



# Canons of Ethical Conduct

FINAL

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## Article I. Purpose & Process

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### Section 1.01 The Purpose of the Canons of Ethical Conduct (Canons)

The orthotic and prosthetic profession exists for the fundamental purpose of assisting patients in maintaining functional and productive lives. The public entrusts its confidence to those professional practitioners upon whose competence and sense of fairness and compassion they can rely. For the profession to thrive, the members must discharge their responsibilities in a fashion that will bring honour and integrity to that profession, thereby ensuring public confidence. The greatest effort possible should be made to satisfy each patient's prosthetic and/or orthotic needs. The relationship established and the manner in which the patient is served are essential factors for appropriate professional and ethical conduct.

Recognizing the significant role the orthotic and/or prosthetic professional plays in the physical and emotional welfare of the patient, the canons evolved from the Code of Ethics and from the policies of Orthotics Prosthetics Canada (hereafter known as the Corporation). Its purpose was to convey the philosophy and basic tenet that the welfare of the patient shall come first and to encourage and promote the highest standard of professionalism and ethical conduct.

### Section 1.02 OPC Standards and Ethics Committee and Professional Practice Sub Committee

The Standards and Ethics Committee and the Professional Practice Sub Committee has the responsibility to maintain the integrity of the Corporation's registered certification trademarks and the Canons of Ethical Conduct by reviewing complaints that allege violations of the Canons.

The Standards and Ethics Committee is a standing committee of the Corporation and is responsible for developing and maintaining standards of professional practice, a professional code of ethics, and providing a mechanism to discipline members who breach them. OPC Professional Practice Sub Committee (hereafter known as the Committee) is a subcommittee of the Standards and Ethics Committee and is an independent body that investigates, adjudicates, and renders decisions including the application of sanctions, as may be required, in accordance with the Character and Fitness Rules and Procedures.

### Section 1.03 Limited Authority of the Committee

The Canons cannot address every possible circumstance of unethical conduct. In fact, not all complaints are appropriate for Committee review. It is a practical impossibility for the Committee to police the entire profession. For example, the Committee lacks both the resources and authority to investigate complaints that allege criminal misconduct, insurance fraud, theft, discrimination, copyright, trademark and patent infringement, threats, libel and slander. These types of disputes can be addressed by various appropriate federal and provincial government agencies or in civil or criminal courts. It is only after these types of complaints have been disposed

of by the appropriate government agencies and/or the courts that the Committee may begin to consider possible ethical violations of the Canons.

The Canons shall identify, in part; those practice areas over which the Committee may exercise authority. The Committee shall be responsible only for reviewing and determining violations of the Canons. Its role is not intended to be expansive but rather to ensure that ethical and professional services are rendered.

#### Section 1.04 Interpretation of the Canons

The Canons should not be interpreted only as a means to identify conduct which is contrary to the philosophy of the profession, but also as a continual means to educate the practitioner on his/her responsibility to maintain and adhere to established ethical standards. The Canons should be interpreted consistent with the evolving practical day-to-day realities of servicing clients.

#### Section 1.05 Adherence to Canons

For the purposes of these Canons, OPC Credential Holder(s) refers to any, and all, “Certified Orthotist and/or Prosthetist”, “Registered Orthotic and/or Prosthetic Technician”, “Resident” or “Intern”, that are members of OPC, and who provide or assist in the provision of orthotic or prosthetic services to patients.

#### Section 1.06 Responsibility of Orthotists and Prosthetists

The OPC Credential Holder, as well as the facility supervising and/or employing Residents and Interns shall be responsible for their respective compliance with these canons.

#### Section 1.07 Character and Fitness Rules and Procedures

Upon request, the official Character and Fitness Rules and Procedures, which include specific instructions and timelines for processing complaints, as well as a form on which to outline the complaint, will be provided. (See <http://www.opcanada.ca/download.php?id=224> Character & Fitness Rules & Regulations)

## Article II. General Responsibilities

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#### Section 2.01 Professional Conduct

The practice of Orthotics and Prosthetics (the “profession”) is a recognized allied health profession. The OPC Credential Holder assumes specific responsibilities to physicians or other appropriately licensed health care practitioners, patients, the public, associates and to the profession itself. These responsibilities must be discharged with honour and integrity to assure the maintenance of public confidence in the profession.

The profession exists for the primary purpose of assisting patients to maintain functional lives. The professionals shall be responsible for making the greatest possible effort to satisfy the patient's orthotic or prosthetic requirements. The manner in which the patient is served is the essential factor relating to appropriate ethical professional conduct.

Members of the profession are responsible for maintaining and promoting ethical practice. These Canons of Ethical Conduct ("Canons"), adopted by OPC shall be binding upon all who hold registered certification trademark credentials awarded by the corporation as well as those who have applied to become credentialed.

### Section 2.02 Ethics, Custom and the Law

Unethical conduct may involve violations of customs and usages of the profession as well as actions that violate the law. Failure to conform to these Canons, including conduct that violates moral principles, customs and practices of the profession or the law, shall be subject to disciplinary action in accordance with the Character and Fitness Rules and Procedures regarding ethical complaints ("Rules and Procedures"). Such disciplinary action depends upon the particular circumstances involved and how the conduct in question reflects upon the dignity and integrity of the profession. The OPC adjudicative authority, as established in the Rules and Procedures, will determine the severity of the disciplinary action.

Depending upon the circumstances, disciplinary action may range from a warning, reprimand, temporary suspension, de-certification, censorship or referral for criminal prosecution or civil action. Although loss of credential is the maximum penalty that may be imposed by the corporation on an OPC Credential Holder who violates these Canons, each OPC Credential Holder has a civic and professional obligation to report to the appropriate governmental body any and all evidence that may come to his or her attention involving the alleged criminal conduct of any OPC Credential Holder relating to the practice of orthotics or prosthetics.

### Section 2.03 Required Disclosure of Other Agency Actions

Each OPC Credential Holder must promptly, fully and accurately disclose to OPC any and all investigations, findings and actions by any:

- orthotic or prosthetic related agency or body responsible for federal, provincial or regional licensing or oversight of health;
- government agency or quasi-government agency;
- licensing board

(collectively referred to as "Agencies").

The OPC Credential Holder's disclosure requirement includes investigations by federal, provincial or private payers. The disclosure requirement does not include general billing audits that are not specific to an OPC Credential Holder. Each OPC Credential Holder must make such disclosure to OPC within 30 days from the date of his/her/its receipt of knowledge

of the commencement of action by any Agency. Each OPC Credential Holder must promptly and fully cooperate with OPC, the Committee and the Agencies.

## Article III. Responsibilities to Physicians and other appropriately licensed healthcare prescribers

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### Section 3.01 Diagnosis and Prescription

It is the responsibility of the OPC Credential Holder to work in conjunction with physicians and appropriately licensed healthcare prescribers to determine the medical appropriateness of the orthosis or prosthesis. The OPC Credential Holder must obtain a prescription or referral from a physician or appropriately licensed healthcare prescriber before providing any custom orthotic or prosthetic device to a patient.

### Section 3.02 Orthoses and Prostheses Evaluation and Recommendation

It is the responsibility of the OPC Credential Holder to recommend specific orthotic and/or prosthetic design. The OPC Credential Holder shall recognize that each individual patient is different and deserves specific and responsive guidance from the OPC Credential Holder. Following the evaluation process, the OPC Credential Holder shall be guided at all times by concern for the physical, emotional, social and economic welfare of the patient. All decisions by the OPC Credential Holder must be made with the understanding and intent that the patient's best interests are the primary concern.

### Section 3.03 Changes in Patient's Condition

When appropriate, or when requested by the patient and/or the patient's physician or appropriately licensed health care provider, the OPC Credential Holder shall monitor and observe the patient's physical condition in connection with the orthotic and prosthetic care and the prescribed device to make certain the patient is responding appropriately. As soon as possible, the OPC Credential holder must notify the physician or referring health care practitioner and the patient of any change in the patient's condition related to the orthotic or prosthetic management plan and the patient's medical evaluation.

### Section 3.04 Provision of Services

The OPC Credential Holder shall recognize the patient's freedom of choice in selection of not only the orthotic or prosthetic design and treatment, but the provider as well. Professional affiliations, including employment and referral relationships, may not limit access to services and shall not affect the decision making process of the professional. The practices of the OPC Credential Holder and adherence to the ethical principles of the corporation shall take preference over business relationships. Provision of services for personal financial gain of the professional rather than for the need of the individual receiving the services, is unethical.

### Section 3.05 Altering Orthoses or Prostheses

The OPC Credential Holder may repair or adjust orthoses or prostheses without notifying the prescribing physician or appropriately licensed healthcare prescriber. However, such repairs or adjustments must conform to the original prescription or the prescription as modified by the prescribing physician or appropriately licensed healthcare prescriber. Any repairs, adjustments, modifications and/or replacements that substantially alter the original prescription must be authorized by the physician or the appropriately licensed health care provider and documented in the patient's clinical record.

## Article IV. Responsibilities to the Patient

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### Section 4.01 Confidential Information

All information relating to a patient's identity, background, condition, treatment, management plan or any other information relating to the patient relationship is and shall always remain confidential and may not be communicated to any third party not involved in the patient's care, without the prior written consent of the patient or patient's legal guardian.

Patient information that may be derived as a result of any peer review process shall be held and always remain confidential by all participants unless written permission to release the information is obtained from the patient or patient's legal guardian.

All patient information which is derived in a workplace from a working relationship among professionals relating to any patient shall be held and always remain confidential by all parties.

The confidentiality requirements set forth in this Section shall be strictly adhered to by all OPC Credential Holders unless the information is required by court order or when it is necessary to disclose such information to protect the welfare of the patient and/or the community. In such event, all disclosures of confidential information shall be in accordance with applicable Federal and Provincial privacy laws and regulations.

### Section 4.02 Competency

All OPC Credential Holders shall provide competent services and shall use all efforts to meet the patient's orthotic and prosthetic requirements. Upon accepting an individual for orthotic or prosthetic services, the OPC Credential holder shall assume the responsibility for performing the tasks associated with Patient Assessment, Formulation of the Treatment Plan, Implementation of the Treatment Plan, Follow-up Treatment Plan, Practice Management, and Promotion of Competency and Enhancement of Professional Practice.



### Section 4.03 Research

All OPC Credential Holders are encouraged to support research activities that contribute to the understanding of improved patient care. In the event that any OPC Credential Holder desires to engage in a research project or study, he or she shall first ensure that:

- all patients affiliated with such projects or studies consent in writing to the use of the results of the study;
- the data and information regarding the patient remains confidential,
- the well-being of the patient shall be the primary concern;
- the research is conducted in accordance with all federal and provincial law;
- there is an absence of fraud;
- all data is fully disclosed;
- there is an appropriate acknowledgement of individuals making contribution to the research; and
- in the event that any acts in the conduct or presentation of research appear to be unethical or illegal, the OPC Credential Holder shall immediately report the unethical or illegal conduct to the OPC National office and, if appropriate, the applicable law enforcement authority.

### Section 4.04 Trust and Honesty

All OPC Credential Holders shall always be truthful and honest to the patient, physician or other health care professional and the public in general.

### Section 4.05 Fees and Compensation

Fees for prosthetic and orthotic services should be reasonable for the services performed, taking into consideration the setting in which the services are provided, the practice costs in the geographic area, the judgment of other related or similar organizations, and other relevant factors. The OPC Credential Holder shall never place his or her own financial interest above the welfare of the patient. It is unethical for the OPC Credential Holder to engage in false, misleading or deceptive actions in relation to the ultimate cost of the services undertaken or furnished. Continuing to provide orthotics or prosthetics services beyond the point of possible benefit or providing services more frequently than necessary is unethical.

Submission of false or misleading information in requesting reimbursement from third-party payers, including provincial funding and private insurers, is unethical.

## Section 4.06 Practice Arrangements

OPC Credential Holders shall not:

- directly or indirectly request, receive or participate in dividing, transferring, assigning, or rebating any funds derived from a referral of a patient to any other individual or entity, whether affiliated with the OPC Credential Holder or otherwise; or
- profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity for providing orthotic and prosthetic services, except for the fees earned for services performed for the patient,

The OPC Credential Holder shall refer all patients to the most beneficial service provider, taking into consideration the nature and extent of the problem, treatment resources and availability of health care benefit coverage, and the likelihood of receiving appropriate and beneficial care. Participation in the business, partnership, corporation or other entity does not exempt the OPC Credential Holder, whether employer, partner or stockholder, either individually or collectively, from the obligation of promoting and maintaining these canons and the ethical principles of the corporation. If the OPC Credential Holder is involved in an arrangement with a referring source in which the referring source derives income from the OPC Credential Holder's services, the OPC Credential Holder must disclose to the patient that the referring practitioner derives income from the provision of the services. OPC Credential Holders shall advise their employer or any employer of employees, practices which are in contradiction with these Canons and the ethical principles of the corporation.

## Section 4.07 Delay in Services

It is unethical for the OPC Credential Holder to accept any prescription when he/she knows, or has good cause to believe, that the prosthesis or orthosis cannot be furnished within a reasonable period of time, consistent with averages in the region. In such instances, the OPC Credential Holder must discuss the situation with the patient and physician or appropriately licensed healthcare prescriber. The OPC Credential Holder shall not unreasonably delay or allow for the unreasonable delay of the provision of orthotic or prosthetic services.

## Section 4.08 Compliance with Laws and Regulations

OPC Credential Holders shall provide consultation, evaluation, treatment, and preventative care, in accordance with the laws and regulations of the jurisdictions in which they practice.

## Section 4.09 Consumer Protection

All OPC Credential Holders shall report to the OPC National office any conduct that appears to be unethical, incompetent or illegal. This reporting requirement includes, without limitation, self-reporting, and the reporting about other OPC Credential Holders, in connection with a third party investigation and finding, regardless of whether the investigation has been completed. Each OPC Credential Holder must make such disclosure to OPC within 30 days of the date of his/her/its

receipt of knowledge of a possible Code violation. Failure to report any such behaviours which is known to an OPC Credential Holder shall be unethical.

#### Section 4.10 Delegation of Responsibility

OPC Credential holders shall not delegate any responsibility requiring unique skills, knowledge or judgment to a less-than-qualified person. The primary responsibility for orthotic and prosthetic care performed by supporting personnel rests with the delegating OPC Credential holder. Adequate supervision, as described in OPC's Scope of Practice is required to make certain that the patient receives the necessary and appropriate care.

#### Section 4.11 Information to Patient

OPC Credential Holders are encouraged to educate the public about the profession through the publication of articles as well as participation in seminars, lectures and civic programs. All information provided to the public shall emphasize that each individual situation is unique and requires specific targeted evaluation and process. OPC Credential Holders shall not use, nor participate in any use of, any form or communication containing false, fraudulent, misleading, deceptive, unfair or sensational statement or claim. OPC Credential Holders shall not provide any consideration to any member of the press, radio or television or other communication medium in exchange for professional publicity in a news item. All advertisements shall be identified as advertisements unless it is absolutely clear from the context that it is a paid advertisement.

#### Section 4.12 Discrimination

OPC Credential Holders shall not decline to accept a patient on the basis of race, gender, color, religion or national origin or on any basis that would constitute discrimination.

#### Section 4.13 Sexual Relations

##### (a) Sexual Relations with Patient Prohibited

OPC Credential Holders shall not have sexual relations with a current or former patient of the OPC Credential Holder unless:

- a consensual sexual relationship existed between the OPC Credential Holder and the patient prior to the provision of any orthotic or prosthetic services; or
- the OPC Credential Holder has not provided any orthotic or prosthetic services to the patient for the one-year period preceding the beginning of the consensual sexual relationship.
- the OPC Credential Holder has not provided any Services for a one year period after the termination of the professional relationship.

The OPC Credential Holder shall not engage in, request, or demand sexual relations with a patient incident to or as a condition of any orthotic or prosthetic services.

### (b) Sexual Relations with Key Third Parties Prohibited

The OPC Credential Holder shall not have sexual relations with a Key Third Party when such relations are based on the use or exploitation of trust, knowledge, influence or emotions derived from a professional relationship. A Key Third Party is a person who is closely related to the patient and shall include, but not be limited to:

- spouses or partners,
- parents,
- siblings,
- children,
- guardians,
- caregivers.

Each matter shall be evaluated on a case-by-case basis. Factors to be considered shall include: (i) the nature of the patient's orthotic or prosthetic needs; (ii) the length of the professional relationship; (iii) the degree of the Key Third Party's emotional dependence.

## Article V. Responsibilities to Colleagues and the Profession

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### Section 5.01 Dignity and Status

All OPC Credential Holders have the personal responsibility to conduct themselves in a manner that will assure the dignity and status of the profession. Examples of unacceptable behavior include, but are not limited to, falsifying documents, the misuse of the certification title; defamation of another; disparaging former employers or other practitioners; disparaging former employees; and misrepresentation of capacity as a provider of services.

### Section 5.02 Commercialization

The primary professional function of the OPC Credential Holder is to develop the orthosis and prosthesis as part of a medical treatment team. However, the OPC Credential Holder is not prohibited from providing related commercial services, such as furnishing soft durable medical supplies, as long as each patient and the public in general is made aware of the differences between the prosthetist's and/or orthotist's professional and commercial services.

### Section 5.03 Solicitation

It is unethical for an OPC Credential Holder to either directly or indirectly solicit the patronage of individual patients by way of intimidation, threats, harassing conduct, undue influence, coercion, duress, unwarranted promises of benefits or solicitation of a patient who is apparently in a mental condition that impairs his/her personal judgment to make decisions concerning the products or services being offered.

### Section 5.04 Education

All OPC Credential Holders are encouraged to support quality educational programs and forums in academic and clinical settings. Each member shall regularly attend appropriate seminars and lectures; review relevant periodicals, magazines and literature; and otherwise keep abreast of all major developments in the profession. It is unethical for the OPC Credential Holder to participate in any programs, education or otherwise, that falsely or deceptively represent the rights and privileges of the profession.

### Section 5.05 Examinations

OPC Credential Holders, including exam candidates and applicants, shall maintain the security and prevent the disclosure of OPC credentialing examinations and their content. Allegations of academic misconduct are submitted as complaints to the OPC Professional Practice Sub Committee for review and possible investigation.

### Section 5.06 Concern about Care by Peers

The OPC Credential Holders should exercise appropriate respect for other health care professionals. Concerns regarding patient care provided by other professionals should be addressed directly to that professional rather than to the patient. In the event that such concerns rise to the level of criminal violation, incompetence, malpractice or a violation of these Canons, then the OPC Credential Holder must immediately notify OPC. The Committee will take appropriate action in accordance with these Canons and applicable law.

### Section 5.07 Use of Certification

The OPC Credential Holder shall use the fact that they are Certified or Registered only as evidence of meeting the requisite standard of knowledge and competency in the profession. It is unethical, and a violation of OPC's certification trademark, for a non-certified or non-registered individual to represent, directly or indirectly, that he or she is certified or registered in orthotics and/or prosthetics.