

Post-Call Days & CMPA

PARA encourages all resident physicians to take a post-call day. Articles 14.04 (e) and 14.05 (e) of your Collective Agreement ensure that resident physicians who work over night are able to relieve themselves of duties the next day:

In the interest of safe patient care and respect for the personal safety, well-being, and the educational requirements of the Resident Physician, sign-over of patient-care responsibilities and pertinent patient information shall begin no later than the twenty-fourth (24th) consecutive hour on duty. Apart from handover of patient-care responsibilities, no Resident Physician shall be required to assume new responsibilities following the twenty-fourth (24th) hour of duty. Such handover shall not exceed two (2) hours. [14.04 (e)]

In the interest of safe patient care and respect for the personal safety, well-being, and educational requirements for the Resident Physician, any Resident Physician on home call who stays in or returns to the hospital to attend to a patient between the hours of midnight and 0600 hours is entitled to relieve themselves of all responsibilities immediately after handover of patient-care responsibilities. Handover shall commence no later than the twenty-fourth (24th) hour of duty and shall not exceed two (2) hours. [14.05 (e)]

These articles were intended to recognize work hours research that indicates that there is a significantly greater risk of medical errors after extended shifts^[1] and that cognitive psychomotor performance after 24 hours of wakefulness is similar to a blood alcohol concentration of 0.1%^[2].

The assistance the Canadian Medical Protective Association (CMPA) provides to its members is discretionary and the determination of eligibility for assistance will depend on the facts and circumstances of any given case. In general, however, members are eligible for the CMPA's assistance in the event of medico-legal difficulties arising out of their clinical practice of medicine; if CMPA member resident physicians commit a negligent act while acting in their clinical capacity as resident physicians, they can anticipate that they would be eligible for CMPA assistance.

While resident physicians may be covered by CMPA, they would experience limited success if they are involved in litigation related to medical events that occur on a post-call day. Research, including, but not limited to those studies herein referenced, as well as resident physician work hour contract expectations established across Canada would make it difficult for a resident physician to prove that he or she had met the standard of care expected in the event of a medical error post call.

^[1] Lockley SW *et al.* Effect of Reducing Intern's Weekly Work Hours on Sleep and Attentional Failures. *N Engl J Med* 2004;351: 1829-37.

Eastridge BJ *et al.* Effect of sleep deprivation on the performance of simulated laparoscopic surgical skill. *Am J Surg* 2003; 186:169-174.

Resident duty hours: Enhancing Sleep, Supervision and Safety. Institute of Medicine of the National Academies. The National Academies Press. Washington, D.C. 2008; 19-34.

^[2] Dawson, D and Reid, K. Fatigue, Alcohol and Performance Impairment. *Nature* 1997; 388: 235.