



GUIDE TO INDEPENDENT PRACTICE: A CHECKLIST

Introduction

This checklist is provided to assist occupational therapists who are independent practitioners, to identify their primary responsibilities and to help ensure that their practices are managed according to related legislation, regulation, and standards of the profession. While College regulations, standards, and guidelines apply in varying degrees to all practices, there are some aspects of these documents that have particular importance for OTs practicing in an independent practice. This checklist highlights messages in such documents, but is not a comprehensive listing of all the regulatory or professional issues that need to be followed or considered in independent practice.

NOTE:

Registrants are accountable for the practice they provide to the public. Guidelines and other resource tools are published by the College for the assistance of the professional. They represent guidance from the College on how members should practice. Guidelines and other resource tools are intended to support, not replace, the exercise of professional judgement by OTs in particular situations.

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□ Insurance

- a. Will be determined by the nature of your practice.
- b. All Registrants are required to have malpractice insurance, and this does not change when one enters private practice.
- c. Additional insurance is outside of regulatory issues; however there are insurance issues which would be appropriate to investigate.
- d. An insurance broker may be the best resource when you are considering additional insurance (e.g. disability insurance, liability insurance, life, and health insurance, etc.).

□ Legislation

- a. Familiarize yourself with the various requirements from several levels of federal and provincial legislation (e.g., Health Care Consent and Substitute Decisions Act, Public Hospitals Act, Regulated Health Professions Act, Insurance Act, Standard Accident Benefit Schedule, Personal Health Information Privacy Act (PHIPA), etc.).
- b. It is not uncommon for occupational therapists to be working in both public and private systems. You may be working in different systems and consequently there will be information that you need to be familiar with. You are responsible to understand the system(s) in which you practise.
- c. Review the Essential Competencies which include several guidelines related to the administration of records.
- d. Review Principled OT Practice which can assist you in applying regulations and standards to daily practice; How Does Your Practice Measure Up?
- e. Review Professional Misconduct Regulation.
- f. Important to identify strategies in place to assist with risk management (incident reports).

□ Retention of Records

- a. Need to ensure that person/facility holding client records complies with legislation and the College's Practice Guideline.
- b. Registrants shall take all reasonable steps to ensure that records of his/her practice are kept in accordance to the College's Practice Guideline for Client Records (1999). Reasonable steps include the verification by the Registrant, at reasonable intervals, that the records are kept in accordance with this guideline.
- c. Records should be kept in a systematic and timely manner.
- d. According to the College's Guideline, health records must be maintained for at least 10 years from the date of last entry in the record. In the case of children, the record must be retained for 10 years after the date on which the client reached, or would have reached, 18 years of age.
- e. The client should always know how to access their record.

□ **Confidentiality**

- a. You must ensure that only authorized individuals have access to the information in the record, and that the information is accessed appropriately and in accordance with the legislation.
- b. It is an act of professional misconduct to give information about a client to a person other than the client or his or her authorized representative, except with the consent of the client or his or her authorized representative or as required or allowed by law.
- c. The guideline of transparent practice requires that clients be informed ahead of time about confidentiality rights and issues, and reporting procedures.
- d. Destruction of a record must be done in a secure manner that prevents anyone from accessing, discovering or otherwise obtaining the information.
- e. You must have a method of transporting records securely in the community, if this is needed in your practice.

□ **Computerized Records**

The Records may be made and maintained in a computer system if the system has the following characteristics:

- a. Provides a visual display of the recorded information.
- b. Provides a means of access to the record of each client by the client's name.
- c. Is capable of printing the recorded information promptly.
- d. Is capable of visually displaying and printing the recorded information chronologically for each client.
- e. Maintains an audit trail (refer to guideline).
- f. Provides reasonable protection against unauthorized access.
- g. Automatically backs up files and allows the recovery of backed up files, or otherwise, provides reasonable protection against loss of, damage to, and inaccessibility of information.

□ **Financial Records**

- a. A financial record shall be kept for every client to whom a fee is charged by the Registrant.
- b. The financial record must indicate the item/service sold, the cost of the item/service, the date the item/service was sold/provided and the date monies were received.
- c. A financial record must be retained separately from the medical file and consistent with the Practice Guidelines: Client Records.
- d. Occupational therapists have an obligation to understand the fees and billing practices for their service, whether or not they have responsibility for establishing them (Professional Misconduct).

□ **Billing Practices**

It is an Act of Professional Misconduct to:

- a. Fail to advise clients of the fee to be charged and/or the service covered by the fee or any penalties for late payment prior to providing a service or failing to provide the client with sufficient time to refuse the treatment and arrange for alternative services.
- b. Charge a fee that is excessive in relation to the service provided.
- c. Offer or give a reduction for prompt payment of an account.
- d. Fail to itemize an account for professional services.
- e. Breach an agreement with a client relating to professional services for the client or fees for such service.

□ **Advertising**

- a. Familiarize yourself with the difference between soliciting business from members of the public and potential referral sources.
- b. 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. This applies to any communication, whether in person or by telephone (22).

□ **Conflict of Interest**

- a. Ensure the practice of transparency with all clients and with current employers re: policies, service/wait lists, release/transfer of client information, etc.
- b. Client considerations (e.g., A therapist working in a hospital and offers private services to the same client). It is not uncommon for occupational therapists to be working in both public and private systems.
- c. Occupational therapists may not initiate contact with individuals believed to need care (e.g., a targeted clinical audience, individualized letter) in an attempt to directly solicit business.
- d. If you work in dual practice, manage these systems appropriately.

References

Administration of Records

Please refer to:

- Essential Competencies of Practice for Occupational Therapists in Canada (2003)
- Principled OT Practice (2002)
- Practice Guideline Client Records (1999)
- Prep Module 3: Client Records: Responsibilities for Ontario's Occupational Therapists (2001)
- Professional Misconduct Regulation (1993, 2000), specifically the Record Keeping and Reports' and 'Business Practices' sections

Retention

Please refer to:

- Practice Guideline: Client Records (1999)

Confidentiality

Please refer to:

- Practice Guideline: Client Records (1999)
- Prep Module 3: Client Records: Responsibilities for Ontario's Occupational Therapists (2001)
- Professional Misconduct Regulation (1993)

Computerized Records

Please refer to:

- Practice Guideline: Client Records (1999)

Guideline for Keeping Financial Records

Please refer to:

- Practice Guideline: Client Records (1999)
- Professional Responsibilities within a Climate of Managed Resources (2003)

Other Resources

OSOT – Ontario Society of Occupational Therapists www.osot.on.ca

CAOT – Canadian Association of Occupational Therapists www.CAOT.ca

COTO – Standards for Occupational Therapy Assessments (COTO-2007)