



# Concerns About OTs:

## How the College Makes Decisions

**You have the right to receive safe, ethical, quality care from an occupational therapist (OT). If that doesn't happen, you have another right – to complain to the College.**

Complaints are addressed by the complaints committee that is officially known as the [Inquiries, Complaints and Reports Committee \(ICRC\)](#). Read on to learn how they make their decisions about an OT's conduct or practice.

### Who can complain?



Anyone can make a complaint. That includes patients, clients, their family members, caregivers, colleagues of an OT, an employer and others.



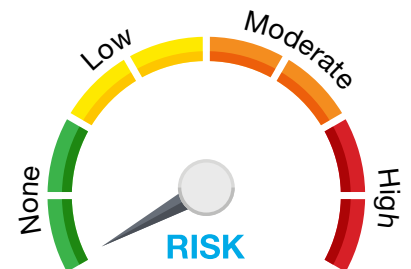
If there is a concern about an OT, contact us at 1-800-890-6570 or [investigations@coto.org](mailto:investigations@coto.org).

When investigating and reviewing concerns about OTs, the complaints committee looks at the nature of the issue and the possibility of harm to the client or patient.

### How does the complaints committee make decisions to protect clients and patients from harm?

The complaints committee uses a risk assessment framework. A framework is a system for evaluating the risk posed by an OT to:

- the public
- client care or safety
- the reputation of the occupational therapy profession.



All complaints are taken seriously and investigated. Using a framework helps make sure decisions are consistent. Sometimes a decision will be made that will not satisfy the person who complained. We understand the process can be frustrating.

Note: The complaints committee uses this risk framework when appropriate. An OT might have a mental or physical condition or disorder that interferes with their ability to practise as expected. That's called "incapacity". Such issues are assessed differently.

### What factors does the complaints committee consider when making decisions about risk?

Each case is different. The complaints committee considers all information when deciding what to do about an OT's conduct or practice.



**As part of its duty to protect the public, the complaints committee considers a series of questions, such as:**

- Do the concerns pose a direct risk to client care or safety?
- Has the OT been honest about the situation?
- Has the OT gained financially from the situation under investigation?
- Is this situation likely to happen again?
- Is there evidence supporting the concerns?
- Does the OT understand how the client is affected?
- Does the OT understand how their colleagues, employers and others are affected?
- Does the OT understand they have failed to meet College standards and expectations?
- Does the OT understand why the concerns are under investigation?
- Has the OT volunteered to take steps to make the situation better?
- Has the OT co-operated with the investigation?
- How long has the OT been practising?
- Does the OT regret what happened?
- Does the OT have a history of complaints or concerns on file with the College?



**Together, the answers can help establish risk levels, from none to high.**

This information will help the complaints committee make its decision. If the risk level is low to moderate, decisions are intended to be educational and corrective. If the level of risk is high, decisions are more serious.



### What are the decisions when there is no risk to the public?

- **Take No Action.** The complaints committee might decide the concerns don't pose a risk to the public, or that there's no evidence to support the concerns. So the decision may be to take no action.



### What are the decisions when the risk to the public is low?

- **Advice/Guidance.** The complaints committee suggests how the OT can avoid similar issues in the future.
- **Remedial Agreement.** Here, an OT typically agrees to complete additional learning assigned by the complaints committee. For instance, the OT would have to review certain College standards, and identify how they'll improve their practice in any areas of concern. Remedial agreements are voluntary. If an OT refuses to take part, the complaints committee will review the situation and consider if another outcome is more appropriate to prevent similar concerns from happening again.



### What are the decisions when the risk to the public is moderate?

- **Undertaking.** These are legally binding agreements. They include terms, like requiring the OT to practise under another OT's supervision for a defined period or to take a course on a topic like ethics. By law, a summary of the undertaking is made available until the OT completes its requirements.

- **Specified Continuing Education or Remedial Programs (SCERPs).** SCERPs can include things like courses or assessment by a peer, to educate the OT about professional standards and expectations. The goal is to improve or change the OT's practice where there are concerns and ensure that similar concerns don't repeat.
- **Caution-in-Person.** The OT has to appear in front of a panel of the complaints committee at the College. There, the panel gives a verbal caution to instruct the OT about appropriate conduct and practice, and emphasize the seriousness of the issues. This way, the committee can directly educate the OT on the level of ethics, judgement and professional integrity expected from all OTs.



## What are the decisions when the risk to the public is high?

- **Undertaking with Restrictions.** When the complaints committee thinks serious measures must be put in place to protect the public, the committee can put limits on an OT's practice that may include:
  - an agreement to only practise in the presence of a practice supervisor, or
  - an agreement to only resume practising after working with a College-trained OT to address identified concerns.
- **Referral to Discipline Committee.** A referral results in a formal hearing, where the College Discipline Committee can impose a series of disciplinary measures. Details of a referral to discipline, and a copy of the notice of the hearing, are posted on the OT's public profile at Find an Occupational Therapist.
- **Undertaking to Resign and Agree Never to Practise Again.** This usually happens when the complaints committee:
  1. determines that a referral to the Discipline Committee is warranted; and
  2. the College would seek a serious penalty at the discipline hearing, up to taking away a license to practise.

An OT would offer to enter into this agreement to avoid the discipline hearing. This information is posted on the OT's public profile.

- **Temporary Order.** The complaints committee can make an order restricting or suspending an OT's practice at any time (sometimes as soon as the College receives a complaint). This can happen if the concerns indicate a high risk of exposing clients to harm, for example, allegations of sexual abuse. If a temporary order is issued, the matter is investigated and a decision issued as quickly as is reasonably possible.



To help people make informed decisions about their care, the College publishes a summary of all decisions when the risk to the public is 'moderate' to 'high'. Summaries appear on the OT's public profile. Check Find an Occupational Therapist at [www.coto.org](http://www.coto.org).



## Contact Us

If you have questions or concerns about an OT, we can help.

Contact us at 1-800-890-6570 x223 or [investigations@coto.org](mailto:investigations@coto.org).

To find up-to-date information about anyone who is, or has been, registered with the College, check the public register at **Find an Occupational Therapist**.

To learn more, visit [www.coto.org](http://www.coto.org).