



INVESTIGATION COMMITTEE POLICY

Sharing Information of Possible Criminal Activity with Law Enforcement Agency

Initial Approval: February 12, 2020

Effective Date: February 12, 2020

Revised with Changes:

CONTEXT

Pursuant to subsection 112 of *The Regulated Health Professions Act* (“RHPA”), the Investigation Committee may disclose Information to law enforcement:

If, in the course of an investigation under this Part, the investigation committee obtains information that leads to a reasonable belief that a member or former member has been engaged or is engaging in possible criminal activity, the committee may disclose the information to a law enforcement agency.

POLICY

When considering whether to disclose information the committee obtains which leads to a reasonable belief that the member has been or is engaging in possible criminal activity to a law enforcement agency, the Investigation Committee must:

1. obtain legal advice as to:
 - a. whether disclosure is advisable and/or is required by law such as in the case of a vulnerable patient or child, and
 - b. the extent of the information that can or should be disclosed without a formal court order or subpoena;
2. where a patient is involved and reporting is not mandatory, consider:
 - a. whether the decision to report to a law enforcement agency is more appropriately made by the patient, and
 - b. if the patient is unwilling or unavailable to make a report, refrain from making a report unless the public interest in making the report outweighs any possible harm to the patient or intrusion of the patient’s privacy; and
3. disclose the information, in writing, through its legal counsel, where possible.

Where the Investigation Committee determines there is a need to report without consent of an involved patient, it will first notify the patient, if possible, of its decision.