



## Determining Suitability to Practise at Registration

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<b>Section:</b>	Registration
<b>Applies to:</b>	All applicants for all classes of registration
<b>Approved by:</b>	Registration Committee
<b>Date Established:</b>	March 2017
<b>Date Effective:</b>	April 1, 2017
<b>Date Revised:</b>	June 2017, February 2022

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### Purpose

This policy describes the process and criteria the College uses to determine if an applicant is suitable to practise.

### Principles

The College has an obligation to help ensure that members of the public receive safe and ethical care from occupational therapists. One of the ways the College does this is by ensuring that all applicants are 'suitable to practise' the profession at the time of registration.

### Policy

Concerns about suitability to practise may arise over an applicant's conduct and character when there are such things as previous findings of professional misconduct, or when an applicant has been found guilty of a criminal offence. Suitability to practise also includes determining whether an applicant has a physical or mental condition or disorder that could affect their ability to practise safely.

Concerns about suitability to practise will be reviewed by the Registrar.

### Reporting on suitability to practise

As part of their application to the College, applicants are required to:

- Answer questions about their suitability to practise on the registration application form (and attach any submissions or documents that will help clarify their suitability to practise, if needed)
- Submit the results of a Vulnerable Sector Check and any additional information requested by the Registrar related to the results



- Provide additional information from other regulatory organizations, if applicable.

### **Identifying concerns about suitability to practise**

The Registrar may determine that a detailed review of an applicant's suitability to practise is required. This could happen when:

- an applicant answers "yes" to any question in the suitability to practise section of the application form
- another jurisdiction or profession where the applicant has registered informs the College of any proceeding or finding of professional misconduct, incompetence, or incapacity
- results of a Vulnerable Sector Check are unclear
- the College receives information about the applicant that could form reasonable grounds for questioning whether they will practise occupational therapy safely and ethically.

### **Process for the review**

The applicant will be notified in writing that the Registrar has concerns about their suitability to practise and will provide the applicant with an opportunity to provide the requested information as well as any written submissions. If the Registrar still has concerns about the applicant's suitability to practise, the Registrar will refer the application to the Registration Committee. The applicant will be given at least 30 days to make submissions and provide any additional supporting documents to the Registration Committee.

The onus is on the applicant to demonstrate that their conduct, character, physical or mental health will not affect their suitability to practise.

### **Submitting documents**

The applicant may submit any supporting documents they feel are relevant within the timelines they are given. If they need more time, they must contact the College to request an extension.

Examples of documents from the applicant may include:

- A personal statement that describes the issue or incident and explains how the applicant feels it could impact their ability to practise safely and ethically
- Proof that the applicant has successfully completed a rehabilitation or remediation program imposed by a court or regulatory body
- Letters of reference from employers or colleagues who are aware of the facts of the matter
- Official copies of legal documents such as court and police records, discharges, and pardons
- Letters from health care providers who were or are treating the applicant giving their professional opinion on the applicant's capacity to practice.

Where the applicant may have had an interaction with the criminal justice system, the College itself may obtain the information or documentation. This can happen if the applicant is unable or unwilling to provide the relevant material, or to verify the information provided by the applicant.



## **Conducting the review**

The Registration Committee will review the documents and information provided. If the Committee needs more information, clarification, or documentation, it will notify the applicant in writing, giving them a set period of time to respond.

## **Criteria for making decisions**

The Registration Committee must consider issues of suitability to practice through the lens of public safety. It will look at the nature of the issue, how honest the applicant has been about it, and what actions the applicant has taken to ensure they can practice occupational therapy safely and ethically after registration.

Examples of questions that the Committee considers, based on the information and documents it has received, may include:

### **What is the nature of the issue?**

- How serious is this issue?
- How relevant is it to professional practice as an occupational therapist?
- Is the applicant a member of a group that has historically been subject to systemic discrimination?
- Are there any details about this issue that lessen or increase its seriousness?
- How long ago did it happen?
- How often did it happen and for how long?
- Did it involve dishonesty or a breach of trust on the part of the applicant?
- Was intoxication or impairment from drugs involved?
- Does this issue involve a physical or mental condition or disorder?

### **How honest was the applicant about it?**

- Did the applicant answer the suitability to practise questions on the application honestly?
- Did the applicant address the issue in their application?
- Did the College learn of the issue by some other means, for example, from another regulatory body, or through the results of the Vulnerable Sector Check?
- Did the applicant submit documents and information when the College requested them?

### **What actions has the applicant taken?**

- Has the applicant shown remorse, concern, or insight into this issue?
- Has the applicant taken part in any remediation or rehabilitation program?
- If the applicant has taken action to address the issue, have they been able since then to study and practise with no further issues related to their suitability to practise safely and ethically?

## **What the Registration Committee can decide**

By law, and based on the criteria above, the Committee can decide to take any of the following actions. The decisions it makes depend on the facts of each case. The Committee can:

- Direct the Registrar to issue a certificate of registration



- Direct the Registrar to issue a certificate of registration if the applicant successfully completes required examinations
- Direct the Registrar to issue a certificate of registration if the applicant successfully completes more training
- Direct the Registrar to issue a certificate of registration with terms, conditions, or limitations
- Require the applicant to sign an undertaking or legal contract with the College, setting out the restrictions under which they can practise
- Direct the Registrar to refuse to issue a certificate of registration.

The Registration Committee will send its decision and reasons to the applicant in writing.

### **Appeals**

Applicants can appeal any decision of the Registration Committee to the Health Professions Appeal and Review Board. They must do so within 30 days of receiving their written decision.

### **Legal Requirement**

[Ontario Regulation 226/96: General, under the Occupational Therapy Act, 1991, s. 35\(1\) Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, s. 85.6.4](#)