

DISCRIMINATION IN ACCESS TO PHYSICIANS

BACKGROUND:

Physicians are required by law to provide medical service without discrimination, in accordance with the requirements of the Human Rights Code. Furthermore, physicians as a profession have a collective responsibility to serve the public. Refusing to provide health care to an individual for reasons that are not directly related to the physician's ability to provide quality health care services or for reasons which unreasonably favour the physician's interests over the responsibility of the physician as a member of the profession may compromise the public trust and place an undue burden on colleagues.

The College has been advised that some physicians:

1. are refusing to provide care to existing patients in their practice in relation to medical issues that involve MPI, WCB or an insurance claim.
2. are refusing to accept new patients into their practice on the grounds that the patient needs assistance with respect to MPI, WCB, or an insurance claim or that the patient's care needs are too complex.

This Statement is issued to clarify for the profession that such behaviour is a violation of the Code of Conduct, which states:

7. In providing medical service, do not discriminate against any patient on such grounds as age, gender, marital status, medical condition, national or ethnic origin, physical or mental disability, political affiliation, race, religion, sexual orientation, or socioeconomic status. This does not abrogate the physician's right to refuse to accept a patient for legitimate reasons nor to confine practice to a specific condition or recognized field of clinical interest.
10. Having accepted professional responsibility for a patient, continue to provide services until they are no longer required or wanted; until another suitable physician has assumed responsibility for the patient; or until the patient has been given adequate notice that you intend to terminate the relationship.
- 24.1 Will supply, upon the patient's request, the information that is required to enable the patient to receive any benefits to which the patient may be entitled.
33. Accept a share of the profession's responsibility to society in matters relating to public health, health education, environmental protection, legislation affecting the health or well-being of the community, and the need for testimony at judicial proceedings.

SCOPE:

This Statement applies to all physicians.

**REQUIREMENTS:**

1. Once a physician accepts a patient into his or her practice, the physician is responsible to provide care to that patient within the scope of his or her competence and licensure. Therefore, it is unethical for a physician:
 - a. to refuse to provide care to his or her own patient on the grounds that providing care to the patient may lead to the physician being required to complete forms (e.g. for MPI, WCB or an insurance company), or to participate as a witness in legal proceedings.
 - b. to discharge a current patient from his or her practice on economic grounds, including the amount of paperwork the physician is likely to have to complete for the patient.
2. It is acceptable for a physician to refuse to accept new patients into his or her practice. However, physicians must not abuse the right to refuse to accept new patients by applying criteria for acceptance of a patient which discriminates on the basis that:
 - a. accepting the patient may lead to the physician being required to complete forms (e.g. for MPI, WCB or an insurance company), or to participate as a witness in legal proceedings; or
 - b. the patient's care needs are too complex and providing care to the patient would therefore require extra time as compared to the time required by patients with less complex care needs.
3. Physicians who are accepting new patients on anything other than a "first come, first served" basis must:
 - a. establish appropriate criteria for patient selection, based on matters relevant to the physician's practice and the patient's health care. Examples of factors that may be relevant to the physician's practice include but are not limited to:
 - i. maintaining a sufficient mix of patients in a practice to maintain competence to provide care to defined categories of patients within a closed practice.
 - ii. accepting a new patient on the basis of a specific request based on special circumstances.
 - b. clearly communicate the selection criteria to anyone who inquires about becoming a new patient.
 - c. clearly advise any prospective patient that the first meeting will be an interview appointment, not a medical appointment.
 - d. recognize the vulnerability of patients who are searching for a new physician, and ensure that the process is not overwhelming for or demeaning to the patient.
 - e. when a patient does not meet the criteria, advise the patient why the criteria were not met.
4. Nothing in this Statement is intended to imply that any physician has an obligation to agree to act as a third party physician, an independent physician, or an occupational physician, as those terms are defined in Statement 129 of the College



5. Information collected by physicians for the purposes of deciding whether to accept an individual as a patient must be collected, used, disclosed, retained and destroyed in accordance with the requirements of *The Personal Health Information Act* and the College requirements respecting medical records.

6. An appointment for the purpose of determining whether to accept an individual as a patient must not be billed to Manitoba Health or to the patient. It is acceptable to bill for medical care provided during the appointment. Physicians should bear in mind that:

- conducting an initial history and/or a physical examination beyond that required for patient selection purposes,
- diagnosing and/or treating a person, or participation in such diagnosis or treatment, has the potential to create a physician-patient relationship.

**A statement is a formal position of the College with
which members shall comply**

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