

# **OTLA Submission to College of Physicians and Surgeons of Ontario**

## *Draft Policy: Accepting New Patients*

February 3, 2025

The Ontario Trial Lawyers Association (OTLA) is pleased to provide input on the College of Physicians and Surgeons of Ontario's (CPSO) review of their Draft Policy: Accepting New Patients (Policy).

OTLA was formed in 1991 by lawyers acting for plaintiffs. Our purpose is to promote access to justice for all Ontarians, preserve and improve the civil justice system, and advocate for the rights of those who have suffered injury and losses as the result of wrongdoing by others, while at the same time advocating aggressively for safety initiatives.

Our mandate is to fearlessly champion, through the pursuit of the highest standards of advocacy, the cause of those who have suffered injury or injustice. Our commitment to the advancement of the civil justice system is unwavering.

OTLA's members are dedicated to the representation of wrongly injured plaintiffs across the province and country. OTLA is comprised of lawyers, law clerks, articling students and law students. OTLA frequently comments on legislative matters and has appeared on numerous occasions as an intervener before the Court of Appeal for Ontario and the Supreme Court of Canada.

## **PROPOSED AMENDMENTS TO ADVICE TO THE PROFESSION: PATIENTS SEEKING A SECOND OPINION**

Under the subheading *Patients Seeking a Second Opinion*, the advice to the profession indicates that it is appropriate for a specialist to weigh the needs of a patient seeking a second opinion compared to one who has already received care. This section concludes with "It would be inappropriate, however, for physicians to practice medicine in a manner that hinders patient autonomy or limits patient decisions about the care they receive".

OTLA recommends amending the concluding statement to read that, "while it is appropriate for physicians to weigh the needs of patients, a specialist should not refuse to take on a patient solely on the basis that the patient is seeking a second opinion".