



College of
Occupational Therapists
of British Columbia

COTBC Practice Standards for Conflict of Interest, 2016

Risk Assessment and Management

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Practice Standards for Conflict of Interest

Risk Assessment and Management



Step One: Identify Potential Risk Factors

Risk management is “nothing more than a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm” (Health and Safety Executive, 1999, p. 1).

Occupational therapists can benefit from using a risk management approach to assist them in recognizing, preventing, and managing actual, potential, and perceived conflicts of interest.

Conflicts of interest are not always easy to identify. Reflecting on risk factors can be helpful. Risk factors are circumstances or facts that influence the probability of the risk occurring and the impact.

Practice Standards for Conflict of Interest

Risk Assessment and Management, continued



Step One: Identify Potential Risk Factors, continued

Complexity of Client's Presentation

- Client's cultural beliefs and values related to gift giving and compliance with authority.
- Vulnerability of client given any physical, mental, or social issues.
- Client's ability to direct care and give informed consent.

Therapeutic Relationship

- Power imbalance and occupational therapist's ability to influence the course of treatment.
- Client-centred approach and trusting relationship.

Occupational Therapist's Skills and Knowledge

- Knowledge of employer's policies and procedures.
- Knowledge of various cultural and social norms related to giving and receiving benefits and gifts.
- Ability to identify client's possible impaired capability.
- Ability to establish and maintain professional boundaries.
- Ability to communicate information to client, client representative, and other stakeholders.



Practice Standards for Conflict of Interest

Risk Assessment and Management, continued

Step One: Identify Potential Risk Factors, continued

Practice Setting and Environmental Conditions

- Accessibility of other occupational therapists to provide care (e.g., rural vs. urban practice environments).
- Existing social norms (e.g., a history of participating in vendor incentive programs).
- Availability of employer policies and procedures.
- Pressure from others for occupational therapist to engage in an activity that might be a potential or perceived conflict of interest.
- Power of referral source to influence funding or continuation of services.
- Accessibility of other professional staff to discuss conflict of interest concerns, options, and alternatives.

Practice Standards for Conflict of Interest

Risk Assessment and Management, continued

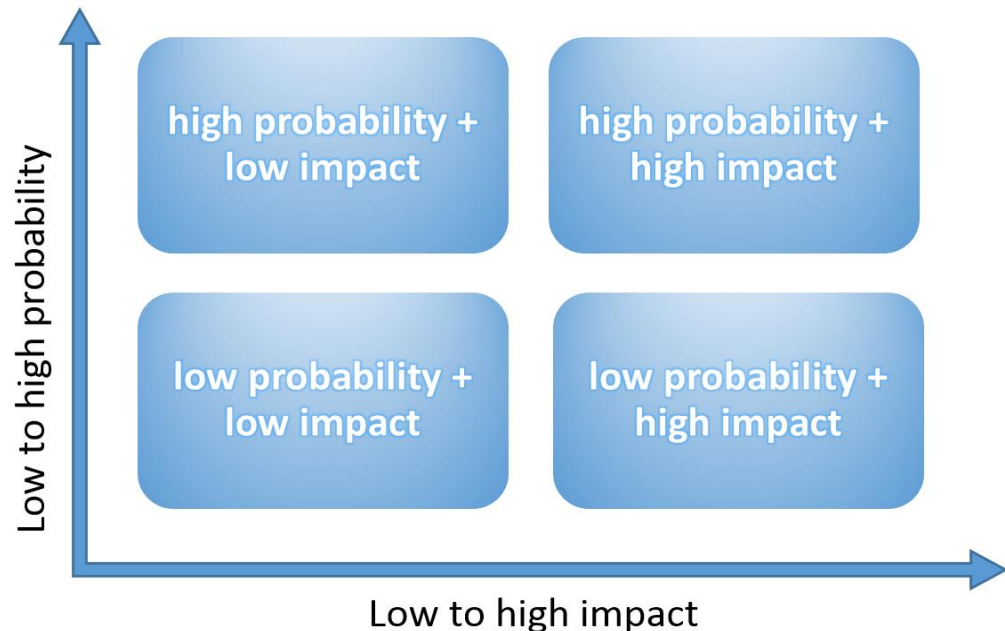


Step Two: Consider the Probability and Severity of Impact

Once the factors are identified, the occupational therapist assesses

1. the probability of each risk (i.e., how likely is it); and
2. the negative impact (i.e., what degree of harm could the risk cause the client).

The risks can be classified from low probability and low impact to high probability and high impact.



Practice Standards for Conflict of Interest

Risk Assessment and Management, continued



Step Three: Take Action

Conflicts of interest can be challenging to prevent and manage. Sometimes, they cannot be avoided.

The goal is to choose actions or precautions that help minimize the risks as much as possible.

In the case of recognizing, preventing, and responding to conflicts of interest, these actions could include but are not limited to the following:

- Reviewing any existing policies and procedures to mitigate risks.
- Collaborating with colleagues and leadership to develop employer policies where absent.
- Discussing with the client or stakeholder any employer conflict of interest policies.
- Increasing understanding of the significance of gifts in various cultures.
- Strategizing various culturally and socially acceptable alternatives to gift giving and receiving.
- Discussing with trusted colleagues and supervisors any concerns regarding potential conflicts of interest.
- Disclosing any actual conflicts of interest in accordance with Standard #3.
- Informing the client of all available options and obtaining informed consent. Note: The client's providing consent in a conflict of interest situation does not negate the occupational therapist's responsibility to mitigate any risks.

Practice Standards for Conflict of Interest

Risk Assessment and Management, continued



Step Four: Record Your Actions

This risk management process is dynamic and ongoing throughout the care continuum and even after the file is closed.

It is important to record the risk management actions taken, to demonstrate that precautions were taken to protect the client from harm and to minimize risk.

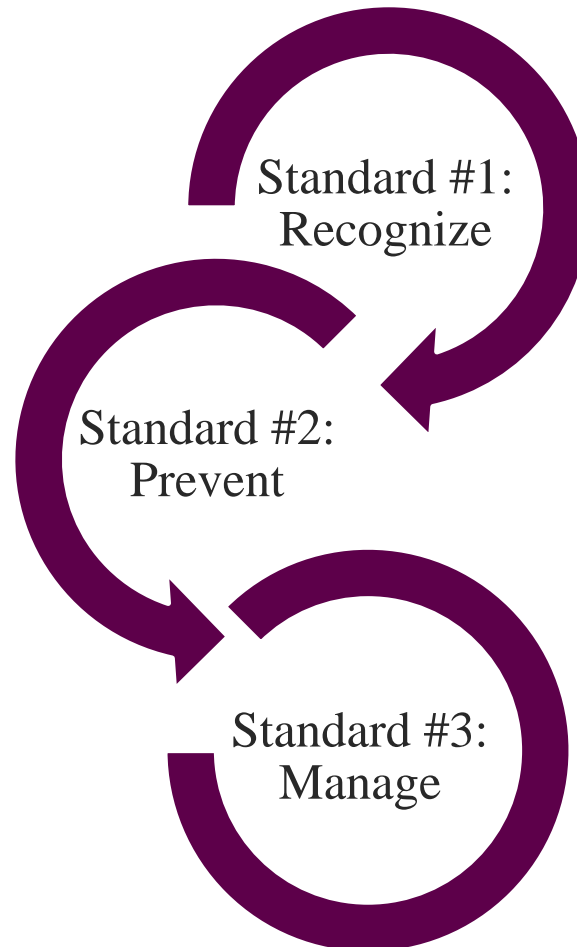
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Expectations in Action

Below are examples of how an occupational therapist may recognize, prevent, or manage a perceived, potential, or actual conflict of interest. Please note that this list is not exhaustive, and an occupational therapist's specific actions will vary depending on situational factors.

- Do not sign contracts that result in a conflict of interest.
- When working in two environments, avoid soliciting clients from one practice context to another unless no personal, professional, or business gain can be demonstrated, and the referral is in the client's best interest.
- Do not recommend products or services that offer a potential for self-gain.
- Decline participation in incentive programs that give awards or prizes for referrals obtained.



- Identify that treating relatives or friends creates a conflict of interest.
- Chat with colleagues regarding identified conflicts of interest.
- Refer to COTBC standards and employer conflict of interest policies.

- Develop a list of alternative treatment options in case a conflict of interest is identified.
- Remove oneself from a decision-making body when a conflict of interest arises.
- Avoid exchanging gifts with clients.