



# Publication Policies

For the purposes of these policies, “Publication” means material included on this website and/or in the College newsletter.

[The Medical Act](#) provides for publication in two situations:

## 1. CENSURE

Subsection 49(2) of [The Medical Act](#) provides that the Investigation Committee may publish the fact that a member has been censured and the publication may include the member's name and a description of the circumstances that led to the censure. The general policies in relation to publication are as follows:

- The fact of a censure and the circumstances which led to the censure will be published in the Report of Disciplinary Proceedings and on the College’s website.
- The member’s name will be published and the censure will appear on the member’s profile unless the Investigation Committee orders that it not be published to protect the privacy of a patient or a patient’s family or the safety of any person.
- If a physician's name is excluded from the publication, the publication will contain the Committee's reasons for withholding the name.

Determining whether or not to exclude a physician's name from the publication of a censure involves a balancing of the public’s right to be aware of College proceedings with the privacy rights of patients and potential safety issues.

In arriving at a decision whether or not to exclude a physician's name from a publication, the Investigation Committee will consider, in addition to other relevant information, the following factors:

- (a) any specific need for the public to be informed about an individual physician or a particular treatment, therapy or other service provided by that physician;
- (b) any specific need for referring physicians to be informed about a particular physician or treatment, therapy or other service provided by that physician;

- (c) whether the facts of the censure include disclosure of intimate, financial, medical or other personal matters that would impact a patient's privacy;
- (d) whether the inclusion of the physician's name could reasonably be anticipated to compromise the anonymity of the complainant or other innocent parties incidentally involved in a matter;
- (e) whether the inclusion of the physician's name is contraindicated with respect to any medical/psychiatric treatment being received by the physician or a third party;
- (f) any evidence that the safety of any individual could be jeopardized by inclusion of a name.

## 2. INQUIRY

Section 59.9 of [The Medical Act](#) provides that:

Notwithstanding that any proceeding or part of a proceeding before a panel may have been held in private, the college may, after the decision and any order has been served on the member, publish the circumstances relevant to the findings and any order of the panel. If the panel makes an order against the member under section 59.6 or 59.7, the college may also publish the member's name

When a physician is found guilty after an Inquiry, the publication of the physician's name is included except where otherwise ordered by the panel and/or in exceptional circumstances. The panel may also order certain people not be named (only initials used). The patient's name and any identifying information are deleted from the publication. If the physician has been found not guilty, publication may or may not be included in the Report of Disciplinary Proceedings but the physician's name cannot be included.

### **Additional Notes:**

1. [Regulation 104/2005.pdf](#) - Physician Profile Regulation- requires that where a physician has been the subject of final disciplinary action by a regulatory authority, that will be noted in the physician's profile, subject to certain limitations (see [Final Disciplinary Action](#) for a discussion of the limitations).
2. All erasures and suspensions are reported to Manitoba Health, Manitoba Pharmaceutical Association, Medical Council of Canada, Federation of Medical Regulatory Authorities of Canada, and the appropriate provincial Regional Health Authority.
3. Copies of all discipline publications are forwarded to Lexis Nexis and CanLII for inclusion in their database.

