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## Professional Standard Regarding Physician Co-operation with the College

This document is a **standard** approved by the Council of the College of Physicians and Surgeons of Nova Scotia.

A **standard** reflects the minimum professional and ethical behaviour, conduct or practice expected by the College of Physicians and Surgeons of Nova Scotia. Physicians licensed with the College are required to be familiar with and comply with the College **standards**.

### Preamble

The medical profession in Nova Scotia enjoys the privilege of professional self-regulation under the Nova Scotia Medical Act. To function properly and meet its mandate, the College depends on the support and cooperation of its members in a number of areas. The Canadian Medical Association Code of Ethics describes these under Responsibilities to the Profession:

- 46.** Recognize that the self-regulation of the profession is a privilege and that each physician has a continuing responsibility to merit this privilege and to support its institutions.
- 48.** Avoid impugning the reputation of colleagues for personal motives; however, report to the appropriate authority any unprofessional conduct by colleagues.
- 49.** Be willing to participate in peer review of other physicians and to undergo review by your peers. Enter into associations, contracts and agreements only if you can maintain your professional integrity and safeguard the interests of your patients.

Canadian Medical Association *Code of Ethics (2004)*, Sections 46, 48, 49.

It is accordingly a personal professional responsibility to assist the College when possible or necessary. The following examples describe instances in which member cooperation is essential.

## Promptly Supplying Change of Address Information

The College depends solely on submissions from members to keep its members' addresses and other contact information up-to-date. Changes to contact information (including name changes) can be made through the website or by contacting the College.

From the Nova Scotia *Medical Act*:

**30.** A member or associate member of the College who changes address shall promptly inform the Registrar who shall enter the change in the Register.

Nova Scotia *Medical Act*, Section 30.

## Providing Current Information about Practice Status

The College's Registration Department must be notified when members anticipate the following changes that will affect their license status:

- Physicians with full or defined licenses enter postgraduate training
- Physicians obtain (sub)certification with either the Royal College of Physicians and Surgeons of Canada (RCPSC) or College of Family Physicians of Canada (CFPC)
- Physicians leave Nova Scotia, regardless of whether they choose to retain or give up their Nova Scotia medical license

## Cooperating with the Peer Assessment Committee

The College is mandated by the Nova Scotia *Medical Act* to establish, maintain, and develop standards of qualification and practice among its members and to conduct peer assessment. The College has chosen the Nova Scotia Physician Achievement Review (NSPAR) to fulfill its peer assessment mandate. NSPAR is overseen by a Peer Assessment Committee consisting of elected and appointed physicians and public members of Council. This committee has the jurisdiction to interview physicians and to call for on-site office assessments.

From the Nova Scotia *Medical Act*:

- 7.** Every member whose standards of practice are the subject of an assessment shall co-operate fully with the Peer Assessment Committee and assessors.
- 8.** Without limiting the generality of the co-operation required by subsection (7), a member shall
- (a) permit assessors to enter and inspect the premises where the member engages in the practice of medicine;

- (b) permit the assessors to inspect the member's records of care administered to patients;
- (c) provide to the Peer Assessment Committee and assessors, in the form required, information requested by the Committee or assessors, as the case may be, in respect of the clinical assessment and care of patients by the member or the member's records of care administered to patients;
- (d) confer with the Peer Assessment Committee or assessors when required to do so by the Committee or assessors;
- (e) permit the re-assessments the Peer Assessment Committee or assessors deem necessary for the proper administration of a peer-assessment program; and
- (f) comply with the remedial recommendations of the Peer Assessment Committee.

*Nova Scotia Medical Act, Section 70: (7)(8)*

### **Cooperating with the Investigations Process**

The College is mandated to investigate all written complaints it receives about physicians. Complaint investigations are undertaken by an Investigations Committee with the assistance of staff. Significant confidentiality provisions surround complaint investigations. The *Medical Act* recognizes that a fair and thorough complaint investigation depends on an appropriate level of cooperation by the physician(s) named in the complaint.

From the *Nova Scotia Medical Act*:

**7. Without receipt of a written complaint, the [investigation] committee**

- (a) may do all things necessary to provide a full and proper investigation;
- (b) may appoint a person or persons to conduct an investigation or practice audit, or both.

**8. Upon receipt of a written complaint and upon giving to the member or associate member a copy of the complaint, the committee may require the member or associate member to**

- (a) submit to physical or mental examinations by such qualified persons as the committee designates;
- (b) submit to an inspection or audit of the practice of the member or associate member by such qualified persons as the committee designates;
- (c) submit to such examinations as the committee directs to determine whether the member or associate member is competent to practise medicine;

(d) produce records and accounts kept with respect to the member's or associate member's practice.

**9.** Where the member or associate member fails to comply with subsection (8), the committee may suspend or restrict the registration, licence or specialist's licence, or both, of the member or associate member until the member or associate member complies.

**10.** Where the committee has, pursuant to clause (8)(a),(b) or (c), required a member or associate member to submit to physical or mental examinations, or submit to inspection or audit of the practice by a qualified person designated by the committee, the committee shall deliver to the member or associate member any report it receives from the designated qualified person.

**11.** The committee or person appointed to conduct an investigation pursuant to clause (7)(b) may

(a) employ such other experts as the Committee or person deems necessary;

(b) require the member or associate member or any other member or associate member of the College, who may have information relevant to the investigation, to attend before the Committee or the person conducting the investigation to be interviewed;

(c) investigate any other matter relevant to the conduct, capacity or fitness of a member or associate member to practise medicine that arises in the course of the investigation.

*Nova Scotia Medical Act, Section 53 (7-11)*

### **Communicating with the College Regarding Stored or Transferred Medical Records**

The College should be informed of the location of stored or transferred medical records in the event of a practice closure or relocation. Further information about physician obligations regarding medical records is available in the following College guidelines:

CPSNS: Responsibilities When Closing a Medical Practice

CPSNS: Guidelines for Retiring Physicians Regarding Licensing and Notification

CPSNS: Guidelines for Medical Record-Keeping

### **Fully and Accurately Completing the Annual License Renewal Form**

Annual license renewal takes place near the end of each calendar year. The license renewal form contains a number of questions that must be answered fully and accurately. In some instances, the College may require that the physician supply additional information. It is important to note that failing

to honestly disclose information to the College in a licensing form or by other means may constitute professional misconduct.

## References

[Nova Scotia Medical Act](#)

[Canadian Medical Association Code of Ethics](#) (Update 2011)

## Document History

This document was reviewed and re-approved with minor changes: **March 21, 2014**

First approved by the Council of the College of Physicians and Surgeons of Nova Scotia:  
**October 16, 2009**

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