Learning about a complaint
At the end of the day, a physician sits down to read her mail. One letter from the regulatory authority (College) catches her eye. Intrigued and confident she is in good standing with the College, she opens it, and is surprised by the first line. “This letter is to inform you that a complaint has been filed against you by . . . .”

Immediately she reflects on recent events in her practice. Recalling an uncomfortable visit with the young man a few weeks previously, she searches for his medical record. She remembers that he wanted an immediate referral to a spine specialist, claiming a work-related injury. Reluctantly, he agreed to her examination. He was distressed when she insisted on filling out a workplace injury report, and more upset when she did not make the requested referral but instead recommended non-narcotic analgesics and physiotherapy. As she reads her notes on the visit, she realizes she did not adequately document the physical examination and did not record his anger. She picks up her pen . . . STOP!

This physician may be about to make a number of potentially serious mistakes.

Dealing with a College complaint
Each College has its own process for handling complaints. Most will notify you of the complaint, usually by letter or telephone. If notified, you should determine whether the College is asking you to respond. When a reply is required, Colleges will typically give directions on how and when to respond, including deadlines. While they expect you to reply within their timeframe, they will amend a deadline if there is a genuine need. Speaking with an experienced and qualified CMPA medical officer can help you determine what the College is asking of you.

Who complained? About what?
Before responding, you must determine who complained and about what. Anyone—patients, family members, employers, insurers or social service agencies—can complain to a College if they are dissatisfied with your care or conduct.

Key points
If you are notified of a College complaint:
- Call the CMPA and speak to a medical officer for advice and assistance
- Recognize that many physicians find this situation stressful
- Determine who complained and about what
- Determine what the College is asking you to do, and if you have been given specific deadlines to meet
- Never alter a patient’s medical record after a complaint
- Respond to the College in a professional and respectful manner, acknowledging the patient’s condition
- In your response, objectively address the issues; be succinct and direct

Dr. Philip Winkelaar, Medical Officer (Retired)
Although most complaints stem from a patient interaction, occasionally they involve non-medical activities. These activities are a concern if they reflect on your professionalism or suitability for practice.

The Colleges will sometimes provide a copy of the actual complaint letter, or they may simply enumerate the issues set out in the complaint letter. Most will review your prior experience at their College as they consider a new issue.

**Writing a response**

When writing your initial response, compose yourself, don’t rush, and ensure you have access to all pertinent documents. Your letter to the College should reflect what happened, the interactions with the patient and/or a third party, and your rationale for providing that particular care. Include your recollections of the encounter and the appropriate information from the medical record, making it clear where the information originated.

Consider the key issues in the complaint and determine whether you could make any improvements in your practice to modify the risk of a recurrence. Demonstrating to the College your ability to do a self-assessment is helpful.

Usually the College will request a copy of the patient’s record. If another organization or person is responsible for the record (e.g., hospital, clinic owner), ensure he or she is aware of the request. Never alter a patient’s record after learning of a complaint or legal action. Instead, review the record as it stands—with absolutely no additions, deletions or alterations. Any improper change to the record will impair your credibility and may lead to an additional charge of unprofessional conduct.

In the situation of having received a complaint and if, on review, there are inaccuracies or omissions in the record, you should write a note on a separate sheet of paper, date it, and file it with the patient’s medical record.

What’s next?

At this point, many Colleges will send a copy of your response to the complainant asking for further comments. On some occasions this will satisfy the complainant. Frequently, however, the complainant will reply with a second letter to the College, which the College will often send on to you for any further comments.

If there are new issues that need to be addressed or any clarification of previous statements, you should consult again with a CMPA medical officer and respond a second time to the College, if appropriate.

The College will consider all the information available from the complainant and the physician. If the medical issues are complex, the College might seek an expert peer opinion from an independent, uninvolved physician. On occasion, the College will also seek information from witnesses such as your office staff or laypersons.

How does it get resolved?

In the majority of cases, physicians successfully demonstrate their actions were appropriate medically and professionally. In these situations, the College dismisses the complaint.

Sometimes physicians are criticized for being unprofessional in their interaction with the patient, even though the medical advice may have been fully appropriate. In these cases, physicians most often receive a verbal or written counsel or caution from the College. The College may suggest remedial actions such as targeted medical education or professional development or other solutions.

In more severe cases, where the physician’s actions lead to serious concerns about conduct or competence, the matter may be referred to the appropriate committee responsible for assessing professional misconduct or competency. Issues relating to physical or mental health concerns may be referred to the committee responsible for assessing the physician’s fitness to practise.