

ALBERTA REGULATION 217/2006

Health Professions Act

## OCCUPATIONAL THERAPISTS PROFESSION REGULATION

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## **Definitions**

### **1** In this Regulation,

- (a) "Act" means the *Health Professions Act*;
- (b) "College" means the Alberta College of Occupational Therapists;
- (c) "Competence Committee" means the competence committee of the College;
- (d) "Complaints Director" means the complaints director of the College;
- (e) "Council" means the council of the College;
- (f) "courtesy register" means the courtesy register category of the regulated members register;
- (g) "general register" means the general register category of the regulated members register;
- (h) "Hearings Director" means the hearings director of the College;
- (i) "provisional register" means the provisional register category of the regulated members register;
- (j) "Registrar" means the registrar of the College;
- (k) "Registration Committee" means the registration committee of the College;
- (l) "registration year" means the period of time between 2 successive dates established in the bylaws made under section 132 of the Act by which a regulated member is required to apply for the renewal of a practice permit;
- (m) "Reinstatement Review Committee" means the reinstatement review committee of the College;

- (n) "standards of practice" means the standards of practice governing the practice of occupational therapy as adopted by the Council in accordance with the bylaws and section 133 of the Act.

## Registers

### Register categories

**2** The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) general register;
- (b) provisional register;
- (c) courtesy register.

## Registration

### General register

**3(1)** An applicant for registration as a regulated member on the general register must

- (a) have a baccalaureate degree in occupational therapy or an entry level masters degree in occupational therapy from an occupational therapy program approved by the Council,
- (b) have completed 1000 hours of supervised clinical education within a program of study approved by the Council, and
- (c) have successfully completed a registration examination approved by the Council.

**(2)** An applicant for registration under subsection (1) must meet at least one of the following:

- (a) have met the requirements set out in subsection (1) within the 2 years immediately preceding the date the Registrar receives a complete application;
- (b) have been engaged in the practice of occupational therapy for not fewer than
  - (i) 400 hours within the year immediately preceding the date the application is received by the Registrar,
  - (ii) 800 hours within the 2 years immediately preceding the date the application is received by the Registrar,

- (iii) 1200 hours within the 3 years immediately preceding the date the application is received by the Registrar, or
- (iv) 1550 hours within the 5 years immediately preceding the date the application is received by the Registrar;
- (c) have successfully completed a refresher program in occupational therapy as approved by the Council within the 2 years immediately preceding the date the application is received by the Registrar;
- (d) demonstrate to the satisfaction of the Registrar that the applicant is currently competent to practise as an occupational therapist.

### **Equivalent jurisdiction**

**4** An applicant for registration as a regulated member who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements to the registration requirements set out in section 3 may be registered on the general register.

### **Substantial equivalence**

**5(1)** An applicant for registration as a regulated member who does not meet the registration requirements under section 3 but whose qualifications have been determined by the Registrar or Registration Committee under section 28(2)(c) of the Act to be substantially equivalent to the registration requirements set out in section 3 may be registered on the general register.

**(2)** In determining whether an applicant's qualifications are substantially equivalent under subsection (1), the Registrar or Registration Committee may require an applicant to undergo any examination, testing or assessment activity to assist with the determination.

**(3)** The Registrar may direct an applicant under subsection (1) to undergo any education or training activities the Registrar or Registration Committee considers necessary in order for the applicant to be registered.

**(4)** The Registrar may require an applicant under subsection (1) to provide any other relevant information or evidence that the Registrar or Registration Committee considers necessary in order to assess an application under this section.

### **Provisional register**

**6(1)** An applicant for registration as a regulated member may be registered on the provisional register if the applicant

- (a) is qualified to practise occupational therapy in another jurisdiction and his or her competencies are being assessed by the Registrar,

- (b) has fulfilled the registration requirements set out in section 3 but has not completed the registration examination referred to in section 3(1)(c), or
- (c) is enrolled in a refresher program in occupational therapy approved by the Council for the purpose of completing the registration requirements referred to in section 3(2)(c).

**(2)** A person who is registered on the provisional register may practise only under the supervision of a regulated member registered on the general register or courtesy register.

**(3)** A registration on the provisional register may be valid for up to one year.

**(4)** The Registrar may extend a registration on the provisional register if the Registrar is of the opinion that extenuating circumstances exist.

### **Courtesy register**

**7(1)** A person who is registered as an occupational therapist in good standing in another jurisdiction and who requires registration in Alberta on a temporary basis for a specified purpose may apply to be registered on the courtesy register.

**(2)** The Registrar may register an applicant under subsection (1) on the courtesy register for a period of time specified by the Registrar if

- (a) the specified purpose is approved by the Registrar, and
- (b) the Registrar is satisfied of the applicant's competence to provide the services related to the specified purpose safely and effectively.

### **Good character and reputation**

**8** Every applicant for registration as a regulated member must provide written evidence satisfactory to the Registrar of having good character and reputation by submitting one or more of the following on the request of the Registrar:

- (a) references from colleagues and, where applicable, from another jurisdiction in which the applicant is currently registered;
- (b) a statement by the applicant as to whether the applicant is currently undergoing an investigation or is subject to an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of occupational therapists or of another profession;
- (c) the results of a current criminal records check;
- (d) a statement by the applicant as to whether the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada

or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;

- (e) any other relevant evidence as requested by the Registrar.

### **Liability insurance**

**9** Every applicant for registration as a regulated member must provide evidence of having the type and amount of liability insurance required by the Council.

### **English language requirements**

**10(1)** Every applicant for registration as a regulated member must be sufficiently proficient in English to be able to engage safely and competently in the practice of occupational therapy.

**(2)** An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

### **Practice Permit**

### **Renewal requirements**

**11** A regulated member who applies for renewal of a practice permit must comply with the requirements respecting liability insurance and good character set out in sections 9 and 10 and must

- (a) have been engaged in the practice of occupational therapy for not fewer than
  - (i) 400 hours within the year immediately preceding the application for renewal,
  - (ii) 800 hours within the 2 consecutive registration years immediately preceding the application for renewal,
  - (iii) 1200 hours within the 3 consecutive registration years immediately preceding the application for renewal, or
  - (iv) 1550 hours within the 5 consecutive registration years immediately preceding the application for renewal,
- (b) within the 2 years immediately preceding the application for renewal, have successfully completed a refresher program in occupational therapy approved by the Council, or
- (c) within the 2 years immediately preceding the application for renewal, have completed the educational requirements specified in section 3.

### **Conditions**

**12** When issuing a practice permit, the Registrar may impose conditions, including, but not limited to, the following:

- (a) practising under supervision;
- (b) limiting the practice to specified professional services or to specified areas of the practice of occupational therapy;
- (c) refraining from performing specified restricted activities.

## Continuing Competence

### **Continuing competence program**

**13(1)** As part of the continuing competence program, a regulated member must each year complete the following in a form approved by the Council:

- (a) a practice challenge log identifying practice challenges;
- (b) a self-assessment questionnaire indicating the areas where continuing competence activities are to be undertaken by the regulated member for the next registration year;
- (c) a competence maintenance log that records professional activities that support the maintenance of competence or the enhancement of the regulated member's practice;
- (d) a continuing competence portfolio containing documentation that illustrates the quality of the regulated member's practice.

**(2)** Every regulated member must, on the request of the Registrar or Competence Committee, submit any of the documentation referred to in subsection (1) to the Registrar or Competence Committee.

### **Review, evaluation**

**14(1)** The Registrar or Competence Committee must periodically select regulated members in accordance with criteria established by the Council for a review and evaluation of all or part of a regulated member's continuing competence program.

**(2)** If a regulated member does not comply with the continuing competence requirements set out in section 13, the Registrar or Competence Committee may require the regulated member to submit to a practice visit.

### **Practice visits**

**15(1)** A person appointed by the Competence Committee under section 11 of the Act is authorized to carry out practice visits and may, for the purpose of assessing continuing competence, select individual regulated members for a practice visit.



**(2)** The criteria for selecting members for review are the criteria developed by the Competence Committee and approved by the Council.

### **Actions to be taken**

**16** If the results of a review and evaluation under section 14 or of a practice visit under section 15 are unsatisfactory, the Competence Committee may direct a regulated member or group of regulated members to undertake any one or more of the following within a specified period of time:

- (a) to complete specific competence program requirements;
- (b) to correct any problem identified in the practice visit;
- (c) to submit to periodic review and evaluation;
- (d) to report to the Competence Committee on specified matters.

### Restricted Activities

#### **Authorized restricted activities**

**17** A regulated member may, in the practice of occupational therapy and in accordance with the standards of practice governing the performance of restricted activities approved by the Council, perform the following restricted activities:

- (a) to cut a body tissue, to administer anything by an invasive procedure on body tissue for the purpose of administering injections and providing wound debridement and care;
- (b) to insert or remove instruments, devices or fingers
  - (i) beyond the cartilaginous portion of the ear canal,
  - (ii) beyond the point in the nasal passages where they normally narrow,
  - (iii) beyond the pharynx,
  - (iv) beyond the opening of the urethra,
  - (v) beyond the labia majora,
  - (vi) beyond the anal verge, or
  - (vii) into an artificial opening into the body;
- (c) to set or reset a fracture of a bone for the purpose of splinting hands, arms, feet or legs, applying fracture braces and performing cranioplasty;

- (d) to reduce a dislocation of a joint except for a partial dislocation of the joints of the fingers and toes;
- (e) to administer diagnostic imaging contrast agents;
- (f) to fit an orthodontic or periodontal appliance for the purpose of fitting a mouth stick or mouth splint;
- (g) to perform a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs
  - (i) judgment,
  - (ii) behaviour,
  - (iii) capacity to recognize reality, or
  - (iv) ability to meet the ordinary demands of life.

### **Special authorization restricted activities**

**18** For the purpose of needle acupuncture, only a regulated member who has provided evidence to the Registrar of having successfully completed advanced training approved by the Council and the Registrar so indicates it on the regulated members register may, in the practice of occupational therapy and in accordance with the standards of practice governing the performance of restricted activities approved by the Council, perform the restricted activity of

- (a) cutting a body tissue, or
- (b) performing other invasive procedures on body tissue below the dermis or the mucous membrane.

### **Restriction**

**19(1)** Despite any authorization to perform restricted activities, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the member's area of practice and the procedure being performed.

**(2)** A regulated member who performs a restricted activity must do so in accordance with the standards of practice adopted by the Council under section 133 of the Act.

### **Supervision of students**

**20** A student who is enrolled in an occupational therapy program approved by Council is permitted to perform the restricted activities referred to in section 17 with the consent of and under the supervision of a regulated member of the College who

- (a) is authorized to perform the restricted activity being supervised, and
- (b) is either
  - (i) present in the room and available to assist, or
  - (ii) not present in the room but available for consultation if the supervising regulated member is of the opinion that the student is able to safely and effectively perform the restricted activity.

### **Non-regulated persons, supervision**

**21(1)** A person who is not referred to in section 4(1)(a) of Schedule 7.1 to the *Government Organization Act* and who

- (a) has the consent of, and is being supervised in accordance with subsection (2) by, a regulated member of the College while performing the restricted activity, and
- (b) is engaged in providing health services to another person, is permitted to perform the following restricted activities:
- (c) to cut a body tissue, to administer anything by an invasive procedure on body tissue for the purpose of administering injections and providing wound debridement and care;
- (d) to set or reset a fracture of a bone for the purpose of splinting hands, arms, feet or legs, applying fracture braces or performing cranioplasty;
- (e) to administer diagnostic imaging contrast agents;
- (f) to perform a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs
  - (i) judgment,
  - (ii) behaviour,
  - (iii) capacity to recognize reality, or
  - (iv) ability to meet the ordinary demands of life.

**(2)** When a regulated member of the College supervises a person referred to in subsection (1) performing a restricted activity, the regulated member of the College must

- (a) be authorized to perform the restricted activity being performed,

- (b) supervise the person who is performing the restricted activity by being on-site and available for consultation and to assist while the non-regulated person is performing the restricted activity, and
- (c) comply with the standards approved by the Council governing the provision of supervision by regulated members of persons performing restricted activities pursuant to this section.

**(3)** If, in the opinion of the supervising regulated member of the College, the person performing the restricted activity under subsection (1) is able to safely and effectively perform the restricted activity and does not require the type of supervision set out in subsection (2), the supervising regulated member must be available for consultation while the person performs the restricted activity and must review the restricted activity performed by that person.

## Titles

### Titles and initials

**22(1)** A regulated member on the general register or on the courtesy register may use the following titles and initials:

- (a) registered occupational therapist;
- (b) occupational therapist;
- (c) O.T.

**(2)** A regulated member registered on the provisional register may use the title "provisional occupational therapist".

**(3)** A regulated member who holds a doctorate degree in occupational therapy from a program approved by the Council may use the title "Doctor" and the abbreviation "Dr." alone or in combination with other words in connection with providing a health service within the practice of occupational therapy.

## Alternative Complaint Resolution

### Process conductor

**23** When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

### Agreement

**24** The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which

must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

### **Confidentiality**

**25** The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.

### **Leaving the process**

**26** The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.

## **Reinstatement**

### **Reinstatement application**

**27(1)** A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the registration reinstated and the practice permit reissued.

**(2)** An application under subsection (1) may not be made earlier than

- (a) 3 years after the date of cancellation, or
- (b) 2 years after a decision under section 32(1)(a) is made refusing an application.

**(3)** An applicant under subsection (1) must provide evidence to the Registrar of qualifications for registration.

### **Reinstatement Review Committee**

**28(1)** On receipt of an application under section 27, the Registrar must refer the application to the Hearings Director who must appoint, in accordance with the bylaws, regulated members to a Reinstatement Review Committee to hold a hearing on the application.

**(2)** Any regulated member involved in the initial cancellation of the registration may not be a member of the Reinstatement Review Committee.

### **Hearing date**

**29(1)** The Hearings Director must schedule a hearing regarding the application for reinstatement to be held within 90 days of receipt of the application by the Registrar under section 27.

**(2)** The Registrar must provide to the person making the application, at least 30 days before the date of the hearing, written notice of the date, time and location of the hearing.

## **Hearing**

**30(1)** A hearing is open to the public unless the Reinstatement Review Committee determines on its own motion or on an application by a person that the hearing or part of it should be in private

- (a) because of probable prejudice to a civil action or a prosecution of an offence,
- (b) to protect the safety of the person or the public,
- (c) because not disclosing a person's confidential, personal, health, property or financial information outweighs the desirability of having the hearing open to the public,
- (d) because of other reasons satisfactory to the Reinstatement Review Committee, or
- (e) because another Act requires that the hearing or part of the hearing be held in private.

**(2)** The applicant must present evidence of the actions taken since the cancellation.

**(3)** The Registrar or a person that the Registrar designates may appear at the hearing on behalf of the College to present evidence, including a copy of the decision and of the record of the hearing at which the applicant's registration and practice permit were cancelled, and to make submissions respecting the application.

**(4)** If a person is designated under subsection (3), the Registrar must inform the applicant of the person's name at least 30 days before the date of the hearing.

**(5)** The following may be represented by legal counsel at the hearing:

- (a) the Reinstatement Review Committee hearing the application;
- (b) the applicant;
- (c) the Registrar or a person designated under subsection (3).

**(6)** Evidence may be given before the Reinstatement Review Committee in any manner that the Reinstatement Review Committee considers appropriate and the Reinstatement Review Committee is not bound by the rules of law respecting evidence applicable to judicial hearings.

**(7)** The Reinstatement Review Committee may request any person it considers advisable or necessary to appear before it to give evidence.

## **Deliberations**

**31** In determining whether or not an application for reinstatement should be approved, the Reinstatement Review Committee must

- (a) consider the record of the hearing at which the applicant's registration and practice permit were cancelled, and
- (b) consider whether
  - (i) the applicant meets the current requirements for registration,
  - (ii) any conditions imposed at the time the applicant's registration and practice permit were cancelled have been met, and
  - (iii) the applicant is fit to practise occupational therapy and does not pose a risk to public safety.

## **Decision**

**32(1)** The Reinstatement Review Committee must, within 60 days after the conclusion of a hearing, issue a written decision containing one or more of the following orders:

- (a) an order denying the application;
- (b) an order directing the Registrar to reinstate the applicant's registration and to reissue the applicant's practice permit if the applicant is eligible for registration as a regulated member in a register referred to in section 2;
- (c) an order directing the Registrar to impose specified conditions on the applicant's practice permit;
- (d) an order directing the applicant to pay any or all of the College's expenses incurred in respect of the application, as calculated in accordance with the bylaws;
- (e) any other order that the Reinstatement Review Committee considers necessary for the protection of the public.

**(2)** The Reinstatement Review Committee must provide reasons for any of its orders in its written decision.

## **Review**

**33(1)** An applicant whose application is denied under section 32(1)(a) or on whose practice permit conditions have been imposed under section 32(1)(c), may apply to the Council for a review of the decision of the Reinstatement Review Committee.

(2) Sections 31 and 32 of the Act apply to a review under subsection (1).

### **Access to decision**

**34(1)** The Reinstatement Review Committee, under section 32, and the Council, under section 33, may order that its decision be publicized in a manner it considers appropriate.

(2) The College must make a decision under section 32 or 33 available for 10 years to the public on request.

## **Information**

### **Providing information**

**35** A regulated member or an applicant for registration as a regulated member must provide the following information in addition to that required under section 33(3) of the Act on the initial application for registration, when there is a change to the information or at the request of the Registrar:

- (a) business address;
- (b) year of registration;
- (c) degrees and other qualifications, including specialization;
- (d) College or school from which the regulated member graduated;
- (e) year of graduation;
- (f) date of birth;
- (g) date of retirement.

### **Section 119 information**

**36** The periods of time during which the College is required to provide information under section 119(4) of the Act to a member of the public are as follows:

- (a) information referred to in section 33(3) of the Act entered in a register for a regulated member, except for the information referred to in section 33(3)(h) of the Act, while the named regulated member is registered as a member of the College;
- (b) information referred to in section 119(1) of the Act respecting
  - (i) the suspension of a regulated member's practice permit, while the suspension is in effect,



- (ii) the cancellation of a regulated member's practice permit, for 10 years after the cancellation,
  - (iii) the conditions imposed on a regulated member's practice permit, while the conditions are in effect, and
  - (iv) the directions made that a regulated member cease providing professional services, while the directions are in effect;
- (c) information as to whether a hearing is scheduled to be held under Part 4 of the Act with respect to a named regulated member, until the hearing is concluded;
- (d) information respecting
- (i) whether a hearing has been held under Part 4 of the Act with respect to a named regulated member, for 2 years after the hearing tribunal rendered its decision,
  - (ii) a decision referred to in section 85(3) of the Act of a hearing held under Part 4 of the Act, for 2 years after the date the hearing tribunal rendered its decision, and
  - (iii) a record of the hearing referred to in section 85(3) of the Act of a hearing held under Part 4 of the Act, for 30 days after the date the hearing tribunal rendered its decision.

## Transitional Provision, Repeal and Coming into Force

### Transitional

**37** On the coming into force of this Regulation, a person described in section 6(a) or (b) of Schedule 15 to the Act is deemed to be entered on the regulated members register in the register category that the Registrar considers appropriate.

### Repeal

**38** The *General Regulation* (AR 126/90) is repealed.

### Coming into force

**39** This Regulation comes into force on the coming into force of Schedule 15 to the *Health Professions Act*.