**Pro Bono Services: Considerations for Physical Therapist Practice**

**Providing services for free doesn't mean you can cut corners.**

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The responsibility of PTs and PTAs to comply with licensure requirements, standards of practice, state and federal laws, and ethical standards is not diminished or exempted because the service is subsidized or provided for free. While the provision of pro bono services should not be unduly burdensome, each clinician has a duty to ensure that the provided service meets the same standard of care as for any patient or client regardless of ability to pay.

**Understand the Legal Requirements**

Physical therapists and physical therapist assistants must comply with all laws, including [licensure laws](https://www.fsbpt.org/Free-Resources/Licensing-Authorities-Contact-Information), in the jurisdiction where the service is provided regardless of whether a fee is charged for the service. Some states have provisions for temporary licensure or licensure by endorsement for physical therapists, or exemptions for state licensure in the event of natural disasters or declared national or state emergencies. It is important to familiarize yourself with state laws before making a decision about providing any services, including pro bono. If the services are provided in another country, the laws of that particular country are in force.

**The Code of Ethics and Standards of Practice Always Apply**

When it comes to the appropriateness of providing pro bono services, the APTA Code of Ethics for the Physical Therapist is clear, stating that "physical therapists shall provide pro bono physical therapist services or support organizations that meet the health needs of people who are economically disadvantaged, **uninsured**, and **underinsured**. “But remember: Those services must be applied in ways consistent with the code and standards of practice. Complying with APTA's [Code of Ethics for the Physical Therapist](https://www.apta.org/apta-and-you/leadership-and-governance/policies/code-of-ethics-for-the-physical-therapist) or [Standards of Ethical Conduct for the Physical Therapist Assistant](https://www.apta.org/apta-and-you/leadership-and-governance/policies/standards-of-ethical-conduct-for-the-physical-therapist-assistant) is an ethical obligation of all PTs and PTAs. You are responsible for the standard of care you provide to all patients regardless of their ability to pay. Complying with APTA's Standards of Practice for Physical Therapy is important for both you and your patient or client.

**Documentation Is Still Crucial**

Legal and professional requirements for medical record documentation are no different for individuals receiving pro bono physical therapy services than they are for all other patients and clients. Documentation of evaluation and management is essential regardless of a patient's ability to pay.

**Consider Liability Risks**

The need for liability insurance protection doesn't change simply because the service is provided pro bono. According to APTA's liability insurance carrier, if you are providing services — including volunteer or pro bono services separately from your practice or your job — and a claim is made against you, the liability policy of your practice or your employer will not likely cover you. In these cases, it is especially important to obtain an individual professional liability policy and keep it active.

**Research Good Samaritan Laws**

Many states have Good Samaritan laws that provide immunity to health care providers who come to the aid of victims under circumstances requiring immediate aid or action. Good Samaritan laws do not apply to routine or nonemergent health care. Good Samaritan laws typically apply to all regulated health care providers and usually are separate from physical therapy practice acts. However, your physical therapy licensing board should be able to direct you to the relevant law in your jurisdiction.

**PT and PTA Relationships and Responsibilities Don't Change**

The fact that a physical therapist service is provided for free does not diminish the professional, ethical, or legal responsibilities of any of the individuals involved in providing the services, including responsibilities associated with the activities of PTAs. Physical therapist assistants provide select interventions under the direction and supervision of the physical therapist. The fact that a fee may not be charged for the services doesn't change the responsibility of the PT and PTA to render services in compliance with the laws of the jurisdiction where the treatment is provided and to adhere to the Code of Ethics, Standards of Ethical Conduct, and Standards of Practice.

**Understand How Private Payers Regard Pro Bono Services**

If you have questions related to the provision of pro bono services for patients or clients who have coverage with a commercial payer or other nonfederal third-party payer, you may wish to consult with the payer, the compliance department within your hospital or institution, and with legal counsel to ensure that you are in compliance with all requirements in your jurisdiction.

Routine waiving of patients' copays and deductibles does not constitute pro bono care—and it may be considered fraudulent. Deductibles and copays are part of the contract or agreement among a third-party payer, a subscriber, and often a provider. Routinely waiving these costs, even with the intent of making the service affordable to the patient, is not permitted. Check your payer contracts for more information on compliance in this important area.

If a patient or client has a copay, the provider must, in good faith, attempt to collect it. If the debt is not collectable and the patient objectively documents financial hardship, further collection efforts may be waived on a case-by-case basis. In this situation, the clinician may consider the writing-off of the amount owed as a pro bono service. In most settings, this would be like writing off a bad debt.

**Carefully Consider the Risks of Providing Pro Bono Services to Individuals With Medicare, TRICARE, or Other Government-Led Insurance**

There are many rules and regulations governing Medicare as well as other government-led programs, such as Medicaid and TRICARE. We caution against providing pro bono services to patients who have these types of insurance.

Waiving copays of Medicare beneficiaries [typically is not permitted](https://oig.hhs.gov/fraud/docs/alertsandbulletins/121994.html#:~:text=Special%20Fraud%20Alert%3A%20Routine%20Waiver,1)%20are%20paid%20on%20the). Services can be provided pro bono only if they are not covered. There are penalties for waiving Medicare copays except in very limited circumstances.

**Waivers and deductions in Medicare**. Discounts in the form of waivers or deductions in insurance costs to Medicare and other federal health care beneficiaries are allowed under one of the designated safe harbors to the federal anti-kickback laws. Waivers and discounts of coinsurance and deductibles are allowed if:

* The waiver is not offered as part of any advertisement or solicitation;
* The physical therapist does not routinely waive coinsurance or deductible amounts, and waives coinsurance and deductibles only after determining in good faith that the individual is in financial need;
* The physical therapist has failed to collect coinsurance or deductible amounts after making reasonable collection efforts; or
* The waiver otherwise falls within an exception or safe harbor under the civil money penalties law or anti-kickback statute.

APTA recommends that organizations and clinical practices develop and enforce a formal policy related to provision of pro bono services to avoid the possibility of being arbitrary. Include procedures on waiving charges and insurance costs for all patients. This will help ensure that decisions are made consistently, fairly, and in compliance with relevant laws and requirements.

See HHS OIG: [Hospital Discounts Offered to Patients Who Cannot Afford to Pay their Hospital Bills](https://oig.hhs.gov/fraud/docs/alertsandbulletins/2004/FA021904hospitaldiscounts.pdf) and the [Addendum](https://oig.hhs.gov/fraud/docs/alertsandbulletins/2007/revised%20addendum%20to%20uninsured%20guidance%20_4_%20_2_%20_2_.pdf).

**Student Involvement in Provision of Pro Bono Physical Therapy Services to Medicare Beneficiaries.**

Students aren't recognized as practitioners under Medicare, but student involvement in the delivery of services to beneficiaries does not preclude coverage to the extent outlined in the [Medicare Benefit Policy Manual](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/bp102c15.pdf), chapter 15, section 230. CMS offers these examples:

Therapists may bill and be paid for the provision of services in the following scenarios:

* The qualified practitioner is present and in the room for the entire session. The student participates in the delivery of services when the qualified practitioner is directing the service, making the skilled judgment, and is responsible for the assessment and treatment.
* The qualified practitioner is present in the room guiding the student in service delivery when the therapy student and the therapist assistant student are participating in the provision of services, and the practitioner is not engaged in treating another patient or doing other tasks at the same time.
* The qualified practitioner is responsible for the services and as such, signs all documentation. (A student may, of course, also sign but it is not necessary since the Part B payment is for the clinician's service, not for the student's services).

This means that if the services in which students are involved are medically necessary and satisfy all other coverage requirements, they can't be provided pro bono.