physician to pay a patient financial compensation. Patients interested in a determination of negligence or compensation should seek legal advice.

You should also be aware that the College’s authority is limited to physicians. Any identifying information (eg. names) about other healthcare providers should not be included in your complaint.

A complaint to the College is confidential and not “actionable.” This means that you cannot be sued for what you say in a complaint to the College, as long as your complaint is addressed only to the College.

### Is there a time limit?

**There is no time limit on filing a complaint.** However, successful review of a complaint may be difficult if records cannot be accessed due to the length of time between the care provided and the registering of the complaint.

## How the College Handles Complaints

*The College receives complaints that vary greatly in their complexity.*

*The vast majority of complaints are reviewed through a quality of care approach, with the goals of resolving misunderstandings, improving the quality of care and preventing the same situation from happening again.*

A small minority of complaints involve matters that may give rise to concerns of unprofessional conduct or lack of skill and knowledge in the practice of medicine.

Complaints may be resolved by the staff of the College, through review by the Quality of Care Advisory Committee, or through the more formal Disciplinary or Competency processes.

### THE INFORMATIONAL PROCESS

#### INITIAL COMPLAINT RECEIVED (verbal or written)

A Regulatory Services Coordinator will receive your information, clarify the nature of the complaint, and answer any questions you may have with regards to the processes and their limitations.

Regulatory Services Coordinators provide **information on College bylaws and policies** as necessary, depending on the nature of the complaint. Many complaints can be resolved at this level.

#### FORMAL WRITTEN COMPLAINT REQUEST

More complex complaints must be submitted in writing for review by the **Complaints Resolution Team** who will decide on the most appropriate process for resolving the complaint. A package will be sent to you with some **forms to complete** and send in to the College.

# THE COMPLAINTS RESOLUTION PROCESS

# DISCIPLINE MATTERS

## Receipt of WRITTEN & SIGNED COMPLAINT REPORT FORM

1. Acknowledgement; clarification and authorizations verified; file is opened by a Regulatory Services Coordinator
2. Limitations of process explained
3. Information provided on support services
4. The Complaints Resolution Team reviews the formal written complaint to determine the most appropriate means of resolution.

## 1 QUALITY OF CARE

### PHYSICIAN RESPONSE

1. Copy of completed forms sent to physician involved for his/her/their response.
2. If required, collateral information is obtained.
3. The physician's response is reviewed by the Medical Manager or the Medical Advisor.

### FOLLOW-UP WITH COMPLAINANT

1. Patients may receive a copy of the physician's response with a letter asking whether the physician's response addresses the concerns. (See the section on Privacy in this brochure for information relating to third party access to documentation.)
2. The Medical Advisor or Medical Manager may have a discussion with the complainant to explore a possible solution for resolution.

## 2 QUALITY OF CARE ADVISORY COMMITTEE

The Committee consists of three physicians and three members of the public. The Quality of Care Resolution process is an educational process and the Committee's role is to advise the Medical Manager whether a complaint is founded or unfounded. The Committee then provides recommendations for feedback to the complainant and the physician.

The Committee reviews all information gathered in regard to the complaint. The review may take several months, depending on the complexity of the complaint.

Information may be requested from other individuals who have been identified to the Quality of Care Committee. In some cases, an expert opinion may be sought.

When the Committee has completed its review, its opinion and recommendations are conveyed in writing to the complainant and to the physician complained about. If the complainant is dissatisfied with the Committee's findings, he or she is requested to write a letter indicating the areas of disagreement and the Committee may revisit the matter.

## 3 THE COLLEGE COUNCIL

The Council is the governing body of the College. If, after completion of the Complaint Resolution Team or Committee's review, it is believed there are unresolved concerns that cannot be addressed, the complainant may submit an **APPEAL** to Council.

### Appeals

A complainant or physician may appeal to the Council through the Registrar, if he or she believes the Committee violated the principles in Council Policy GP-14 to process issues such as fairness, due diligence, equity, and timeliness as defined by Council Policy GP-16 (Appeals to Council because of the Complaints Process).

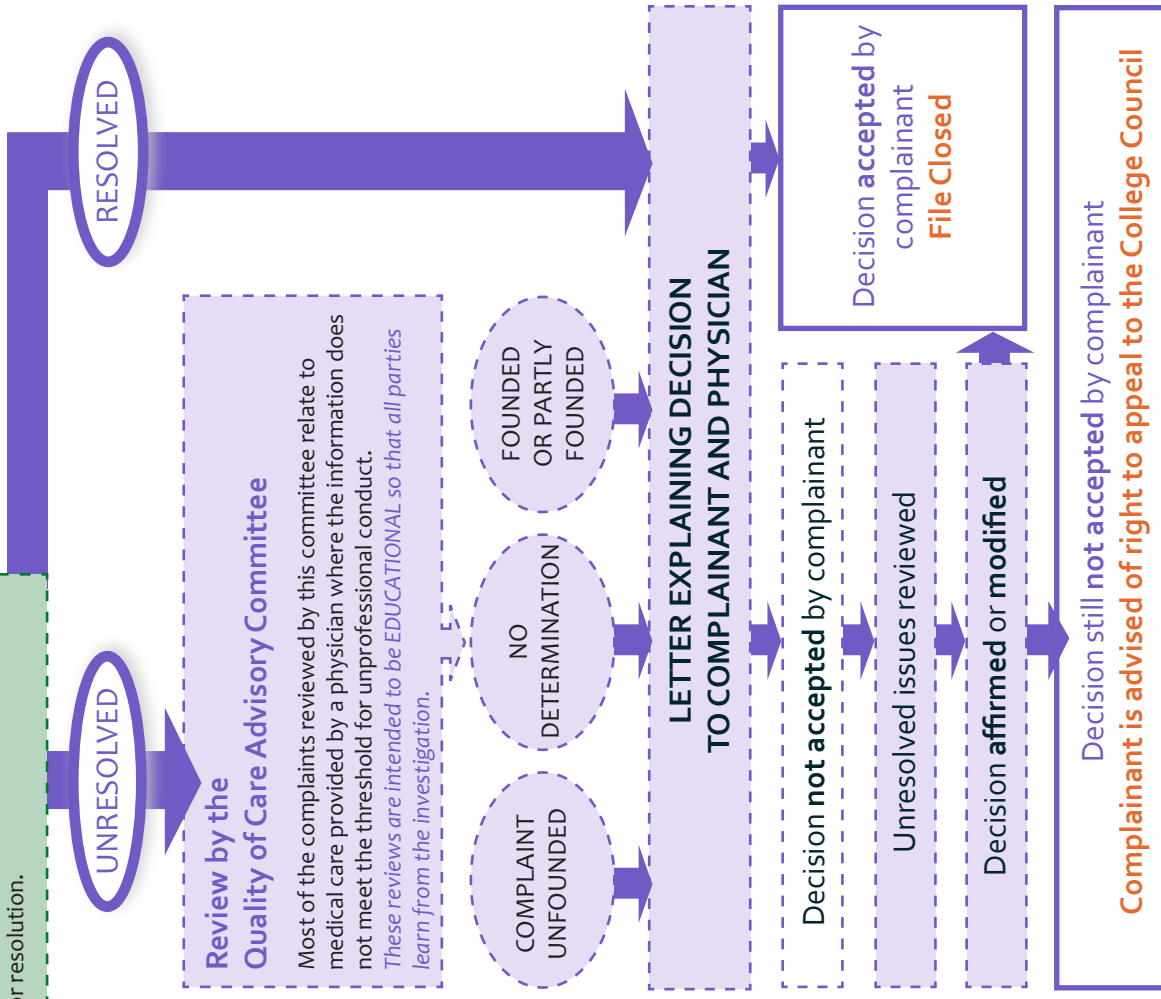
Complaints of a more serious nature may require a more formal review process:

### Review as an issue of possible lack of skill and knowledge

If the complaint indicates that the physician may lack skill and knowledge rising to the level of incompetence, the College can assess whether that skill and knowledge is lacking through a formal review by a competency committee, where a remedy will be imposed if applicable.

### Review as an issue of possible unprofessional conduct

If a physician has acted unprofessionally or unethically, the College can institute a formal investigation, usually by a preliminary inquiry committee and possible hearing. Any penalty imposed will depend on the severity of the conduct, the physician's prior record of unprofessional conduct and other factors.



**APPEALS CAN BE MADE ON THE PROCESS ONLY UPON WRITTEN REQUEST TO THE REGISTRAR**

# THE COMPLAINTS RESOLUTION PROCESSES