



The College of
Physicians and Surgeons
of Newfoundland and Labrador

Standard of Practice: Conflict of Interest

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

Preamble

A conflict of interest arises where a physician's duty to act in his/her patient's best interest is or appears to be influenced by his/her personal interests. Physicians must act in the best interest of their patients. This includes managing and avoiding situations where conflicts of interest might occur.

Definitions

Conflict of interest – a situation in which a physician is or appears to be at risk of acting in a biased way because of a personal interest. A conflict of interest can be financial or non-financial and the physician does not necessarily need to directly benefit from the relationship if the physician's family, close friends, or business will profit.

Standard of Practice

The physician-patient relationship is a fiduciary relationship. A patient relies on his/her physician and must be confident that his/her needs are considered first. A physician must make professional decisions based upon the best interests of his/her patient and ensure that his/her own personal interests do not conflict or appear to conflict with the interests of the patient.

This standard of practice is consistent with the ethical obligations outlined in the Canadian Medical Association's Code of Ethics.

Examples of Potential Conflict of Interests

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 an actual or perceived conflict of interest, the physician should assess whether a reasonable person could think that a physician's duty to act in his/her patient's best interest may be influenced by personal interests of the physician. If a physician is unsure, he/she should seek advice before proceeding.

The following represents a non-exhaustive list of situations which may give rise to a real or perceived conflict of interest:

- 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 space from a third party in a circumstance where the lease arrangement is dependent on the volume of business generated by the physician; or
- Referring patients to businesses or facilities where the physician holds a financial interest.

Unavoidable Conflict of Interest

If a conflict of interest is unavoidable, the physician must make full, frank, and timely disclosure of the conflict of interest to the patient. After disclosing the conflict, the physician must then obtain informed consent from the patient before providing any medical advice or treatment. Any conflict 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, the physician must:

- work towards resolving the conflict to ensure that the medical care provided is in the best interests of the patient;
- refrain from exploiting the patient for personal advantage; and
- inform the patient when his/her 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 his/her actions.**

Acknowledgements

CPSNS (2016). Guidelines Regarding Conflict of Interest.

CPSBC (2016). Standard: Conflict of interest.

Document History

Approved by Council	March 10, 2018
Reviewed & Updated	
Expected Review Date	March 10, 2023
Publication Date	March 14, 2018