

Rules for Member Participation

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Rules for the College Programs are required under the *Health Professions Act Regulations for Physicians, Surgeons and Osteopaths Profession*. Rules address various parameters for a program including requirements for member participation.

Preamble:

The rules for participation in the Physician Health Monitoring Program apply to members with health conditions that affect their ability to practice safely who have come to the attention of the College. Although Section 118 of the *Health Professions Act* allows the Complaints Director to suspend a member pending an assessment of capacity, the College strives to manage health-related concerns outside of the complaints process whenever possible. These rules are required to provide the College with the authority to take this approach.

Medical information to determine the fitness to practice and risks to the public is obtained from the member's treating physicians or from an independent third party. This information is kept in a confidential manner by the Assistant Registrar responsible for the Physician Health Monitoring department and released to third parties only with the physician's consent. It is never made public.

Members are encouraged to seek legal counsel to assist them with this process.

The Rules for Member Participation:

- (1) A member will meet with the Assistant Registrar on request.
- (2) A member will provide the College with all relevant medical information deemed necessary to determine the risk of their health condition to the public.
- (3) If there is a public safety issue and agreement cannot be reached, the matter will be referred back to the Complaints Director under section 51.1.2 (b) of the *Health Professions Act*, where Part 4 or Part 6 of the act will apply.
- (4) A member will comply with any negotiated agreement made with the Assistant Registrar to ensure their health condition is managed to ensure safe and competent care of patients.

Terms Used:

- *Physician* means any person who is registered or who is required to be registered as a member of this College. The College regulates physicians, surgeons and osteopaths.
- *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.