



I Want to File a Complaint Against an Occupational Therapist

A member of the public, a colleague or an employer can bring concerns about the practice of an occupational therapist (also known as OT or Registrant) to the College's attention.

Concerns about OTs usually fall into three categories:

1. **Misconduct** – concerns that an OT has ignored the basic rules of practice
2. Concerns that the OT has failed to maintain the standards of practice and/or the care provided was inappropriate (**Incompetence**)
3. Concerns that the OT is suffering from a disability or disease which interferes with his/her ability to practice. (**Incapacity**)

Before you submit your complaint to the College, you may find it helpful to speak with the Investigations and Resolutions Associate who can provide you with more information about the process and the possible outcomes. They can also send you an information package.

If you decide to send a complaint to the College, it must include the name of the OT, the details of your concerns and your name, phone number and address.

You can send your complaint to the College in writing, either by letter or email or you may record it on a tape, film or disk. You should address your complaint to the Registrar.

What happens after i file a complaint?

Once the College receives your complaint, you may be contacted to clarify your concerns. The College will send a copy of your complaint to the OT so that they have the opportunity to respond to your concerns. You will also receive a copy of the letter that the College sends to OT.

When the College receives the OT's response, you will be sent a copy so that you can, if you wish, send additional information. In some cases, the OT's

explanation may answer the questions or concerns that you have. If you decide to send more information to the College and this information raises new concerns, the OT will be asked to respond to the new concerns.

The information received from both you and the OT is then sent to the Inquiries, Complaints and Reports Committee (ICRC, a screening committee) which is made up of two members of the public and four OTs. A group of this committee (a panel) reviews the written information and decides if they require additional information before making a decision. To do this, they may ask a staff member to obtain the information about the nature of the complaint, ask an expert to comment on the case or ask that an investigator meet with different individuals who could help them understand what happened. If the investigator meets with the OT, they will likely also meet with you.

At any point during the process, the panel may determine that mediation by a neutral, external third party may be helpful in trying to resolve the concerns. If they are considering mediation, both you and the OT will be invited to participate. This is a voluntary process.

The panel reviewing the case tries to make their decision within 150 days. If they are unable to meet this deadline, you will be notified by mail about the delay. You are also welcome to contact the Manager, Investigations & Resolutions at any time during the process if you have any questions or concerns.

What are the possible decisions?

The Panel bases their decision on the information made available to them and may:

1. Refer specified allegations to the Discipline Committee for a hearing,
2. Investigate the member's capacity.
3. Require the member to appear before a panel of the ICRC to be cautioned.

4. Take other appropriate action such as requiring the member to undergo continuing education or remediation.
5. Take no further action.

The panel does not assess the credibility of the parties or decide if someone is guilty or innocent but does assess if the OT's practice has met the standards of the profession.

At the end of the process, you will receive a written decision and a survey seeking your feedback with regards to the process.

If you believe that the panel did not gather enough information before a decision is made, or that the decision is unreasonable, you can appeal the decision.

The contact information of the Health Professions Appeal and Review Board (appeal board) will be included with the written decision that you receive at the end of the process.