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## Professional Standards and Guidelines Regarding Duty to Report Health Professionals

### Preamble

When a physician has reasonable grounds to believe that another physician is impaired, incompetent or unethical, there is a professional obligation to report this concern to the College. The obligation arises regardless of whether the physician in question is a patient or a colleague.

Similarly, physicians with good reason to believe a regulated health professional (other than a physician) is impaired, incompetent or unethical, there is a professional obligation to report these concerns to the appropriate regulatory authority.

These obligations arise from a responsibility to uphold patient safety and to protect the integrity of the health professions. Reporting to the College is not the same as filing a complaint. Physicians meet the duty to report by advising the College, either in writing or by telephone, of the following: their name, the name of the health professional about whom they have concerns, and the specific concern about that health professional. It is for the College to determine whether further investigative steps are required.

Physicians should contact the [Canadian Medical Protective Association](#) for advice when considering their reporting obligations in any specific circumstances.

### Professional Standards

1. Physicians must immediately notify the College or the appropriate regulatory body upon forming reasonable grounds to believe that another physician or health professional is or may be putting patients or the profession at risk due to incompetence, professional misconduct, incapacity or conduct unbecoming. This duty to notify arises regardless of whether the physician or health professional in question is a patient or a colleague.
2. Physicians must immediately notify the College upon becoming aware that their own health may be affecting their ability to safely practice medicine.

## **Guidelines**

### **1. Reporting**

Reporting a situation intended to protect patient safety or uphold the regulation of the health profession is a physician's professional obligation. A physician who breaches this duty may be subject to disciplinary measures by the College. Common law generally protects physicians against liability in reporting colleagues. This protection typically prohibits a legal action against reporting physicians when their report is made on reasonable grounds and in good faith, without malice.

The College's approach to matters related to a physician's health are viewed through a treatment and/or rehabilitation lens aimed at supporting physician wellness. Physicians with health conditions are managed independently of the complaints or discipline process whenever possible.

If a physician is reported to the College because of a possible health condition including an addiction, the College may require an assessment and will help the physician access whatever supports are appropriate.

Doctors Nova Scotia's [Professional Support Program \(PSP\)](#) provides confidential peer to peer support for members and their families who are dealing with personal or professional problems.

### **Guiding Examples**

Situations that could place patients at risk:

- Appearng to be under the influence of alcohol or drugs at work
- Pattern of unsafe care or poor judgement
- Repeated patient errors
- Pattern of poor record keeping and documentation
- Sexual misconduct with current patient or vulnerable patient
- Evidence of cognitive defects or signs of dementia
- Serious mental health concerns e.g. manic behavior
- Falsifying patient records
- Overprescribing opioids or prescribing opioids without appropriate review of the NSPMP Program and/or appropriate documentation

## **Definitions**

Incapacity means a medical, physical, mental or emotional condition, disorder or addiction that renders or rendered the physician unable to practice with competence, or that may endanger or has endangered the health or safety of individuals.

Incompetence means the lack of competence in the physician's care of an individual or delivery of medical services that rendered the physician unsafe to practice or that renders the physician unsafe to continue in practice without remedial assistance.

Professional misconduct means conduct or acts in the practice of medicine that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonorable, or unprofessional.

Conduct unbecoming means conduct outside the practice of medicine that tends to bring discredit upon the medical profession.

[\(Nova Scotia Medical Act, 2011\)](#)

## Recommended Reading

Canadian Medical Protective Association

- [Reporting another physician](#)

Doctors Nova Scotia

- [Professional Support Program](#)

## Document History

First approved by the Council of the College of Physicians and Surgeons of Nova Scotia: **October 12, 2018.**

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