



## Non-Treating Medical Examinations

**Standards of Practice** of the Yukon Medical Council (“the Council”) are the minimum standards of professional behavior and ethical conduct expected of all physicians registered in the Yukon. Standards of Practice will be referenced in the management of complaints and in discipline.

- (1) When accepting a request to perform a Non-Treating Medical Examination (hereafter referred to as “NTME”), a physician must:
  - (a) treat the person under the same ethical obligations as would apply to any patient;
  - (b) provide an objective and scientifically sound report; and
  - (c) be aware of the terms of authority for the examination set out in contract, statute or Rules of Court, whichever applies.
- (2) When agreeing to undertake a NTME, a physician must disclose to all parties:
  - (a) his or her involvement at any time in the medical care of the person undergoing the examination; and
  - (b) any relationship with the third party outside of a fee for service arrangement.
- (3) In advance of the examination, a physician must discuss the fee for the NTME with the party requesting the examination.
- (4) The physician undertaking the NTME must obtain informed consent from the person for the examination, diagnostic interventions and release of the physician’s report.
- (5) Notwithstanding subsection (4), the physician is not legally required to obtain consent if a person has been ordered by a court order or statutory direction to undergo a NTME; however, the physician is not required to:
  - (a) enforce the terms of a court order or statutory direction; or
  - (b) proceed with an NTME if the person refuses to cooperate with the physician undertaking the NTME.
- (6) A physician must not establish a therapeutic relationship with the person being examined unless:
  - (a) there is no other physician readily available to provide those services; and
  - (b) then only after concluding the process with the third party.
- (7) If a patient requires urgent intervention, the physician must make arrangements for follow-up care through another physician who can treat the patient. If no other physician is available or there is no known treating physician, the physician must:
  - (a) promptly advise the patient of the particulars of the medical issue that requires urgent attention; and

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**Terms used in the Standards of Practice:**

- *Physician* means any person who is registered or who is required to be registered under the Medical Profession Act.
- *Must* refers to a mandatory requirement.
- *May* means that the physician may exercise reasonable discretion.
- *Patient* includes, where applicable, the patient’s legal guardian or substitute decision maker.

- (b) provide necessary care if the situation is emergent or urgent and no alternative is available.
- (8) The physician must retain the following records obtained or created for the NTME for a period of six (6) years or longer if required by statute:
- (a) the final report and any interim reports issued to the third party;
  - (b) informed consent document;
  - (c) contract (if it exists in written form) outlining scope, purpose, timeliness, and fee arrangements;
  - (d) notes of history;
  - (e) notes of physical examination;
  - (f) audio and video recordings if made by the physician;
  - (g) a list of sources of ancillary information, including medical reports, records, and any audio or visual information recorded by another person; and
  - (h) the name of any person who attended with the person being examined.

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