

General Regulation

OFFICIAL REGULATION

College of Occupational Therapists of Ontario

April 2001

Regulation made under the *Occupational Therapy Act*, 1991
Ontario Regulation 226/96, Amended to O. Reg. 130/00

**Store this official
regulation at Tab #1 of
your Resource Binder**

GENERAL

This Regulation is made in English only.

PARTS I-III (SS. 1-16) REVOKED: O. REG. 130/00, S. 1.

PART IV NOTICE OF MEETINGS AND HEARINGS

17. (1) The Registrar shall ensure that notice of every meeting and hearing that is required under the Act to be open to the public is given in accordance with this section.
 - (2) The notice must be published not less than 14 days before the date of the meeting or hearing in a daily newspaper of general circulation throughout Ontario.
 - (3) The notice, if it is a notice of a hearing by a panel of the Discipline Committee with respect to allegations of a member's professional misconduct or incompetence, must, in addition to meeting the requirements of subsection (2), be published not less than 14 days before the date of the hearing,
 - (a) in a newspaper of general circulation in the area where the events that gave rise to the allegations occurred; and
 - (b) in a newspaper of general circulation in each area in which the member practises, if the member practises.
 - (4) The Registrar is not required to publish notice of a hearing referred to in subsection (3) in three separate newspapers so long as the notice is published in a newspaper of general circulation in each of the areas referred to in subsection (2) and clauses (3) (a) and (b).
 - (5) The notice must be in English and French.
 - (6) The notice must include,
 - (a) the date of the meeting or hearing;
 - (b) a statement of the purpose of the meeting or hearing;
 - (c) an address or telephone number at which further information about the meeting or hearing may be obtained; and
 - (d) in the case of a notice of a hearing, the name of the member who is the subject of the hearing.
18. The Registrar shall provide the time and place of a meeting or hearing that is required under the Act to be open to the public to every person who notifies the College that he or she intends to attend the meeting or hearing.
19. No meeting or hearing is invalid simply because this Part has not been complied with.

This regulation replaces all previous versions of the Core Regulation, Parts 1-6, and the Registration Regulation, December 1993 & November 1998.

Additional Draft changes to the Registration Regulation were issued in March 2001 and should be retained until further notice.

PART V ADVERTISING

20. In advertising his or her services, a member shall comply with this Part.
21. (1) An advertisement with respect to a member's practice shall contain only factual and verifiable information that a reasonable person would consider relevant to choosing an occupational therapist.
- (2) An advertisement with respect to a member's practice shall not contain,
- anything that is false or that, because of the inclusion or omission of information, is misleading or deceptive;
 - anything that is not readily comprehensible to the audience to whom it is directed;
 - any testimonial, comparative or superlative statements; or
 - any reference to a specific brand of drug, device or equipment.
- (3) An advertisement that includes a reference to the fee for a service shall set out all the costs of services and products that are included in the fee.
22. (1) A member shall not contact or communicate with, or permit any person to contact or communicate with, an individual in an attempt to solicit business.
- (2) Subsection (1) applies to any communication, whether in person or by telephone.
23. (1) The name used by a member in an advertisement shall be the same as the name shown in the register.
- (2) A member shall not use a term, title or designation in an advertisement if it indicates or implies specialization or otherwise suggests that he or she is a specialist.

PART VI QUALITY ASSURANCE

General

24. In this Regulation,
- “assessor” means an assessor appointed under section 81 of the Health Professions Procedural Code;
- “Committee” means the Quality Assurance Committee;
- “remediation” includes remedial activities such as participation in educational programs or courses and mentoring by peers.
25. (1) The Committee shall administer the quality assurance program, which shall include the following components:
- Self-evaluation.
 - Collection, analysis, evaluation and dissemination of information relating to the practice of the profession.
 - Peer review and remediation.
 - Remediation of behaviour and remarks of a sexual nature.
- (2) Every member shall participate in the quality assurance program.
26. (1) A panel of the Committee may exercise any of the powers and duties of the Committee on behalf of the Committee.
- (2) A panel shall be composed of at least three members of the Committee, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Self-Evaluation

27. (1) The purpose of self-evaluation is to ensure that every member reflects critically on his or her knowledge, skills and judgment and way of carrying out his or her professional activities, including the development of strategies to improve competence.
- (2) Every member shall carry out his or her self-evaluation, in accordance with the College's policies and guidelines as published and distributed to members, using the documents and forms provided by the College to establish a record of the member's practice activities and continual learning and continuing education activities.
- (3) A member shall retain his or her self-evaluation records for the previous five years and, on request, shall make them available to the Committee for inspection within 30 days.
- (4) A member whose records are not complete or are inadequate may be referred to peer review.

Collection, Analysis and Dissemination of Information

28. (1) The Committee shall systematically collect and analyse information about the nature and quality of the practice of occupational therapy.
- (2) If the Committee believes it would be beneficial to the quality of the practice of occupational therapy to disseminate the results of the collection and analysis of information, it shall do so in such manner as it considers appropriate, including the publishing of articles.
- (3) The Committee may also use the results of the collection and analysis of information for the purpose of,
- (a) proposing written standards of practice or clinical practice guidelines to the Council;
 - (b) recognizing or certifying remediation programs for members;
 - (c) making recommendations with respect to changes to the quality assurance program.

Peer Review and Remediation

29. (1) Each year the College shall select at random the names of members required to undergo a peer review.
- (2) A member is required to undergo a peer review to evaluate his or her knowledge, skills and judgment if,
- (a) the member's name is selected at random;
 - (b) the member is referred to the Committee by the Registrar, the Complaints Committee or the Executive Committee;
 - (c) the member is referred to the Committee under subsection 27 (4); or
 - (d) the member is selected on the basis of criteria issued and published by the College and distributed to the members.
- (3) The peer review may include, but is not limited to,
- (a) inspecting the premises where the member practises and his or her self-evaluation and client records;
 - (b) interviewing persons with whom the member works;
 - (c) interviewing the member's clients; or
 - (d) requiring the member to answer, orally or in writing, questions that relate to the member's practice.
- (4) The Committee may appoint one or more assessors to conduct a peer review.

- (5) The assessor shall prepare a written report of the results of the peer review and submit it to the Committee, with a copy to the member.
 - (6) After considering the report, the Committee may decide to take no further action or to do one or more of,
 - (a) giving the member an opportunity to correct any deficiencies and to enhance his or her knowledge, skills and judgment as specified by the Committee;
 - (b) subject to subsection 30 (2), requiring the member to participate in a remediation program specified by the Committee if the Committee finds that the member's knowledge, skills or judgment are unsatisfactory but that they can be remediated; or
 - (c) subject to subsection 30 (2), directing the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months if the Committee finds the member's knowledge, skills or judgment to be unsatisfactory.
 - (7) Where the Committee decides to take action under clause (6) (a), (b) or (c), it may at the same time or at a later time require the member to undergo a second peer review, and subsections (3) to (6) apply to that review.
 - (8) A member shall not be required to undergo more than one peer review under subsection (7).
30. (1) If the Committee requires a member to participate in a remediation program under clause 29 (6) (b) and the member either fails to do so or fails to successfully complete the program, the Committee may, subject to subsection (2), direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months.
- (2) If the Committee proposes to make a direction under subsection (1) or clause 29 (6) (c) or to require a member to participate in a remediation program under clause 29 (6) (b), it shall not do so unless,
- (a) the member has been given written notice of its intention;
 - (b) the member has been given at least 14 days to make written submissions to the Committee; and
 - (c) the Committee has considered any such submissions.
- (3) If the Registrar imposes terms, conditions or limitations on a member's certificate of registration pursuant to a direction given by the Committee under subsection (1) or clause 29 (6) (c), the Committee may direct the Registrar to remove them before the end of the specified period if the Committee is satisfied that the member's knowledge, skills and judgment are now satisfactory.

Remediation of Behaviour or Remarks of a Sexual Nature

31. (1) This section applies to matters referred to the Committee by,
- (a) a panel of the Complaints Committee under subsection 26 (3) of the Health Professions Procedural Code; or
 - (b) the Executive Committee, Complaints Committee or Board under section 79.1 of the Code.
- (2) The Committee may require a member to undergo a psychological assessment or another assessment specified by the Committee if a matter respecting the member is referred as provided in subsection (1).

- (3) After receiving the report of an assessment under subsection (2), the Committee may require the member to undertake specified measures, such as education, therapy or counselling if,
 - (a) the Committee is of the opinion that the measures will help the member to refrain from such behaviour and remarks; and
 - (b) the member has been given written notice of the Committee's intention to require the member to undertake measures and at least 14 days to make written submissions to the Committee.
- (4) If the member refuses to undergo an assessment under subsection (2) or to undertake measures specified by the Committee under subsection (3), or fails to successfully complete those measures, the Committee may direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months.
- (5) The Committee shall not give a direction under subsection (4) unless the member has been given written notice of the Committee's intention to do so and at least 14 days to make written submissions to the Committee.
- (6) If, at the end of the specified period, the member continues to refuse to undergo an assessment or has not undertaken or successfully completed the specified measures, the Committee may, subject to the requirement for notice and the opportunity to make written submissions referred to in clause (3) (b), direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a further specified period not exceeding six months, but may not do so a third time.
- (7) If the Registrar imposes terms, conditions or limitations on a member's certificate of registration pursuant to a direction given by the Committee under subsection (4) or (6), the Committee may direct the Registrar to remove them before the end of the specified period if the Committee is satisfied that they are no longer needed.

PART VII FUNDING FOR THERAPY AND COUNSELLING

32. (1) For the purposes of clause 85.7 (4) (b) of the Health Professions Procedural Code, a person is eligible for funding if the person meets one of the following requirements:
1. The person is named in a written statement given to the College by a member in which the member admits that he or she sexually abused the person while the person was a patient.
 2. At a hearing of the Discipline Committee into the conduct of a member, the person testified that he or she was sexually abused by the member while a patient and the Committee acknowledged in its decision that the testimony was credible.
 3. There is a finding by a court that the person, while a patient, was sexually abused by a member.
 4. The person satisfies the Complaints Committee or the Executive Committee that there is a high probability that the person, while a patient, was sexually abused by a member but a hearing of the Discipline Committee is not held for one of the following reasons:
 - i. The member is deceased or cannot be located.
 - ii. The member has resigned and agreed not to practise again.
 - iii. There is a finding by the Discipline Committee that the member sexually abused another person and, in the Committee's opinion, the public interest would not be served by conducting another discipline hearing.

- iv. The person is unable to testify before the Discipline Committee as a result of a physical or mental condition.
 - v. The Complaints Committee or the Executive Committee determined that the public interest would be best served by referring the matter to the Fitness to Practise Committee and has done so.
- (2) Despite subsection (1), a person is not eligible for funding if the sexual abuse occurred before December 31, 1993.
 - (3) Despite subsection (1), a person is eligible for funding for therapy or counselling under this Part only if the person submits to the Patient Relations Committee, along with the application, a written undertaking by the applicant to keep confidential the information obtained from the College through the application for funding process, including the fact that funding has been granted and the reasons given by the Committee for granting the funding.
 - (4) A decision by the Patient Relations Committee that a person is eligible for funding for therapy or counselling does not constitute a finding against the member and shall not be considered by any other committee of the College dealing with the member.

PART VIII REGISTRATION

- 33. The following are prescribed as classes of certificates of registration:
 - 1. General practising certificate.
 - 2. Provisional practising certificate.
 - 3. Temporary certificate.
- 34. (1) A person may apply for the issue of a certificate of registration by submitting a completed application in the form approved by the Registration Committee to the Registrar, together with the application fee.
- (2) When eligibility for registration has been determined, the name of the person shall be entered in the register and a certificate shall be issued upon payment of the required registration fee for the appropriate class.
- 35. (1) The following are registration requirements for a certificate of registration of any class:
 - 1. The applicant must not have been found guilty of a criminal offence or an offence related to the practice of occupational therapy.
 - 2. Where the applicant has been registered or licensed in Ontario in another profession or in another jurisdiction in occupational therapy or another profession, the applicant must not have been the subject of a finding of professional misconduct, incompetence or incapacity or a similar finding.
 - 3. Where the applicant is registered in Ontario in another profession or is registered or licensed in another jurisdiction in occupational therapy or another profession, the applicant must not be the subject of any current professional misconduct, incompetence or incapacity proceeding or a similar proceeding.
 - 4. Nothing in the applicant's previous conduct affords reasonable grounds for the belief that he or she lacks the knowledge, skill or judgment to practise safely and ethically.
 - 5. The applicant must be able to speak and write either English or French with reasonable fluency.
 - 6. The applicant must be a Canadian citizen or a permanent resident of Canada, or be authorized under the *Immigration Act* (Canada) to engage in employment as an occupational therapist.

- (2) It is a condition of a certificate of registration of any class that the member provide the College with details of any of the following that relate to the member and that occur or arise after the member has applied for registration:
 1. A finding of guilt in relation to a criminal offence or an offence related to the practice of occupational therapy.
 2. A finding of professional misconduct, incompetence or incapacity, or a similar finding, in Ontario in relation to another profession or in another jurisdiction in relation to occupational therapy or another profession.
 3. A proceeding for professional misconduct, incompetence or incapacity, or a similar proceeding, in Ontario in relation to another profession or in another jurisdiction in relation to occupational therapy or another profession.
- (3) If the member ceases to be a Canadian citizen or a permanent resident of Canada or ceases to be authorized under the *Immigration Act* (Canada) to engage in employment as an occupational therapist, the member's certificate of registration shall be revoked.
- (4) An applicant shall be deemed not to have satisfied the requirements for a certificate of registration if the applicant made a false or misleading statement or representation in his or her application.

GENERAL PRACTISING CERTIFICATE OF REGISTRATION

36. (1) The following are non-exemptible registration requirements for a general practising certificate of registration:
 1. The applicant must have,
 - i. A Bachelor of Science degree in Occupational Therapy obtained in Ontario or an academic qualification considered equivalent by the Registration Committee, or
 - ii. a diploma in Occupational Therapy granted not later than 1973 by the University of Toronto or a diploma in Occupational Therapy granted not later than 1968 by the Canadian Association of Occupational Therapists.
 2. The applicant must have completed a minimum of 1000 hours of fieldwork or clinical practicum accepted by the Registration Committee.
 3. Where the applicant completes the requirements in paragraphs 1 and 2 more than 18 months before the date the application for a certificate is made, evidence of one of the following must be provided:
 - i. completion of at least 750 hours of service within the scope of practice of the profession in the three years prior to the date of application,
 - ii. completion of at least 1550 hours of service within the scope of practice of the profession in the five years prior to the date of application, or
 - iii. successful completion within the previous 18 months of a refresher program accepted by the Registration Committee.
- (2) For the purpose of subparagraph 1i of subsection (1) an academic qualification is not equivalent unless,
 - (a) the curriculum includes courses within the basic sciences, the behavioural sciences, the clinical sciences, the managerial sciences and occupational therapy theory, practice and field work; and
 - (b) the nature, extent and scope of those courses are substantially equivalent to a Bachelor of Science degree in Occupational Therapy obtained in Ontario.

- (3) The following are the registration requirements for a general practising certificate of registration:
 1. The applicant must have successfully completed an examination set or approved by the College that assesses entry level competence.
 2. The applicant must provide evidence satisfactory to the Registrar that he or she has professional liability insurance as prescribed by the by-laws.
- (4) The following are conditions of a general practising certificate of registration:
 1. The member must,
 - i. have completed at least 750 hours of service within the scope of practice of the profession in the previous three years,
 - ii. have completed a least 1550 hours of service within the scope of the practice of the profession in the previous five years, or
 - iii. have successfully completed within the previous 18 months a refresher program accepted by the Registration Committee.
 2. The member must have professional liability insurance as prescribed by the by-laws and, upon request, provide evidence of such insurance to the Registrar.
- (5) A member is not required to meet any of the conditions set out in paragraph 1 of subsection (4) until 18 months have elapsed since the member's graduation.

PROVISIONAL PRACTISING CERTIFICATE OF REGISTRATION

37. (1) The following are non-exemptible registration requirements for a provisional practising certificate of registration:
 1. The applicant must have,
 - i. a Bachelor of Science degree in Occupational Therapy obtained in Ontario or an academic qualification considered equivalent by the Registration Committee, or be found by the Registration Committee to require minimal educational upgrading to achieve an equivalent status, or
 - ii. a diploma in Occupational Therapy granted not later than 1973 by the University of Toronto or a diploma in Occupational Therapy granted not later than 1968 by the Canadian Association of Occupational Therapists.
 2. The applicant must have completed at least 1000 hours of fieldwork or clinical practicum accepted by the Registration Committee.
 3. Where the applicant completes the requirements in paragraphs 1 and 2 more than 18 months before the date the application is made, evidence of one of the following must be provided,
 - i. completion of at least 750 hours of service within the scope of practice of the profession in the three years prior to the application date,
 - ii. completion of at least 1550 hours of service within the scope of practice of the profession in the five years prior to the application date, or
 - iii. successful completion within the previous 18 months of a refresher program accepted by the Registration Committee.
 4. The applicant must be employed by or have an offer of employment from an employer where registered general practising occupational therapists are available to supervise the applicant.

- (2) For the purposes of subparagraph 1i of subsection (1), an academic qualification is not equivalent unless,
 - (a) the curriculum includes courses within the basic sciences, the behavioural sciences, the clinical sciences, the managerial sciences and occupational therapy theory, practice and field work; and
 - (b) the nature, extent and scope of those courses are substantially equivalent to a Bachelor of Science degree in Occupational Therapy obtained in Ontario.
- (3) The following are registration requirements for a provisional practising certificate of registration:
 1. The applicant must have registered to take an examination referred to in paragraph 1 of subsection 36 (3) at the next available sitting.
 2. The applicant must not have previously held a provisional practising certificate of registration.
 3. The applicant must provide evidence satisfactory to the Registrar that he or she has professional liability insurance as prescribed in the by-laws.
- (4) The following are conditions of a provisional practising certificate of registration:
 1. The member must practise the profession only under the supervision of an occupational therapist who holds a general practising certificate of registration and who has filed an employer acknowledgement form with the College.
 2. The member must take the examination referred to in paragraph 1 of subsection 36 (3) at the first available sitting unless the member obtains the Registrar's written consent to defer taking it because of exceptional circumstances.
 3. If the member fails to take the examination at the first available sitting and has not obtained the Registrar's consent to defer taking it before the examination, the member's certificate of registration automatically expires unless,
 - i. the member obtains the consent within 10 days after the examination, and
 - ii. the member files with the College a fresh employer acknowledgement form and any undertakings requested by the Registrar within 10 days after the examination.
 4. If the member satisfies the requirements in paragraph 3, the member shall take the examination at the next available sitting unless the Registrar directs otherwise, and this sitting is considered to be the first available sitting.
 5. If the member takes the examination at the first available sitting and does not successfully complete it, the member's certificate of registration automatically expires unless the member files with the College a fresh employer acknowledgement form and any undertakings requested by the Registrar within 60 days after the examination.
 6. If the member files the acknowledgement form and the undertakings, if any, under paragraph 5, the member shall take the examination at the next available sitting unless the Registrar directs otherwise in writing, and this sitting is considered to be the second available sitting.
 7. If the member fails to take the examination at the second available sitting in accordance with paragraph 6, the member's certificate automatically expires unless the member obtains the Registrar's written consent to defer because of exceptional circumstances within 10 days after the examination.

8. If the Registrar's consent is given under paragraph 7, the member shall take the examination at the next available sitting unless the Registrar directs otherwise in writing, and this sitting is considered to be the second sitting.
9. If the member takes the examination at the sitting referred to in paragraphs 6 and 8 and does not successfully complete it, the member's certificate of registration automatically expires upon the release of the result indicating that the member has failed.
10. If, at any time, the member passes the examination required under paragraph 2, the member's certificate of registration expires 60 days after the examination unless the member obtains the Registrar's consent in writing to maintain the certificate for a longer period of time.
11. The member must notify the Registrar in writing of his or her results immediately after they are released.
12. The member must have professional liability insurance as prescribed by the by-laws and shall, on request, provide evidence of such insurance to the Registrar.
- (5) The member who passes the examination required under paragraph 2 may be issued a general practising certificate of registration before the expiry of the provisional practising certificate of registration.
- (6) A member who qualifies for a general practising certificate of registration under subsection (5) has 18 months from the date of issue of the provisional certificate to satisfy the conditions set out in paragraph 1 of subsection 36 (4).

TEMPORARY CERTIFICATE OF REGISTRATION

38. (1) The following are registration requirements for a temporary certificate of registration:
 1. The applicant must hold a valid certificate of registration as an occupational therapist in another jurisdiction with education and clinical requirements equivalent to those of the College, as set out in subsections 36 (2) and 37 (2).
 2. The applicant must have an offer of employment or appointment not exceeding four months.
 3. A general practising member must have agreed to supervise the applicant and to be responsible for ensuring that the applicant provides appropriate care to clients.
 4. The applicant must provide satisfactory evidence to the Registrar that he or she has professional liability insurance as prescribed by the by-laws.
- (2) A temporary certificate of registration shall not be issued to a person for more than four months within a 12-month period.

SUSPENSIONS AND REVOCATIONS

39. (1) Where the Registrar has suspended a member's certificate of registration for failure to pay a required fee, the suspension may be lifted on payment of that fee, any fees that would have been payable had the member's certificate not been suspended and any applicable penalties
- (2) Where the Registrar has suspended a member's certificate of registration for failure to pay a required fee and the suspension remains in effect for a period of two years, the certificate is automatically revoked.

- (3) A member whose certificate of registration is revoked under subsection (2), section 41 or 42 and who applies to be reinstated is required to satisfy the current requirements for the class of certificate for which the reinstatement is sought and to pay the application fee and the registration fee payable for the year in which the member wishes to be reinstated.
40. Where an applicant states that he or she has obtained professional liability insurance but it is not practical to provide documentary evidence of coverage before the issuance of the certificate of registration, the Registrar may issue the certificate of registration on condition that such evidence be received by the College within 60 days of the issuance and, if it is not received in time, the certificate automatically expires.
41. A member's certificate of registration may be revoked by the Registrar if the member fails to provide satisfactory evidence of compliance with paragraph 1 of subsection 36 (4) on the annual renewal form unless the member obtains the Registrar's written approval by the renewal date, and the Registrar may attach conditions to such approval.
42. A member's certificate of registration may be revoked by the Registrar if the member fails to maintain the professional liability insurance required under this Regulation and as prescribed in the by-laws or if the member fails to provide satisfactory evidence of maintaining such insurance within 60 days of a request in writing from the College.

USE OF TITLE

43. A member who uses an abbreviation indicating that the member is registered or is recognized as an occupational therapist shall use the abbreviation "OT Reg. (Ont.)" in English or "Erg. Aut. (Ont.)" in French.



GENERAL REGULATION