
The Atlantic Provinces Medical Peer Review



AN ACT RESPECTING THE PRACTICE OF MEDICINE IN THE PROVINCE OF NEWFOUNDLAND AND LABRADOR

(Assented to May 31, 2011)

PART V PEER ASSESSMENT

Peer Assessment Committee

57. The college may establish a peer assessment committee consisting of licensed medical practitioners and persons licensed to practise medicine by the medical regulatory authority in the manner prescribed by regulation.

Agreement

58. (1) The college may enter into an agreement with one or more of the medical regulatory authorities and authorities and medical societies for the establishment of a peer assessment committee.
(2) An agreement made under subsection (1) may be amended by the college and the other parties to that agreement.
(3) The college may by regulation determine those things or requirements that shall be included in an agreement entered into under subsection (1).

Peer Assessment Program

59. (1) The peer assessment committee shall, subject to the approval of the college, develop and administer a peer assessment program that shall include

- (a) assessment standards of practice for medical practitioners including
 - i) standards for the clinical assessment and care of patients, and
 - ii) standards for the maintenance of records of care administered to patients;
- (b) procedures and requirements for the selection and education of assessors;
- (c) standards and methods of communication with physicians to be assessed;
- (d) budgetary and expense arrangements;
- (e) requirements and methods respecting the preparation of assessment reports;
- (f) the development of policies and procedures for the peer assessment committee and the delegation of these to subcommittees, assessors or employees as the peer assessment committee considers appropriate; and
- (g) the determination of further activities including the establishment of other committees and subcommittees to better administer the peer assessment program.

(2) The peer assessment committee, a committee, subcommittee or assessor of the peer assessment committee may carry out those duties and activities established by the peer assessment program.

Assessors

60. The peer assessment committee may appoint persons licensed as medical practitioners in the province or in another province as assessors for the purpose of the peer assessment program.

Assessment

61. (1) An assessor may, for the purposes of the peer assessment program and with the cooperation of the medical practitioner
- (a) enter and inspect the premises where that medical practitioner engages in the practice of medicine; and;
 - (b) inspect that medical practitioner's records of care administered to patients.
- (2) The peer assessment committee, or an assessor on behalf of the committee may
- (a) require that medical practitioner to provide information respecting the clinical assessment and care of patients by the medical practitioner or his or her records of care administered to patients; and
 - (b) require that that medical practitioner confer with the peer assessment committee.
- 3) A medical practitioner whose standards of practice are the subject of an assessment under the peer assessment program shall cooperate fully with the peer assessment committee and assessors.

Reports and compliance

62. (1) Upon completion of an assessment an assessor shall submit a report of his or her findings to the peer assessment committee and the peer assessment committee shall review the report and may
- (a) make no recommendation to the medical practitioner who has been assessed; or
 - (b) confer with the- medical practitioner assessed and make those remedial recommendations to him or her that the peer assessment committee considers appropriate.
- (2) The peer assessment committee may
- (a) direct the medical practitioner who has been assessed to comply with recommendations made by the peer assessment committee under subsection (1); and
 - (b) direct that a medical practitioner be reassessed.

Costs

63. Costs incurred by a medical practitioner in implementing remedial recommendations of the peer assessment committee shall be paid by that medical practitioner and shall not be a cost of the peer assessment committee, the medical regulatory authorities or the medical societies.

Termination of assessment

64. (1) Where an assessor or a member of the peer assessment committee learns, in the course of an assessment, that a medical practitioner may be guilty of conduct deserving of sanction within the meaning of subparagraphs 39 (c)(i) to (v), the assessment shall be terminated, the medical practitioner shall be advised, and the matter shall be referred to the council to be dealt with as a complaint.
- (2) An assessor or a member of a peer assessment committee shall not provide information to the council except the information necessary to identify the nature of the complaint.
- (3) This section shall not prevent another person from providing evidence to establish conduct deserving of sanction on the part of a member.

Annual report

65. Each year the peer assessment committee shall prepare and publish a report on its activities for the preceding year.

Disclosure of information not required

66. (1) In this section
- (a) "legal proceeding" means
 - (i) a proceeding in a court, including a proceeding for the imposition of punishment by fine, penalty or imprisonment to enforce an Act or a regulation made under an Act, or a civil proceeding, and
 - (ii) a disciplinary proceeding under this Act or under the governing legislation of another licensing authority; and
 - (b) "witness" means a member or associate member or officer or employee of the college or council, an assessor or former assessor, or another person who in connection with, or in the course of a legal proceeding is called upon to provide information, to answer, orally or in writing, a question, or to produce a document, whether under oath or not.
- (2) A witness in a legal proceeding, whether a party or not, is excused from
- (a) providing information obtained by the witness in the course of or in relation to an assessment under the peer assessment program; and
 - (b) producing a document made by the peer assessment committee, an assessor or another document which was prepared under or in relation to an assessment.
- (3) This section does not apply to
- (a) records to which regulations made under paragraph 27(j) of the *Regional Health Authorities Act* apply; or
 - (b) medical records maintained by attending physicians pertaining to a patient.

Other documents

67. Notwithstanding that a witness is or has been an assessor or a member of the peer assessment committee or a member of a subcommittee of that committee, has participated in the activities of or has prepared a document for or has provided information to the peer assessment committee, the witness is not, subject to section 66, excused from answering a question or producing a document that the witness is otherwise bound to answer or produce.

Evidence in disciplinary matter

68. (1) An assessor or a member of the peer assessment committee shall not provide evidence against a medical practitioner in a disciplinary matter with respect to information given by the medical practitioner to the assessor or a member of the peer assessment committee in the course of an assessment of the medical practitioner unless the medical practitioner has knowingly given false information during the assessment or the disciplinary matter.
- (2) This section shall not prevent another person from providing evidence against a medical practitioner in a disciplinary matter with respect to the information given by the medical practitioner in the course of his or her assessment.