

January 23, 2025

Via email: [consultations@cpso.on.ca](mailto:consultations@cpso.on.ca)

Dr. Nancy Whitmore, Registrar  
College of Physicians and Surgeons of Ontario  
80 College Street  
Toronto, ON M5G 2E2

Dear Nancy:

**Re: Treatment of Self, Family Members, and Others Close to You**

The Canadian Medical Protective Association (CMPA) appreciates the opportunity to provide feedback to the College regarding its consultations on the draft *Treatment of Self, Family Members, and Others Close to You* Policy and Advice document.

As you know, the CMPA delivers efficient, high-quality physician-to-physician advice and assistance in medico-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 over 115,000 physician members, the CMPA collaborates, advocates and effects positive change on important healthcare and medico-legal issues.

The CMPA supports the College's efforts to increase flexibility for physicians to provide treatment beyond emergency treatment or minor conditions to persons close to them (other than sexual/romantic partners) in small communities where there are no alternative options for treatment, including in Indigenous communities where additional barriers exist to accessing care. We appreciate a less stringent approach can assist in addressing the current access to care challenges in Ontario.

In an effort to ensure physicians' understanding of the College's expectations, the CMPA recommends:

- Maintaining guidance about referrals, documentation and communicating to other professionals when treating a family member or close relation; and
- Retaining the current definition of a "family member", which requires a relationship of a nature to reasonably affect the physician's professional judgment.

**Referrals and Communication to other professionals**

The CMPA encourages the College to maintain in the Advice document guidance about referrals, documentation and communicating to other professionals.

Currently, the Policy on *Physician Treatment of Self, Family Members, or Others Close to Them* sets out expectations on communicating with the primary healthcare provider of the family member or close relation concerning the treatment received from the physician. It also discusses confidentiality considerations. The current Advice document also provides guidance on whether it is appropriate to make a referral for oneself, family members or close relations. It would be helpful if the revised Advice document continued to guide physicians concerning these important issues.

### **Definition of Family Member**

The CMPA recommends retaining the current definition of a “family member”, which requires a familial connection and a relationship of such a nature that it would reasonably affect the physician’s professional judgment.

The draft Policy proposes to remove the last part of that definition to define family member simply as “An individual with whom the physician has a familial connection.” Where the family member is a distant relation with whom the physician has little contact, it may be difficult to conclude that treating the family member could reasonably affect the physician’s emotional and clinical objectivity and impair their professional judgment. This is recognized by the CPSO in its current Advice document, and is the position taken by the College of Physicians and Surgeons in [British Columbia](#) and [Alberta](#).

Maintaining the current definition would recognize the physician’s ability to use their professional judgment to determine whether treating a person with whom they have a familial connection, but no close relation, would influence their professional judgment. This would be in keeping with the College’s objective of allowing some flexibility in the treatment of these individuals to address access to care issues in Ontario.

We trust these comments will be of assistance to the CPSO in finalizing the draft *Treatment of Self, Family Members, and Others Close to You* Policy and Advice document.

Yours sincerely,



Lisa Calder, MD, MSc, FRCPC  
Chief Executive Officer

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