

CONFLICT OF INTEREST: JOB ACTION

BACKGROUND:

The College has no direct involvement in withdrawal of services by physicians except to take steps, to the extent that it can, to protect the interests of the public.

Two ethical principles, not modified by circumstances surrounding job action, are as follows:

1. Physicians must not abandon their patients¹
2. Physicians must provide whatever appropriate assistance they can to any person with an urgent need for medical care.²

While physicians have the right to withdraw services, that right must be exercised in a manner which is consistent with physicians' ethical and professional obligations.

SCOPE:

This Statement applies to all physicians.

REQUIREMENTS:

The following statements provide a basic framework to guide physicians who may be considering withdrawal of services. However, the ultimate responsibility for any clinical decision rests with the individual physician who has the responsibility to ensure that his or her actions are consistent with ethical and professional standards. Patient safety must always be borne in mind.

1. Every physician, regardless of whether he or she is acting alone or as part of a group, has an ongoing ethical and professional responsibility to act in a manner which will not result in serious harm to patients. It is the potential of harm, not "life and limb situations" or "emergencies" which is the true measure. The potential that a patient may suffer serious irreparable harm may apply in a variety of circumstances, and is properly left to the clinical judgment of the physicians involved.
2. When considering withdrawal of services, each physician must carefully assess the proposed action and its consequences for patients. This assessment must include consideration of:
 - a. the nature and location of the physician's practice and the patient population served,
 - b. the availability of other physician resources in the area,
 - c. alternative arrangements for the care, ongoing monitoring and transfer of patients, and
 - d. an appropriate contingency plan for patient care to deal with unforeseen emergency situations.
3. A physician must continue to provide care for acutely ill or recovering patients for whom that physician has a responsibility, or see that appropriate alternative arrangements are in place.
4. Physicians, either individually or through call groups, must be available to assess and treat seriously ill or emergency patients where the absence of such care may result in serious harm to patients.

¹ See Article 10 of the Code of Conduct.

² See Article 9 of the Code of Conduct.

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5. Through contact with administration³, physicians must monitor the impact of the withdrawal of services to ensure that the initial arrangements for patient care continue to meet the requirements of this Statement.
6. An entire group of physicians or an entire department must not completely withdraw services. A physician must be available to provide for the care of seriously ill or emergency patients. Just as individual physicians cannot abandon their patients, groups of physicians cannot abandon their community.
7. A group of physicians in a community or a department in a hospital may effect a partial withdrawal of services if they:
 - a. consider the availability and adequacy of alternative resources,
 - b. establish arrangements for communication or consultation to ensure the appropriate transfer of care of patients to other physicians or facilities. There must be a physician available to assess the patient prior to transfer, and a process or protocol in place which would include physician to physician communication.
 - c. provide written notification of the intended withdrawal of services to medical directors and others involved in the delivery of hospital and medical services. The period of notice may vary depending upon the specific circumstances. Generally, the notice period should be a minimum of 24 hours. This will allow the hospital or health authority an opportunity to review with the physicians the nature, extent and impact of the proposed action, and to consider what arrangements must be made in response to such action.
 - d. through contact with administration, monitor the impact of the withdrawal of services on patient care to ensure that the standards of care continue to meet the requirements of this Statement, and
 - e. establish an appropriate contingency plan for patient care to deal with unforeseen emergency situations. Such a contingency plan must include the designation of an on-call physician.

COUNCILLORS OF THE COLLEGE AND JOB ACTION

Councillors must recognize:

- a. the College exercises its statutory responsibilities through its councillors, and
- b. the fact that the College may be called upon to pass judgement on situations arising out of job action.

Consequently, to the extent possible consistent with their work situation and responsibilities, councillors of the College:

1. Must not participate in job action, and
2. Must publicly state only the position of the College in relation to the issue of withdrawal of services by members.⁴

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Revision EXEC/10-00
2nd Revision EXEC/06-03

**A statement is a formal position of the College with
which members shall comply.**

³ In this Statement, "administration" may include, but is not limited to, administration of a regional health authority, a hospital or other facility.

⁴ It is the responsibility of the Registrar and the President of the College to respond to any media queries about the College's position on any issue. Councillors should refer any media requests to the Registrar.