

## FOR THE PROTECTION OF THE PUBLIC

To accomplish its mission to protect the public, the Collège des médecins du Québec must oversee and control the professional practice of its members.

To this end, it sets out, in the *Code of Ethics of Physicians*, rules that must be respected by all physicians. Physicians are also subject to the *Medical Act*, the *Professional Code* and the various regulations established under these laws.

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**THE MISSION OF THE COLLÈGE DES MÉDECINS DU QUÉBEC:  
QUALITY MEDICINE AT THE SERVICE OF THE PUBLIC**

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## ASSERT YOUR RIGHTS

Most physicians offer quality professional services. However, if you have questions about services you received or expected to receive from a physician, you may write to the Inquiries Division of the Collège des médecins du Québec. It is important that you state the situation you wish to obtain information about. You may also discuss the matter with your doctor first, if appropriate, or with the institution's competent authorities.

Based on the information you provide, the Inquiries Division will determine whether there are grounds for an inquiry.



## REMEMBER

- 1/ The purpose of the disciplinary system is to prevent the occurrence or recurrence of conduct or acts that do not comply with the laws and regulations that govern the physician's professional practice.
- 2/ The Disciplinary Council is a tribunal that is completely independent in the performance of its functions.
- 3/ To claim damages for harm you believe you have suffered, you must apply to the civil courts. Proceedings involving the Inquiries Division are not aimed at granting an indemnity.

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## INFORMATION

Inquiries Division  
Collège des médecins du Québec  
Office 3500  
1250 René-Lévesque Blvd. West  
Montreal (Québec) H3B 0G2  
Telephone: 514 933-4787  
Toll free: 1 888 633-3246, extension 4787  
info@cmq.org  
www.cmq.org

# HOW TO FILE A COMPLAINT AGAINST A PHYSICIAN



# TO FILE A COMPLAINT THERE ARE TWO OPTIONS

## 1/

### FILL OUT THE INQUIRY REQUEST FORM AVAILABLE ON THE COLLÈGE'S WEB SITE

and enclose any documents relevant to the review of your request. (www.cmq.org – keyword: Complaints)

## 2/

### WRITE A LETTER PROVIDING ALL THE RELEVANT INFORMATION\*,

sign it and enclose copies of any documents required for the review of your request.

#### \* INFORMATION TO INCLUDE:

- › The name of the physician or physicians involved;
- › The most accurate description possible of the alleged acts as well as the date and place where they occurred;
- › The name of any health institutions concerned;
- › The name and address of any persons who could provide additional information;
- › Your name, address, phone number and Health Insurance Number.

Send your form or letter and the accompanying documents to the Inquiries Division of the Collège des médecins du Québec.

The request for an inquiry and the disciplinary process are free of charge for the complainant.

## HOW THE REQUEST IS PROCESSED

### THE REQUEST IS REVIEWED

Upon receiving your request, the syndic evaluates it and decides whether or not to conduct an inquiry. If he decides to do so, he collects the information and documents needed for his inquiry, such as a copy of a medical record or a prescription. He usually informs the physician concerned that he is the subject of an inquiry. From this point on, the physician may no longer contact you, unless he obtains written permission to do so from the syndic. When a request for an inquiry concerns the quality of care, the syndic may consult medical experts.

To allow the syndic to make an informed decision, your collaboration is essential.

## THE SYNDIC MAKES A DECISION

Based on the findings and the evidence available at the end of his review, the syndic must make an appropriate decision.

He has three options:

### 1/ TO DECIDE AGAINST LODGING A COMPLAINT WITH THE DISCIPLINARY COUNCIL

The syndic may decide that there are no grounds for lodging a complaint with the Disciplinary Council. In this case, the syndic must give you a written explanation of the reasons for his decision.

### 2/ TO SUGGEST NON-DISCIPLINARY MEASURES

Even if he considers that the alleged acts do not warrant lodging a complaint with the Disciplinary Council, the syndic may, however, recommend non-disciplinary measures to prevent any repetition of the alleged acts or conduct.

#### IN PARTICULAR, THE SYNDIC MAY:

- › Make recommendations or issue warnings to the physician;
- › Ask the Professional Inspection Committee of the Collège des médecins du Québec to assess the physician's practice as a whole;
- › Recommend that the physician consult the Assistance Program for Québec Physicians (a resource for physicians with health problems);
- › Recommend that the physician limit his practice or complete a training period.

### 3/ TO LODGE A COMPLAINT WITH THE DISCIPLINARY COUNCIL

If the offence is serious and there is sufficient evidence, the syndic may lodge an official complaint with the Disciplinary Council.

To find out more about what the Disciplinary Council does and each of the steps in the inquiry and disciplinary process, consult the Collège's Web site (www.cmq.org – keyword: Discipline).

### THE SYNDIC COMMUNICATES HIS DECISION

The syndic must communicate his decision in writing to the person who initiated the inquiry within a reasonable timeframe, which may vary depending on the complexity of the case and the number of ongoing inquiries.

Once the syndic has sent the file to the Disciplinary Council, he must inform you of the date, time and place of the hearing and the Disciplinary Council's decision.

## NOT SATISFIED WITH THE SYNDIC'S DECISION? THERE ARE OTHER COURSES OF ACTION.

### REQUEST A REVIEW OF THE FILE

You may write to the secretary of the Review Committee and request a review of the inquiry file created by the syndic.

### LODGE A PRIVATE COMPLAINT WITH THE DISCIPLINARY COUNCIL

You may lodge a private complaint with the Disciplinary Council. In this case, you must assume the burden of proof for the physician's alleged offence. Under the *Professional Code*, you may also be assisted or represented by a lawyer whose services you retain.

When a private complaint is lodged, the Disciplinary Council may require you to pay certain costs, such as the bailiff's or stenographic recording costs.