



POSITION STATEMENT

ISSUED: July 2009

REPLACES: Draft 1

Remuneration of Physicians for Non-insured Services

Responsibility: College members

Position Statement: The NSCP has reviewed the issue of remuneration of physicians, by members, for completion of Physician review forms. The Board acknowledges that it is in the best interests of the client to promote quality care and public protection through collaboration. However, it is the position of the Board that remuneration of the physician, in any instance, must be initiated with a separate invoice from the physician for the service provided. An invoice provided to the physician by the physiotherapy clinician/clinic will be perceived as a conflict of interest.

Background Information:

To clarify the position of the College in the enforcement of the *Act* with regard to remuneration for non insured services, the Nova Scotia College of Physiotherapists has considered the following information:

The basic standards set forth in Regulations pursuant to the Physiotherapy Act 1998. c.22.

- **Section 50(3) of the Schedule A** states that it is a conflict of interest to charge a fee for services rendered for a family member, to share a fee with a person who has referred a patient or receive fees from someone the member has referred a patient to, to indirectly benefit from the referral of a patient from or to another person, or to enter into any arrangement that will adversely influence the discharge of the member's professional obligation.
- **Section 16 of the Schedule B** relates to professional corporations, and states that no physiotherapist should cause a professional corporation to engage in any business contrary to proper and ethical practice or that creates a conflict of interest.

The standards set forth in our Code of Ethics.

Responsibility to Client states

- **15.** that Physiotherapists shall, with informed consent, collaborate with other health care providers and family /care givers to provide the best care possible for the client, while maintaining appropriate privacy and confidentiality of information.
- **16.** that Physiotherapists shall request consultation with, or refer clients to, colleagues or members of other health professions when such action is in the best interest of the client.

Responsibility to Society states

- **4.** that Physiotherapists shall adhere to ethical business principles and practices.

Responsibilities to Profession states

- **1.** that Physiotherapists shall conduct themselves in such a manner as to merit the respect of society for the profession and its members.
- **7.** Physiotherapists shall ensure that their professional judgment and integrity are not compromised by the motives of profit..

- **8.** Physiotherapists shall enter into contracts and agreements only when professional integrity can be maintained

Professional Misconduct is

- #15. sharing fees with any person who has referred a client; or receive fees from any person to whom a physiotherapist has referred a client; or request or accept a rebate or commission for the referral of a client;
- #16. having a conflict of interest

Definitions in the Code of Ethics***Financial benefit***

Receiving a financial benefit, either directly or indirectly, as a result of a referral is a conflict of interest.

Financial benefits include, but are not limited to:

- any benefit received by the person for the referral in the form of a referral fee, commission, rebate or gift;
- the sharing of profits;
- the expectation of cross referral;
- obtaining or providing goods or services at prices that are substantially higher or lower than the fair market value;
- an agreement between an insurance company and a provider to limit the quantity of services to be provided to insureds who are referred to the provider by the company.

Referrals for profit

If the person who prepares the treatment plan receives a financial benefit for referring the insured person to a treatment facility, a conflict of interest exists.

Further to the research on this issue we know that physician information/advice by phone, fax, letter or email is a non-insured expense that can be billed to the client. Filling out of forms by physicians is also a non insured expense (considered a third party request). The suggested remuneration of this in the Physicians Guide to Billing for Non-insured services is \$20-50. It is up to the individual physician whether or not they bill their patients for those services, but they certainly have the option to do so. A physician shall submit their own invoice to be remunerated for forms filled out and returned to a physiotherapy clinic.