



January 28, 2020

College of Physicians and Surgeons of Ontario
80 College Street
Toronto, Ontario
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Via Email

Dear CPSO Policy Department:

Thank you for the invitation to provide feedback on the CPSO *Medical Experts and Testimony* policy.

We recognize and support the CPSO's role to serve and protect the public, and appreciate the privilege that we are afforded, as physicians and surgeons, to be a self-regulated profession. We appreciate that the CPSO has a very important role in protecting the best interests of patients and educating physicians on their ethical obligations towards their patients.

We found this policy to provide useful guidance to physicians on the matters contained.

There were a few items on which we require clarification and had some suggestions.

Suspicious Findings:

We found this section confusing and propose that the CPSO elaborate why we would keep some clinical finding from the patient / or an example situation to help clarify this? It would be very difficult to write a thorough consult note without discussing past history, which includes abnormal lab findings or other suspicious findings.

We feel that the term *Suspicious findings* sounds like a question of negligence or malpractice. We believe that it is intended to refer to possible medical concerns that merit more assessment or tests. We propose that the heading be changed to "concerning findings".

Policy

Should objective and *impartial opinions* be worded such as 3rd party reports wording - *objective and free from personal bias*?

Fees:

With regards to compensation for services as a Medical Expert, is there a requirement for disclosure of this as a potential conflict and interest, and if so, to whom?

Residents as Medical Experts

Resident-physicians are frequently called upon to testify as medical experts in forensics rotations (forensic psychiatry and pathology) as well as in other disciplines.

We suggest that the policy expressly talk about medical experts when in residency to and stipulate that residents receive the appropriate training to act in this capacity including provisions to have appropriate supervision before, during and after the expert testimony for both written and oral reports.



PARO

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Physicians Testifying Under Subpoena

We wonder if there is a separate document that deals with subpoenaed testimony as a witness? An example would be an Emergency Physician witnessing inebriation in the ED who is subpoenaed as a witness rather than a medical expert. We believe that there should be guidance on this from the CPSO.

We do, as always, appreciate being included in the CPSO's consultative process.