



## MARKETING AND PROMOTIONS

The College's Practice Advisors are often asked whether physical therapists are permitted to offer discounted fees, gift certificates, or prepaid treatment sessions, or whether services can be donated. We also are asked whether it's okay to solicit testimonials from clients or to ask them to post a review of the clinic on an online review site.

The decision you, as a physical therapist, make about whether to proceed with specific marketing and promotional strategies will depend on the details and context of the situation. In all cases you will need to adhere to the College's Standards of Practice and regulations, including:

- The Code of Ethical Conduct guides physical therapists in providing ethical service by stating that we “treat clients only when the diagnosis or continuation of the intervention warrants treatment and is not contraindicated” and “act transparently and with integrity in all professional and business practices, including fees and billing, advertising of professional services, and real and/or perceived conflicts of interest.”
- The College Bylaws (Schedule 15: 3.1) require any advertising or marketing to be “truthful, accurate and verifiable.” Schedule 15: 3.2.1 and Schedule 15: 3.2.5 states that physical therapists cannot “promote unnecessary physical therapy services” or “offer clients incentives or other inducements for services.”
- Conflicts of Interest are defined but not limited to:
  - providing and/or accepting incentives to/from others to generate referrals, provide services, or sell products.
  - providing services or any product for financial gain, rather than the benefit of the client.
- The Standard of Practice: Funding, Fees and Billing requires that fees are only charged for services provided. Physical therapists must have transparent and justifiable fee schedules and billing practices, and these must be communicated clearly to clients, in advance of the client becoming subject to the fees.



Keep in mind that if your clinic owner or your manager isn't a regulated health professional, they may be unaware of regulatory obligations for physical therapists as set out by the College. This makes it especially important that you are clear about the requirements of the College and understand that you are accountable individually to meet College regulations regardless of the workplace. If your employer, manager, or clinic owner is requiring you to take steps that are against what you know are your obligations as a physical therapist, you will need to review your regulatory obligations with them.

### **A few things to keep in mind:**

#### **Discounted fees**

The College's regulations are silent about specifying fees charged for physical therapy services. The regulatory obligations of the physical therapist remain the same whenever physical therapy services are provided, regardless of whether fees are charged, discounted, or waived.

Providing discounted services is not prohibited but must be done equitably. For example, if your clinic offers a discount for Seniors or a local sports team, that may be acceptable if all Seniors or all team members who receive service receive the discount. However, if the only Seniors or team members to receive a discount are those who refer a friend to the clinic, that may be problematic as it could be seen as providing an incentive for unnecessary PT services (see Standard of Practice: Marketing and Advertising).

Remember that any marketing or advertising of discounted fees must be in compliance with Bylaw (Schedule 15:3) and the Standard of Practice: Marketing and Advertising.

#### **Donated services (e.g.: Donations to charity or community events)**

A common question to practice advice is "can I donate a free assessment or treatment to a community event such as a silent auction"?

The issue with this is that donations of "free" consultations or services could be seen as advertising or marketing in a way that is an inducement for unnecessary



services. A donation may be intended to bring a (new) client to your clinic - or at least increase awareness of your clinic and the services you provide - in which case it could potentially be considered advertising. In this case, you would need to consider the Standard of Practice: Marketing and Advertising. Sections 7 and 8 state that the physical therapist “Does not offer incentives or other inducements that promote unnecessary physical therapy services” and “Does not advertise free physical therapy services. This includes advertisement of free consultations, screening appointments, assessments, or free trials of physical therapy treatments”. Sometimes a better option for a donation is to donate a pre-paid credit card or other gift certificate that is unrelated to physical therapy services (e.g.: for a community exercise program), exercise equipment, or clinic “swag” (such as water bottles with clinic logos, etc.).

Another frequently asked question is around providing a service at a community sporting event such as a fun run. In this situation the question is whether you are providing a PT service or a non-PT service to the community. (See: [Advice to Consider - Are All the Services We Provide Considered Physical Therapy?](#)). If you are providing a PT service then all the applicable College regulations must be followed; if you are not providing a PT service this must be clearly stated (for example, this would be particularly important in a small community where you are known as a PT, or if you are working in a tent with your clinic banner on it).

### **Gift certificates**

The issue here is what happens if the recipient of a gift certificate (purchased or donated) doesn't actually need physical therapy services. Ensure that the terms of the certificate are made clear at the time of purchase or donation, including what would happen if PT services were not required.

### **Prepayment for physical therapy services**

Consider whether offering the option for prepayment is in the financial interest of the physical therapist or whether it serves the needs of the client. Some clients or families request prepayment options for convenience; some physical therapists offer discounted prepayment for a specified set of services as encouragement to the client to attend the full program/series of sessions. When fees are prepaid for a specified set of services in advance (e.g. for ten sessions) the perception could be



that treatment will be extended unnecessarily to use the full prepaid amount based on financial interests rather than the client's interests.

Be sure that you have a clear refund policy (and communicate it to all clients in advance) stating that if the client is discharged prior to completion of the prepaid services or if your client cancels the prepaid treatment, the unused portion will be fully refunded.

Where prepayment options exist, they must be optional, and the client should be made aware that they can pay for single sessions if they prefer.

There is a risk with prepayment that the receipt will be submitted for reimbursement by a third-party payor even if the treatment (or part of it) is cancelled and a refund issued. Prepayment receipts should clearly indicate 'prepayment' for physical therapy services to be transparent. After the prepaid physical therapy service(s) occur(s), a receipt for the 'physical therapy services' should be provided.

### **Soliciting testimonials or web reviews**

Soliciting testimonials or other web reviews (such as Google reviews) can be problematic for several reasons:

- Consider the power differential between you and your client. If a client is asked by a health professional to provide a testimonial or post a review, they may feel some sense of obligation or pressure to do so, or to provide a positive review that doesn't represent their actual experience. If they choose not to post, they might think their care will be negatively impacted.
- Requesting a testimonial or review might influence the professional boundaries between you and your client. Would you feel a sense of extra obligation towards your client if they provide a stellar review that could impact your ability to provide objective physical therapy services? Or conversely might the therapeutic relationship be negatively affected if the client refused to post a review or posted one that you didn't agree with?