

# FORMAL INVESTIGATION

## Information for COMPLAINANTS

### What is an investigation?

When a written complaint is received by the College of Chiropractors of Alberta (CCOA), the Complaints Director reviews the complaint and decides how best to proceed based on options outlined in the *Health Professions Act*.

One of those options is to investigate the complaint. Investigation is a formal process used to determine whether a chiropractor's conduct was unprofessional as defined by the *Health Professions Act*. An investigation can provide chiropractors with valuable feedback and an opportunity to make practice improvements, or it may result in disciplinary action.

### When an investigation works best

Investigations are used for complaints surrounding management of care, for example, when the complaint:

- extends over a long period of time (multiple visits),
- involves complex clinical conditions or serious outcomes,
- involves multiple chiropractors and/or multiple clinical records,
- is brought forward by a third party (e.g. Workers' Compensation Board, third party insurance); OR
- when the complainant is not entitled to receive the patient's clinical information; OR
- when the complainant is not willing to engage in the CCOA's Resolve with Consent process

An investigation is also mandatory for complaints involving serious allegations about competency issues, ethical issues, boundary violations, or disruptive or criminal behavior.

### Investigations – step by step

The Complaints Director will choose to investigate a complaint when additional information is necessary to determine if there is any evidence of unprofessional conduct as defined by the *Health Professions Act*. The investigation process is fair, consistent and open, and includes the following steps:

1. The Complaints Director writes the chiropractor to notify him or her of the complaint, provides a copy of the complaint letter and requests a written response.
2. Upon receipt of the chiropractor's response, the Complaints Director investigates or appoints an investigator to look into matters further.
3. The investigator is provided with the information that the CCOA has already been provided from the complainant and chiropractor. With this information in hand, the investigator contacts the complainant and the chiropractor to clarify the issue(s) and to gather additional information and/or evidence. The investigator may:
  - request additional information, including originals or copies of documentation,
  - meet with and/or interview the complainant,
  - meet with and/or interview the chiropractor,

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- meet with others who may have supporting information, such as witnesses identified by both the complainant and/or the chiropractor, and/or
  - request consultation for an expert opinion.
4. The investigator prepares an investigation report for the Complaints Director.
5. The Complaints Director reviews the investigation report and determines whether:
- **There is no or insufficient evidence of unprofessional conduct:** no further action is necessary and the complaint file is closed.
  - **The investigation report supports the allegation of unprofessional conduct:** the Complaints Director works with the complainant and the chiropractor to collaboratively resolve the issues through education and/or assessment and peer review. He may seek to use Resolve with Consent (can be an Agreement and Undertaking).
  - **The investigation report supports the allegation of unprofessional conduct:** the Complaints Director refers the complaint to the CCOA's Hearings Director for a hearing.

## Frequently asked questions

### Will the CCOA contact me during the investigation?

- Yes, the CCOA will contact you during the investigation.
- The investigator may also contact you to obtain clarification or more information concerning your complaint issue(s).
- The investigator assigned to your file may request a meeting and/or telephone interview with you.

### Do I get to see the chiropractor's response to the CCOA?

- No. Information we collect for investigations is not released to complainants. However, the investigator often quotes the chiropractor's response or may include a summary of it in the investigation report.

### How do I know when the investigation is complete?

- The Complaints Director will send you written confirmation.

### How will I know the outcome of the investigation?

- The Complaints Director will send you a letter explaining the findings of the investigation.
- This letter will also include the Complaint Director's decision, and next steps, if any.
- You can review our "Complaints Process" brochure on the CCOA website to see the options available to the Complaints Director.

### How long does an investigation take?

- An investigation can take four months or longer, depending on the complexity and severity of the complaint issue(s) involved.