

4.15 Private Practice Guidelines

Purpose:

This guideline is provided for physiotherapists who are in or about to establish a private practice or private physiotherapy business. In all aspects of practice, *The Physiotherapists Act*, Regulation, Standards of Practice, By-laws and Code of Ethics of the College must be followed. The Reference Guide also contains sections of interest to private practitioners regarding advertising, confidentiality, consent to treatment, selling and closing a clinic, conflict of interest etc.

Policy:

Council Approval

Eight weeks prior to opening a private physiotherapy business or practice, Council approval must be sought for drafts of the following:

1. Business cards and letterhead

Business cards and letterhead should contain only:

- a) name
- b) educational qualification [e.g. B.M.R.(P.T.)]
- c) title of business
- d) business address
- e) business telephone number, facsimile number, e-mail and web site address
- f) hours of practice
- g) limitations of practice (e.g. limited to musculo-skeletal conditions) or preferred areas of practice (e.g. acupuncture)
- h) logo

2. Referral forms:

- a) should include the patient's name, address, telephone number, diagnosis, contraindications;
- b) should contain similar information about the physiotherapy practice as listed above for business cards
- c) may be supplied to referral source

It is recommended that members do not print any of the above forms prior to receiving approval in case Council requires changes.

Practice of Physiotherapy

Physiotherapy practice may be found in publicly funded facilities or in privately funded facilities, including private practice clinics. Physiotherapy practice may also be mobile where the physiotherapist travels out to the patient and which may be publicly or privately funded. Some physiotherapy practices are operated out of the physiotherapist's home.

The scope of physiotherapy practice includes the provision of clinical services to clients, education of the public and students, research, consulting, administration, advisory and other professional services as may be required.

Physiotherapists are considered to be independent practitioners as they are not required to have a physician's referral in order to assess or treat a patient according to *The Physiotherapists Act*. Physiotherapists are not obligated by the legislation to communicate or consult with the patient's physician prior to assessment or treatment. However, Council advises registrants to continue to communicate and consult with patient's physician in order to be knowledgeable about the patient's medical history.

Patient Consent

A patient must consent to having treatment. Please see the Practice Statement on **Informed Consent to Treatment**. Changes to the treatment program should be discussed with the patient and it may be advisable to again seek consent from the patient under certain circumstances.

Patient Records

No matter what the practice setting, records and charting must be kept on all patients. As per the *Personal Health Information Act* all records and charts must be considered confidential and kept in a safe and secure location. For further information on record keeping, please see the Practice Statement on **Record Keeping**.

Professional advice should be sought regarding the initial establishment of and ongoing maintenance of proper and adequate financial records, bookkeeping and the requirements of the business and practice.

Confidential records of treatment on patients shall be kept for a minimum of seven years. In the case of children, records must be kept until the patient reaches the age of 25 years.

Advertising

All advertising must be truthful, tasteful and non-competitive. Competitive advertising may occur if a physiotherapist advertises that they "specialize" in a particular area or are a "specialist". CPM does not recognize specialty areas of practice at this time. Competitive advertising can also occur when a physiotherapist implies that they offer a service that no other physiotherapist does. For example, competitive advertising occurs if a physiotherapist states that they are the only ones to offer a particular form of treatment.

Advertising can take many forms including signs, announcements, promotional material, TV or radio advertising and corporate sponsorship. All forms of advertising are permissible as long as the basic tenets of being truthful, tasteful and non-competitive are adhered to.

Fee Schedules

The patient shall be informed of the costs of his/her physiotherapy services and of the terms and conditions of payment prior to receiving services. Registrants are advised to post their fee schedule in a location easily accessed by patients/clients.

The fees for professional services shall be commensurate with the services rendered.

Promotional selling of physiotherapy treatment services in the format of gift certificates, auctions, raffles etc. is considered to be unprofessional.

For further information, please see the **Practice Statement on Advertising**.

Conflict of Interest

The physiotherapist must maintain his/her professional independence in practice and judgement at all times.

The physiotherapist must ensure that a third party does not influence his professional judgement in respect to a patient.

The business arrangements between the physiotherapist and his/her associates or partners or others must not affect his/her judgement in respect to a patient's care. It is a conflict of interest to:

- a) enter into an agreement, including a lease of premises, which is related to the volume of business, amount of fees charged or the referral of patients to or from the parties of the agreement;
- b) sell materials or devices to the public only for a profit. A reasonable fee may be charged to include costs of handling, stocking or fitting of materials, devices or equipment necessary to achieve physical rehabilitation goals.

For more information on this topic, please see the **CODE OF ETHICS** section of this Reference Guide.

Purchasing Equipment

When purchasing equipment, ensure that the equipment is at a minimum CSA approved, or as per insurance requirements. Servicing of the equipment must be readily available and performed on a regular basis.

Insurance

In addition to personal professional liability insurance coverage, the physiotherapist must ensure that adequate general business insurance is also carried.

Incorporation

A business, which carries out the practice of physiotherapy, cannot be incorporated by law. There is no provision in *The Physiotherapists Act* or other statute to incorporate a physiotherapy practice. A registrant of the College may incorporate a “holding company”. A holding company is a separate business entity that would carry on the business affairs of the physiotherapy practice, but **not** the provision of physiotherapy services. For example, a holding company could be the entity which leases clinic space, purchases clinic equipment, hires personnel etc. A holding company must have a separate name, which does not include the words “physical therapy” or “physiotherapy”.

The words “physiotherapy” and “physical therapy” are federally protected official marks. Therefore, it is the Council’s position that since only registered physiotherapists can use these protected words, non-physiotherapists cannot own a “physiotherapy or physical therapy” practice.

Clinic Title

The name of the physiotherapy business may be registered with the Department of Consumer and Corporate Affairs, Companies Office, in order to protect the name. This is not necessary if a surname is used in the name, but it is recommended because of the goodwill of the business name at the time of sale of a practice and because some banks and government departments may require the name to be registered. Information on registering a name can be found on the following web-site: www.gov.ca/cca/comp_off/index.html

Business names must be approved by the Council. Please refer to the Practice Statement on **Approval of Clinic Names**.

Building Code Standards

Owners of private practices should be aware of and ensure that they are meeting the applicable building code standards regarding public facilities.

A physiotherapy practice shall comply with the Public Health Act as well as the **Standards of Practice** which are found in Schedule A of the Regulations