

CONSIDERATIONS WHEN DRAFTING RESPONSES TO COLLEGE COMPLAINTS

The following is intended as general information only on considerations that should typically be given by physicians when responding to a College complaint. Not all of the points will necessarily be applicable in every case. Moreover, different considerations may be required in responding to specific types of complaints. You are encouraged to consult with the CMPA prior to responding to a College complaint.

Before Preparing Your Response

1. Consider the College's deadline for your response. Allow ample time to review the records and complaint documentation and to draft your response.
2. Carefully review all documentation sent by the College in respect of the complaint, including the College investigator's summary of the complainant's concerns and all additional documentation and information relevant to the complaint (e.g. medical records).
3. Review any relevant College policies.
4. You may be asked for a copy of your medical records. If the request for records is for a specific time period, ensure that you provide a complete copy of only those records. Your records should not be changed in any way.

Preparing Your Response

General Comments

5. Prepare your draft response on your professional letterhead in business letter format.
6. Address your response to the College representative (e.g. Investigator, Deputy Registrar) with whom you have been in contact, unless directed otherwise. Do not address your response directly to the complainant. In an effort to avoid gender assumptions in your salutation, you may wish to address your letter using the recipient's full name, for example: Dear Alex Chang.
7. Include the following subject line in your response: **Re: complainant's name, College's complaint reference/reply number** (this number can typically be found on correspondence from the College).
8. Always use a respectful and professional tone. While you may disagree with the complainant's comments with respect to your care and/or conduct, avoid appearing defensive or condescending in responding to the complainant's concerns.

9. Refrain from using unnecessary medical jargon or abbreviations in your response. If it is necessary to use such terms, consider offering a definition that laypersons can understand. A copy of your response may be provided by the College to the complainant. It might also be reviewed by others who do not have a medical background.
10. Where appropriate, express empathy and acknowledgment for the patient's concerns or perceived experience. This can demonstrate reflection and consideration of the concerns raised. If appropriate, you may also wish to consider an apology.

Proposed Outline of Response

11. Acknowledge in the introduction to your response receipt of the materials provided by the College regarding the complaint. State clearly how you intend to structure your response (e.g. provide a summary of pertinent clinical details followed by specific responses to the concerns raised by the complainant.)
12. Consider whether your professional credentials or experience are relevant to the complaint and/or whether they provide necessary context to the concerns raised (*i.e.* practice location, practice size, scope and nature of practice and resource availability). The College of Physicians and Surgeons of Manitoba has specifically asked physicians not to include their professional training and experience within their response. They (and other Colleges) have expressed that this information is often unhelpful in resolving matters as it can be seen to emphasize a power differential and create the appearance of elevated status compared to the complainant.

Therefore, if relevant, any professional overview within your response should be concise. You should refrain from attaching or reproducing your curriculum vitae, as this level of detail is generally not relevant and can be perceived negatively. Alternatively, you may wish to include a brief summary of your professional credentials in a cover letter to the College. This provides the necessary context of your practice to the College, but would not form part of your response received by the complainant.

13. Provide a factual summary of the clinical care related to the issues raised in the complaint. Rather than reiterating all of the information in the medical record, outline important details related to the complaint, including, where applicable, references to relevant history, findings on examinations, diagnoses, treatment plans and follow-up plans. Use direct quotations and specific references to the medical record where appropriate and add explanatory comments where needed. It is important to ensure that your records and response are entirely consistent, so be careful to double-check your records to ensure your comments are accurate.

Specific Considerations

14. Address each of the concerns raised in the complaint, where possible. Pay specific attention to any issues identified by the College in their correspondence to you.

15. For communication-based complaints, consider whether it is appropriate to deny statements or actions that you did not make. Alternatively, if you do not have a specific recollection, you may wish to indicate this. In doing so, you can provide information on your usual practice in the circumstances.
16. Describe the nature of the care provided and your rationale for any relevant clinical decisions, where necessary and appropriate. While other health care providers may have been involved in the patient's care, focus on addressing the care you provided to the patient and avoid commenting on the care of others.
17. If relevant medical information exists in records outside of the time period specified by the College, include a note in your response that these other records exist, but **do not** disclose the information contained in the records. The College may ask you for the further information/ records, if necessary.
18. Consider whether it is necessary to proactively comment on the legibility and/or comprehensiveness of your records. In some cases, the College may specifically request that you address such issues in your response and/or may request a transcription of your notes.
19. Where your care and/or conduct deviated from a College policy/guideline, explain why and consider referring to literature or practice guidelines that support these clinical decisions. Where appropriate, express your reflection on the relevant issue and intention to follow the College policy in the future.
20. Demonstrate insight into the concerns raised by the complainant. More specifically, the College is interested in knowing whether you have made, or intend to make, any changes and/or improvements to your practice or whether you intend to engage in any continuing medical education arising from the complaint. Such improvements should be specifically referenced in your response.
21. Where appropriate, identify and provide business contact information for staff members (e.g. secretary, nurse) who have knowledge of the matter at issue. This additional information would not generally form part of your response and would be provided to the College in a separate letter.

Finalizing Your Response

22. Confirm that any references made to the medical record are accurate.
23. Leave yourself enough time to put aside your draft for a day or two. Re-read your draft with a fresh perspective and make any necessary changes.
24. Ensure the document is clearly marked "DRAFT" and forward to the CMPA Physician Advisor, preferably using CMPA webmail. Do not sign the draft version that is sent to the CMPA for review.
25. Once the draft has been finalized, sign your response using your full name and professional designations. Because circumstances may arise where your contact

information and address may be released to the complainant, submit only your business contact information and address with your response.