

BC Physio

Introduction

Our group has decided that we will be running a physiotherapy clinic named BC Physio, located in Vancouver, BC. Our Clinic will be designed for sports and orthopedic physiotherapy. Our therapists will have the highest level of orthopedic specialization, resulting in superior assessment and treatment of your condition. We will be utilizing a wide assortment of treatment techniques, joint and soft tissue manipulation. Physiotherapy will assess your sports limitations and train your body to function better within the movement patterns of your sport.

We anticipate clients of all ages and with a wide range of health conditions. The patients we see will most likely be affected by injury, illness, or disability. We plan to help our patients to manage pain and prevent disease through movement and exercise, manual therapy, and advice. We will be giving a careful prescription of strengthening and stretching suited to their individual needs helping them achieve better function. A home program will be provided as well to allow our patients to work on some exercises on their own. Whatever their limitations may be, we will do our very best in helping them function better.

Government Legislation

The principal body regulatory of physiotherapy in British Columbia is the CPTBC - College of Physical Therapists of British Columbia. Since 1946 physical therapy has been a regulated profession and in 1994 was added to the Health Profession Act. The College in accordance with the Act, the Physical Therapists Regulation and the bylaws of the College set the requirements to the practitioners.

The Health Professions Act is a legislation that was implemented by the government of BC to establish a common regulatory framework for health professions practice and how to respond in case of a violation of the Act in the province. In addition, the Act set the rules for how the regulatory colleges need to be formed to be functional (BC government, 1996)

The CPTBC is the organization that was given the authority from the BC Health Professions Act to serve, protect the public and exercise powers under public interest. To be a Physical Therapist, it is necessary to have been approved by these institution norms to be able to be licensed and have a practice in the province. In case of not having all the requirements, it is not possible to operate and will be subject to bad practice. In addition, the CPTBC set the standards and expectations for the profession to provide quality care to the public. (CPTBC)

Tort of defamation

Defamation is a statement that is published with the intent of hurting one's reputation. For a statement to be considered defamation, there is a certain criteria. A defamatory statement must be derogatory, false, and it must be published. The criminal code of Canada describes defamation as a matter, "without lawful justification or excuse, that is likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or that is designed to insult the person of or concerning whom it is published" (Minister of Justice, 2022). Furthermore, there are two types of defamation, being slander and libel. Slander means a spoken statement and libel is a written or broadcasted statement. On the other hand, a statement made privately is not to be considered defamatory.

In the medical field, this tort law can help doctors and practitioners when they are defamed by clients. It is quite common for patients to make defamatory statements against medical experts. Although less common in physical therapy, this still poses a risk to many businesses. If information is spread from a patient, this can lead to a decrease in patients and potentially run the practice out of business. For example, if a patient fails to do the exercises prescribed, they may not heal and would blame this on the physical therapist although it is their own fault. In my own experience, rumours were spread in my hometown about a doctor who messed up multiple knee surgeries. Although this was never confirmed to be true, even private conversations can scare people away from seeing a doctor with a jeopardized reputation.

Managing the risk of defamation is not an easy task but there are small steps the business can take to help mitigate this risk. Although it is impossible to predict how a patient may speak of their visit, by creating a healthy and positive environment, patients are less likely to speak negatively of the business or their physical therapist. In circumstances where the patient needs to put in work on their own time, the therapist must make it clear that the patient's recovery is depending on the exercise they do outside of the clinic. In the case where the patient does make a defamatory statement, the most practical solution is to provide the truth of the situation in a public statement. This method will cause no further harm to the business, and hopefully resolve the dispute. In more extreme circumstances, the business could look at suing the patient. Unfortunately, this method will bring further attention to the case, and even if the plaintiff wins, it will look bad for the business to sue a patient. Therefore, any defamatory statements made against the business will be responded to with the truth, and further action will be avoided unless necessary.

Tort Of Negligence

It is an action in which a person causes the other person some injury or some loss negligently. It is made up of 4 elements duty of care, breach of that duty, causation and damage. "The cardinal principle of liability is that the party complained of should owe to the party complaining a duty to take care, and that the party complaining should be able to prove that he has suffered damage in consequence of a breach of that duty as per Lord MacMillan" Donoghue V Stevenson Case. Damage means that if the plaintiff suffered any injury or loss he can sue for a claim but if

there is no damage or any kind of loss caused he can't sue for a claim. It is important for the company to provide the customer with the duty of care as it is the most important aspect for every company.

In our business, our employees would be owing to a duty of care to our patients. As per Lord Atkin Duty of care is owed when "persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions". There will be a direct causal link in actions of my employees and injury or harm caused to patients' duty to my employees. In our business, all 4 elements of negligence can be proved this means any of our patients who doesn't receive appropriate treatment can sue us for negligence.

We can manage this risk as we can have medical insurance which will help us in providing sound legal advice and evidence-based education if someone sues us. We can get a waiver form signed by the patients which can be presented as a defense in the court if someone decides to sue us. And the waiver form also explains how the therapy works and about the pre-assumed risks.

Reference

Health professions act. (n.d.). Retrieved March 27, 2022, from https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96183_01

Legislation & standards – CPTBC – college of physical ... (n.d.). Retrieved March 28, 2022, from <https://cptbc.org/legislation-standards/>