

N.B. Physiotherapists
Is There a Complaint Just Waiting to Happen Against You?

CPTNB has just experienced its most prolonged and most expensive complaint case over the last three years and which, in the end, confirmed for all involved that such actions can be extraordinarily stressful on all parties and on personal and College resources.

CPTNB expended tens of thousands of dollars for its participation. We also understand that the basic PLI policy coverage available to members would not have covered all the PT's costs for this case either. This occurred even though CPTNB worked diligently to move the case forward as fast as possible and cooperated fully at all stages. While the case (described in the annual report) was complicated by the fact that there were several PTs practising at the involved clinic, office administrators carried on with little instruction or oversight, and there was a lack of clear procedures - the case also highlighted some basic misperceptions and some common errors by PTs themselves.

In addition to addressing the specific complaint, the final report of the committee of inquiry made the following recommendation to CPTNB Council:

In conducting this inquiry, the Committee of Inquiry came to the conclusion that it may be of benefit to the members of the profession, and consequently, in the interest of the public, that the Council consider taking action to achieve additional member education in the following subjects:

- *Expectations of charting and developing patient records*
- *Responsibilities for maintaining, securing, accessing, storing and discarding patient records and also releasing of the information*
- *The use of the Physiotherapists' Registration number as a billing tool*
- *Individual Physiotherapists' responsibilities in monitoring billings under their name and provider or College registration number.*

All such matters are well documented for PTs and should be viewed as **basic practice and professional knowledge**. So, did you know?

Records and Charting

Physiotherapists are required to: correctly and consistently enter adequate charting notes. How often? How? What? All is described in documentation to which you have access. Learn it. Follow it. You will be held responsible for meeting these minimal requirements. *Caution!* "Charting by Exception" can only be implemented if a comprehensive care plan has been previously documented, against which you can record any "exceptions".

Retention – Security – Privacy of Patient Information
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All PTs who develop patient records are considered "custodians" of those records and remain individually responsible for developing, maintaining, securing, storing, and accessing them as well as ensuring strict confidentiality of all the patient files they develop....even when practising under an employer or at a clinic...and even if you leave that practice for another place, or retire from practice.

Continued.....

It is also your obligation to report to CPTNB to whom you have transferred the charts – i.e. who has agreed to take on these responsibilities.

You are the owner of the file, even if created while employed by someone else. The patient is the owner of the information in the file. You may decide to make copies for yourself to take with you but if leaving them with others, be sure you secure a written agreement as to their ongoing care, secure storage, future destruction and ongoing access – for at least 7 years, with discretion about each one in case longer retention is appropriate...and in compliance with both Federal and Provincial laws.

Also, **you are obligated by both Federal and Provincial privacy laws to develop a privacy policy and to adhere to appropriate procedures and specified actions** (such as displaying your privacy statement).

Caution! PTs should read all details and understand those details before signing provider contracts with insurance companies. Disputes arising from these may be outside of the scope of the CPTNB complaints' process but PTs who act otherwise risk loss of provider status and regardless of such status, misunderstandings can be a great detriment to your patients' care. Additionally, it reflects poorly on the profession.

Billing for Physiotherapy Services

Accompanying your registration cards annually, CPTNB issues a strong caution to **“guard” your cards** – since the numbers can be used for billings for services.

PTs must understand, monitor and approve billings which use their name and/or billing number.

Discuss this requirement with your employer(s) and colleagues to make arrangements so that you can meet this obligation by having a regular procedure to verify billings against actual services rendered. Just as importantly, know that you – individually – will be held accountable for erroneous billings regardless of who is actually administering the invoices.

For these and much more, see the CPTNB's web site to review:

- Practice Standards
- Code of Ethics
- Professional Responsibility Statements
- Advisory Notes

CPTNB disseminates its information to all registered members so

Council assumes all members are aware of their obligations.

www.cptnb.ca (pass 1 = nbpt; pass 2 = physio)