

## REPORTING REQUIREMENTS

1 *Policies* of the College of Physicians and Surgeons of Ontario (“CPSO”) set out  
2 expectations for the professional conduct of physicians practising in Ontario. Together  
3 with the *Practice Guide* and relevant legislation and case law, they will be used by CPSO  
4 and its Committees when considering physician practice or conduct.

5 Within policies, the terms ‘must’ and ‘advised’ are used to articulate CPSO’s  
6 expectations. When ‘advised’ is used, it indicates that physicians can use reasonable  
7 discretion when applying this expectation to practice.

8 Additional information, general advice, and/or best practices can be found in  
9 companion resources, such as *Advice to the Profession* documents.

### 10 11 Policy

12 Physicians are required to report certain events or clinical conditions regarding their  
13 patients, other regulated health professionals, and themselves to CPSO, other health  
14 regulatory bodies (i.e., colleges), and designated agencies.

15 Depending on the circumstances, physicians may be required or permitted<sup>1</sup> by law to  
16 make a report. Physicians may also be required by CPSO policy to notify an appropriate  
17 authority of specific information.

18 This policy outlines the professional expectations that have been set by CPSO with  
19 respect to reporting, and a list of the key reporting requirements that are set out in law  
20 can be found in the *Legal Reporting Requirements* companion resource.

### 21 General

- 22 1. In addition to complying with the professional expectations contained in this policy,  
23 physicians **must** fulfill their legislative reporting requirements, which include those  
24 that are set out in CPSO’s *Legal Reporting Requirements* document.  
25
- 26 2. Unless doing so would pose a genuine risk of harm to themselves and/or others,<sup>2</sup>  
27 physicians **must** notify patients about their duty to report at the earliest opportunity,  
28 and where possible, before making a report.<sup>3</sup>  
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<sup>1</sup> Some laws allow (but do not require) physicians to make a report even if it means disclosing confidential patient information.

<sup>2</sup> This includes harm that may result to the physician, the physician’s staff, the patient, etc.

<sup>3</sup> For more information on when to notify patients of a duty to report, see CPSO’s *Advice to the Profession: Reporting Requirements* document.

- 30 3. When making a report about a patient, physicians **must** disclose only the information  
31 as required by law or necessary to address the risk of harm.  
32
- 33 4. While most legislative reports must be made within a specified period of time, where  
34 a timeline is not set out in law, physicians **must** file a report in a timely manner<sup>4</sup> once  
35 a requirement to report arises.

### 36 **Incompetence and Incapacity**

- 37 5. While facility operators<sup>5</sup> are legally required to report concerns of incapacity and  
38 incompetence, all physicians **must** take appropriate and timely action when they  
39 have reasonable grounds to believe that another physician or regulated health  
40 professional is incapacitated<sup>6</sup> or incompetent<sup>7</sup>, including circumstances where the  
41 individual's pattern of care, physical or mental health, or behaviour poses a likely risk  
42 to patient safety.

### 43 **Documentation**

- 44 6. Physicians **must** capture in the medical record relevant details of any report made  
45 about a patient (e.g., a copy of the report).

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<sup>4</sup> What constitutes "timely" will depend on the circumstances of each case, including the level and nature of the risk inherent in the situation.

<sup>5</sup> See CPSO's *Legal Reporting Requirements* document for more information on facility operators.

<sup>6</sup> "Incapacitated" means that a regulated health professional is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that their certificate of registration be subject to terms, conditions, or limitations, or that they no longer be permitted to practise. See s. 1(1) of the [Health Professions Procedural Code](#), Schedule 2 of the [Regulated Health Professions Act, 1991](#), S.O. 1001, c.18 ("HPPC").

<sup>7</sup> "Incompetent" means that a regulated health professional's care of a patient displayed a lack of knowledge, skill, or judgment of a nature or to an extent that demonstrates that they are unfit to continue to practise or that their practice should be restricted. See s. 52(1) of the [HPPC](#).