Introduction

The College is committed to supporting Ontario occupational therapists (OTs) to ensure they are competent, ethical and accountable when providing service to the public. This guide is intended to help OTs interpret and apply the legislation related to controlled acts within the context of their practice.

Under Ontario law, the Regulated Health Professions Act, 1991 (RHPA) certain acts, referred to as “controlled acts,” may only be performed by certain authorized health care professionals. Authorization to perform controlled acts is granted in legislation that is specific to each profession. For occupational therapy, the authorization for controlled acts and the professional scope of practice are provided for in the Occupational Therapy Act, 1991. Under appropriate circumstances, performance of controlled acts may also be delegated from a professional, who is authorized to perform a controlled act, to another professional who is competent to perform that same act.

Controlled Acts

Controlled Acts are procedures or activities which may pose a risk to the public if not performed by a qualified practitioner.

Controlled acts specified in the RHPA, section 27(2):

<table>
<thead>
<tr>
<th>Act</th>
<th>Controlled Acts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Communicating to the individual or his/her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his/her personal representative will rely on the diagnosis.</td>
</tr>
<tr>
<td>2</td>
<td>Performing a procedure on tissue below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea, or in or below the surfaces of the teeth, including the scaling of teeth.</td>
</tr>
<tr>
<td>3</td>
<td>Setting or casting a fracture of a bone or dislocation of a joint.</td>
</tr>
<tr>
<td>4</td>
<td>Moving the joints of the spine beyond the individual’s usual physiological range of motion using a fast, low amplitude thrust.</td>
</tr>
<tr>
<td>5</td>
<td>Administering a substance by injection or inhalation.</td>
</tr>
</tbody>
</table>
| 6   | Putting an instrument, hand or finger  
   i. beyond the external ear canal,  
   ii. beyond the point in the nasal passages where they normally narrow,  
   iii. beyond the larynx,  
   iv. beyond the opening of the urethra, |
v. beyond the labia majora,  
vi. beyond the anal verge,  
vii. or into an artificial opening into the body.

7 Applying or ordering the application of a form of energy prescribed by the regulations under this Act.

8 Prescribing, dispensing, selling or compounding a drug as defined in the Drug and Pharmacies Regulation Act or supervising the part of a pharmacy where such drugs are kept.

9 Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eyeglasses other than simple magnifiers.

10 Prescribing a hearing aid for a hearing-impaired person.

11 Fitting or dispensing a dental prosthesis, orthodontic or periodontal appliance or a device used inside the mouth to protect teeth from abnormal functioning.

12 Managing labour or conducting the delivery of a baby.

13 Allergy challenge testing of a kind in which a positive result of the test is a significant allergic response.

14 **Awaiting Proclamation - Not Yet in Force**  
Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual’s serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual’s judgement, insight, behaviour, communication or social functioning.

---

**Who Can Perform Controlled Acts?**

Controlled acts can only be performed by a regulated health professional authorized to perform the act under his or her profession-specific legislation or where the controlled act has been appropriately delegated by an authorizer to another professional who has the knowledge, skill and judgement to safely perform the act.

Depending on the controlled act, some professions may have **complete** authorization to perform the entire act while other professions may only have **partial** authorization to perform a specific part of the act. For example, physiotherapists (PTs) have partial authorization for the controlled act of putting an instrument, hand or finger into a body opening that permits performance of tracheal suctioning and assessment/treatment of pelvic musculature but PTs cannot perform any other parts of the act without delegation.

**OTs are not authorized to perform any controlled acts at this time.** However, the legislation does permit OTs to perform acupuncture without delegation (see Exemption).
Occupational Therapy Scope of Practice

Central to the discussion of controlled acts and delegation is the scope of practice for occupational therapy defined in the *Occupational Therapy Act, 1991* as follows:

The practice of occupational therapy is the assessment of function and adaptive behaviour and the treatment and prevention of disorders which affect function or adaptive behaviour to develop, maintain, rehabilitate or augment function or adaptive behaviour in the areas of self-care, productivity and leisure. 1991, c. 33, s. 3.

An OT must consider whether performance of a delegated controlled act falls within the occupational therapy scope of practice prior to accepting delegation.

**Psychotherapy (Awaiting Proclamation)**

The controlled act of psychotherapy (section 27 of the RHPA) is currently awaiting proclamation by the government. Once proclaimed, OTs will be authorized to perform the controlled act of psychotherapy and will be permitted to use the protected title ‘Psychotherapist’ as set out in the section 33.1(1) of the RHPA.

At present, an OT can perform psychotherapy but cannot yet call himself or herself a ‘psychotherapist’.

OTs performing psychotherapy are expected to practice according to the College Standards.

**Legislation Permitting OTs to Perform Controlled Acts**

In specific circumstances, the RHPA permits health professionals to perform controlled acts without having direct statutory authorization. OTs may be permitted to perform controlled acts in the following three ways:

- Exemptions (Acupuncture)
- Exceptions
- Delegation (Order or Medical Directive)

Regardless of the mechanism under which OTs are permitted to perform a controlled act, OTs are expected to obtain the necessary competencies to perform the act safely and to work within the scope of the occupational therapy profession.
Exemption

Exemptions are modifications to the legislation that grant direct authority for a specific task that falls within the parameters of a controlled act to a profession that is not otherwise authorized to perform the controlled act.

Acupuncture is the one exemption that applies to occupational therapy.

Acupuncture

Acupuncture is a procedure performed on tissue below the dermis, which is a controlled act. Through a legislative exemption under the RHPA, (Ontario Regulation 107/96, Controlled Acts, s. 8(2)), OTs are permitted to perform acupuncture on their own authority, that is to say, without delegation. The acupuncture exemption applies to OTs performing the activity of acupuncture within the occupational therapy scope of practice.

OTs performing acupuncture are expected to adhere to the Standards for Acupuncture. OTs are not permitted to delegate acupuncture to anyone.\(^2\)

Exceptions

Section 29(1) of the RHPA lists five exceptions in which OTs are permitted to perform a controlled act without authority or delegation:

1. Rendering first aid or temporary assistance in an emergency.
   OTs can provide emergency assistance that involves a controlled act without receiving delegation. For example, an OT can administer an epinephrine injection using an epinephrine injector for a client to prevent anaphylactic shock (the controlled act of administering a substance by injection). An OT can splint a fracture (the controlled act of setting a fracture) or apply a defibrillator (the controlled act of applying a form of energy) during an emergency situation.

2. Fulfilling the requirements to become a registrant of a health profession and the act is within the scope of practice of the profession and is done under the supervision or direction of a registrant of the profession.

\(^2\) With the proclamation of the Traditional Chinese Medicine Act, 2006, the practice of acupuncture was removed from the public domain to become part of the controlled act; performing a procedure on tissue below the dermis. OTs were granted an exemption to permit members of the profession to perform acupuncture without delegation.
Guide to Controlled Acts and Delegation 2017

This exception does not apply to OTs as, at the time of publication, OTs are not authorized to perform any controlled acts. When learning to perform controlled acts delegated to OTs, student OTs should receive delegation directly from the health professional authorized to perform the controlled act. Students should only receive delegation for the controlled acts that are appropriate for OTs to perform. The supervising OT should obtain delegation for his or her own involvement, provide the appropriate level of supervision to the student and advise the authorizer as to how the student will be involved.

3. Treating a person by prayer or spiritual means in accordance with the tenets of the religion of the person giving the treatment.
   This exception does not apply to OT.

4. Treating a member of the person’s household. The controlled acts allowed under this exception are communicating a diagnosis, administering a substance by injection or inhalation and putting an instrument, hand or finger into a body opening.
   This means that an OT, in his or her personal capacity of caregiver, can perform theses acts for his or her own family members without delegation.

5. Assisting a person with his or her routine activities of living. The controlled acts allowed under this exception are administering a substance by injection or inhalation and putting an instrument, hand or finger into a body opening.
   This exception is an important one for OTs. It gives OTs the authority to assist clients with managing routine activities such as changing a catheter, inserting a tampon, assisting with toileting, administering or titrating oxygen and administering insulin injections provided the OT is competent to assist. For example, increasing the oxygen level as prescribed when engaging the client in activity is considered a routine activity of living if the client’s condition is stable, oxygen therapy has been well-established for a period of time, and such oxygen titration changes are routine for the client within his or her home or community environment.

The interpretation of a routine activity of living may not always be clear. To make the distinction between a routine activity of living and the performance of controlled act requiring delegation, the OT needs to use his/her clinical judgement and consider the following questions:

- Is this activity one that is routinely taught to clients and caregivers so they can perform it in the absence of a health care provider? If it is, then it is likely a routine activity of living.
- Is the client’s condition stable? If the client has a stable, ongoing condition that requires regular management, it could likely be a routine activity of living. If the client’s condition is in an early, acute or changing state, the client’s condition may not be stable and as a result the activity might not yet be routine. Communicate with the authorizer to determine if the activity is appropriate to perform.
- Am I competent to perform the controlled act under the circumstances and am I prepared to manage any risks or outcomes associated with the performance of the act?
Delegation

Delegation is the legislative framework that allows the transfer of legal authority to perform a controlled act from a health professional authorized to perform the controlled act (the authorizer) to another health provider who is not authorized to perform the controlled act. In circumstances where an OT does not have authority to perform a controlled act under the legislation, an OT can accept delegation from an authorizer if the authorizer and the OT both have the competence (knowledge, skill and ability) to safely perform the act.

A controlled act can be delegated for a specific client at a point in time (for example, doctor’s order) or for a client population or group of clients over an unspecified period of time (for example, medical directive).

In every instance of delegation, the client’s best interest must be considered. In deciding to receive delegation of a controlled act, the OT should consider how to achieve an appropriate balance between client need, quality and access. Controlled acts must not be delegated solely for monetary or convenience reasons and quality patient care must not be compromised by the delegation.

Delegation and Assignment

To ensure clear and accurate communication, it is important for OTs to understand the difference between the terms delegation and assignment. Assignment is the process whereby an OT assigns components of occupational therapy service (such as range of motion exercises, ADL retraining, functional mobility, community integration, work simulation activities) that are not restricted acts, to a support person or other care provider. In these circumstances, OTs are not delegating, they are assigning the activity to the support personnel.

For additional information regarding the process of assignment refer to the Standards for the Supervision of Support Personnel.

Sub-delegation

It is considered sub-delegation when an individual who has acquired the authority to perform a controlled act through delegation, then delegates it to another provider. OTs are not permitted to sub-delegate to other health care professionals or support personnel.

When supervising a student, the student can perform a controlled act under the supervision or direction of the OT provided the OT:

- has appropriately received delegation (directly from a health professional who has the authority to perform the controlled act);
- is competent to perform the procedure; and,
- is confident the student is competent to safely perform the procedure.

It would be prudent for the OT to seek delegation for the student when the student is learning to perform the act. It is recommended that the OT communicate with the authorizer that a student will be working with the OT and involved in performing the procedure. In addition, it is expected that the OT will practise in accordance with the Standards for the Supervision of Students.
Delegation Process

Delegation involves the following two steps:

1. **Transfer of Authority**: The health professional who is authorized (the authorizer) to perform the controlled act under the RHPA transfers authority to the OT (the implementer).

2. **Provision of Instructions**: The authorizer provides specific instructions that must be followed by the implementer in performing the act. Direction or instruction can be provided through an order or a medical directive.

Orders and Medical Directives

Direction provided by an authorizer can take two forms:

a) **An order**: The criteria and conditions necessary to perform a specific controlled act for a specific client.

b) **A medical directive**: The authorization to perform a specific controlled act for multiple clients under specific conditions.

It is prudent for the OT to obtain the specific instructions provided by the authorizer in writing. If the directive is incomplete or unclear, it is the OT’s responsibility to seek clarification.

Suggested Content of a Directive for Delegation of a Controlled Act

A directive is intended to provide guidance or parameters related to decision-making when performing a controlled act. Each directive related to a controlled act needs to be context- or situation-specific. Ideally, directives are jointly developed by the regulated health professional with the authority for the controlled act and the OT to whom the act is being delegated.

**A directive may contain:**

1. a description of the controlled act being delegated;
2. specific client conditions and circumstances which must be met before the act can be implemented, including differentiating between acts that:
   (a) require a client-specific directive/order, that is, the directive can be implemented only on delegation of the act for a specified patient or,
   (b) may be implemented when the OT has identified that client conditions and circumstances have been met, that is, the OT may perform the controlled act on all patients referred to the team, providing the therapist identifies that conditions set out in the directive are met;
3. any contraindications for implementing the controlled act;
4. Identification of who may implement the controlled act, including specified educational requirements for the implementers;
5. Identification of a feedback mechanism to enable the OT(s) implementing the directive to contact the authorizer for clarification if needed;
6. Identification of resources available if the possible outcomes of treatment are not within the OT's competence or scope of practice;
7. Documentation requirements;
8. The date and signature of the administrative authority approving the directive; and
9. Any additional information.

Competence

When accepting delegation, OTs must ensure they have the knowledge, skill and judgement to perform the activity safely and effectively and are competent to manage all aspects of the act, including environmental factors and potentially adverse reactions. The type and combination of training undertaken by the OT must be sufficient to attain the required competencies prior to performing any controlled acts. Training may include formal courses, workshops, on-the-job supervised practice, observation, rounds and/or review of current evidence in the literature.

Controlled Acts and Appropriate Acceptance of Delegation

The College has considered the factors related to the safe, effective performance of controlled acts. The following section outlines the acts for which the College considers it appropriate for OTs to accept delegation and the acts for which the College does not recommend OTs accept delegation.

Performance of some controlled acts fall outside the scope of practice for occupational therapy or require knowledge, skills and experience not typically addressed in occupational therapy education. For these reasons, the College recommends that OTs do not pursue or accept delegation for certain controlled acts.

For each of the controlled acts, the following section outlines:
1. When it is not recommended for OTs to accept delegation for the act;
2. Activities associated with the controlled act that OTs are permitted to perform within the scope of practice of the profession; and,
3. When delegation of the controlled act to OTs may be appropriate.
1. Communicating to the individual or his or her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his personal representative will rely on the diagnosis.

(Refer to the College's Position Statement: On The Interpretation of the Controlled Act of Communicating a Diagnosis)

While OTs are not permitted to communicate a diagnosis, they do play an important role in collecting and interpreting data that contributes to and in some cases confirms a diagnosis. Since these activities are not controlled acts, they do not require delegation.

OTs are permitted to communicate assessment findings. OTs must assess a client’s ability to participate in activities, draw conclusions about the barriers to occupational performance and recommend appropriate interventions from these results. It is essential that the OT provide the client with an explanation of the nature of the problem, including labeling or naming the identified dysfunction, for example, ataxic gait, left neglect, fine motor delay. The College considers this to be communicating symptoms of a dysfunction, not a disease or disorder.

If the dysfunction suggests the presence of a disease or disorder that a diagnosing practitioner has not identified, the OT, with the client’s consent, should communicate the findings to the practitioner. If the diagnosing practitioner is the referral source, explicit permission from the client is not required to communicate this information unless the client expressly refuses consent. If the client has no relationship with a diagnosing practitioner, the OT should seek the client’s consent for referral to an appropriate practitioner.

As occupational therapy roles evolve, there may be circumstances where OTs have developed the required competency to receive delegation to perform the controlled act of communicating a diagnosis within a particular area of practice. If the authorizer and the OT are competent and procedures are in place to ensure safe performance of the act, it may be appropriate for an OT to accept delegation for this controlled act. For example, an OT with training and experience in arthritis care may have the required competencies to safely accept delegation to communicate a diagnosis of osteoarthritis of the thumb to the client.

2. Performing a procedure below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea, or in or below the surfaces of the teeth, including the scaling of teeth.

OTs may assess and provide care for superficial wounds, pressure ulcers and burns without delegation if the stage of the wounds does not require the OT to work below the dermis. For example, debridement of a wound may be performed by an OT when the wound is at the epidermis or dermis level. We would expect that an OT accepting delegation for this controlled act would have the necessary training and experience in wound care prior to accepting delegation.
3. Setting or casting a fracture of a bone or a dislocation of a joint.

Interventions that do not involve a fracture or dislocation, such as carpal tunnel syndrome, arthritis and post-surgical tendon repair, do not require delegation when an orthotic is required.

While orthotics are not specified in this controlled act, applying them to an unstable fracture carries a risk similar to applying a cast. Depending on the nature of the fracture and its healing stage, this treatment may require delegation.

4. Moving the joints of the spine beyond the individual’s usual physiological range of motion using a fast, low amplitude thrust.

The College recommends OTs not accept delegation of this act.

5. Administering a substance by injection or inhalation.

OTs are often delegated procedures within this controlled act when helping clients engage in daily activities. If the activities are routine activities of living, they do not require delegation as they fall under an exception.

However, when administering a substance by injection or inhalation is not a routine activity, delegation is required. The procedure may no longer be routine if the client’s health status has changed (become unstable), the client’s need for the procedure has changed or the client’s response to the procedure has changed.

For example, a client with a history of Chronic Obstructive Pulmonary Disease (COPD) has been admitted to hospital following a heart attack. The client experiences shortness of breath and dizziness with minimal physical exertion, requires assistance to transfer, and has extremely low activity tolerance. This is a significant change from the client’s pre-hospital admission status. Before proceeding with the controlled act of oxygen titration during a therapy session, the OT must use their clinical judgement to determine if the procedure requires delegation or falls under the routine activities of living exception.
The OT must consider:

i. Is the client’s respiratory status changing or fluctuating in any way?
ii. Has the client’s need for oxygen changed compared to the client’s pre-admission oxygen dose or delivery requirements?
iii. Has the client’s response to oxygen changed or become unpredictable?

If the answer to any of these questions is “yes”, then delegation may be necessary as the changing requirements for oxygen titration indicate that this is not a routine activity of living for this client at this time.

6. Inserting an instrument, hand or finger into a body opening.

This controlled act can be delegated to an OT. For example, an OT could receive delegation to provide suctioning beyond the larynx or through a tracheotomy. An OT may also receive delegation for assessment and treatment of pelvic health conditions impacting daily function.

As previously noted, routine activities of daily living are excepted from the requirement for delegation. Once established activities are well-established for the client, assisting a client with inserting a nasogastric tube, tampon, urinary catheter or birth control device may not require delegation.

7. Applying or ordering the application of a form of energy prescribed by the regulations under the RHPA.

The forms of energy referred to in Ontario Regulation 107/96 include:

a) electricity (for aversive conditioning, cardiac pacemaker therapy, cardioversion, defibrillation, electrocoagulation, electroconvulsive shock therapy, electromyography, fulguration, nerve conduction studies, transcutaneous cardiac pacing);
b) electromagnetism for magnetic resonance imaging; and
c) sound waves for diagnostic ultrasound or lithotripsy.

This controlled act is specific only to the procedures listed above. This means that while diagnostic ultrasound is a controlled act, the use of ultrasound as a treatment modality is not. Likewise, while using lasers to dissolve kidney stones is a controlled act, using lasers to treat a musculoskeletal condition, as would apply to occupational therapy practice, is not. Other procedures that involve forms of energy but are not controlled acts include:

- applying heat;
- using transcutaneous electrical nerve stimulation (TENS), other than to the heart;
- attaching electrodes that do not pierce the dermis to receive biofeedback; and,
- electrical muscle stimulation.
The ordering of x-rays is also not a controlled act. Instead it falls under the Healing Arts Radiation Protection Act, 1990 (HARP) that does not permit OTs to order x-rays. While OTs are often interested in ordering x-rays to support their practice, it must be recognized that it is the HARP and not the controlled act that limits access to OTs.

8. **Prescribing, dispensing, selling or compounding a drug as defined in subsection 1(1) of the Drug and Pharmacies Regulation Act 1990, or supervising the part of a pharmacy where such drugs are kept.**

This controlled act is specific to the procedures of prescribing, dispensing, selling or compounding a drug and does not include administration.

The College recommends OTs not accept delegation of this act.

Administration refers to everything that happens after the drug is dispensed. An OT does not require delegation to administer a medication unless it involves the controlled act of administering a substance by injection or inhalation, or the controlled act of inserting an instrument, hand or finger into a body opening. Inserting a rectal or vaginal suppository involves the controlled act of inserting an instrument, hand or finger into a body opening.

Administration includes preparing a dose of a drug from the client's labeled supply and providing it to the client when it is due. Similarly, administering pro re nata (PRN) medication as required does not require delegation if the medication has been dispensed to the client, is taken from his or her own medication supply and does not involve a controlled act to administer. OTs may also repackage properly dispensed medications into mechanical aids, such as a dosette, to facilitate self-administration, or administration by a family member or unregulated care provider. When administering medication, OTs must take necessary precautions to ensure accuracy and compliance with the prescribed medication.

9. **Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eyeglasses other than simple magnifiers.**

The College recommends OTs not accept delegation of this act.

Page magnifiers and non-prescription reading glasses are considered simple magnifiers. Therefore, recommending or providing magnifiers is not a controlled act and OTs do not need delegation to use these assistive devices with clients.
10. **Prescribing a hearing aid for a hearing impaired person.**

The College recommends OTs not accept delegation of this act.

An FM system that transmits sound waves from one person (for example, a teacher) to another person (for example, a student with a hearing or attention impairment) is not considered a hearing aid. Consequently, recommending or providing such a system is not considered a controlled act and an OT does not require delegation.

11. **Fitting or dispensing a dental prosthesis, orthodontic or periodontal appliance or a device used inside the mouth to protect teeth from abnormal functioning.**

The College recommends OTs not accept delegation of this act.

Recommending a mouth guard to protect the teeth from external blows or falls does not involve a controlled act so delegation is not required.

12. **Managing labour or conducting the delivery of a baby.**

The College recommends OTs not accept delegation of this act.

13. **Allergy challenge testing of a kind in which a positive result of the test is a significant allergic response.**

The College recommends OTs not accept delegation of this act.

14. **Treating by means of psychotherapy technique. (Awaiting Proclamation)**

At present, psychotherapy is not a controlled act and can therefore be performed by any OT who is competent to safely and effectively perform psychotherapy.

The controlled act of psychotherapy is awaiting proclamation. Once proclaimed, OTs who are competent to perform psychotherapy will be authorized to perform the controlled act (and use the title “psychotherapist” in compliance with the requirements set out in the RHPA). Delegation is not required.

All OTs performing psychotherapy are expected to adhere to the Standards for Psychotherapy.
Decision Tree for Receiving Delegation and Performing Controlled Acts

Applies only to Psychotherapy once proclaimed

1. Controlled Act
   Does the OT Act permit an OT to perform this act?
   - Yes
     - Is there a mechanism that would allow an OT to perform this procedure?
       - Yes
         - Delegation
           - Is the delegator authorized to perform the act?
             - Yes
             - Exemption (Acupuncture)
               - Is there an order or directive in place for delegation to OT?
                 - Yes
                 - Do not perform
                 - No
                 - Exception
                   - Do not perform
               - No
             - No
             - Do not perform
           - No
         - Do not perform
       - No
     - Occupation Therapy Scope of Practice
       - Is the activity within the occupational therapy scope of practice?
         - Yes
         - Competence
           - Is the OT prepared to manage any outcomes or adverse events that may arise when performing the procedure?
             - Yes
             - Confirming Client Condition
               - Does the client meet the criteria for performance of the controlled act?
                 - Yes
                 - Informed Consent
                   - Has the OT obtained consent from the client to perform the procedure?
                     - Yes
                     - Perform the Act
                     - No
                     - Do not perform
                   - No
                     - Do not perform
                 - No
               - No
             - No
             - Do not perform
           - No
         - No
       - No
     - Do not perform
2. No
   - Do not perform

Informed Consent
Has the OT obtained consent from the client to perform the procedure? Has the OT reviewed the benefits, limitations or risks of performing or not performing the procedure, the right to withdraw consent at any time, addressed any questions of the client?
- Yes
- No

Documentation
Ensure that the client's record contains reference to: the controlled act which has been delegated; date and any specific instructions related to the delegation; acceptance of the delegation; name and designation of the person delegating the act (refer to any orders or medical directives); client consent, refusal or withdrawal of consent.
Informed Consent

As with all interventions, informed consent must be obtained before the OT may perform all or part of a controlled act. The client must be advised if the act has been delegated and be given an opportunity to ask questions and receive answers about the procedure. For additional information regarding informed consent refer to the Standards for Consent.

Harm Clause

Section 30 of the RHPA includes a harm clause that prohibits any person from treating or advising a person about his/her health in circumstances in which it is reasonably foreseeable that serious physical harm may result. This clause regulates dangerous activities that may not be specifically listed as controlled acts. It is primarily meant to capture conduct by unregistered practitioners.

There are exceptions to the harm clause including:

- Registered practitioners acting within the scope of their profession;
- Those acting under the direction or in collaboration with a registered practitioner acting within the scope of his or her profession; and
- Persons acting pursuant to a properly given delegation

Informing Employers and Other Stakeholders

As a regulated health professional, an OT is accountable for adhering to legislation and professional standards in all situations. If an OT is asked to perform a controlled act outside his or her competence, it poses a risk to the client. The OT is obliged under the Ontario Regulation 95/07: Professional Misconduct to inform the authorizer and/or employer that he or she is unable to perform the activity. The OT may use such a situation to inform stakeholders about controlled act legislation.

Documenting Delegation and Performance of Controlled Acts

As with any intervention, documenting the process is important. The Standards for Record Keeping state “The occupational therapist will ensure that information is documented on all delegated controlled acts that he or she performs for a client.” Documentation should contain:

- the controlled act that has been delegated;
- any specific instructions related to the delegation;
- acceptance of the delegation; and
- the name, date, and designation of the person delegating the controlled act. For example, referencing a medical directive or order may be appropriate.
Summary

OTs, in a variety of practice settings and areas of practice are in a position to consider accepting delegation. OTs are accountable for their actions and responsible for demonstrating competency, seeking guidance and refraining from practice beyond the OT’s competence or scope of practice.

OTs are accountable for the practice they provide to the public. Guides are issued by the College to assist the professional. They represent guidance from the College on how OTs should practice in order to comply with legislation. Guides are intended to support, not replace, an OT’s application of clinical reasoning and professional judgment in the context of their practice setting.

References


Healing Arts Radiation Protection Act, 1990 (HARP) https://www.ontario.ca/laws/statute/90h02


College of Occupational Therapists of Ontario
20 Bay St, Suite 900, PO Box 78, Toronto, ON M5J 2N8
T 416.214.1177 • 1.800.890.6570 F 416.214.1173
www.coto.org

Information contained in this document is the property of the College of Occupational Therapists of Ontario and cannot be reproduced in part or whole without written permission.
© 2017, College of Occupational Therapists of Ontario
All rights reserved.