



PRACTISING WITHOUT AUTHORITY

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Established: May 2009
Revised: October 2011
Most recent revision: September 2016

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*:

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: From Ontario Regulation 226/96: General, under the *Occupational Therapy Act, 1991*:

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 will not practise occupational therapy 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 being registered with the College and/or hold themselves out as qualified to practise occupational therapy in Ontario may provide reasonable grounds for the belief that they will not practise occupational therapy safely and ethically.

Decision Criteria

1. Any applicant who misuses title or has held themselves out as an occupational therapist may be referred to the Registration Committee. In determining whether the application



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will be referred to the Registration Committee the Registrar 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;
- whether the individual willfully 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:

2. The Registrar may issue a certificate of registration to an applicant who undertakes to:
 - a. submit a letter of explanation and acknowledgement of the professional error;
 - b. be duly registered with the College when practising as an occupational therapist or using the title occupational therapist;
 - c. successfully complete the Prescribed Regulatory Education Module 2016 – Jurisprudence; and,
 - d. pay any fees that would have been payable had they been registered with the College, including a late payment fee.
3. If the Registrar has doubts about whether the applicant will practice safely and ethically, the application will be referred to the Registration Committee. Refer to Registration Committee policy – Determining Suitability to Practise at Registration (8-72) for details.
4. If an individual has misused title while under suspension or revocation, the case will be referred to Investigations, Complaints and Reports Committee.