



5 November 2008

JORF No. 0258 of 5 November 2008

Enactment No. 34

DECREE

**Decree No. 2008-1135 of 3 November 2008 setting out  
Physiotherapists' Code of Ethics**  
(*"Code de déontologie des masseurs-kinésithérapeutes"*)  
[in France]

NOR: SJSH0807099D

The Prime Minister,

Based on the report of the Minister for Health, Youth, Sport and Associations,

Taking into account the Public Health Code, in particular Article L. 4321-21;

Taking into account French Law no. 2000-321 of 12 April 2000 relating to the rights of service users in their dealings with public bodies, in particular Article 22;

Taking into account the opinion of the Order of Physiotherapists' national council dated 14 February 2008;

Taking into account the opinion of the Competition Council dated 29 July 2008;

With the agreement of the Council of State (Social Affairs),

Decrees that:

**Article 1**

Chapter I of Title II of Book III of Part 4 of the Public Health Code is supplemented by a Section 4, drafted as follows:

« Section 4

« Physiotherapists' Ethics

« Sub-section 1

« General duties of physiotherapists

« Art. R. 4321-51. – The provisions of this Code of Ethics apply to physiotherapists registered with the Order of Physiotherapists and to physiotherapists practising under the conditions set out in Articles L. 4321-1, L. 4321-2, L. 4321-4 and L. 4321-5.



« In accordance with Article L. 4321-14, the Order of Physiotherapists is responsible for ensuring compliance with these provisions. Breaches of these provisions fall within the jurisdiction of the Order's disciplinary procedures.

« Art. R. 4321-52. – The provisions of sub-sections 1 and 2 of this Code also apply to physiotherapy students as referred to in Article L. 4321-3. Breaches of these provisions fall within the jurisdiction of the disciplinary bodies of the training institutions and establishments in which these students are enrolled.

« Art. R. 4321-53. – The physiotherapist, in the service of the individual and of public health, is to carry out his or her duties in a way that respects human life, the person, and their dignity. The requirement to treat a person with respect does not cease to apply after their death.

« Art. R. 4321-54. – The physiotherapist is in all circumstances to respect the principles of morality, probity, and responsibility that are essential for the practice of physiotherapy.

« Art. R. 4321-55. – The professional confidentiality established in the interest of patients applies to physiotherapists and physiotherapy students under the conditions set out respectively in Articles L. 1110-4 and L. 4323-3. This confidentiality covers everything that has come to the attention of the physiotherapist in the practice of their profession, that is, not only what they have been told in trust, but also what they have observed, heard, or understood.

« Art. R. 4321-56. - The physiotherapist may not give up their professional independence in any form whatsoever.

« Art. R. 4321-57. – The physiotherapist is to respect the right of every person to freely choose their physiotherapist, and is to facilitate their exercising of this right.



« Art. R. 4321-58. – The physiotherapist must listen to, examine, advise, and care for all persons with equal conscientiousness, regardless of their origins, customs, and family status, their belonging – whether actual or presumed – or non-belonging to an ethnic group, country, or specific religion, their state of health or any handicap, their social security cover, their reputation, or any feelings the physiotherapist may experience towards them, and must at all times maintain a proper and considerate attitude towards the person receiving treatment.

« Art. R. 4321-59. - Within the limits established by the law, the physiotherapist is free to act as she or he judges to be appropriate in the circumstances. Without neglecting her or his duty to provide moral support, (s)he is to limit what (s)he does to that which is needed in order for the care provided to be effective, safe, and of good quality. The same applies in respect of advice and instructions given, in accordance with Article L. 4321-1. (S)he is to take into account the advantages, disadvantages, and consequences of the different choices available.

« Art. R. 4321-60. - A physiotherapist faced with a sick or injured person who is at risk, or who is informed that a sick or injured person is at risk, is to give them assistance or ensure that they receive the required care.

« Art. R. 4321-61. - A physiotherapist called upon to examine a person deprived of their liberty or to give them treatment may not, either directly or indirectly, even by being present, encourage or support any attack on the physical or mental integrity or dignity of that person. If the physiotherapist notices that the person has undergone mistreatment or abuse, (s)he must, providing the person involved is in agreement, inform the judicial authorities. In the case of a minor under 16 years of age or a person who is unable to protect themselves due to their age or their physical or mental state, the agreement of the person involved is not necessary.

« Art. R. 4321-62. - A physiotherapist must maintain and improve their knowledge; (s)he is to take all necessary measures for the fulfilling of her or his obligations in respect of continuous professional development and training, and may not avoid the professional standards evaluation set out in Article L. 4382-1.

« Art. R. 4321-63. - A physiotherapist is to support the actions undertaken by the competent authorities aimed at health protection and health education.

« The taking, recording, processing and passing on of personal or indirectly personal information is allowed in accordance with the procedure provided for by the law.



« Art. R. 4321-64. - When a physiotherapist is taking part in informational activity of an educational and health-related nature with an audience that is not composed of professionals, irrespective of its means of being broadcast, (s)he must make reference only to properly validated data, must exercise prudence, and must be fully aware of the impact of what (s)he is saying on the audience. The physiotherapist is to refrain on such occasions from having an attitude that is in any way advertising either themselves or the organisation(s) in which they practise or which they support, and is not to promote a cause that does not serve the whole community.

« Art. R. 4321-65. - A physiotherapist is not to reveal in professional circles any new method, unless (s)he also expresses the appropriate reservations, and must not make such disclosures to a non-professional audience.

« Art. R. 4321-66. - A physiotherapist is only to take part in research on people in accordance with the procedure provided for by the law. Within the limits of their competence, (s)he must ensure the correctness and appropriateness of such research, as well as the objectivity of its conclusions. A physiotherapist giving treatment who is taking part in research as an investigator under Article L. 1121-1 is to ensure that the carrying out of the study does not affect either the relationship of trust between them and the patient or the continuity of care.

« Art. R. 4321-67. - Physiotherapy is not to be practised like a business. All direct or indirect advertising is forbidden, with the exception of the instances provided for in Articles R. 4321-124 and R. 4321-125. In particular, the fronts of premises must have obscure glass, on which there appears nothing other than what is authorised by Article R. 4321-123.

« Art. R. 4321-68. - A physiotherapist may practise another activity, except if overlapping in this way is not compatible with professional independence, morality and dignity, or could enable them to take advantage of the advice they give.

« With the agreement of the Order's departmental council, the title of physiotherapist may be used in this other activity.

« Art. R. 4321-69. - A physiotherapist may not, unless exemptions are granted by the Order's national council in accordance with the procedure provided for by Article L. 4113-6, issue for profit any remedies, devices, or products that are presented as being health-inducing.



« Art. R. 4321-70. - The sharing of fees between physiotherapists, or between a physiotherapist and another health professional, is forbidden in any form whatsoever, apart from the situations provided for in contracts approved by the Order's departmental council.

« Accepting, requesting, or offering the sharing of fees, even if such does not materialise, is forbidden.

« Art. R. 4321-71. - Complicity between physiotherapists, or between a physiotherapist and another health professional or any other person is forbidden.

« Art. R. 4321-72. - A physiotherapist is prohibited from:

« 1° committing any act likely to obtain from the patient an unjustified or illicit material benefit;

« 2° receiving commission or a kickback (in money or in kind) from any person;

« 3° requesting or accepting a benefit of any type in cash or in kind, directly or indirectly, for their advice or for any therapeutic action, other than in the circumstances set out in Article L. 4113-6.

« Art. R. 4321-73. - A physiotherapist is forbidden from carrying out any act or giving any advice in commercial premises or in any other place where there are on sale products or devices that appear in the list of medical apparatus they may prescribe.

« Art. R. 4321-74. - A physiotherapist safeguards the use made of their name, their profession, and the statements they make. Physiotherapists are not to permit the organisations, either public or private, wherein they practise or that they support, to use their identity for the purposes of advertising to the non-professional public.

« Art. R. 4321-75. - A physiotherapist holding an elected office or administrative function is forbidden to make use of this for the purpose of increasing their clientele.

« Art. R. 4321-76. - The issuing of biased reports or bogus certificates is forbidden.

« Art. R. 4321-77. - All fraud, abuse of pricing, inaccurate indicating of actions carried out or of fees earned, or both simultaneously, is forbidden.

« Art. R. 4321-78. - It is forbidden to allow anyone to illegally practise physiotherapy, or to be involved with such a person.



« Art. R. 4321-79. - A physiotherapist is to refrain, including outside of their practice, from any act likely to bring their profession into disrepute.

« Sub-section 2

« Duties to patients

« Art. R. 4321-80. - As soon as a physiotherapist has accepted a request, they are personally undertaking to guarantee the patient treatment that is thorough, attentive, and based on current scientific data.

« Art. R. 4321-81. - The physiotherapist is always to arrive at their diagnosis with the greatest of care, availing themselves of the most suitable scientific methods to the widest possible extent and, if necessary, of appropriate support.

« Art. R. 4321-82. - The physiotherapist is to give their advice clearly, this being essential, ensure it is understood by the patient and those with them, and endeavour to make sure it is carried out correctly.

« Art. R. 4321-83. - Within the limits of their competence, the physiotherapist has a duty to give fair, clear, and appropriate information on their condition and the proposed treatment to the person they are examining, treating, or advising. All the time they are under treatment, the physiotherapist is to take account of the patient's personality in their explanations, and ensure that they are understood. However, subject to the provisions in Article L. 1111-7, when a doctor is in all good conscience for legitimate reasons not revealing a serious diagnosis or prognosis to the patient, the physiotherapist must not divulge these to them.

« Art. R. 4321-84. - The consent of the person being examined or treated must be sought in all cases. Where a patient whose condition allows them to express their free choice refuses the proposed treatment, the physiotherapist must respect their refusal, having informed the patient of the consequences and, with their agreement, the prescribing doctor.



« In the case of a patient whose condition does not allow them to express their free choice, the physiotherapist cannot intervene without the designated responsible person or close family having been advised and informed, except if this is impossible or in an emergency. A physiotherapist who is called upon to give treatment to a minor or to an adult in care is to endeavour to advise the parents or the legal representative and obtain their consent. In an emergency, even if these cannot be contacted, the physiotherapist is to administer the required treatment. If the person involved is in a position to give a view, the physiotherapist is to take account of it as far as is practicable.

« Art. R. 4321-85. - In all circumstances, the physiotherapist is to endeavour to alleviate the patient's suffering using methods appropriate to their condition, and to give them moral support.

« Art. R. 4321-86. - Using appropriate measures and treatment, the physiotherapist is to contribute to safeguarding quality of life when it is coming to an end, protect the dignity of the patient, and comfort those around them. The physiotherapist is not permitted to deliberately bring about the patient's death.

« Art. R. 4321-87. - A physiotherapist may not advise and propose to the patient or those around them as being beneficial or without risk, any product or procedure that is either misleading or inadequately tested. Practising charlatanism in any form is forbidden.

« Art. R. 4321-88. - The physiotherapist is not to put the patient in undue risk, either through the treatment they give or the medical devices they prescribe.

« Art. R. 4321-89. - The physiotherapist must be an advocate for children, when (s)he judges that their health interests are being poorly understood or safeguarded.

« Art. R. 4321-90. - When a physiotherapist notices that a person they are being called upon to give treatment to is being subjected to mistreatment, abuse or deprivation, (s)he must set in motion the most appropriate means of protecting them, whilst at the same time displaying caution and discretion.

« In the case of a minor under 16 years of age or a person who is unable to protect themselves due to their age or their physical or mental state, the physiotherapist must, other than in special circumstances when acting in all good faith, alert the judicial, medical, or administrative authorities.



« Art. R. 4321-91. – As well as the personal medical dossier provided for in Article L. 161-36-1 of the Social Security Code, the physiotherapist keeps a personal dossier on each patient; this is confidential, and comprises updated information required for diagnostic and therapeutic evaluation.

« In all cases, it is the physiotherapist's responsibility to keep these documents. Subject to the provisions applicable to health establishments, it is up to the physiotherapist who has compiled them or is in charge of them to keep physiotherapy dossiers. When a practice ceases operating, the medical documents are to be sent to the departmental council of the Order, which takes over responsibility for them.

« With the consent of the patient, the physiotherapist is to pass on to other physiotherapists, as well as to the doctors the patient intends to consult, all information and documentation helpful to continuity of treatment.

« Art. R. 4321-92. - Patients' continuity of treatment must be ensured. Apart from in emergencies or where it would be in breach of their duties to humanity, a physiotherapist has the right to refuse to give treatment for professional or personal reasons. If they pull out of their role, they are to inform the patient and pass on to the physiotherapist designated by the patient all information helpful to the continuation of the treatment.

« Art. R. 4321-93. - A physiotherapist may not abandon their patients in the event of a public emergency.

« Art. R. 4321-94. - A physiotherapist called upon to give treatment in a family or community must, as far as is possible, do everything they can to ensure that the principles underlying hygiene and prevention are being observed. (S)he is to inform the patient about her/his duties and responsibilities to them and to third parties, and also about the precautions (s)he has to take.

« Art. R. 4321-95. - While not giving in to frivolous or excessive requests, the physiotherapist is to help with the obtaining by the patient of the social benefits to which their condition entitles them.

« For this purpose, the physiotherapist is authorised, with the consent of the patient, to communicate strictly essential information to the consulting physician of the social security body the patient comes under, or to a public or private body that decides on the allocation of social benefits.

« Art. R. 4321-96. - A physiotherapist must not, except on professional grounds, interfere in family matters or the private lives of her or his patients.



« Art. R. 4321-97. - A physiotherapist who has taken part in the treatment of a person during an illness resulting in their death may only take advantage of 'inter vivos' provisions made in their favour by the patient during this illness in the instances and under the conditions set out in Article 909 of the Civil Code. Neither must they exploit their influence in order to obtain power of attorney or to enter into agreements for pecuniary interest under conditions abnormally favourable to them.

« Art. R. 4321-98. - A physiotherapist's fees are to be determined with sensitivity and moderation, taking into account the regulations in force, the treatment given, and specific circumstances. They can only be claimed when a treatment is actually taking place. Advice and opinions given to a patient by telephone or in writing are not chargeable.

« The physiotherapist is to respond to any request for prior information and explanation concerning their fees or the cost of a treatment, and may not refuse to give a receipt for monies paid.

« No particular means of paying may be imposed on patients. Flat-rate treatments, other than specific regulatory provisions, and the requesting of provision as part of therapeutic care, are forbidden in all circumstances.

« Sub-section 3

« Duties to fellow members and to members of other healthcare professions

« Art. R. 4321-99. - Physiotherapists maintain good fraternal relations with their fellow members. They are forbidden to denigrate or speak badly of one another, or to repeat things that might cause harm to other members in the practising of their profession. It is forbidden, particularly in a publication, to wrongly take credit for a scientific discovery as well as to plagiarise, including as part of initial or on-going training.

« A physiotherapist in dispute with a fellow member is to seek mediation, if necessary through the Order's departmental council.

« Art. R. 4321-100. - Stealing clients, or attempting to, is forbidden.

« Art. R. 4321-101. - A physiotherapist who is consulted by a patient being treated by one of his fellow members is to respect the interests and freedom of choice of the patient wishing to go and see another physiotherapist.



« With the permission of the patient, the physiotherapist thus consulted is to let the physiotherapist who started the treatment know, and inform them of their findings and assessment. Should the patient refuse permission, the physiotherapist is to inform the patient of the possible consequences of their refusal.

-102. - A physiotherapist who is called in an emergency to attend to someone who is unwell must, if the patient needs to be seen again by their current physiotherapist or by another physiotherapist, write for the fellow member a report on this intervention and any advice given. This is to be given to the patient or sent direct to the fellow member, with the patient informed of this, and a copy is to be kept.

« Art. R. 4321-103. - A physiotherapist must suggest the consulting of a fellow member whenever circumstances require it, and permit such, if it is requested by the patient or those with them. The patient's freedom of choice must be respected and, unless there is a serious objection, the physiotherapist is to send them to or put them onto a fellow member. Following the consultation, and with the consent of the patient, the fellow member being consulted is to inform the original physiotherapist in writing of their findings, conclusions, and any advice given.

« Art. R. 4321-104. - When the opinions of the physiotherapist being consulted and the original physiotherapist differ greatly, the latter is to notify the patient. If the opinion of the physiotherapist being consulted is preferable to the patient and/or those advising them, the original physiotherapist is free to cease treatment. During the course of the treatment that constituted the reason for such consultation, the physiotherapist being consulted must not, of their own initiative, call the patient in or re-examine them.

« Art. R. 4321-105. - Where several physiotherapists are collaborating on the examining or treatment of a patient, they keep one another informed, with the patient's consent. Each practitioner takes on their personal responsibility, and ensures the patient is kept informed. They are each free to refuse to take part or to withdraw, provided this does not harm the patient and that they inform their fellow member(s).

« Art. R. 4321-106. - Without prejudice to the provisions applicable to public and private health establishments, a physiotherapist taking charge of a patient in hospital is to inform the physiotherapist designated by the patient or by those advising them, and is to keep this physiotherapist informed of the main decisions made about the patient, once the latter has given their consent. In the case of a planned hospitalisation, the original physiotherapist, with the consent of the patient, passes on all useful information to their fellow physiotherapist in the hospital.



« Art. R. 4321-107. - A physiotherapist may only arrange cover for themselves in their practice for a short period of time, and by a fellow member registered with the Order, the cover being in an individual capacity.

« A physiotherapist arranging cover for themselves must, except in an emergency, give prior notice of this to the Order's departmental council under which (s)he comes, indicating the name and status of their stand-in, and sending a copy of the contract for the cover.

« Freelance physiotherapists must not give any treatments throughout the period of cover, unless prior agreement has been given by the Order's departmental council.

« Art. R. 4321-108. - When the period of cover has finished, the stand-in is to stop all activity connected to it, and pass on information necessary for the continuity of treatment, together with the related administrative documents.

« Art. R. 4321-109. - A physiotherapist is at liberty to give treatments free of charge.

« Art. R. 4321-110. - A physiotherapist maintains good relations with members of other healthcare professions.

« Art. R. 4321-111. - In the context of therapeutic activity, a copy of any employment contract of a person practising another health profession, whether regulated or not, and also of any joint working contract giving rise to relationships of dependency must, in accordance with Article L. 4113-9, be sent to the Order's departmental council.

« Sub-section 4

« Exercising of the profession

« Paragraph 1

« Rules common to all modes of practice

« Art. R. 4321-112. - The practice of physiotherapy is individual. Each physiotherapist is responsible for her or his own decisions, actions, and advice given.



« Art. R. 4321-113. - Physiotherapists are authorised to carry out all of the actions that are regulated. But they may not, except in exceptional circumstances, undertake or continue treatments or give advice in areas that lie beyond their competence, knowledge, experience, or resources.

« Art. R. 4321-114. - At their place of professional practice, a physiotherapist is to have the use of suitable facilities, appropriate premises enabling professional confidentiality to be maintained, and sufficient technical equipment in relation to the actions they carry out.

« In the patient's home, the physiotherapist must as far as is possible have the use of sufficient technical equipment. Otherwise, (s)he is to suggest to the patient that they continue their treatment at their practice or in a place that is suitable. In particular, when necessary the physiotherapist is to ensure that clinical waste is dealt with according to the regulatory procedures.

« The physiotherapist is to ensure that the rules governing hygiene and cleanliness are observed, and must not exercise their profession under conditions that might compromise the quality of treatment or the safety of people in their care.

« Art. R. 4321-115. - The physiotherapist is to ensure that any persons assisting them in their practice have received instruction on their responsibilities in connection with professional confidentiality, and that they comply with this. The physiotherapist will in particular ensure that there is no infringement, on the part of those working with them, of the confidentiality attached to their professional correspondence.

« Art. R. 4321-116. - The physiotherapist is to protect against all forms of indiscretion the professional documents concerning persons they are treating or have treated, examined, or taken care of, whatever their content and in whatever form they are being kept. The same applies to professional information (s)he may hold. The physiotherapist is to ensure, when they are using their experience or documents in the context of scientific or educational publications, that it is not possible to identify people; if this is not the case, then their written agreement must be obtained.

« Art. R. 4321-117. - It is forbidden to practise physiotherapy outdoors. However, exemptions may be granted by the Order's departmental council in the interest of public health or for the promotion of the profession.

« Art. R. 4321-118. - It is forbidden to practise physiotherapy under a pseudonym. A physiotherapist using a pseudonym for activities connected to their profession must declare this to the Order's departmental council.



« Art. R. 4321-119. - The practice of physiotherapy includes the completing by the physiotherapist of the documents that have to be produced in accordance with the regulations and legislation. Any prescription or document given out by a physiotherapist [in France] must be written legibly in French, indicate the date, enable the issuing practitioner to be identified, and bear their signature.

« Art. R. 4321-120. - The physiotherapist is to provide permanent care under the laws and regulations by which it is organised.

« Art. R. 4321-121. - A physiotherapist on call or on emergency / stand-by duty is to make all necessary arrangements so that they can be contacted.

« Art. R. 4321-122. - The information that a physiotherapist is allowed to put on their professional documents is as follows:

« 1° their name, professional address, telephone / fax number(s), email address, days and times of consultations;

« 2° if the physiotherapist practises as part of a group / association / company, the names of the other physiotherapists and the type of company;

« 3° their position in respect of health insurance bodies and providers, and identification number;

« 4° if appropriate, their qualification once recognised in accordance with the regulation on qualifications laid down by the Order and approved by the Minister in charge of Health;

« 5° their certificates, titles, level, and occupation, once these have been recognised by the Order's national council;

« 6° a reference to their membership of a certified management association;

« 7° [in France] any honours as awarded or recognised by the French Republic.

« Art. R. 4321-123. - The information that a physiotherapist is allowed to put in public directories, whatever their medium, under the "physiotherapists" category, are as follows:

« 1° their name, professional address, telephone / fax number(s), email address, days and times of consultations;



« 2° their position in respect of health insurance bodies and providers;

« 3° their qualification and titles as recognised in accordance with the regulation on qualifications, their titles and certificates of complementary studies as recognised by the Order's national council;

« In the context of therapeutic activity, any other insertion in a directory is considered as advertising, and is consequently forbidden.

« Art. R. 4321-124. - In the context of non-therapeutic activity, advertising is only allowed in public directories in a category other than "physiotherapists". The proposed advert is to be submitted to the Order's departmental council for authorisation.

« Where the physiotherapist only practises non-therapeutically, the proposed advert is to be submitted for the agreement of the Order's departmental council. If turned down, an appeal may be made to the Order's national council.

« Art. R. 4321-125. - The information that a physiotherapist is allowed to display on a nameplate or plaque at the place where they practise is that detailed in Article R. 4321-123. A nameplate or plaque may be put up at the entrance to the building and another on the door of the practice room; where the arrangement of rooms calls for it, a intermediary sign may be put up between the two. This information is to be displayed discreetly, in accordance with standard practice in the profession. Signage specific to the profession, as laid down by the Order's national council, may be put up on the wall of the building. An additional or supplementary nameplate or plaque, identical in size and type to the other one(s), is allowed: on this may be put distinguishing features of the practice, with the agreement of the Order's departmental council.

« Art. R. 4321-126. - When setting up or changing the way in which they practise, a physiotherapist may have a non-promotional announcement in the press; the Order's departmental council is to verify that this conforms to the provisions of this Code of Ethics.

« Art. R. 4321-127. - In accordance with Article L. 4113-9, the regular practice of physiotherapy, whatever its form, within a business, healthcare organisation, community, or private institution is in all cases to be subject to a written contract.

This contract is to set out the parties' respective obligations and specify the means by which the physiotherapist(s) will be able to comply with the provisions of this Code of Ethics. The proposed contract is to be sent to the Order's departmental council, which is to present its comments within a month. After this period of time, it is deemed to have given its opinion.



« An agreement or agreement renewal with one of the bodies mentioned in the first paragraph with a view to practising physiotherapy is to be sent to the departmental council of the Order involved, as are amendments or additional clauses along with internal rules and regulations where the contract makes reference to them. The council will verify that it is in line with the provisions of this Code of Ethics, as well as with the core clauses, if any exist, of typical contracts drawn up either through an agreement between the Order's national council and the bodies or institutions involved, or in accordance with the legislative and regulatory provisions.

« The physiotherapist is to sign and send to the Order's departmental council a declaration whereby they are to attest on their word of honour that no counter-letter has been sent and no amendment made in relation to the contract submitted for examination by the departmental council.

« Art. R. 4321-128. - The regular practice of physiotherapy, whatever its form, within a state administration body, local or regional authority, or public institution is to be subject to a written contract, apart from in situations where the physiotherapist holds the position [in France] of "agent" of the state, local or regional authority, or public institution, as well as in those where they are governed by legislative or regulatory provisions that do not provide for the making of contracts.

« The physiotherapist is to send this contract to the Order's departmental council, and any comments it has will be sent to the administrative authority and the physiotherapist concerned.

« Paragraph 2

« Forms of freelance practice

« Art. R. 4321-129. - The regular place of practice of the physiotherapist is to be that of the professional address under which, in accordance with Article L. 4321-10, (s)he is registered with the Order's departmental council.

« A physiotherapist may not have more than one other place of practice, and must declare this to the Order's departmental council.



« However, where there exists a lack or shortfall of available care in a given geographical zone that is detrimental to patients' needs or the continuity of treatments, the Order's departmental council within whose area of jurisdiction the planned activity is situated can grant authorisation for the opening of one or more additional practices. The request is to be accompanied by all relevant information on how the practice will operate. Should this be insufficient, the Order's departmental council will ask for further clarifications.

« When the request concerns an area located in another department [in France], the Order's departmental council with whom the physiotherapist is registered is to be informed.

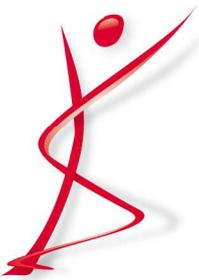
« Only the Order's departmental council that receives the request is empowered to give authorisation. If nothing is heard for a period of two months from the date the request is received, then tacit authorisation is deemed to have been given. Authorisation is given to the individual, and is temporary and untransferable. It can be brought to an end if the conditions set out in the third paragraph are no longer being fulfilled.

« Art. R. 4321-130. - A physiotherapist who has done cover for one of his fellow members for at least three months, consecutive or not, must not for a period of two years set up practice where they might be in direct competition with the physiotherapist they covered for and with the physiotherapists who, if applicable, are in joint practice with this physiotherapist, unless there is an agreement between those involved, in which case the departmental council must be notified of this.

« Art. R. 4321-131. - The duration of a freelance partnership may not exceed four years. After this period of time, the means of working as a partnership is to be renegotiated.

« Art. R. 4321-132. - Physiotherapists are forbidden to put their practice under management.

« However, the Order's departmental council may give a physiotherapist authorisation to run – for a period of six months, which may be renewed once – the practice of a fellow member who has died or is permanently unable to practise. In special cases, this period may be extended by permission of the departmental council.



« Art. R. 4321-133. - A physiotherapist must not set up practice in a building where a fellow member practises, without the agreement of the fellow member or the authorisation of the Order's departmental council. Such authorisation may only be refused on the grounds of a risk of the public being confused. If nothing has been heard from the Order's departmental council after a period of two months from the date the request is received, then tacit authorisation is deemed to have been given.

« Art. R. 4321-134. - A partnership or the forming of a company by physiotherapists with a view to practising physiotherapy is to be subject to a written contract that respects the professional independence of each person involved.

« In accordance with Article L. 4113-9, agreements, contracts and amendments are to be sent to the Order's departmental council, which will verify they conform to the principles of this Code of Ethics, as well as with the core clauses, if any exist, of typical contracts drawn up by the Order's national council.

« The Order's departmental council has a period of one month to present its comments. After this period of time, it is deemed to have given its opinion.

« The physiotherapist is to sign and send to the Order's departmental council a declaration whereby they are to attest on their word of honour that no counter-letter has been sent and no amendment made in relation to the contract submitted for examination by the departmental council.

« Art. R. 4321-135. - In practices where several practitioners practise jointly, regardless of their legal status the practising of physiotherapy must remain individual. Each practitioner retains their professional independence, and the patient's freedom to choose their physiotherapist must be respected.

« The physiotherapist may use documents bearing the common letterhead of the partnership or company of self-employed practitioners ("*société d'exercice libéral*") of which (s)he is a member. The signatory must be identifiable and their address indicated.



« Paragraph 3

« Other forms of practice

« Art. R. 4321-136. - The fact that a physiotherapist is, in their professional practice, connected by a contract or regulation to a public service administration, community, or any other public or private body does not in any way alter their professional responsibilities and in particular their obligations concerning professional confidentiality and the independence of their decisions.

« In no circumstances is a physiotherapist to agree to their independence in their professional practice being restricted by their employer. The physiotherapist must always act first and foremost in the interest of people, their safety, and public health within the businesses, establishments, or communities in which they practise.

« Art. R. 4321-137. - A physiotherapist practising in a private or public healthcare or prevention service may not use their position to increase their clientele.

« Art. R. 4321-138. – Nobody may be both the physiotherapist giving treatment to a patient and the expert or consult physiotherapist for the same patient.

« A physiotherapist must not accept an assignment as an expert that involves their own interests or the interests of one of their patients, close family or friends, or those of an association / group that regularly makes use of their services.

« Art. R. 4321-139. - When on an expert assignment, a physiotherapist must remove themselves from participation if they judge that the questions they are being asked are unconnected to the art of physiotherapy, their knowledge or their capacities, or that they would lay them open to contravening the provisions of this Code of Ethics.

« Art. R. 4321-140. - Before starting any assignment as an expert, the physiotherapist is to inform the individual concerned of their task and of the judicial framework under which their opinion is being sought.

« Art. R. 4321-141. - In writing their report, the physiotherapist acting as an expert must only divulge those pieces of information that are likely to answer the questions that are being put. Beyond this, the physiotherapist must say nothing about anything they may have found out during the expert assessment. The physiotherapist is to confirm that the assignment has been carried out personally.



« Sub-section 5

« Miscellaneous provisions

« Art. R. 4321-142. - When joining the register, every physiotherapist is to confirm to the Order's departmental council that she or he has been made aware of this Code of Ethics, and promise under written oath to abide by it.

« Art. R. 4321-143. - Any deliberately inaccurate or incomplete declaration made to the Order's departmental council by a physiotherapist may lead to disciplinary proceedings. The same applies to the concealing of professional contracts.

« Art. R. 4321-144. - Any physiotherapist changing the conditions or terms of how they practise, including their professional address, or ceasing to practise in the department concerned must immediately tell the Order's departmental council, which will duly note these changes and inform the national council.

« Art. R. 4321-145. - The decisions taken by the Order of Physiotherapists pursuant to these provisions must be justifiable.

« The decisions of departmental councils can be amended or annulled by the Order's national council, either on its own initiative or on the request of those concerned; in the latter case, the appeal must be submitted within two months of being notified of the decision.

« Appeals contesting the decisions of departmental councils are only allowable provided they have been preceded by an administrative appeal to the Order's national council.»

## **Article 2**

I. — Within three months at the latest of the publication of this Decree, active physiotherapists registered with the Order must declare on their honour to the departmental council they come under that they have taken note of the ethics regulations, and that they undertake to abide by them.

II. — Professional contracts agreed before the date of publication of this Decree will have to have been brought into conformity with the provisions of the Physiotherapists' Code of Ethics as worded in consequence of the first Article of this Decree, within two years at the latest of the date of its publication.



### Article 3

The Minister for Health, Youth, Sport and Associations is responsible for the implementation of this Decree, which will be published in the official Journal of the French Republic (*Journal officiel de la République française*).

Signed in Paris, 3 November 2008.

François Fillon

By the Prime Minister:

The Minister for Health, Youth, Sport and Associations,  
Roselyne Bachelot-Narquin