



# Standard of Practice:

## Conflict of Interest (2023)

A **Standard of Practice** is the minimum standard of professional behavior and ethical conduct expected by the College on a specific issue.

### Conflict of Interest

#### Preamble

Physicians have a legal and ethical duty to act in the best interest of their patients. This includes ensuring that their personal interests do not conflict or appear to conflict with the interests of their patients.

#### Definitions

**Conflict of interest:** a situation in which a reasonable person could think that a physician's duty to act in their patient's best interest may be affected or influenced by other competing interests. Conflicts of interest can be real, potential, or perceived. Financial gain by the physician is not necessary to establish a conflict of interest. As well, the physician does not need to directly profit from the relationship – the benefit could be accrued by the physician's family, close friends, corporation, or business partners.

Examples of conflicts of interest include, but are not limited to:

- Promoting or selling products to patients for profit.
- Accepting incentives from third parties if the third party receives a patient referral from the physician.
- Leasing/renting space to or from a third party where the lease/rental arrangement is markedly different from fair market and/or the arrangement is dependent on the volume of business generated by the physician or third party.
- Referring patients to businesses or facilities where the physician holds a financial interest.

## Standard of Practice

Physicians must act in the best interests of their patients. This includes taking steps to avoid situations where a conflict of interest might occur and, in the event that a conflict of interest arises, disclosing it to the patient. At all times the onus is on the physician to demonstrate that their patient's interests have taken priority.

A conflict of interest can arise in many different situations. Whether or not there is a conflict of interest will depend on the circumstances. When considering whether or not a physician is in a conflict of interest, the physician should assess whether a reasonable person could think that a physician's duty to act in their patient's best interest may be influenced by personal interests of the physician.

This standard is consistent with the ethical obligations outlined in the [Canadian Medical Association's Code of Ethics and Professionalism](#), sections 22-27:

### *Managing and minimizing conflicts of interest*

*Recognize that conflicts of interest may arise as a result of competing roles (such as financial, clinical, research, organizational, administrative, or leadership).*

*Enter into associations, contracts, and agreements that maintain your professional integrity, consistent with evidence-informed decision-making, and safeguard the interests of the patient or public.*

*Avoid, minimize, or manage and always disclose conflicts of interest that arise, or are perceived to arise, as a result of any professional relationships or transactions in practice, education, and research; avoid using your role as a physician to promote services (except your own) or products to the patient or public for commercial gain outside of your treatment role.*

*Take reasonable steps to ensure that the patient understands the nature and extent of your responsibility to a third party when acting on behalf of a third party.*

*Discuss professional fees for non-insured services with the patient and consider their ability to pay in determining fees.*

*When conducting research, inform potential research participants about anything that may give rise to a conflict of interest, especially the source of funding and any compensation or benefits.*

## Unavoidable Conflict of Interest

The College recognizes that circumstances may arise where a physician is in a conflict of interest and there are no viable alternatives which would allow the physician to avoid the conflict.

If a conflict of interest is unavoidable, the physician must make full, frank, and timely disclosure of the conflict to the patient. After disclosure, the physician must obtain informed consent from the patient before providing any further medical advice or treatment. All conflicts of interest must be properly managed so as not to compromise the patient's best interest.

In circumstances where a conflict is unavoidable and the patient provides informed consent to continue receiving medical advice or treatment, the physician must:

- document the informed consent process in the patient's medical record;
- work towards resolving the conflict to ensure that the medical care provided is always in the best interests of the patient;
- refrain from exploiting the patient for personal advantage; and
- inform the patient when their values would influence the recommendation or practice of any medical procedure that the patient needs or wants.

Simple disclosure of a conflict to the patient does not necessarily resolve a physician's conflict of interest. Where an allegation of conflict of interest is made, the onus remains on the physician to justify their actions.

## Acknowledgements

CPSBC (2022) Conflict of interest  
CPSS (2019) Conflict of Interest  
CPSNS (2018) Conflict of Interest

## References

CMA (2018) [Code of Ethics and Professionalism](#)

## Document History

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