



## PRACTISING WITHOUT AUTHORITY

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**Established:** May 2009

**Most recent revision:** October 2011

**Applicable Categories of Registration:**

1. General Practising Certificate
2. Provisional Practising Certificate
3. Temporary Certificate

**Type of Requirement:** Applies to exemptible and non-exemptible requirements.

**Applicable Legislation:** From the *Occupational Therapy Act*, 1991:

**Restricted titles**

7. (1) No person other than a member shall use the title “occupational therapist”, a variation or abbreviation or an equivalent in another language.  
Representations of qualification, etc.
- (2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as an occupational therapist or in a specialty of occupational therapy.

**Applicable Regulation:**

35. (1) The following are registration requirements for a certificate of registration of any class:
  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.

**Principles(s):**

Only members of the College are allowed to use title and hold themselves out as an Occupational Therapist. Practising and using title without authorization are serious conduct issues. Individuals who use title without authorization may be deemed to have demonstrated conduct that indicates they lack the knowledge, skills or judgment to practise safely and ethically.

**Decision Criteria**

1. Any applicant who misuses title or has held himself or herself out as an occupational therapist may be referred to the Registration Committee.
2. The applicant will be asked to submit a written explanation to the Committee for their consideration. This must be a document signed by the applicant, and provided to the College as a hard-copy original, a fax or an electronic PDF document.
3. In determining the outcome of the case, the Committee will consider such factors as:
  - the strength of the evidence that the individual engaged in the conduct;
  - whether the individual made an error in judgment;



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- whether the individual willfully misused title / holding out;
- whether the individual was under suspension when he/she used misused title / holding out;
- the length of time title was misused / holding out;
- the attitude or remorse expressed by the individual regarding this offence;
- any consequences already suffered by the individual for the conduct (e.g., loss of job, criminal charges);
- any potential risk to the public posed by conduct; and
- any undertaking with the College agreed to by the individual.

#### Possible Outcomes:

1. The individual may enter into an Undertaking with the College, the terms of which may include:
  - a. Requiring the applicant to submit a letter of explanation and apology to the College for having misused title / holding out;
  - b. Having Terms, Conditions or Limitations imposed on the Certificate of Registration;
  - c. Publishing the name and details of the misuse of title / holding out in the member magazine;
  - d. Having the individual pay costs to the College for the expense in investigating and considering the conduct; or
  - e. Initiating court proceedings, with a consent disposition sought;
  - f. Paying a fine equivalent to the fees he or she should have paid while practising without authority.
2. If an individual has misused title while under suspension or revocation, the case will be referred to Investigations, Complaints and Reports Committee.
3. The Registration Committee may register the individual taking into consideration any undertakings agreed to by the applicant or any mitigating circumstances.
4. The Registration Committee may refuse to register the individual if they conclude that the individual lacks the knowledge, skill, and judgment to practise safely, ethically and effectively.
5. The Registration Committee may register the individual with terms, conditions and limitations.
6. The Registration Committee may bring the concerns to the Registrar with a recommendation for prosecution in court.