

STANDARDS OF PRACTICE

Conflict of Interest

Under Review: No

Issued By: Council: Jan 1, 2010 (*Conflict of Interest Involving Financial or
Personal Gain by Physicians*)

Reissued by Council: Jan 1, 2021; Oct 8, 2015 (*Conflict of Interest*)

The ***Standards of Practice*** of the College of Physicians & Surgeons of Alberta (“CPSA”) are the **minimum** standards of professional behavior and ethical conduct expected of all regulated members registered in Alberta. Standards of Practice are enforceable under the *Health Professions Act* and will be referenced in the management of complaints and in discipline hearings. CPSA also provides **Advice to the Profession** to support the implementation of the Standards of Practice.

Note: a [glossary](#) of terms can be found at the end of this document. Glossary terms are indicated in teal with a “G” throughout this document.

1. A conflict of interest may arise where a reasonable person could believe that a regulated member’s duty to act in the patient’s best interests may be affected or influenced by other competing interests, including financial, non-financial, direct, or indirect transactions with patients or others. A conflict of interest—real, potential or perceived—can exist even if the regulated member is confident their professional judgment is not being influenced by the conflicting interest or relationship¹.
2. A regulated member **must** resolve any real, potential or perceived conflict of interest in the best interest of the patient.
3. A regulated member **must:**
 - a. make full, frank and timely disclosure of any real, potential or perceived conflict of interest to the patient;
 - b. document the details of the disclosure made to the patient in the patient’s record; and
 - c. comply with clause (2) regardless of whether the regulated member has obtained consent from the patient to remain in the conflict of interest.
4. A regulated member **must not:**
 - a. accept or offer commissions, rebates, fees, gifts or other **inducements^G** related to patient referrals or devices, appliances, supplies, pharmaceuticals,

¹ From CPSO’s [Physicians’ Relationships with Industry: Practice, Education and Research](#) (September 2014)

Terms used in the Standards of Practice:

- “Regulated member” means any person who is registered or who is required to be registered as a member of this College. The College regulates physicians, surgeons and osteopaths.
- “Must” refers to a mandatory requirement.
- “May” means that the physician may exercise reasonable discretion.
- “Patient” includes, where applicable, the patient’s legal guardian or substitute decision maker.

- diagnostic procedures or therapeutic services;
- b. seek or accept any benefit for a referral, service or product provided by another regulated professional to a patient, other than for services provided by a partner, associate, employee or locum of the regulated member;
 - c. offer an inducement to another regulated professional conditional on providing a referral, service or product to a patient, whether or not such referral, service or product is medically appropriate; or
 - d. encourage another person to offer or accept an inducement conditional on providing a referral, service or product to a patient, whether or not such referral, service or product is medically appropriate.
5. A regulated member **must not** refer a patient to any facility or healthcare business separate and apart from the regulated member’s medical practice in which the regulated member has a direct or indirect financial interest unless there are no viable alternatives to meet the patient’s needs and the following conditions are all met:
- a. any benefit the regulated member receives due to their financial interest is based on the regulated member’s financial contribution or effort provided to that facility and not on the volume of patient referrals or other business from the regulated member;
 - b. there are no terms or conditions that require the regulated member to make referrals to the facility or otherwise generate business for the facility; and
 - c. the regulated member fully discloses the interest they have in the facility or healthcare business to the patient prior to the referral.

GLOSSARY

Conflict of interest: a conflict of interest may arise where a reasonable person could believe that a regulated member’s duty to act in the patient’s best interests may be affected or influenced by other competing interests, including financial, non-financial, direct, or indirect transactions with patients or others. A conflict of interest can exist even if the regulated member is confident their professional judgment is not being influenced by

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the conflicting interest or relationship. (From CPSO's [Relationships with Industry](#) practice standard)

Inducements: anything that persuades or influences someone to do something.

RELATED STANDARDS OF PRACTICE

- [Advertising](#)
- [Boundary Violations: Personal](#)
- [Code of Ethics & Professionalism](#)
- [Patient Record Content](#)
- [Sale of Products by Physicians](#)

COMPANION RESOURCES

- Advice to the Profession:
 - [Advertising](#) – to be updated
 - [Boundary Violations: Personal](#)
 - Conflict of Interest – upcoming
- Canadian Medical Association's [Guidelines for Physicians in Interactions with Industry](#)
- Canadian Medical Protective Association:
 - [Commercial interests and how physicians can avoid the pitfalls](#)
 - [The enduring value of trust – professionalism with patients and families](#)

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