

GUIDANCE ON FILING A COMPLAINT

As the regulatory body for the profession of Medical Practitioners, Yukon Medical Council's goal is to have competent physicians practising safe medicine for the benefit of the public. One way this is accomplished is through processing, investigating, and facilitating an outcome to a complaint from;

1. A member of the public, in writing;
2. By three physicians, in writing; or
3. By Council

An inquiry or investigation may be made into any charge or complaint made against any medical practitioner practising medicine in Yukon, or into a question concerning the

1. Conduct;
2. Mental condition;
3. Capability; or
4. Fitness to practice

All medical practitioner's practicing medicine in Yukon are regulated through the *Medical Professions Act, Regulations* and Standards of Practice. The Council has the authority to investigate any matter which may raise a reasonable concern to the Council.

Making a complaint...

There is no requirement for you to have a lawyer to file a complaint. However, to be reviewed by the Council, you must complete the complaint form issued only through the Yukon Medical Council. Resolving a complaint is achieved by understanding the situation and circumstances surrounding the issue from both the complainant's perspective and the perspective of the physician. It is important to provide as much detail as possible to make sure the matter is clearly explained. Ensure that all the details provided are specific to your complaint.

You may file a complaint on behalf of a patient; however, authorization for release of information (Section F within the complaint form) must be signed by either the patient themselves or by a legal representative. In the case of a legal representative; legal documentation authorizing your signature must be provided. Examples of legal representative include executor, executrix, administrator of the estate, legal guardian, a person with power of attorney, or patient's written consent. Please indicate where asked within Section A of the complaint form if the status of the patient is deceased or incapacitated.

Conflict of Interest...

When a complaint is submitted (by way of the YMC issued complaint form) to the YMC office, members of the Council are immediately notified of the name of the complainant, patient, clinic, physician(s) and nature of the complaint identified within the complaint form. At that time each member of the council is required to identify if

GUIDANCE ON FILING A COMPLAINT

they have a conflict of interest with any of the parties of the complaint file. If a member has recused themselves, they do not see the complaint and are not authorized to involve themselves with the complaint file.

If the Council members as a group identify a conflict of interest to any complaint submitted, they may create an Inquiry Committee made up of medical practitioners recommended by another College of Physicians and Surgeons within Canada.

Investigation of a complaint....

The Council may investigate a complaint themselves or they may appoint a third-party investigator to provide the services of an investigator. A full investigation may include interviewing individuals or requesting documentation. Upon completion of the investigation, the investigator reports their findings to the Council and recommends a course of action outlined in Section 27 of the *Medical Professions Act*.

Inquiry Committee....

While the Council has the authority to review and investigate a complaint as well as discipline a physician on their own, there are times when an Inquiry Committee is involved in a matter. An Inquiry Committee may be appointed by way of;

1. Council appoints a committee of three or more medical practitioners; or
2. If the Council members (as a group) have identified a conflict of interest committee members are appointed by the recommendation of another College of Physicians and Surgeons within Canada

The appointment of an Inquiry Committee may occur under the following circumstances;

1. Investigator recommends the matter to be sent to an Inquiry Committee for a hearing;
2. Council (as a group) has a conflict and the matter must immediately be sent to an Inquiry Committee for a hearing; or
3. Council makes the decision to immediately send the matter to an Inquiry Committee for a hearing.

Expectations and Outcomes....

The Council tries to ensure that any problem(s) identified, as a result of an investigation or hearing, will be corrected. The possible outcomes of an investigation or hearing may include;

1. No further action be taken, evidence submitted does not support the complaint;
2. The physician must take corrective measures at the direction of Council, either by further education or a restriction of practice;
3. Disciplinary action;
4. Physician licensing be suspended; or

GUIDANCE ON FILING A COMPLAINT

5. Physician licensing be removed from the register.

When the investigation or hearing is completed, the physician will receive a decision in writing from the Council. The complainant will only be advised only if the matter was dismissed or substantiated; they will be not given the disciplinary details of a substantiated complaint or charge.

Appeals....

Any person who has submitted a complaint and is identified in Section A, B or C within the complaint form may appeal the decision or direction from the Council to a judge of the Supreme Court at any time within 30 days from the date of the decision or direction from Council. More information can be obtained about the appeal process from the office of the Registrar of Medical Practitioners.

What is the responsibility of the Professional Licensing and Regulatory Affairs office?

The responsibility of Yukon government's Professional Licensing and Regulatory Affairs (PLRA) office is to provide secretariat support to the Council. The Director of the PLRA office is the appointed Registrar of Medical Practitioners. The office of the Yukon Medical Council is within the PLRA office. The PLRA office regulates and licenses many other professionals within Yukon. Within the PLRA office, there is a designated complaints coordinator who provides guidance and facilitation through the complaint process for all professions, including medical practitioners.

What Yukon Medical Council cannot do...?

Before you submit a complaint form, there are certain complaints (or resolutions of complaints) that the Council cannot address. The Council is not able to;

1. Provide compensation, financial or other, to a Complainant;
2. Provide professional advice, or refer Complainants to a new professional;
3. Give legal advice or help in a lawsuit against a registrant; or
4. Address business disputes between medical practitioners.