

Answers to Frequently Asked Questions About: *Practice Across Jurisdictions*

October 2021

Background

This Frequently Asked Questions (FAQ) document features answers to questions fielded from occupational therapists (OTs) in Alberta and internationally regarding registration requirements when providing virtual and in-person services within and beyond the Alberta border. It has been prepared to supplement ACOT's **Considerations for Virtual Practice** guideline. This practice guideline features answers to questions in response to the **Memorandum of Understanding (MOU) on Cross-Jurisdiction Virtual Practice** which was led by the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO). The MOU will be signed and adopted by Canadian OT regulators whose legislation permits them to do so. ACOT is adopting the MOU in principle, effective October 1, 2021.

The list of questions in this Practice FAQs is not exhaustive and will be updated as unique questions are asked. If you have any concerns or questions about the content of the answers, please contact [ACOT](#).

- A. [Practice Within Canada](#) (Alberta OTs practicing in other provinces/territories; OTs from other provinces/territories practicing in Alberta)
- B. [Practice Outside of Canada](#) (Alberta OTs practicing in other states/countries; OTs from other states/countries practicing in Alberta)
- C. [Registration Requirement Tables](#) (Use these tables to help you determine if/where registration is required depending on where you and/or your client are physically situated at the time of OT service delivery)

Questions and Answers

A. Practice Within Canada

1. What is the intent of the Virtual Practice Memorandum of Understanding (MOU)?

The Virtual Practice MOU was developed partly in response to the increase in cross-provincial practice throughout the COVID-19 pandemic. It is an agreement amongst some (not all) of the Canadian OT regulators to support continuity of care when OT services are provided across provincial borders. The signatories of the MOU agree to remove the requirement that OTs be registered in the provinces where they are providing services *to* and *from*.

The Virtual Practice MOU enables OTs to delivery OT services virtually to clients located in another province based on the OT's current province of registration - **with some exceptions**. For example:

- Not all provinces can sign or immediately implement the MOU. As such, you are advised to check and confirm with the regulatory body of the province the OT services will occur prior to proceeding. Links to the websites of each of the Canadian OT regulators can be accessed from the [ACOTRO website](#).

- If an OT is providing a *restricted activity* in Alberta virtually (such as psychosocial interventions/ psychotherapy), then registration in Alberta is still required.
 - Refer to Section 17 of the [Occupational Therapists Profession Regulation](#) for the list of *restricted activities* OTs registered in Alberta can perform if competent to do so. See the [Psychosocial Interventions: An Interpretive Guide to the Restricted Activity](#) for a description of which psychosocial interventions are considered *restricted* and thus require registration in Alberta.
- If an OT is in another province temporarily (i.e., on vacation, caring for family members) and is wanting to continue to provide virtual services to clients located in their province of registration.
 - The OT should check first to see if temporary/courtesy registration is required in that province.

NOTE: *The Virtual Practice MOU is an agreement between the Canadian regulators whose legislation permits them to adopt the MOU only. It does not extend to OT regulators outside of the Canadian border. See the [Registration Requirement Tables](#) on page 5 & 6 for more information about registration requirements for practice within and outside of Canada.*

2. My client has moved to (or is on vacation in) one of the northern territories, do I have to be registered there?

The three territories do not have OT regulatory bodies so your registration with ACOT will suffice. Be sure to notify your client that you are registered to practice in Alberta and familiarize yourself with the emergency/community support services in the area in the case of an adverse reaction or unexpected event.

3. I'm an OT registered in Alberta and my employer/contracting agency wants me to expand my client base across the country – what does the new Virtual Practice MOU mean for me?

That depends on where you are expanding your services to and what type of services you are providing.

- One of the northern territories - ACOT registration suffices
- Ontario - ACOT registration suffices whether you are providing an activity that is *controlled* or not (in Ontario, controlled acts are similar to restricted activities in Alberta). [Click here](#) for COTO's direction for out of province OTs who are wanting to practice virtually with clients physically situated in Ontario.
 - **Make sure to tell your Ontario clients that you are registered in Alberta and to [contact ACOT](#) with any concerns they may have about your practice – do this before initiating services.** You will also want to ensure you have an emergency plan in place for adverse or unexpected events including awareness of local emergency and/or community resources in the province the client is located.
- Other provinces- contact the OT regulator for each province; each one has different legislation and timelines and ability to implement the MOU. Some provinces may require registration if you are providing a restricted activity or reserved/controlled act. Your best bet is to check the registration requirements for each province you will be providing virtual services to before proceeding. Links to the websites of each of the Canadian OT regulators can be found here: <https://www.acoto-acore.org/links>.

4. My client has moved to (or is on vacation in) another province, do I have to be registered in that province?

That depends on which province your client is in and what services are being provided – refer to the answer provided above.

5. What if I am an OT registered in another Canadian province – do I also need to be registered in Alberta if my client is an Albertan or in Alberta at the time of service delivery?

- If you are providing non-restricted activities - You are permitted to practice virtually in Alberta based on your registration in the other province. Make sure your client knows which province you are providing services from and the name of your regulatory body, so they know where to bring a complaint if there are concerns about your practice. Note, you are required to comply with applicable regulatory and professional legislation for the province you are registered in, but you should also be aware of relevant Alberta legislation, regulations, standards of practice and code of ethics.
- If you are providing a restricted activity - **Registration in Alberta is required.** Refer to the answer provided in Question 1 for information on restricted activities.
 - Non-Alberta OTs who are providing restricted activities to Albertans are required to apply for registration on ACOT's Courtesy (temporary) Register if they are providing services on a short-term basis (\$40 for ≤30 days up to a maximum of three 30-day registrations). If services will be provided >30 days, registration on the General Register is required (or the Provisional Register if you have not yet written the national exam). Please allow up to 10 business days for processing of Courtesy, General or Provisional Register applications.

6. My clients are located in Alberta, and I am registered to practice in Alberta, but I am currently in another province/territory temporarily (e.g., on vacation, caring for a family member) – do I need to be registered in the province/territory I am providing service from?

The new Virtual Practice MOU does have a clause which permits an OT registered in one province to provide OT services virtually to clients physically situated in the province of registration from another province on a temporary basis without being registered in the other province. However, because not every province is able to sign or immediately implement the MOU, you are advised to check with the regulatory body of the province you plan to vacation in beforehand.

7. My client didn't tell me that they were out of Alberta until after our therapy session started – what should I do?

- If you are providing a non-restricted activity as part of your OT service, registration in the province your client is physically situated may not be required – it will depend on whether the province the client is situated in has implemented the MOU. However, remind the client to inform you when they intend to leave the province so that you can update your emergency plan for adverse or unexpected events including alternate emergency contact, awareness of local emergency and/or community resources in the jurisdiction the client is located.
- If you are providing a restricted activity – such as a psychosocial intervention (see the link above) without appropriate registration in the jurisdiction, this could be considered “practicing without a license.” If this is the case, reach out to the regulatory body where the client was physically located at the time of service delivery to inform them of the situation.

To avoid this, it is important to:

- a. make sure your client knows to inform you of any plans to travel (permanently or temporarily) outside of Alberta.
 - b. reach out to the regulatory/licensing body of the province your client is in as soon possible to allow time for processing your application to the temporary (courtesy) or permanent (general) register and avoid delays in service delivery.
 - c. confirm where your client is physically located prior to any service delivery and prior to each session.
 - d. Update your client's emergency contact information for the new location and familiarize yourself with the emergency/community support services in case of an adverse or unexpected event.
- 8. My client has moved permanently to another province and has found another OT to continue on with the psychotherapeutic interventions we had been using – do I have to be registered in the province my former client is in before I call the new OT for a handover conversation? (my client is aware and has consented to me calling the new OT)**

In Canada OT service encompasses screening, assessment, reassessment, treatment/intervention, discharge planning, and post-discharge follow-up with a client. Post-discharge follow-up with a therapist in another province for the purposes of handover (i.e., 1-2 phone calls) does not require registration.

B. Practice Outside of Canada

9. My client is moving to (or is on vacation in) another state/country? Can I still provide services virtually?

As soon as your client informs you of their plan, check to see if registration in the state/country where the client is physically situated (temporarily or permanently) is required.

Not all countries have regulatory legislation or regulatory bodies/organizations – it is up to you to confirm whether registration is required or not (see the [WFOT International Practice Guide](#)). If registration is required, do so prior to providing services. If registration is not required, document appropriately in the client file and ensure your client is aware you are providing services from Alberta, Canada and to contact ACOT if they wish to bring forward a complaint.

10. My client didn't tell me that they had moved out of country until after our therapy session started – what should I do?

Stop the therapy session and advise the client that you will need investigate to ensure that you are able to continue to provide services given the change in location. Depending on the state/country your client is in, this could be considered "practicing without a license". Reach out to the regulatory body where the client was physically situated at the time of service delivery to inform them of the situation. If you are required to be registered and registration is not possible (i.e., the US States require passing of their national exam as part of their registration process even if services are provided virtually), ask the regulator for assistance in identifying an OT registered in that jurisdiction who can provide the client with services to you can adhere to ACOT Standard of Practice 2.3 – *recommend appropriate resources or other service providers when the service request cannot be met within the parameters of the individual's practice.*

Similar to the answer provided in Question 7, it is important to let your clients know to inform you of their plans to move/travel so that you can arrange for registration (if required) and update your emergency

response plan including familiarizing yourself with the emergency/ community support services in case of an adverse or unexpected event.

11. My clients are situated in Alberta and I am registered to practice in Alberta, but I am currently in another state/country temporarily (e.g., on vacation, caring for a family member) – do I need to be registered in the state/country I am providing service from?

The Virtual Practice MOU is only valid within Canada. ACOT cannot speak to the registration requirements outside of Canada. You are advised to check to see if registration in the state/country where the client is physically located (temporarily or permanently) is required prior to the delivery of any OT service.

12. Are there any plans for Canadian OT regulators to enter an international Virtual Practice MOU?

No, not at this time.

C. Registration Requirement Tables

Occupational Therapist (OT) Location	Client location (temporary or permanent)	Mode of Service Delivery ¹	Registration required in:	Comply with ² applicable legislation, regulations, standards and code of ethics in:	Amount/type of liability insurance ³ coverage required as per:	
PRACTICE WITHIN CANADA	Alberta	Alberta	In-person or Virtual	Alberta	Alberta ²	Alberta
	Alberta	Other territory ⁴	In-person or Virtual	Alberta		
	Alberta	Other province	Virtual	Alberta, and check with regulatory body of the province(s) your client is situated ⁵		
	Other province – <i>temporary</i>	Alberta	Virtual	Alberta		
	Alberta - <i>temporary</i>	Alberta	In-person	Other province <u>and</u> Alberta's Courtesy Register ⁶	Other province and Alberta	Other province and Alberta
	Alberta	Other province – <i>receiving a restricted, reserved or controlled act</i> ⁷	Virtual	Alberta, and check with regulatory body of the province(s) your client is situated ⁵	Alberta (and Other province if registration is required).	Alberta (and the Other province if registration required)
	Other province - <i>permanent</i>	Alberta - <i>receiving non-restricted activity</i>	Virtual	Other province	Other province ²	Other province
	Other province	Alberta – <i>receiving a restricted activity</i> ⁷	Virtual	Other province <u>and</u> Alberta ^{6&8}	Other province <u>and</u> Alberta	Other province and Alberta

Occupational Therapist (OT) Location	Client location (temporary or permanent)	Mode of Service Delivery ¹	Registration required in:	Comply with ² applicable legislation, regulations, standards and code of ethics in:	Amount/type of liability insurance ³ coverage required as per:	
PRACTICE OUTSIDE OF CANADA	Alberta	Other state/country	Virtual	Alberta and check with regulatory body of the state/country your client is in ⁹	Alberta <u>and</u> other state/country (if registration is required)	Alberta (and the other state/country if registration required)
	Outside of Canada - <i>temporary</i>	Alberta	Virtual	Alberta, and check with regulatory body of the state/country you are providing services from ⁹	Alberta <u>and</u> other state/country	Other state/country <u>and</u> Alberta
	Outside of Canada – <i>permanent</i> ¹⁰	Alberta	Virtual	Alberta <u>and</u> other state/country ⁹	Other state/country <u>and</u> Alberta	Other state/country <u>and</u> Alberta

Reference Key for Registration Requirement Tables:

- Service delivery** encompasses screening, assessment, reassessment, treatment/intervention, discharge planning, post-discharge follow-up with a client. Post-discharge follow-up with a therapist in another province for the purposes of handover does not require registration in Alberta. Service delivery can be either in-person or virtual. **Virtual practice** refers to the use of information and communication technologies (ICT) for the purpose of delivering occupational therapy services when the client and the occupational therapist (OT) are in different locations.
- If a complaint about your practice is filed, an investigation will be conducted based on the legislation, regulations, standards and code of ethics you are required to *comply with*. You are also expected to be *aware of* the applicable legislation, regulations, standards and code of ethics in the jurisdiction your client is located (either temporarily or permanently) or where you are temporarily providing services from.
- You are also advised to confirm with your insurance provider that your coverage extends beyond your jurisdiction of registration.
- The three territories do not have regulatory bodies and are not part of the Virtual Practice MOU; registration in the OT's primary jurisdiction suffices. Remember to notify the client which province you are registered/licensed to practice.
- As each province will have differing ability/timelines for implementation of the MOU, you are advised to contact the regulatory body of the province yourself to confirm if registration is required or not in your particular situation. Links to the websites of each of the Canadian OT regulators can be found [here](#).
 - Note, the [College of Occupational Therapists of Ontario, \(COTO\)](#) no longer requires registration in Ontario for virtual practice if an OT is registered to practice elsewhere in Canada - regardless of whether services provided are controlled acts (i.e., psychotherapy).
- Non-Alberta OTs are required to register on ACOT's Courtesy (temporary) Register if they are providing OT services in-person in Alberta or a restricted activity virtually to an Albertan on a short-term basis (≤30 days).

7. Some provinces (including Alberta) have stipulations in their legislation which require registration in the province where a client is physically situated at the time of receiving a restricted activity or reserved/controlled act (whether the act is being provided in-person or virtually). In Alberta, this stipulation is found in Section 4 of Schedule 7.1 of the *Government Organization Act* which states:
No person shall perform a restricted activity or a portion of it on or for another person unless
(a) the person performing it
(i) is a regulated member as defined in the Health Professions Act and is authorized to perform it by the regulations under the Health Professions Act.

Refer to Section 17 of the [Occupational Therapists Profession Regulation](#) for the list of restricted activities OTs registered in Alberta can perform if competent to do so. See the [Psychosocial Interventions: An Interpretive Guide to the Restricted Activity](#) for a description of which psychosocial interventions are considered restricted and thus require registration in Alberta.
8. If the restricted activity is expected to be provided virtually beyond 30 days, registration on the General Register is required (or the Provisional Register if you've not yet taken the national exam). See the [Registration page](#) on the ACOT website for information on how to apply for the General, Provisional or Courtesy Register.
9. Regulatory legislation of OTs varies from state to state and country to country, when providing virtual services outside of Canada you are advised to contact the regulatory body of the state/country you/your client are physically situated. Also, as not all countries have regulatory legislation or regulatory bodies, it is up to each OT to confirm whether registration is required or not in the jurisdiction their client is located (see the [WFOT International Practice Guide](#)). If registration is required, do so prior to providing services. If registration is not required, document this appropriately in the client file and ensure your client is aware you are providing services from Alberta, Canada.
10. **IMPORTANT:** For OTs registered outside of Canada wishing to provide OT services virtually to Albertans – registration with ACOT is required and application paperwork must be received and approved (including completion of the [ACOTRO SEAS process](#)) prior to delivering services.

NOTE: *Make sure to familiarize yourself with emergency/community support services for the jurisdiction in which your client is located in the case of an adverse reaction or unexpected event. See the [Considerations for Virtual Practice](#) guideline, accessed from the [Practice Resources](#) page of the ACOT website, for additional guidance and considerations to keep in mind/address when delivering OT services remotely/virtually.*

TIP: *For Alberta OTs providing services virtually to clients located out of province, present your title as follows: **Registered Occupational Therapist (AB) or Reg. OT (AB)**. Expand the "AB" to "Alberta, Canada" if providing virtual services outside of Canada and registration in the country your client resides is not required. See the [Practice FAQs: Representing Title and Credentials](#), accessed from the [Practice Resources](#) link above, for more details.*