

# MEDICO-LEGAL ISSUES WHEN SUPERVISING LEARNERS

Prepared for the Basics Program for New Faculty

Faculty who teach learners have two main responsibilities:

- Ensuring quality patient care
- Providing meaningful learning opportunities

Degree of supervision varies based on:

- Level of trainee
- Skill of the trainee
- The complexity of the patient's condition

## SUPERVISOR RESPONSIBILITIES

### Creating a Psychologically Safe Learning Environment

Faculty must allay learners' fears of criticism of their knowledge and/or skills. Learners should be expressly told that they can ask any question, raise concerns, or disclose medical error without judgement.

### Communicating Expectations

Expectations about when to raise concerns or call for help/advice should be discussed:

- During orientation to a clinical service
- At the start of every clinical shift, especially when on call

In order for learners to feel safe in calling for help, teachers should aim to respond positively and constructively in instances when the learner does call.

### Role-Modeling Professional Behaviour

Professionalism issues identified in medical training often predict future medico-legal issues in independent practice.

Preceptors are responsible not simply for teaching knowledge and skills, but also for modelling professional behaviour, attitudes and communication.

## DEGREES OF SUPERVISION

### DIRECT



Observing while being in the same room allows for close monitoring and immediate guidance.

The preceptor is in close proximity to assist the learner if needed.

### IMMEDIATELY AVAILABLE

### LOCAL



The preceptor is in the hospital or clinic and available at short notice.

The supervisor is not in the same location but is available for advice or to come in within a short period.

### DISTANT



## TRAINEE RESPONSIBILITIES

- Inform that they are a learner and their level of training.
- Recognize the limits of their knowledge and skills and ask for help where appropriate.
- Continuously improve their knowledge, incorporating feedback and seeking to improve their ability to manage tasks appropriate for their level of learning.
- Keep supervisor informed of their actions.
- Document care they provided to patients, and any patient discussions involving shared-decision making or consultations.

## INFORMED CONSENT

Patients have the right to decline/refuse a learner being involved in their care.

Options for obtaining consent:

- Prior to the visit (staff advises patient when booking)
- When arriving at the office (staff asks patient)
- At the time of visit (preceptor or learner asks patient)

The consent for learner involvement should include:

- Identity of the trainee
- Stage in the educational program
- Degree of involvement in the patient's care
- Whether the trainee will be directly supervised

The discussion, and the patient's consent, should be clearly documented in the medical record.

References: CMPA Good Practices Guides

[The Physician as Teacher - What are the Responsibilities?](#)  
[Delegation and Supervision of Trainees](#)

