Key changes in reporting policy

Policy addresses practical issues in reporting to appropriate agency

Physicians have a legal and professional obligation to maintain the confidentiality of patient information. There are circumstances, however, where physicians are either required or permitted to report particular events or clinical conditions to the appropriate government or regulatory agency. At its most recent meeting, Council approved a revised policy that provides guidance to physicians in regard to their reporting obligations.

During our consultation for the policy, we heard from a broad range of stakeholders who provided suggestions to improve clarity of content, and to address practical issues that arise when making a report in various contexts.

Here are a few key changes to the policy that you should be aware of:

Permissive Reporting
The policy, which was formerly titled Mandatory Reporting, has been renamed Mandatory and Permissive Reporting to reflect the new content. The policy now details instances where the disclosure of patient and/or personal information is desirable in the public interest, but not required by law. The policy relies on the professionalism of physicians in making the decision to report.

Impaired Driving Ability
Physicians are required to report patients over the age of 16 who are suffering from a condition that may make it dangerous to operate a motor vehicle. Although the patient’s consent is not necessary before making a report, the revised policy encourages physicians to inform patients in advance of making a report to the Ministry of Transportation. Where this is not possible, the College recommends that physicians do so after the report is made.

By openly communicating your duty to report, patients will not be unduly surprised if their licence is suspended or downgraded as a result.

Please read our communications column, Doc Talk, for some guidance in speaking to your patients about their fitness to drive.

Correctional Facilities
The revised policy includes additional information for physicians who conduct examinations in correctional facilities. Specifically, if a physician suspects that a detainee has a communicable disease, this information must be communicated immediately to the Medical Officer of Health of the health unit in which the institution is located.

Incompetence and Incapacity
As part of our collective responsibility to self-regulation, the College expects physicians to take appropriate and timely action when they have reasonable grounds to believe that another physician or health-care professional is incapacitated or incompetent. In response to consultation feedback, the revised policy provides further clarity on what may constitute appropriate action in this context.

The Mandatory and Permissive Reporting policy is distributed with this magazine and available on the CPSO website at www.cpso.on.ca/policies/.