

## PART C: PATIENT CARE

### SECTION 1 – Complaints

## 1.02 Complaints & Allegations Against Regulated Professionals

### Policy

Taddle Creek Family Health Team (TC FHT) will handle complaints & allegations against regulated professionals responsibly.

### Procedure

This procedure applies to college-regulated providers, involved in direct one-to-one client care.

1. General Principles
  - Responsibility for handling complaints or allegations, about TC FHT services provided by TC FHT staff, shall rest with the Administrator/Lead Physician, then with the Executive Committee, and finally with the Board of Directors
  - Patients have the right to complain when dissatisfied with the quality of care received
  - Resolution of a complaint should be timely in order to not delay appropriate action by the patient or cause undue stress for the provider
2. For complaints about TC FHT physicians, the complainant should be offered the opportunity to discuss the matter with the physician and advised of their right to complain to the College of Physicians and Surgeons of Ontario
3. Provincial Bodies Dealing with Health Care Complaints

#### Provider's Colleges

Each college, through a complaints committee, has a process for investigating specific complaints. These committees are guided by the Regulated Health Professions Act.

#### Health Professions Board

This is a government-appointed body that has a review process available both to complainants and those health professionals governed by the Regulated Health Professions Act.

#### Civil Courts

Allegations of negligence and professional malpractice can also be brought to civil courts when lawsuits are commenced. Civil courts may award damages. Generally speaking, the liability insurer for the FHT would appoint and instruct legal counsels to defend the lawsuit and would pay for any settlement or judgment. See 5. below.

4. Possible Professional Misconduct, Incompetence or Incapacity

## SECTION 1 – Complaints

### 1.02 COMPLAINTS & ALLEGATIONS AGAINST REGULATED PROFESSIONALS

If sufficient evidence exists to indicate possible professional misconduct, incompetence or incapacity, the Administrator/Lead Physician shall:

- a. Request, of the provider, a written response to the particular incident;
- b. Inform the provider of her or his right to legal advice;
- c. Inform the Executive Committee of the alleged incident and steps that have been taken.

The Executive shall seek legal advice and decide how to proceed with further investigation of the allegation. During the investigation, the provider may be suspended from work. Depending on the circumstances, this suspension may be with or without pay.

Upon completion of all investigative procedures, including, where appropriate, the involvement of the relevant college, the Executive Committee shall order one of the following for the provider, depending on the nature and severity of the circumstances:

- re-instatement with or without restrictions;
- leave of absence for training or therapy;
- provision of therapy or training while on the job; or
- termination.

If the outcome is the termination of the provider's employment, the Executive Committee shall prepare a report and forward it within thirty days to the appropriate professional college.

#### 5. Litigation and Insurance Coverage

Where the patient provides notice, oral or written, of an intention to commence a lawsuit against TC FHT or any of its staff, the Board of Directors shall be immediately informed.

Upon receipt of such information, the Executive Committee shall, as soon as possible, provide written notice to TC FHT's insurer of the notice of action.

The provider shall likewise contact her or his professional insurer.

All staff shall cooperate fully in providing statements and any other information to TC FHT's insurer, its adjusters and its lawyers in respect of the claim.

Where TC FHT's staff, have received notice of a legal action, the provider(s) involved in the issue may not speak directly to the patient or their representative on any matters relating to the complaint. The Administrator/Lead Physician, working with affected provider(s) and the clinical team, will decide on appropriate ongoing care for the patient.

Approved By: Executive  
Approved On: April 28, 2009