

PRACTICE GUIDELINE THIRD PARTY REQUESTS

COLLEGE OF PHYSICAL THERAPISTS OF ALBERTA



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PRACTICE GUIDELINE

INTRODUCTION

Physical therapists often receive third party requests for non-clinical services. These services can include clinical record transfers or copies, providing a report or expert opinion and/or other patient related services requiring a physical therapist's time or expertise. Third parties are most commonly payors or lawyers, but they can also be patients.

This guideline provides ethical considerations and general information and recommendations related to third party requests. Some general fee-related information is also included. For specific fee information, please contact the Alberta Physiotherapy Association. In some situations, records management service fees are regulated by legislation—e.g., the Health Information Act (HIA), Freedom of Information and Protection of Privacy Act (FOIP) and Workers' Compensation Board (WCB).

ETHICAL CONSIDERATIONS

- Consider the patient's best interest in all decision making.
- Under Alberta's privacy legislation, health care providers have a duty to disclose the least amount of patient information required (i.e., only information relevant to the situation at hand).
- When acting on behalf of a third party other than the patient, take reasonable steps to ensure the patient

understands the nature and extent of your responsibility to the other party.

- Upon request and with consent, provide patient or third party with a copy of the patient record unless there is the potential for harm to the patient or others.
- Do not exploit patients for personal gain.
- When determining service fees, consider the nature of the service requested, the ability of the patient to pay, and be prepared to discuss fee(s) with patient or third party.

PROVIDING PATIENT RECORDS

- Patients have a right to their health information upon request. The patient's rights are the same if request is made by an agent of the patient such as a lawyer.
- Privacy legislation governs the collection, use, disclosure of, and access to personal health information. The legislation may vary depending on employment setting. Therefore, physical therapists are responsible for familiarising themselves with legislation applicable to their respective situation (see the College's *Privacy Guide for Alberta Physical Therapists*). For example, physical therapists providing services paid for by the WCB, should be aware that WCB records are subject to FOIP.
- Reasonable fees may be charged when providing clinical records (in the case of HIA and FOIP, fees are set in the

legislation). Fees should be discussed with patients before producing the record and should reflect actual costs including:

- time and cost required to retrieve record,
- cost of copying record, and
- cost to deliver if applicable.

TRANSFERRING PATIENT RECORDS

While the transfer of clinical records is sometimes required (e.g., continuity of care) it may not always be (e.g., when a physical therapist relocates to another facility and the patient follows, the therapist may not need to rely on information in the previous record). As each situation depends on the particular circumstances, the following guidelines are recommended:

- As a professional courtesy, physical therapists referring patients for alternate services should provide clinical records with patient consent and at no charge.
- When patients request a record transfer, physical therapists may charge a reasonable fee considering the factors previously mentioned.
- When a new treating physical therapist requests a record transfer (after patient consent is obtained), it is acceptable to charge a fee considering the factors previously mentioned.

DETERMINING FEE TO CHARGE

Certain fees have been negotiated with or set by payors or other groups (e.g., WCB

and the Superintendent of Insurance) and are therefore not negotiable.

Services where a fee is to be determined should reflect:

- Professional costs:
 - nature of service requested,
 - time, and
 - knowledge and skill or expertise related to the service.
- Administrative costs:
 - direct and indirect costs,
 - administrative support time and resources,
 - supplies and practice impact such as legal fees.
- Patient's ability to pay.

BILLING CONSIDERATIONS

Be consistent in billing practices.

- Review and update fees annually.
- Maintain records of non-clinical services provided.
- Display fees for common non-clinical services.
- Ensure administrative staff is familiar with services provided and associated fees.
- Ensure patient agrees to fee before providing the service.
- Obtain patient consent for service.
- Provide service in a timely manner.
- Develop standard form letters that outline your policies and procedures.
- Third party cannot be used as collection agency for outstanding payments.

The College of Physical Therapists of Alberta regulates the practice of physical in Alberta.

For more information or advice regarding these guidelines please contact the College of Physical Therapists of Alberta.
www.cpta.ab.ca
 780.438-0338

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