

Preamble

This document is a standard of the Board of the College of Physicians and Surgeons of British Columbia.

The patient-registrant relationship is fiduciary, where the registrant has a legal and ethical duty to act in the best interest of the patient. This includes managing and avoiding situations

Leasing space to or from third parties where the rental arrangement is markedly different from fair market value and/or the lease arrangements are dependent on the volume of business generated by the physician or third party.

Accepting or offering fee-splitting. Fee-splitting, also referred to as a “kick-back,” occurs when a registrant receives payment in return for making a referral. Patients must be able to trust that registrants will be transparent with them and that they will make treatment recommendations, including referrals, based on the skill of other health-care professionals, services or facilities to whom the patient is referred, medical needs of the patient, and the quality of products or services provided.

Referring patients to businesses or facilities where the registrant holds a financial interest, including treatment and/or diagnostic facilities. Referring a patient to a facility where the registrant has an interest may be acceptable if there are no viable alternatives to meet the patient’s needs.

Registrants must scrupulously avoid situations, real or perceived, where the patient feels unduly pressured or coerced into undergoing a procedure at the referred facility.

Registrants must manage this conflict of interest by ensuring that:

the return on a registrant’s investment is based on the equity or interest in the facility, and not on the volume of patient referrals made by the registrant;

prior to referral, the registrant fully discloses the interest they have in the facility to the patient; and

where applicable, the registrant provides accurate information about wait times and other considerations for alternate facilities to allow the patient an opportunity to make a fully informed decision about whether or not to proceed with treatment at the referred facility.

Conflict of interest arising from clinical research

Although advances in medical care depend on sound clinical research, the pursuit of science by clinical investigators can compromise a registrant’s duty to act in the patient’s best interest. The College expects that registrants participating in clinical research have completed the most recent (TCPS2) training, and practise strict adherence to the protocols outlined in the TCPS2 modules.

When a registrant is offered compensation or reward for participating in clinical research, there is the potential for conflict of interest. While some conflicting interests are inherent in research, such as grants or promotions through research and publication of findings, ethical problems arise if a registrant’s personal or financial interest in the research diminishes their ability to be objective in the provision of patient care. It is considered reasonable and acceptable for registrants to be compensated at fair market value for any time they spend conducting the clinical research, for loss of income, and for any related expenses they incur during the study.

Registrants must enroll a patient as a participant in research in accordance with the expectations set out in TCPS2. In extreme cases, a lack of objectivity may lead a registrant to overestimate the benefits or downplay the risks associated with the research intervention, which can erode patient trust and lessen the integrity of the research.

Obligations