

SUMMARY Response, CPSO - Clinical Fellows, Research Fellows, and Delegation of Controlled Acts

We understand that you are seeking information on the College's *Delegation of Controlled Acts* policy as it pertains to the authority of research fellows to perform controlled acts under the supervision of a hospital physician. Unfortunately, I'm not able to provide you with legal advice, nor opine on a particular hospital's application of the College policy, but I can provide some general information about the College's policy which I hope will be helpful. I'd encourage you to seek independent legal advice on this matter as well.

As you are aware, delegation is a mechanism that allows physicians who are authorized to perform a controlled act to confer that authority to another person (whether regulated or not) who is not independently authorized to perform the act. The College's policy sets out general principles that must be met in every instance of delegation:

- The primary consideration for the delegation must always be the best interests of the patient;
- The delegated act must be performed in a manner that is as safe and effective as if it had been performed by the delegating physician; and
- The responsibility for the delegated act always remains with the delegating physician.

With this in mind, the College's policy would not in and of itself preclude a hospital physician from delegating controlled acts to a research fellow, provided the requirements of the policy were met.

As indicated above, central to the policy is the requirement that in every instance of delegation the primary consideration must be the best interests of the patient. Controlled acts *must not* be delegated solely for monetary or convenience reasons, and the quality of patient care must not be compromised by the delegation. The policy requires that delegation occur only in the context of an existing physician-patient relationship and physicians must be satisfied that the delegate has the knowledge, skill, and judgment to perform the act and provide the appropriate level of supervision to ensure that the act is performed properly and safely. If the requirements set out in the policy cannot be fulfilled, delegation would not be appropriate.

You note as well that the *RHPA* includes an exception that allows those who are not independently authorized to do so, to perform controlled acts when they are "acting under the supervision of a member of the profession" and "fulfilling the requirements to become a member of a health profession." From the information provided, research fellows would not be captured by this exception given that research fellowships, unlike undergraduate medical programs, are not undertaken for the purpose of obtaining licensure. As such, delegation *would* be required in order to allow research fellows to perform controlled acts.