

### 4.41 Conflict of Interest

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#### Standard:

The physiotherapist must identify, disclose, and avoid or otherwise **mitigate** any real, potential, or perceived **conflicts of interest**.

#### Expected outcome

**Clients** can expect that the physiotherapist delivers physiotherapy services that are in clients' best interests and that real, potential, or perceived conflicts of interest are avoided or disclosed and mitigated.

#### Performance expectations

The physiotherapist must

- A. Identify situations of real, potential or perceived conflicts of interest involving themselves or someone with whom they have a close personal relationship.
- B. Not enter into any agreement or arrangement that prevents or could prevent the physiotherapist from putting the needs and interests of the client first.
- C. Not use professional status and the credibility afforded by professional status for purposes unrelated to physiotherapy.
- D. Not participate in any activity which could compromise professional judgment, or which is for personal gain. Examples include, but are not limited to:
  - i. Paying for or providing other benefits to other parties in return for referrals.
  - ii. Providing referrals to other parties in return for payment or other benefits.
  - iii. Contract terms which incentivize the sale of physiotherapy products or non-physiotherapy services by the physiotherapist, by providing financial or other benefits to the physiotherapist for doing so.
  - iv. Contract terms which incentivize the physiotherapist to discharge clients following a specified number of visits in return for financial or **other benefits**.

- v. Contract terms which include financial or other benefits if the physiotherapist provides more than a specified number of treatment sessions to a client.
  - vi. Self-referring clients for personal or **financial gain**.
- E. Avoid participating in other activities that a reasonable person would conclude pose a real, potential, or perceived conflict of interest. In situations where a conflict of interest cannot be avoided, the physiotherapist must:
- i. Provide full disclosure of the conflict of interest to clients and others as appropriate and
  - ii. Document in a complete, transparent, and timely manner how the conflict was managed.
- F. Avoid providing physiotherapy services to individuals with whom they have a close personal relationship such as a family member. In situations where this conflict of interest cannot be avoided (e.g., in emergency situations or when no other professional with the skills and competencies needed to provide the physiotherapy services that the client needs is available) the physiotherapist must:
- i. Identify the risks related to providing the physiotherapy services and the measures they can adopt to limit these risks.
  - ii. Document and disclose the conflict of interest to the client and others, including third-party payers, indicating how the relationship is to the client's benefit and complies with regulatory requirements.
  - iii. Follow formal processes for obtaining free and informed consent and conducting assessment, documentation, communication, and billing of all physiotherapy services provided.

#### **Related Documents**

- Code of Ethics
- Title, Credentials, and Specialty Designations

#### **Definitions:**

**Conflict of Interest** exists when a reasonable person could conclude that the physiotherapist's duty to act in the client's best interests while exercising their professional expertise or judgment may be affected or influenced by competing interests or relationships. Competing interests may be financial, non-financial, or social in nature.

A conflict-of-interest may be actual, potential or perceived and can exist even if the physiotherapist is confident that their professional judgment is not being influenced by the conflicting interest or relationship.

**Financial gain:** in the context of physiotherapy practice and conflict of interest, financial gain refers to instances where physiotherapists receive financial benefits beyond their customary reimbursement in return for specific actions or activities. Examples include reimbursement in return for providing referrals to others, receiving a portion of profits from product or non-PT service sales, financial bonuses in return for achieving specific billing targets.

**Mitigate:** To make less harsh or severe. Physiotherapists mitigate real, perceived or potential conflicts of interest in a way that protects the client's interests by avoiding, accepting and disclosing, transferring or reducing conflicts of interest. Physiotherapists are expected to proactively mitigate conflicts of interest to the greatest extent possible.

**Other benefit:** Includes but is not limited to gifts of materials or equipment (beyond gifts of a token or cultural nature that are of insignificant monetary value), preferential access to facilities, or provision of promotional activities that would typically be paid for by the physiotherapist, that have the potential to harm or affect client care, professional judgment and/or trust in the profession.

**Client:** can be interchanged with the term **Patient**. "Clients are recipients of physiotherapy services, and may be individuals, families, groups, organizations, communities, or populations. An individual client may also be referred to as a patient.