



Policy Name: Complaints Committee Terms of Reference

Number: GP5.5

Policy Type: Governance Process

Date Approved: June 18, 2004

Date Revised: November 8, 2007

Purpose/Product

In accordance with *The Medical Act*, panels of the Complaints Committee reviews complaints and other matters referred pursuant to the Act, and exercises the authority provided by the Act in relation to the disposition of complaints.

Authority

In accordance with *The Medical Act*.

Committee Composition:

The Complaints Committee shall consist of:

- (a) The Chair who must be a Councillor;
- (b) At least two Public Representatives; and
- (c) At least two Members of the College,

but at least one third of the persons appointed to the Complaints Committee must be Public Representatives.

Term of Office

Except for the Public Representatives appointed to the Complaints Committee by the Minister, members shall be appointed for a one year term. Public Representatives appointed by the Minister shall be appointed for a three year term.

No person shall be eligible to be a member of the Complaints Committee for a period of greater than six years.

Referral of a Complaint

- (a) Where the Registrar or a Medical Consultant to the Complaints Committee is of the opinion that a matter should be referred immediately to the Investigation Committee, the Chair of the Complaints Committee has authority to approve an immediate referral.
- (b) The following is the process for preparing a complaint or a matter referred to the Complaints Committee by the Registrar or the Executive Committee pursuant to s.43(1)¹ of the Act, for review by a panel of the Complaints Committee:

¹ s.43(1) The Registrar shall refer to the Complaints Committee (a) any complaint made under section 42; and (b) any other matter that the Registrar or the Executive Committee considers advisable.

- a. The Registrar shall cause a letter to be sent to the Member:
 - i. enclosing a copy of the complaint or a statement of the concerns referred to the Committee,
 - ii. requiring an answer within 30 days of the date of the College's letter to the Member,
 - iii. advising the Member that his/her reply is not privileged, and
 - iv. providing information about the complaints process.
- b. The Registrar shall cause a letter to be sent to the complainant advising:
 - i. of the role of the College in protecting the public and the methods by which this is done and
 - ii. of the likely time lapse until the complaint will be reviewed.
- c. The Registrar shall cause to be obtained medical records, hospital records and such other information as the Medical Consultant deems necessary for the proper review of the complaint.
- d. The Registrar may cause such other action be taken as he/she deems proper to obtain information relating to the complaint.

Procedure in relation to gathering additional information

A panel of the Complaints Committee may do any one or more of the following:

- (a) invite the complainant or the physician to appear before it to provide further clarification.
- (b) direct a Medical Consultant or a Registrar to obtain such additional information as the panel deems necessary to review the matter.
- (c) retain such consultant(s) as it deems necessary.

Procedure on Receipt of a Complaint about a Medical Learner

Where a complaint is received respecting the provision of medical care by an undergraduate medical student or a postgraduate medical student, that complaint must be sent to:

- (a) the undergraduate or postgraduate medical student who is the subject of the complaint, and
- (b) the attending staff physician responsible for the medical care provided by that undergraduate or postgraduate medical student.

Complaints Involving Telemedicine

1. Where the College receives a complaint respecting the conduct of a Member practising telemedicine, the College will process the complaint irrespective of the jurisdiction where the patient resides.
2. Where the College receives a complaint from a Manitoba resident respecting the conduct of a person who is not registered in Manitoba but who is alleged to be practising telemedicine in Manitoba, the College will seek the consent of the complainant to forward the complaint to the licensing body in the jurisdiction where the person alleged to be practising telemedicine in Manitoba is registered.

Complaints Committee Decision

Following its review of a matter, a panel of the Complaints Committee may do any one or more of the following:

- (a) refer the matter to another College committee.
- (b) resolve the complaint informally, including offering recommendations to the Member.
- (c) refer the matter to such other body as it may deem appropriate provided that such referral is in accordance with ss. 63(1) of The Medical Act.

Communication of Complaints Committee Decision

The results of the Complaints Committee review shall be communicated to the complainant and the physician in writing. The complainant shall be informed of his/her right to request that the matter be referred to the Investigation Committee.