



EACH YEAR, THE PHYSICIAN ADVISORY SERVICE RECEIVES APPROXIMATELY 5,000 CALLS FROM PHYSICIANS ON A WIDE VARIETY OF MATTERS. THE ISSUES RAISED ARE OFTEN OF A CLINICAL, ETHICAL OR LEGAL NATURE. THIS COLUMN FEATURES QUESTIONS AND ANSWERS TO ISSUES THAT WE EITHER HEAR ABOUT FREQUENTLY, OR THAT HAVE A WIDE APPLICABILITY ACROSS THE PROFESSION. BASED ON YOUR INQUIRIES AND CALLS TO THE PHYSICIAN ADVISORY SERVICE, WE WILL PUBLISH THE ANSWERS TO THE MOST FREQUENTLY ASKED QUESTIONS.

Obligations regarding potential conflicts of interest

Dialogue, July 2006

The Physician Advisory Service receives several calls from physicians with respect to their obligations regarding potential conflicts of interests. The Conflict of Interest Regulations made under the *Medicine Act* stipulate the following:

17. (1) It is a conflict of interest for a member to order a diagnostic or therapeutic service to be performed by a facility in which the member or a member of his or her family has a proprietary interest unless,

(a) the fact of the proprietary interest is disclosed to the patient before a service is performed; or

(b) the facility is owned by a corporation the shares of which are publicly traded through a stock exchange and the corporation is not wholly, substantially or actually owned or controlled by the member, a member of his or her family, or a combination of them.

(2) A member who or whose family has a proprietary interest in a facility where diagnostic or therapeutic services are performed shall inform the College of the details of the interest.

If a physician or a member of her/his family has a proprietary interest in a diagnostic or therapeutic service, the physician is required to do the following:

- Notify the College in writing of the details of the proprietary interest;
- Disclose the fact of the proprietary interest to patients prior to the service being performed;
- Ensure that the patient understands that she/he may seek the service at any diagnostic or therapeutic facility.

The College has a Conflict of Interest declaration form for physicians who must notify the College of any proprietary interest in a therapeutic or diagnostic facility. To obtain this form, or for any additional information on conflicts of interest, please contact the Physician Advisory Service number below.

The form will also soon be available on our website at www.cpsso.on.ca.