**Duty of Care Standard**

Effective Date: August 1, 2024
Date Approved: June 24, 2024

**Standard**

The physiotherapist has a duty of care to their patients, and an obligation to provide for continuity of care whenever a therapeutic relationship with a patient has been established.

**Expected outcome**

Patients can expect that their interests will be the primary consideration when receiving physiotherapy services and that they will be provided with the information needed to manage their physiotherapy needs and to access ongoing care if their physiotherapist is unavailable or unable to continue the therapeutic relationship.

**Performance expectations**

The physiotherapist:

* Takes responsibility for maintaining an effective therapeutic relationship.
* Facilitates shared decision-making by taking the time to provide education regarding the patient’s condition, supporting health literacy and facilitating the transition to self-management.
* Does not provide a physiotherapy service when the patient’s condition indicates that commencing or continuing the physiotherapy service is not warranted or is contraindicated.
* Recognizes that patients have the right to make informed decisions about their own care, even when the physiotherapist believes the decisions may put the patient’s health at risk.
* Complies with the relevant legal requirements under the [*Ontario Human Rights Code*](https://www.ohrc.on.ca/en/ontario-human-rights-code) and the [*Accessibility for Ontarians with Disabilities Act*](https://www.ontario.ca/page/about-accessibility-laws).
* Does not discriminate, either directly or indirectly, based on a protected ground under the *Human Rights Code* when making decisions relating to the provision of physiotherapy services, including when:
	+ Accepting or refusing individuals as patients,
	+ Providing information to patients,
	+ Providing or limiting physiotherapy services,
	+ Providing referrals, and
	+ Ending the therapeutic relationship.
* Does not allow their personal judgments about a patient, the patient’s lifestyle or health choices to compromise the patient’s physiotherapy care. The physiotherapist does not withdraw from or refuse to provide care due to the physiotherapist’s judgements about a patient, the patient’s lifestyle or health choices.
* Complies with the duty to accommodate the needs of patients arising from protected grounds under the *Human Rights Code* in a manner that respects the dignity, autonomy, privacy, and confidentiality of the patient.
* Employs respectful conflict resolution strategies when conflict arises.
* Makes appropriate arrangements for continuity of care during planned absences.
* When discharging a patient in need of ongoing care, the physiotherapist:
	+ Must document their reasons for discontinuing care.
	+ Must advise the patient of their decision to discontinue care and rationale.
* Discharge of a patient without providing for continuity of care may be considered under the following circumstances:
	+ The patient requests the discontinuation.
	+ Alternate services are arranged, or the patient is given a reasonable opportunity to arrange alternative services.
	+ The physiotherapist is unable to provide care that meets the standards of practice because there are not enough resources available.
	+ The patient has failed to pay for physiotherapy services received within a reasonable time, and all reasonable attempts made by the physiotherapist to facilitate payment have been unsuccessful.
	+ The patient has not cooperated or complied with the treatment plan and the result, in the physiotherapist’s opinion, is that the services are not effective.
	+ The patient is abusive (physically, verbally, emotionally or sexually) towards the physiotherapist or others within the practice setting, or the physiotherapist has reasonable grounds to believe that the patient may become abusive.
	+ A professional boundary has been breached and all reasonable steps have been taken to manage the behaviour.

**Providing Care during a Public Health Emergency:**

When making decisions about providing care during a public health emergency, physiotherapists must:

* Understand the nature of the public health emergency and remain informed about the relevant federal, provincial, and local response plans.
* Consider their personal competencies relevant to the care needed during the public health emergency and make decisions about their involvement accordingly.

**Definitions**

A ***Public Health Emergency*** is a situation, or an impending situation, that constitutes a danger of major proportions and may put human health at risk. It could be caused by forces of nature, a disease or other health risk, an accident, or an act, whether intentional or otherwise. (Reference: *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, s. 1.*)