Practice Guideline-
Treating Family Members and Other Close Personal Relations

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Introduction

Kinesiologists may periodically find themselves in a position where they must decide whether to provide treatment to a family member(s) or someone with whom they share a close, personal relationship. It is generally inadvisable to provide treatment to family members except in exceptional circumstances. This is because, despite a kinesiologist's intentions to deliver the best possible care, clinical objectivity may be compromised.

Scope of this guideline

This guideline applies to any situation where a kinesiologist is contemplating treating a family member or someone with whom they share a close personal relationship with. Family member means any individual with whom the kinesiologist has a familial connection and/or a personal or close relationship, where the relationship is of such a nature that it would reasonably affect the kinesiologist's professional judgment. For the purposes of this guideline, the term family member will be used to refer to anyone with whom the kinesiologist has a close personal relationship with, but does not include a spouse or common-law partner. Kinesiologists are not permitted to treat their spouses or common-law partners as this is considered sexual abuse under the *Regulated Health Professions Act, 1991*. Family member includes, but is not limited to, the kinesiologist's parent, child, sibling, or those of the kinesiologist's spouse or partner (i.e. in-laws).

This guideline also only applies in contemplation of treatment, which is defined in the *Health Care Consent Act, 1996* as, *"anything that is done for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health-related purpose, and includes a course of treatment, plan of treatment or community treatment plan"*. It does not include emergency care or minor, episodic care, such as providing manual therapy to alleviate a tense muscle after a period of exercise on a sporadic basis.

Exceptional circumstances

Exceptional circumstances exist when the benefits of providing treatment to a family member(s) outweigh the risks. There is always a real and inherent risk when treating someone whom a kinesiologist has a close personal relationship with. The therapeutic client relationship is the

foundation of safe, ethical care and the existence of a close personal relationship can threaten the efficacy of treatment.

Exceptional circumstances may exist where:

- There is no other similar or viable health care provider available
- There is a demonstrated financial hardship
- The patient's/client's level of distrust and/or discomfort is such that he/she is otherwise unlikely to seek treatment from a practitioner whom they do not know (for example, a family member who has been the victim of abuse)
- There exists a real barrier to the patient/client accessing other health care services (for example, a severe communication disability)

Often many of these factors may co-exist, which makes the circumstance exceptional. These circumstances may also no longer exist at some point. The kinesiologist must continue to evaluate the circumstances in which they are providing treatment and if other treatment becomes available to transfer the patient/client as soon as possible.

The best interests of the patient/client must always be paramount. It is in their best interests to receive safe, ethical and effective treatment from someone they can access and trust. The best interests must be assessed from the patient's/client's perspective.

If a kinesiologist determines it is in the best interests of their family member(s) to provide treatment, they remain accountable to the College for care/services provided. Kinesiologists are expected to adhere to the College's Practice Standards in any situation. A kinesiologist should consider how they will fulfill their obligations as a regulated health professional before treating a family member.

Conflict of interest

Kinesiologists cannot provide treatment if a conflict of interest exists or the perception of a conflict of interest exists. This is not limited to financial conflicts of interest, but also includes situations where a kinesiologist cannot be objective in relation to the treatment provided. When there is an emotional involvement with the patient/client, there is a risk that the kinesiologist may not provide the best level of care/service or may have strong personal beliefs about what the patient/client must and must not do.

To assist in remaining objective, kinesiologists who provide care/service to their family member(s) must:

- Disclose and explain the conflict of interest inherent in treating a family member
- Ensure they are using objective measures and tests
- Undertake full assessments before prescribing any treatment (Kinesiologists should not assume that they know all relevant health information about a family member)
- Include their family member in the discussion about goals and progress
- Identify their family member's goals and barriers to treatment

- Ensure their own expectations for health outcomes are reasonable and based on objective measures and not personal desire
- Collaborate with other treating professionals and disclose to them the nature of the personal relationship with the patient/client
- Consider any potential conflict of interests (not only actual conflicts of interest) and refrain from providing treatment when there is doubt about the ability to maintain objectivity

Professional boundaries

A kinesiologist must establish professional boundaries with all patients/clients despite the existence of a familial relationship. This may prove challenging as the nature of the therapeutic client relationship is the avoidance of emotional involvement. Therefore, a kinesiologist must take great effort to ensure that the treatment relationship is kept separate from the personal one. A kinesiologist should be mindful of their interactions with a family member(s) and the potential lapse in professionalism. Kinesiologists should be particularly vigilant in this respect if providing treatment where colleagues or other patients/clients may observe these interactions.

To establish and maintain appropriate boundaries with family members, a kinesiologist must ensure that:

- Treatment is provided in an appropriate environment
- Communication remains professional and relates to the treatment provided for the duration of the treatment appointment
- They do not become pre-occupied with the care of their family member and that it does not impact the care of other patients/clients
- They are comfortable and able to ask the questions necessary to conduct a proper assessment and provide effective treatment
- Their family member is comfortable and able to answer the questions with frank disclosure of necessary personal health information
- They set out a defined treatment time, place and duration
- They dress as is normally appropriate for all other patients/clients
- Any physical contact relates to the treatment

Consent and capacity

A patient/client must provide informed consent to treatment. When treating a family member, a kinesiologist may be at risk of not objectively evaluating consent and/or capacity. To ensure valid consent is obtained and maintained, a kinesiologist must:

- Disclose and explain the conflict of interest inherent in treating a family member
- Evaluate whether they are able to objectively assess the indicators of implied consent, and maintain greater reliance on express consent
- Revisit consent frequently
- Ensure any influence from the personal relationship is not used to influence consent in the clinical relationship. Consent must be given voluntary

- Ensure they presume capacity and collaborate with other appropriate professionals if necessary. (For example, there is no age of consent. If a kinesiologist is treating their child, they do not automatically act as the substitute decision-maker)
- Provide full and frank disclosure of the risks and benefits of treatment. A kinesiologist cannot assume that a family member is knowledgeable about a proposed treatment
- Ensure objective evaluation of their family member's refusal to provide consent or to withdraw consent

Fees and billing

Fees and billing practices must always be transparent and as consistent as possible. To avoid any financial conflict of interest or appearance of conflict of interest, kinesiologists must not charge for services provided to any dependent. Kinesiologists also cannot bill any third party payor for such services.

With respect to providing services to family members, kinesiologists must:

- Adhere to the principles in the Practice Standard - Fees and Billing
- Be mindful of charging different rates for different family members without objective reasoning. Kinesiologists cannot guarantee that family members won't disclose amongst each other what they are paying for services
- Engage in frank discussions about fees and billing with family members and obtain consent for the payment plan before beginning services. This will help to ensure there is no misunderstanding as to the expectations to pay

Record keeping

Kinesiologists are expected to keep records for their family members according to the Practice Standard- Record Keeping. Even if they are treating family members, kinesiologists are bound by the requirements of privacy, confidentiality and security under the *Personal Health Information Protection Act, 2004*.

In addition, the health record of any family member should contain documentation on the exceptional circumstances that exist and discussions with the family member regarding consent to treatment. This documentation is an on-going obligation.

Mandatory reporting

Kinesiologists are expected to fulfill their mandatory reporting obligations. For example, if providing care to a niece or nephew, a kinesiologist would be expected to report any suspected child abuse to the Children's Aid Society despite the familial relationship.

Conclusion

Kinesiologists must carefully reflect on whether they will be able to meet all of the Practice Standards when treating their family members or persons with whom they share a close personal

relationship. Each situation and family member is different and kinesiologists may arrive at different conclusions based on each different context. If after reviewing this guideline and contemplating all of the considerations a kinesiologist is not confident they can maintain the Practice Standards while treating their family member(s), they must refrain from doing so.