

Proposed amendments would add more information to College website

Physician-specific information currently available upon request, but not posted

The College is seeking feedback on draft amendments to the General By-Law that, if passed, would permit certain physician-specific categories of information to be added to the College's online public register to enhance transparency.

The proposed categories of member-specific information include:

1. Transfer of Records
2. Notices of hearings for CPSO discipline referrals
3. Hearing status of discipline proceedings; and
4. Reinstatement decisions

The addition of this physician-specific information would involve the passing of by-laws. The draft proposed by-law amendments are on the following pages.

Background

In 2012, College Council gave support for a multi-phased initiative to review and assess the College's practices in relation to transparency. In particular, the Transparency Project will consider and assess various ways in which the College could increase transparency with respect to physician-specific and process information that is made available to the public on the College website.

The first phase of the Transparency Project is primarily focused on making information more accessible and more understandable.

In addition to the above physician-specific information, staff is also exploring adding to the website generic explanations regarding interim suspensions, aggregate data and descriptions of various processes for both the public and physicians.

Next Steps

The College's Executive Committee and Council will carefully consider your comments before making any decisions about the proposed by-law. If, after consultation, the by-law is approved by Council, notification



and a copy of the finalized by-law will be posted on the College's website.

Have your say

To ensure transparency and encourage open dialogue, the feedback we receive is posted on our website in accordance with our posting guidelines..

Email: Send us your comments at transparencyproject@cpsso.on.ca

Provide your feedback by mail:

College of Physicians and Surgeons of Ontario
80 College Street
Toronto, ON M5G 2E2

Attention: Communications Department

Deadline: June 7, 2013

Proposed By-Law Amendments: Transparency Project – Phase I

The College is seeking feedback on draft amendments to the General By-Law that, if passed, would permit the following physician-specific categories of information ►►

to be added to the College's online public register to enhance transparency.

1. Transfer of Records

Subject to the limited exceptions set out in the provincial *Personal Health Information Protection Act*, patients must have access to their medical records, even if their physician has closed his or her practice. To facilitate patient access, physicians must make appropriate arrangements for either the retention or transfer of patient medical records.

Although physicians should give patients the information they will need in order to access their medical records, patients often contact the College seeking information about how to access their medical records after their physician has stopped practising.

It is proposed that the College include on its website information regarding the transfer of medical records to provide assistance to patients seeking records where physicians have retired, moved, been revoked or are deceased, in circumstances where that information is known to the College.

Draft By-Law Amendment

The following draft (underlined) by-law amendment is proposed to address the inclusion of this category of information on the public register:

49. (1) In addition to the information required under subsection 23(2) of the *Health Professions Procedural Code*, the register shall contain the following information with respect to each member:

...

18. If a member is no longer practising, has moved or is deceased, information regarding the transfer or provincial custody of medical records, where that information is known to the College.

2. Notices of Hearing (for the College's Discipline Proceedings)

The Inquiries, Complaints and Reports Committee, which directs College investigations, may refer specified allegation(s) to the Discipline Committee in circumstances where the investigation has raised concern that a doctor may be incompetent or may have committed an act of professional misconduct. When an allegation is referred to discipline, the doctor is notified through service of a Notice of Hearing, which sets out the allegation(s) he or she will face at the discipline hearing.

Currently, the College's public register contains a summary of allegation(s), if an allegation of professional misconduct or incompetence against a physician has been referred to the Discipline Committee and has not yet been decided.

Notices of Hearing are also currently given out to the public when requested and, usually, they contain significantly more details than what is currently provided in the summary of allegations on the website.

It is proposed that the actual Notice of Hearing be posted to a physician's profile on the public register in addition to a summary of the allegations, if an allegation of professional misconduct or incompetence against a physician has been referred to the Discipline Committee and has not yet been decided.

Draft By-Law Amendment

In order to include this category of information on the website, it is proposed that subsection 49(1)(13) of the General By-Law be amended (as underlined) as follows:

13. If an allegation of professional misconduct or incompetence against the member has been referred to the discipline committee and not yet decided,

- i. a summary of the allegation,

- ii. an indication that the matter has been referred to the discipline committee, and
- iii. the notice of hearing, and
- iv. the anticipated date of the hearing, if the date has been set.

3. Hearing Status of Discipline Proceedings

It is proposed that the status of discipline matters as they are proceeding (i.e., the fact of an adjournment or the fact that a decision is under reserve) be added, when applicable, to a physician's profile on the public register. Currently only hearing dates appear on the website.

Providing this information on the website would assist in keeping the public apprised of the status of various proceedings.

Draft By-Law Amendment

In order to add hearing status to the website it is proposed that subsection 49(1)(13) of the General By-Law be amended (as underlined) in the following manner:

- 13. If an allegation of professional misconduct or incompetence against the member has been referred to the discipline committee and not yet decided,
 - i. a summary of the allegation,
 - ii. an indication that the matter has been referred to the discipline committee, and
 - iii. the anticipated date of the hearing, if the date has been set,
 - iv. if the hearing has been adjourned and no future date has been set, the fact of the adjournment, and
 - v. if the decision is under reserve, that fact.

4. Reinstatement Decisions

It is proposed that reinstatement decisions of the Discipline Committee in their entirety (as opposed to summaries of decisions in which an application for reinstatement has been granted that are currently provided) be posted to a physician's profile on the public register, when applicable. ►►

We want your feedback

The College invites your comments.

To ensure transparency and encourage open dialogue, the feedback we receive is posted on our website in accordance with our posting guidelines.

The College's Executive Committee and Council will carefully consider your comments

before making any decisions about the proposed by-law.

The College will consider the extent to which your suggestions or comments represent the expectations of the profession, and are consistent with our public interest mandate.

Contact:

transparencyproject@cpsso.on.ca

Mailing Address:

College of Physicians and Surgeons of Ontario

80 College Street

Toronto, Ontario

M5G 2E2

Att: Communications Dept.

At present, full Discipline Committee decisions pursuant to which physicians lose their licences appear on the website but not the decisions pursuant to which they either have their licences reinstated or are denied reinstatement. If reinstatement decisions are added to the website, it would be easier for the public to ascertain the basis upon which the College decided to reinstate the licence (or deny reinstatement as the case may be).

Draft By-Law Amendment

In order to include reinstatement decisions on the College website, it is proposed that the following (underlined) language be added to subsection 49(1) of the General By-Law:

17. If an application for reinstatement has been heard by a panel of the discipline committee, the decision and reasons rendered by the discipline committee. ^{MD}

Important dates to remember for renewing your annual membership with CPSO

