

June 27, 2019

*Via Mail & E-mail*

[REDACTED]  
[REDACTED]  
College of Physicians and Surgeons of Ontario  
80 College Street  
Toronto ON M5G 2E2

**Re: General Consultation – Policy on Boundary Violations**

The Canadian Medical Protective Association (“CMPA”) appreciates the opportunity to participate in the consultation being conducted by the College on its updated draft *Policy on Boundary Violations*. We have also provided comments in respect of the updated draft *Policy on Disclosure of Harm* under separate cover.

As you know, the CMPA delivers efficient, high-quality physician-to-physician advice and assistance in medical-legal matters, including the provision of appropriate compensation to patients injured by negligent medical care. Our evidence-based products and services enhance the safety of medical care, reducing unnecessary harm and costs. As Canada’s largest physician organization and with the support of our nearly 100,000 physician members, the CMPA collaborates, advocates and effects positive change on important healthcare and medical-legal issues.

**Clear Expectations**

The draft Policy is broader than the existing *Policy on Maintaining Appropriate Boundaries and Preventing Sexual Abuse* in that it addresses boundary issues beyond those of a sexual nature. The CMPA believes it is useful for the College to clarify the minimum expectations for physicians in respecting boundaries related to personal, social, financial or business relationships.

One aspect of the draft Policy would benefit from additional clarity in our view. In the context of ensuring sexual boundaries are maintained and the risk of violations are minimized, the draft Policy would require physicians to “explain to patients in advance the scope and rationale of any examination.” It would be preferable if this statement were reframed and expanded to read that physicians should “explain to patients in advance the scope and rationale of any examination and obtain express consent before proceeding with the examination.”



As you know, it is essential for physicians to know in advance what is expected of them given the potentially devastating consequences to their career and reputation resulting from a finding of a boundary violation. Such clarity will help prevent inappropriate behaviour by acting as a deterrent in educating physicians about expected conduct.

### Reference to CMPA

We appreciate the specific references in the *Advice to the Profession* document to various CMPA publications as helpful resources on boundary issues. It is also recommended that physicians seek advice from legal counsel on these issues. Given the potentially serious consequences for physicians found to have committed a boundary violation, it would be preferable if physicians were expressly encouraged in both the *Policy* and the *Advice to the Profession* document to contact the CMPA for advice about boundary issues.

I trust these comments will be of assistance to the College in finalizing the draft Policy.

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