

# Conflict of Interest

**Date Approved: June 22, 2017**

**In Effect: August 1, 2017**

## **1. Recognizing and Avoiding Conflict of Interest**

Physiotherapists must recognize and manage situations that may result in a real, potential, or perceived conflict of interest.

Physiotherapists should avoid any situation that may result in a conflict of interest whenever possible.

If it is not possible to avoid a conflict of interest, physiotherapists must:

- Disclose and discuss the situation with the patient before providing the services
- Make the patient aware of practical alternatives if there are any
- Document the discussion in the patient's record.

## **2. Recommending Products or Services**

Physiotherapists must not recommend products or services to patients that are not clinically indicated.

If a physiotherapist suggests that a patient purchase a product or service in which the physiotherapist or their relative has a financial interest, then the physiotherapist must:

- Disclose the nature of the financial interest to the patient in advance
- Make the patient aware of any practical alternative sources for the product or service
- Assure the patient that if they choose an alternate supplier, it will not adversely affect their care
- Document the discussion in the patient's record.

## **3. Benefits for Referrals**

Physiotherapists must not give any benefit to another person, or receive any benefit from another person, for a patient referral.

Physiotherapists must make referrals based on patient need. When making referrals, physiotherapists must make the patient aware of a range of practical alternatives.

## Glossary

### **Conflict of Interest:**

A physiotherapist is in a conflict of interest if:

Your professional actions or decisions result in a **benefit** to you, a relative, or a corporation in which you or a **relative** has an interest.

- *Example: You receive a \$10 fee for every patient you refer to the gym next door to your office.*
- *Example: You refer all your patients to get massage therapy at your wife's spa.*

You offer or give a benefit to someone else.

- *Example: You pay the doctor in your building \$10 for every patient he refers to your practice.*
- *Example: You give a \$20 gift card to each patient who refers someone to your clinic.*

You ask for or receive a benefit for favourable treatment or help in a business deal. (commonly known as a “kickback”)

- *Example: A knee brace manufacturer gives you a \$10 rebate for each knee brace for agreeing to only sell their brand in your clinic.*
- *Example: A drug company pays you a \$100 commission for every 10 bottles of their muscle cream that you sell.*

### **Benefit:**

A **benefit** is any direct or indirect gift, reward, advantage, or payment. Here are some examples:

Money that is not a payment for goods or services rendered at fair market value

- *Example: You normally charge \$50 to write a report for lawyers. One lawyer offers to pay you \$500 for each report if you refer patients to their firm.*
- *Example: You rent office space next to a gym. The landlord who owns the gym wants to charge you 20% above market rate with a promise to refer gym members to your practice.*

Goods, services, tickets or contest entries provided free or at a discount

- *Example: You give a doctor season tickets to the local hockey team in exchange for referring patients to your practice.*
- *Example: A lawyer who frequently refers clients to you asks you to provide physiotherapy treatment to him and his family for free.*

Preferential terms, subsidies, or discounts on a loan, debt or other financial obligation

- *Example: You want to take out a \$10,000 loan to renovate your house. An orthotics manufacturer offers to make the loan to you with no interest if you agree to sell their brand of orthotics exclusively in your clinic.*

### **Referral:**

In this Standard, 'referral' means a recommendation or direction that a patient see another service provider for care or services that the physiotherapist believes are necessary but is unable to provide. It does not necessarily mean the formal process of directing a patient to a medical specialist.

When making referrals, physiotherapists should base them on patient need, provide a range of alternatives, and not receive any referral fees.

Also see the Conflict of Interest Standard.

### **Relative:**

A relative is a person who is related to another person in one of the following ways:

- spouse or common-law partner\*
- parent
- child
- sibling (brother or sister)
- through marriage (father-in-law, mother-in-law, son or daughter-in-law, brother or sister-in-law, stepfather, stepmother, stepchildren, stepbrothers or sisters)
- through adoption (adoptive parents or siblings, adopted children).

\*Common-law partners are people who have lived together as a couple for at least one year, or who have a child together, or who have entered into a cohabitation agreement.