

 Prince Edward Island College of Physiotherapy POLICIES & PROCEDURES	POLICY TITLE: Physiotherapy Private Practice
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POLICY

A registered physiotherapist regardless of practice setting or register must ensure they maintain professional standards and meet legislative requirements.

DEFINITIONS

Client: Recipients of physiotherapy services, and may be individuals, families, groups, organizations, communities, or populations. The term client encompasses patients and residents. In some circumstances clients may be represented by their substitute decision-maker.

Clinic: A building or part of a building containing offices or facilities where a member of the PEI College of Physiotherapy provides physiotherapy services.

Confidentiality: The obligation of a regulated health care provider not to disclose information obtained from a client in a therapeutic relationship without the consent of the client, or his or her authorized agent, or as required or permitted by law.

Health Profession Corporation: any incorporated business that holds a valid permit issued by the registrar pursuant to section 15 of the *Regulated Health Professions Act (Act)* under which one or more Physiotherapists provide physiotherapy services.

Permit: Document indicating a Health Profession Corporation providing physiotherapy services has been approved by the registrar of the PEI College of Physiotherapy to operate as a Health Profession Corporation in compliance with section 15 of the Act.

Practice Setting: refers to how and where physiotherapy services are delivered to clients, and includes clinics, in-home, on-field, facilities owned by 3rd parties (i.e. private nursing home, university), or virtual care.

Private Practice: Includes physiotherapists working in privately owned facilities, organizations and businesses, third party insurers, self-employed private practitioners and owners of a business funded by the service users or via third party payers (e.g. insurance companies or workers compensation).

Public Practice: includes physiotherapists working within publicly funded government and government institutions, such as hospitals or schools.

PURPOSE

All registered physiotherapists must ensure the standards of the profession are met that serve and protect the public interest by adhering to the *Regulated Health Professions Act, Physiotherapists Regulations*, bylaws, standards of practice, code of ethics, and policies of the college. Physiotherapists who work in private practice are responsible for all aspects of physiotherapy practice and that responsibility is not affected, modified or diminished by the practice arrangements.

APPLICATION

These standards of practice apply to all college members in all registers of the Prince Edward Island College of Physiotherapy (PEICPT).

STANDARDS

Practice Setting

All registered physiotherapists must inform the registrar of all practice settings which they are providing physiotherapy services. This includes services provided in clinic, in-home, on-field, at 3rd party facilities and by virtual means.

Physiotherapists working in a clinic-based private practice must comply with all applicable legislation, and adhere to local municipal government bylaws, rules and regulations (including zoning requirements).

Physiotherapists are advised to be aware of the uniqueness of the practice setting in a home-based business and to be cognizant of their personal safety and other issues that may arise when the public visit the registered physiotherapist's home for treatment, or when the physiotherapist visits a client's home.

All physiotherapists must ensure:

- Clients receive safe care in a clean and appropriate environment.
- Adequate space for reception and waiting areas, for individual assessment and/or treatment areas, for group activities such as exercise, for staff to complete documentation requirements, and for storage of client records.
- Privacy for clients and staff when there is a need to change clothing before or after treatment.

Physiotherapists in private practice are responsible to verify policies and procedures are in place that supports quality physiotherapy services. The College does not provide legal advice and as such, cannot sanction or approve business policies, forms, templates, legal waivers or releases, etc. Physiotherapists are encouraged to have their policies, forms, templates and legal waivers and releases that support professional practices from other relevant professionals as appropriate including lawyers, accountants, etc. The College is not responsible for losses, damages or claims to a member or a client resulting from a member not having suitable policies, forms, templates, legal waivers or releases.

It is important to maintain professional boundaries with clients and other stakeholders; physiotherapists working privately in all settings should outline policies to clients regarding business practices such as hours of work and the use of electronic communication.

The amount and type of equipment is dependent on the type and size of the practice. Physiotherapists must ensure equipment is at a minimum CSA approved. Servicing of the equipment must be readily available and performed on a regular basis and documented.

Physiotherapists working in private practice are responsible to ensure policies and procedures related to infection prevention and control as outlined in the Standards for Infection Prevention and Control, including policies regarding cleaning and disinfection of supplies and equipment are used in their practice.

Client Records

Records and charting must be kept on all clients regardless of practice setting pursuant to the Core Standards of Practice for Physiotherapists in Canada.

All records and charts must be considered confidential and kept in a safe and secure location. Everyone dealing with personal health information in any manner shall adhere to the *Health Information Act* and the *Personal Information Protection and Electronic Documents Act* and take reasonable precautions to protect client records from unauthorized viewing and environmental hazards.

The health information custodian (HIC) can vary; most often the facility is the custodian for practical purposes unless otherwise agreed upon between the physiotherapist and the facility where they work or the business owner/manager. It is the responsibility of the physiotherapist to establish if they are the HIC or an agent of the HIC. See: <https://www.princeedwardisland.ca/en/information/health-and-wellness/guide-new-health-information-act>

Physiotherapists must obtain written informed consent before disclosing a client's personal health information to someone who is not a health provider involved in the client's care. Physiotherapists must ensure that those who have the authority or client consent can access a client record in a timely manner. A reasonable fee may be charged for providing the record.

Client information may include formats other than written files. All information including but not limited to dictated tapes, computer discs and external memory devices, photographs and voicemail messages should each have appropriate safeguards in place. Only the minimum amount of personal information required for the purpose of communication should be disclosed. Communications via these methods should be deleted immediately/in a timely fashion.

Confidential records of treatment on clients shall be kept for a minimum of seven (7) years. In the case of children under the age of 16, records must be kept until the client reaches the age of 25 years.

When there is a need to transport client records, safeguards should be implemented to protect records from unauthorized, inappropriate or unnecessary viewing. The physiotherapist must assess the potential for breach of confidentiality through loss, theft and access by unauthorized persons. Measures to reduce the level of risk include the following:

- The client record must be transported securely or locked in a safe environment (e.g. trunk, locked brief case).
- The minimum amount of information should be transported offsite.
- Client identifiers should be minimized for security reasons (e.g. Use client initials instead of full name).
- Avoid leaving client information, such as charts, in public areas.
- Extra precaution should be taken to avoid posting client information in public areas, including client schedules and room assignment boards.
- Faxing should only be utilized when information is required for urgent, emergent or current care and should not be used as a substitute for regular mailing or other distribution. Ensure that the receiver is an authorized person. All faxes should have confidential disclaimer on the cover page and to call in case of error in transmission.
- Written communication should be marked "confidential". Envelopes containing personal information should be marked "confidential" and sealed.

- When entering a client's home ensure that all other client records are maintained in a secure manner.
- A policy for a sign-out procedure will ensure accurate location of client files.

Advertising

Pursuant to the Core Standards of Practice for Physiotherapists in Canada, all advertising must be truthful, tasteful and non-competitive.

Advertising can take many forms including signs, announcements, promotional material, TV, radio or internet-based 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.

Fees and Billing

Physiotherapists are accountable for any fee, billing or account that uses their name and registration number. Physiotherapists must ensure that any fee, billing or account that uses their name and registration number is an accurate reflection of the service and/or products provided.

Physiotherapists must never charge fees or create billings or accounts that are inaccurate, false or misleading. If the physiotherapist discovers inaccuracies or errors, they must:

- a. Take reasonable steps to correct the inaccuracies or errors, and
- b. Document the finding, what action was taken, and the outcome.

Under certain circumstances, it may be permissible to bill for multiple treatment sessions, although the client is attending once for treatment. Circumstances include the following:

- When a client presents with two or more distinct and separate diagnosis/conditions and separate assessments and treatments are provided to benefit the client who may otherwise have to make multiple appointment sessions.
- When the physiotherapist may be required to spend a significant amount of time treating a client with multiple diagnosis/conditions. Prior to commencing assessment and/or treatment the physiotherapist must inform and seek approval from clients and third-party payers (when necessary) for treatment and billing of multiple diagnosis/conditions.

If billing for bundled or packaged services (i.e. programs), each session must still be accounted for in the patient record, and policies for missed / cancelled appointments must be clearly communicated to the client. Processes for resolving issues around billing disputes must be in place.

The College is not involved in establishing fee guidelines for physiotherapy services. Physiotherapists must maintain financial records for services provided to clients.

Conflict of Interest

Physiotherapists must identify and manage any situations of real, potential or perceived conflicts of interest. This includes but is not limited to:

- receiving financial or other benefits from other providers related to accepting referrals, providing services, or selling products;
- providing and/or accepting incentives to/from others to generate referrals, provide services, or sell products;
- receiving financial incentives based on client numbers, service volumes, profits, etc.; and

- Self-referring clients acquired in the public sector for treatment in the private sector for her/his own personal gain.

Refrain from participating in any real, potential, or perceived conflicts of interest. In situations where conflict of interest cannot be avoided, manage and provide full disclosure of the conflict of interest to clients and others as appropriate, and document in a complete, open, and timely manner how the conflict was managed.

Make a reasonable effort to refrain from providing services to an individual with whom he/she has a close personal relationship. In situations where this conflict of interest cannot be avoided (e.g., where no other professional with the specific skills is available), fully disclose and document the conflict of interest, indicating how the relationship is to the client's benefit and in compliance with regulatory requirements.

Working with Support Personnel

Ensure adequate supervision is provided for support personnel in accordance to the PEICPT Guidelines for Support Personnel. Ensure the billing system allows for names and job titles, e.g. Physiotherapist Assistants to appear on patient invoices.

Business Title

The name for the private practice physiotherapy businesses shall be approved by the college.

The titles "physiotherapist" or "physical therapist" and abbreviations of those terms (e.g. PT) are protected under legislation, and may only be used if granted permission by the college.

The wording of the business name or other materials must be truthful, verifiable, accurate, and professional as determined by the registrar and/or council.

When considering a proposed business name, the college shall consider the following:

- a) The proposed name must not contravene advertising standards pursuant to the Core Standards of Practice for Physiotherapists in Canada.
- b) The proposed name must not imply expertise inconsistent with the qualifications of the physiotherapist(s) practising at the facility;
- c) The proposed name must not include terms which are otherwise prohibited by legislation or regulation;
- d) The proposed name must not so closely resemble the name of an existing approved business name of another health profession or clinic so as to likely create confusion.

In the event of a business name change, a new request for approval must be submitted to the registrar.

The approval of a business name by the College does not warrant or imply that the name meets the requirements of the provincial government corporation's division or is immune from legal challenge by a third party who may have real or perceived pre-existing rights to said business name or a similar name.

Health Profession Corporations

Any incorporated business providing physiotherapy services must hold a valid permit, issued by the registrar, to operate as a Health Profession Corporation. The business must submit the completed application form, including supporting documentation as required, and pay the fee set by council. Permits are valid for one year.

Closing or Leaving a Private Practice

When closing or leaving a private practice, there are a number of professional obligations that a physiotherapist should consider and manage. Physiotherapists must ensure there is a plan in place for clients who need ongoing physiotherapy services. This includes having a transparent discussion to review the status of client goals and provide options for follow-up, such as referrals to other physiotherapist providers. The discussion and follow-up plan should be documented in the client record.

Confidentiality of client records and access to records must be assured. Records must be retained for seven (7) years (or longer if the client was under the age of 16, as above). The registrar must be advised of the location of the records and the information provided to former clients of the clinic.

Physiotherapists may need to contact referral sources to inform them they are closing or leaving a practice.

If you are a registered Health Profession Corporation the registrar must be informed in writing of the intent to close your business. Information required includes:

- The name of the private practice,
- The date of the intended closure,
- The address of the private practice,
- The owners name.

The college shall be informed of any changes in owners, directors, officers, shareholders or the share structure of a clinic. This information shall be provided to the registrar in writing within ten (10) business days of the change.

Physiotherapists are responsible for ensuring that their Health Profession Corporation remains in good standing with government filing returns and requirements.