



## Conflict of Interest

**Standards of Practice** of the Yukon Medical Council (“the Council”) are the minimum standards of professional behavior and ethical conduct expected of all physicians registered in the Yukon. Standards of Practice will be referenced in the management of complaints and in discipline

- (1) A physician must not, directly or indirectly, enter into any business arrangement that may create a real or perceived conflict of interest to the physician’s duty to the patient.
- (2) A physician must not offer or cause any inducement to be offered or received by any person, including a patient of the physician, in return for:
  - (a) the referral of another person to the physician or a clinic or group with which the physician is associated, whether or not the referral is medically appropriate; or
  - (b) the provision of any service or product, whether or not the provision of the service or product is medically appropriate.
- (3) A physician must not refer a patient to a facility or healthcare business operated separate and apart from the physician’s medical practice if the physician has a direct or indirect interest in that facility or healthcare business, unless:
  - (a) the physician directly provides the care or service, or the Council has approved an exemption to the physician and the physician is acting within the terms and conditions established by the Council; and
  - (b) the care or service has been approved by the Council to be provided at that facility.
- (4) A physician must not have a direct or indirect interest in a healthcare business to which the physician refers a patient or to which a patient may be expected to attend due to geographic proximity or necessity unless permitted by the Council.
- (5) If the Council has granted permission to a physician in subsection (4), the physician must satisfy the following conditions:
  - (a) the terms on which the interest is offered to the physician must not be related to the past or expected volume of referrals of patients or other business from the physician to that facility;
  - (b) there must be no requirement that the physician make referrals to the facility or otherwise generate professional business as a condition for investment or remaining as an investor; and
  - (c) the financial return for the physician must be directly attributable to the physician’s proportionate financial interest in the facility rather than to the volume of referrals made by that physician.
- (6) A physician must not seek or accept any payment or benefit, directly or indirectly, for any service rendered or product provided to a patient by any other physician or person other than for services provided by a partner, associate, employee or locum of the physician. A benefit includes, but is not limited to:

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**Terms used in the Standards of Practice:**

- *Physician* means any person who is registered or who is required to be registered under the Medical Profession Act.
- *Must* refers to a mandatory requirement.
- *May* means that the physician may exercise reasonable discretion.
- *Patient* includes, where applicable, the patient’s legal guardian or substitute decision maker.

- (a) any financial advantage; and
  - (b) any good or service sought or received by the physician.
- (7) If a conflict of interest is unavoidable by a physician or if the Council has given permission for the physician to remain in a conflict of interest, the physician must:
- (a) make full, frank and timely disclosure of the conflict of interest to the patient; and
  - (b) obtain the informed consent of the patient before providing any medical advice or treatment to the patient.
- (8) The consent of a patient to permit the physician to remain in a conflict of interest does not allow the physician to act in any manner other than in the best interest of the patient.
- (9) A physician must always maintain professional autonomy and independence in any relationship with industry. For the purposes of this standard, “industry” means any manufacturer or distributor of healthcare products, including pharmaceuticals and medical devices. A physician **must not**:
- (a) enter into a relationship with industry if it weakens the fiduciary relationship with any patient of that physician, resolving any conflict of interest resulting from interaction with industry in favour of his or her patients;
  - (b) fail to disclose to a patient any relationship between the physician and industry that reasonably could be perceived as having the potential to influence the physician’s clinical judgment;
  - (c) accept reimbursement for expenses from industry for attending a continuing professional development event unless they are in the employ of the industry or are directly involved in the presentation of the professional development activity;
  - (d) accept any personal gift of any monetary or other value from industry although a physician may accept teaching aids provided by industry; and
  - (e) accept a fee or other consideration from industry in exchange for seeing an industry representative in a promotional or similar capacity.
- (10) A physician involved in organizing or presenting at a continuing professional development event must:
- (a) disclose to participants any financial relationship with industry for products mentioned at the event or with manufacturers of competing products;
  - (b) not conduct a seminar or similar event directly or indirectly for industry that promotes a product for the purpose of enhancing the sale of that product;
  - (c) not accept reimbursement for expenses or honoraria at a rate that could reasonably be perceived as having undue influence; and
  - (d) ensure that all industry contributions are declared on educational materials.
- (11) When considering the use of clinical evaluation packages such as samples of medications or devices a physician must:
- (a) recognize the influence on the physician’s prescribing choices;
  - (b) use appropriate clinical evidence to determine the choice of medication or device;
  - (c) document the type and amount of medication or device in the patient record; and
  - (d) not receive any form of material gain based on the choice of the product.

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