



## PHYSIOTHERAPISTS' CODE OF ETHICS

Updated version in force:

- Decree no. 2020-730 of 15 June 2020 relating to incentives offered by manufacturers and distributors of health products and services;
- Decree no. 2020-1663 of 22 December 2020 amending the code of ethics for physiotherapists and relating in particular to their professional communications;
- And decree no. 2021-684 of 28 May 2021 relating to the regime for decisions concerning health, care and social or medical-social support for adults who are subject to a guardianship order.

### Sub-section 1 : General duties of physiotherapists (Articles R.4321-51 to R.4321-79)

#### **Article 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 and L. 4321-4.

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.

#### **Article 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.

#### **Article 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.

#### **Article 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.



**Article 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.

**Article R. 4321-56**

The physiotherapist may not give up their professional independence in any form whatsoever.

**Article 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.

**Article 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.

**Article 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.

**Article 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.



**Article 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

**Article R. 4321-62**

The physiotherapist is to take all necessary steps to maintain and improve their knowledge and skills. They must in particular fulfil their continuing professional development requirement.

**Article 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.

**Article R. 4321-64**

When the physiotherapist takes part in a public information initiative of an educational, scientific or health-related nature, whatever the means of publication or distribution, they are to use only evidence-based data and to exercise due caution, bearing in mind the impact their statements may have upon the audience. They must not regard this as an opportunity to promote themselves or the bodies within which they practise or to which they provide assistance.

**Article 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.

**Article 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.

**Article R. 4321-67**

Physiotherapy is not to be practised like a business.

**Article R. 4321-67-1**

I. – The physiotherapist shall be free to communicate to the public, by any means including a website, information, relating in particular to their professional skills and practices, their professional career and their way of working, that is likely to assist the patient in freely choosing a practitioner.

These communications shall comply with the provisions in force and the ethical obligations defined in this section. They are to be fair and honest, must not call upon third-party testimonials, shall not rely upon comparisons with other physiotherapists or establishments, and must not promote needless recourse to prevention or care. They must not detract from the dignity of the profession or mislead their audience.

II. - The physiotherapist may also communicate to the public or to health professionals, for health-related or educational reasons, scientifically-validated information on questions concerning their professional discipline or public health issues, using any medium including a website. They shall set out the information with moderation and due caution, in compliance with ethical obligations, and shall refrain from presenting as established facts any hypotheses that have not yet been confirmed.

III. - The communications mentioned in this Article are to take account of recommendations issued by the Order's national council.

**Article R. 4321-67-2**

Professionals from other Member States of the European Union or the European Economic Area to whom partial access to practice the profession of physiotherapist has been granted under Article L. 4002-5 of the Public Health Code shall be required, when presenting their professional services to the public, in particular on a website, to set out the list of treatments that they are authorised to perform.

In the context of their practice, these professionals shall inform the patients and other users of their services, clearly and in advance, of the treatments that they are authorised to perform.



**Article 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.

**Article 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 articles L. 4113-6 and L. 1453-7, issue for profit any remedies, devices, or products that are presented as being health-inducing.

**Article 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.

**Article R. 4321-71**

Complicity between physiotherapists, or between a physiotherapist and another health professional or any other person is forbidden.

**Article 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° apart from the conditions set out in articles L. 1453-6 and L. 1453-7, soliciting or accepting a benefit in cash or in kind in any form whatever, whether directly or indirectly, for a prescription or any therapeutic measure of any sort.

**Article 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.



**Article R. 4321-74**

A physiotherapist safeguards the use made of their name, their profession, and the statements they make.

They must not condone the use, by public or private bodies where they practise or which they assist, of their identity for commercial purposes to a non-professional audience.

**Article 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.

**Article R. 4321-76**

The physiotherapist shall write up attestations and certificates with the greatest of care. They shall be neutral and make only objective findings in compliance with this Code.

The issuing of biased reports or bogus certificates is forbidden.

**Article R. 4321-77**

All fraud, abuse of pricing, inaccurate indicating of actions carried out or of fees earned, or both simultaneously, is forbidden.

**Article R. 4321-78**

It is forbidden to allow anyone to illegally practise physiotherapy, or to be involved with such a person.

**Article 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 (Articles R.4321-80 to R.4321-98)**

**Article R. 4321-80**

When the physiotherapist accepts a request, they personally undertake to provide the patient with conscientious, attentive care based on established scientific data.



**Article 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.

**Article 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.

**Article R. 4321-83**

Within the limits of their competence, the physiotherapist has a duty to give, to the person being examined, treated or advised, fair, clear and appropriate information on their condition and about the proposed treatment. Throughout the treatment, the physiotherapist is to take account of the patient's personality in their explanations and ensure that they are understood.

**Article 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, a physiotherapist cannot provide care unless the designated trusted person or close family members have been notified and informed, except in an emergency or where this is impossible. The physiotherapist who is called upon to give treatment to a minor or to an adult who is subject to a guardianship order shall endeavour to notify their parents or legal representative or the person appointed in guardianship, and to obtain their consent or authorisation. The person who is responsible in guardianship will take account of the views of the patient they represent. Except in cases of emergency, in the event of disagreement between the protected adult and the person responsible for their protection, a judge will authorise one or other to take the decision. In an emergency, the physiotherapist may give the necessary care even they cannot be contacted. If the views of the person concerned can be established, the physiotherapist is to take account of them as far as practicable.

**Article 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.



**Article 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.

**Article 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.

**Article 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.

**Article 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.

**Article 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 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.

**Article 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.

**Article 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.

**Article R. 4321-93**

A physiotherapist may not abandon their patients in the event of a public emergency.

**Article 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.

**Article 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.

**Article R. 4321-96**

A physiotherapist must not, except on professional grounds, interfere in family matters or the private lives of her or his patients.

**Article 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.

#### **Article R. 4321-98**

The physiotherapist's fees are to be determined with sensitivity and moderation, taking account of the rules in force, the treatment given and the circumstances of the particular case. Fees shall only be claimed where the work has actually been performed.

The physiotherapist shall comply with the provisions of Articles L.1111-3-2 and L.1111-3-3 as regards informing the patient of the costs associated with their services and the conditions for coverage of or advance exemption from these costs. They shall ensure that the patient is informed in advance regarding the amount of their fees.

The physiotherapist who presents their business to the public, in particular on a website, shall include information on the fees charged, the payment methods accepted and the obligations imposed by law to allow any person access to prevention or care without discrimination. The information must be clear, honest, accurate and non-comparative.

The physiotherapist shall respond to any request for information or explanation regarding their fees or the cost of a treatment. They cannot refuse to give a receipt for the amounts received.

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.

Advice and opinions given to a patient by telephone or by correspondence are not chargeable, except under provisions for care at a distance.

### **Sub-section 3 : Duties to fellow members and to members of other healthcare professions (Articles R.4321-99 to R.4321-111)**

#### **Article 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.

**Article R. 4321-100**

Stealing clients, or attempting to, is forbidden.

**Article 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.

**Article R. 4321-102**

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.

**Article 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.

**Article 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.



**Article 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).

**Article 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.

**Article R. 4321-107**

A physiotherapist cannot arrange for cover by a substitute in their practice other than temporarily by a colleague who is on the roll of the Order. The replacement is in an individual capacity.

The physiotherapist who arranges cover must give prior notice to the departmental council of the Order to which they belong, indicating the full name and status of the substitute and sending a copy of the contract for cover in accordance with Article L. 4113-9.

The physiotherapist in private practice must not give any treatments during the period of cover. Waivers from this rule can be granted by the departmental council where there are exceptional circumstances.

**Article 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.

**Article R. 4321-109**

A physiotherapist is at liberty to give treatments free of charge.



**Article R. 4321-110**

A physiotherapist maintains good relations with members of other healthcare professions.

**Article 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 (Articles R.4321-112 to R. 4321-141)

Paragraph 1 : Rules common to all modes of practice (Articles R. 4321-112 à R.4321-128)

**Article R. 4321-112**

The practice of physiotherapy is individual. Each physiotherapist is responsible for her or his own decisions, actions, and advice given.

**Article 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.

**Article R. 4321-114**

The physiotherapist shall have suitable facilities and sufficient technical resources at their practices for the treatments they perform. The premises must allow for professional confidentiality. In particular, display windows, other windows and doors must be screened.

The physiotherapist shall ensure compliance with the rules of hygiene and cleanliness. They must not practise their profession in conditions that might compromise the quality of care or the safety of those receiving care. In particular, where necessary, they shall ensure that clinical waste is disposed of in accordance with the regulatory procedures.

It shall be for the departmental council to monitor whether the required conditions for professional practice, as set out in the preceding paragraphs, are met.



At the patient's home, physiotherapists must, as far as is possible, have sufficient technical resources. Otherwise, they shall suggest to the patient that they continue their treatment at their clinic or some other suitable location.

**Article 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.

**Article 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.

**Article 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.

**Article 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.

**Article R. 4321-119**

Professional practice as a physiotherapist involves producing certificates, attestations and documents as required by legal and regulatory provisions. Prescriptions, certificates, attestations and documents issued by a physiotherapist shall be written legibly and in French; they shall be dated, shall permit the identification of the practitioner issuing them, and be signed by the latter.

**Article R. 4321-120**

The physiotherapist is to provide permanent care under the laws and regulations by which it is organised.



**Article 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.

**Article R. 4321-122**

The physiotherapist shall include the following details on their prescription sheets and on their other professional documents:

- 1) Their surname, forename(s), work address both postal and electronic, telephone number and identification number in the shared directory of professionals involved in the health system;
- 2) Their degree or credentials permitting them to practise their profession;
- 3) Their situation vis-à-vis health insurance bodies;
- 4) Their membership of an approved association provided for in Article 371M of the General Tax Code;
- 5) Where appropriate, their membership of a health network or care structure.

They may also mention their degrees, credentials, practice aspects and specialties recognised by the national council of the Order; awards recognised by the French Republic; and any other qualifications, bearing in mind the recommendations issued in this regard by the national council of the Order.

**Article R. 4321-123**

I. – The physiotherapist shall be authorised to include the following details in directories for public use held on any kind of media:

- 1) Their surname, forenames and work address, contact details, and consultation days and times;
- 2) Their situation vis-à-vis health insurance bodies;
- 3) Their degree or credentials permitting them to practise their profession;
- 4) Where appropriate, their membership of a health network or care structure.
- 5) Their degrees, credentials, practice aspects and specialties recognised by the national council of the Order, and awards recognised by the French Republic.

They may also mention other information that is useful for the public to know, bearing in mind the recommendations issued in this regard by the national council of the Order.

Companies for joint practice of the profession may also make themselves known, subject to the same conditions.

II. - It is forbidden to obtain priority indexing of information concerning them in the results of Internet searches, by payment or by any other means.

**Article R. 4321-124 (repealed)**



#### **Article R. 4321-125**

The physiotherapist can display, on a plate at their work premises, their surname, forenames, telephone number, consultation days and times, and their situation vis-à-vis health insurance bodies. They may also mention their degrees, credentials, practice aspects and specialties recognised by the national council of the Order.

One plate may be affixed at the entrance to the building and another at the entrance to the clinic. Where required by the layout of the premises, intermediate signage may be provided.

These signs must be presented discreetly. The physiotherapist has regard to the recommendations issued by the national council of the Order relating to professional plates and all other signage for practices.

#### **Article R. 4321-126**

When establishing or making changes to their practice, the physiotherapist may publish announcements using any media, taking into account the recommendations issued by the national council of the Order.

#### **Article 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. Draft contracts and amendments may be communicated to the departmental council of the Order, which shall make its observations known within the time laid down by Article L. 4113-12.

An agreement or the renewal of an agreement with the bodies mentioned in the first paragraph with a view to the practice of physiotherapy is communicated to the relevant departmental council of the Order, likewise the amendments and internal rules to which the contract refers. The council shall check that it complies with the provisions of the code of ethics in force and, if applicable, with the essential clauses of the contractual precedents produced by the national council of the Order or in accordance with legal or 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.





### **Article 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 (Articles R. 4321-129 to R. 4321-135)**

### **Article 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.

In the case of a practice operating exclusively from home, the personal address shall appear on the roll of the Order. It shall be considered as the place of professional practice.

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.

**Article 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 practice with this physiotherapist, unless there is an agreement between those involved, in which case the departmental council must be notified of this.

**Article R. 4321-131**

A contract for collaboration in private practice or to work as a private practice assistant may be created for a fixed or indefinite period. However the terms of the contract must be renegotiated at least every four years. Contracts shall be communicated to the relevant departmental council of the Order.

**Article R. 4321-132**

Physiotherapists are forbidden to put their practice under management.

However the departmental council of the Order may authorise, for a period of six months, renewable on one occasion if required, one physiotherapist to hold the clinic of a deceased colleague or one who is permanently totally permanently incapable of practising<sup>1</sup>. In special cases, this period may be extended by permission of the departmental council.

**Article 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.

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<sup>1</sup> A significant error found its way into the amendment made by the decree no. 2020-1663 of 22 December 2020 amending the physiotherapists' code of ethics. The authorisation can relate not only to the practice of a deceased physiotherapist but also to the practice of a physiotherapist who is totally incapacitated, whether temporarily or permanently.



#### **Article 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.

Draft agreements, contracts and amendments may be communicated to the departmental council of the Order, which shall make its observations known within the time laid down by Article L. 4113-12.

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.

The provisions of this article are applicable to the contracts mentioned in articles R. 4321-107, R. 4321-111 and R. 4321-131.

#### **Article 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 letterheaded documents common to the practice association or company of which they are a member. The signatory must be identifiable and their address must be given.

[Paragraph 3 : Procedures for salaried practice \(Articles R. 4321-136 to R. 4321-137\)](#)

#### **Article 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.

**Article R. 4321-136-1**

A salaried physiotherapist shall not under any circumstances accept remuneration based on productivity, hourly throughput or any other basis which might result in reduction or abandonment of their independence or detract from the quality of their care.

**Article R. 4321-137**

A physiotherapist practising in a private or public healthcare or prevention service may not use their position to increase their clientele.

**Paragraph 4 : Other forms of practice (Articles R.4321-138 à R.4321-141)**

**Article 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.

**Article 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.

**Article 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.

**Article 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 (Articles R. 4321-142 to R. 4321-145)

### **Article 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.

### **Article 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.

### **Article 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.

### **Article 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.