

**College of Occupation Therapists of Nova Scotia  
Registration Regulations**

made under Section 6 of the

***Occupational Therapists Act***

S.N.S. 1998, c. 21

O.I.C. 1999-148, N.S. Reg. 34/99

**April 7, 1999**

as amended by O.I.C. 2007-355, N.S. Reg. 317/2007

**June 22, 2007**

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**made under Section 6 of the**  
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**S.N.S. 1998, c. 21**  
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**as amended by O.I.C. 2007-355 (June 22, 2007), N.S. Reg. 317/2007**

**Citation**

- 1** These regulations may be cited as the *College of Occupational Therapists of Nova Scotia Registration Regulations*.

**Definitions**

- 2** In these regulations,
- (a) “Act” means the *Occupational Therapists Act*;
  - (b) “Annual Renewal Form” means the form used by members to renew their registration and licence and shall be in the form prescribed by the Board in the *General Regulations*;
  - (c) “Board” means the Board of the College;
  - (d) “College” means the College of Occupational Therapists of Nova Scotia;
  - (e) “currency hours” means paid hours of service within the scope of practice of the profession of occupational therapy;
  - (f) “expiry date” means the date or dates approved by the Board for the expiry of registrations and licences of members of the College;
  - (g) “new applicant fee” means the registration fee prescribed by the Board in the *General Regulations* to be paid by applicants who are granted registration and a licence;
  - (h) “New Applicant Form” means the form used by a person to apply for registration and a licence and shall be in the form prescribed by the Board in the *General Regulations*;
  - (i) “Registrar” means the person holding the office of Registrar pursuant to the Act;
  - (j) “registration fee” means the annual registration fee prescribed by the Board in the *General Regulations*;
  - (k) “renewal date” means the date or dates approved by the Board by which annual renewal must be effected pursuant to Section 12, that are at least 2 weeks prior to the applicable expiry date;

- (l) “re-registration fee” means the fee prescribed by the Board in the *General Regulations* that is to be paid by a person who is relicensed or re-instated pursuant to Section 28 of the Act or these regulations;
- (m) “scope of practice” means
  - (i) the specialty in which the member is registered in the Specialists Register,
  - (ii) the type of practice as specified in any other Register provided for in the Act,
  - (iii) the type of practice determined by any terms or conditions attached to a licence,
  - (iv) those aspects of the practice of occupational therapy for which an occupational therapist possesses appropriate education and experience, as determined by the Board, or
  - (v) any other non-clinical occupational therapy practice,as the context requires; and
- (n) “spouse”, despite subclause 2(y)(ii) of the Act, includes a person who is living with another person, having lived with that person for at least one year, if the 2 persons have publicly represented themselves as husband and wife or as in an analogous relationship.

### **Conflict**

- 3** Where these regulations pertain to matters described in clause 6(3)(a) of the Act and conflict with the *General Regulations* of the Board made pursuant to clauses 6(2)(g), (i), (j), (m), (n) or (o) of the Act, the *General Regulations* shall prevail.

### **Registration fees**

- 4** An applicant for membership in the College shall pay to the Registrar, or such person as the Registrar may designate, the new applicant fee.
- 5** In order to renew the member’s registration for the following licensing year, each member of the College shall pay to the Registrar, or such person as the Registrar may designate, the registration fee.
- 6** If an applicant or member is to be registered for a period of less than 3 months in any one licensing year, the applicant or member shall pay one-half of the new applicant fee or the registration fee, as the case may be.
- 7** (1) Where an applicant is registered within 60 days prior to the renewal date in any year, the payment in full of the registration fee for the current year shall be deemed payment for the ensuing year as well.
- (2) An applicant shall not have the benefit of both Section 6 and subsection 7(1).

- 8** The Board may, upon application for registration, waive payment of the registration fee of an occupational therapist who is registered in another jurisdiction and who will be practising in the Province for a period of less than 3 months for special purposes, as approved by the Board.

**Expiry and renewal**

- 9** The registration and licence of a member of the College shall expire each year on the applicable expiry date.

- 10** Each member shall be advised of the expiry date and the renewal date applicable to that member's registration and licence at the time of the granting or renewal of the registration and licence.

- 11** All applications for renewal of registration shall be made on the Annual Renewal Form.

- 12** In order to renew registration, a member shall submit to the Registrar by the renewal date a completed Annual Renewal Form that includes or is accompanied by

- (a) proof of professional liability insurance coverage in accordance with Section 48;
- (b) a declaration stating
  - (i) the number of currency hours the applicant has completed during the periods requested on the Annual Renewal Form, and
  - (ii) that the member has complied with the continuing competency portfolio requirements as outlined in Section 17A in the previous year and undertakes to continue to comply with them.

**Clause 12(b) replaced: O.I.C. 2007-355, N.S. Reg. 317/2007.**

- (c) the declaration required by Section 26; and
- (d) payment of the registration fee.

- 13 (1)** An Annual Renewal Form and any documentation or fee required to accompany the Annual Renewal Form shall be deemed to be received by the Registrar on the date that they are received by the Registrar.

- (2)** The Registrar shall record the date that the Annual Renewal Form and accompanying documentation is received.

- 14** The Registrar may grant or deny a member's application to renew registration.

- 15** Where an application for renewal is approved, the Registrar shall enter the name, address and qualifications of the member in the relevant register and issue a licence to the member.

**16** Where the Registrar is not satisfied with the evidence presented by a member applying to renew their registration, the Registrar shall give notice to the member that their application to renew registration is denied, provide reasons for the denial, and,

(a) may; or

(b) where the person so requests in writing, shall,

refer the matter to the Credentials Committee and the provisions of subsections 28(4), (5), (6), (7) and (8) of the Act shall apply *mutatis mutandis*.

### **Continuing competency requirements**

**17** All members shall complete at least 1200 currency hours in the 5-year period prior to the renewal date in order to fulfill continuing competency requirements.

### **Continuing competency portfolio**

**17A(1)** Each member shall maintain a continuing competency portfolio in accordance with the requirements of this Section.

(2) A continuing competency portfolio shall contain all of the following:

(a) a professional practice overview that includes all of the following:

(i) a resume and *curriculum vitae* that is complete and up to date,

(ii) College registration documentation,

(iii) proof of malpractice insurance,

(iv) any documents mandated by the Board;

(b) an assessment and professional development overview that includes all of the following:

(i) a self-assessment document,

(ii) any peer and client feedback received,

(iii) a professional development plan as mandated by the Board;

(c) a copy of each of the following documents for the College:

(i) the Act,

(ii) the essential competencies of practice, as provided by the Board

(iii) the code of ethics,

- (iv) the College practice guidelines,
  - (v) any documents mandated by the board.
- (3) A continuing competency portfolio must be in a binder format.
- (4) In addition to the items required for a continuing competency portfolio, the Board may issue policies and guidelines containing optional or recommended additional components.

**Section 17A added: O.I.C. 2007-355, N.S. Reg. 317/2007.**

#### **Failure to renew**

- 18** Despite Section 45, where a member fails to submit a completed Annual Renewal Form or to pay the registration fee by the renewal date, the Registrar shall forthwith notify the member and the employer of the member, if any, by registered mail,
- (a) that the registration and licence of the member will be suspended for failing to submit a completed Annual Renewal Form or for non-payment of fees effective on the expiry date; and
  - (b) that the member will not be permitted to practise after the expiry date until the requirements of the Act and the regulations have been complied with and the member is given a notice of re-instatement by the Registrar.
- 19** If a completed Annual Renewal Form or the registration fee is not received by the expiry date, the member's registration and licence shall be suspended by the Registrar effective on the expiry date and the Registrar shall notify the member and record the effective date of the suspension on the appropriate register.
- 20** (1) A member whose licence and registration has been suspended for failure to submit a completed Annual Renewal Form or to pay the registration fee may be re-instated by the Registrar upon compliance with the requirements and procedures set out in Section 28 of the Act and these regulations.
- (2) A re-instatement pursuant to this Section shall be effective upon receipt by the member of a notice of re-instatement from the Registrar.

#### **Re-registration fee**

- 21** A person who is relicensed or re-instated pursuant to Section 28 of the Act or these regulations shall pay the re-registration fee to the Registrar, or such person as the Registrar may designate.

#### **Exemption from subsection 33(1) of the Act**

- 22** Pursuant to subsection 33(2) of the Act, a member who is absent from the Province for 2 weeks or less shall be exempted from the requirements of subsection 33(1) of the Act.

## **Registration**

**23 (1)** For the purpose of this Section,

- (a) “practising” means actively engaging in the practice of occupational therapy in the Province by an occupational therapist who has met the requirements under the Act and regulations to practice; and
- (b) “non-practising” means not currently engaging in the practice of occupational therapy in the Province by an occupational therapist who has met the requirements under the Act and the regulations to practice and desires to maintain his or her registration and licence.

**(2)** Any registration or licence granted pursuant to the Act shall be recorded in the relevant register as having either “practising” or “non-practising” status.

**(3)** If the status of an occupational therapist changes from either practising to non-practising or non-practising to practising, the occupational therapist shall notify the Registrar in writing within 7 days.

**24** All applications for registration or re-registration shall be made on the New Applicant Form.

**25** A New Application Form shall be provided to an applicant by the Registrar upon request and the Registrar shall provide any applicant with a copy of the Act and regulations.

**26** An applicant for registration shall satisfy the Registrar by a written declaration indicating

- (a) their good standing in any of the jurisdictions in which they have practised and that neither their professional conduct nor their practice is under investigation in any other jurisdiction;
- (b) that the applicant has not been and is not the subject of any disciplinary proceedings in any jurisdiction; and
- (c) that the applicant has not been convicted of a criminal offence that would reasonably have negative implications for the profession as a whole or the applicant’s practice of occupational therapy .

**27** An applicant for registration or re-registration shall

- (a) be a Canadian citizen or satisfy the Registrar that they are legally entitled to live and work in Canada;
- (b) be able to demonstrate competency in both written and oral English or written and oral French to the satisfaction of the Registrar or as determined by the Board;

- (c) be a graduate of a school of occupational therapy from an accredited Canadian university that meets the standards considered acceptable by the Board or have completed the credentialing process required by the Board;
- (d) provide evidence that they have
  - (i) completed a minimum of 1200 currency hours in the 5-year period prior to the application date, or
  - (ii) graduated from an occupational therapy program approved by the Board in the 18 months prior to the application date and have completed a minimum of 1000 hours of fieldwork or clinical practicum approved by the College, or
  - (iii) successfully completed a refresher education/re-entry program approved by the Board;
- (e) complete the New Applicant Form required by Section 24 and submit it to the Registrar with the following:
  - (i) an unmounted passport size notarized photograph,
  - (ii) a birth certificate or other identification documents satisfactory to the Registrar,
  - (iii) a certified copy of any degrees or diplomas and certificates relating to occupational therapy and occupational therapy specialties,
  - (iv) a curriculum vitae with a chronological listing of previous education and employment that includes a description of that person's clinical and non-clinical experience,
  - (v) a letter of good standing from the licensing body of any jurisdiction in which the applicant has practised in the past,
  - (vi) proof of professional liability insurance coverage in accordance with Section 48, and
  - (vii) subject to Section 28, proof of successful completion of the examination process required by the Board; and
- (f) consent to the release of information relevant to the application by such references as are requested by the Registrar.

### **Mutual recognition agreement**

**27A** The requirements of clause 27(c) and the examination process requirements of subclause 27(e)(vii) may be waived for an applicant for registration who meets the requirements of the “Mutual Recognition Agreement of the Association of Canadian Occupational Therapy Regulatory Organizations” and the other registration requirements in these regulations.

**Section 27A added: O.I.C. 2007-355, N.S. Reg. 317/2007.**

**28** An applicant who has graduated from a Canadian Association of Occupational Therapists- or World Federation of Occupational Therapists-approved occupational therapy program and who established and maintained an occupational therapy practice in Canada prior to 1998 in accordance with the continuing competency requirements in Section 17 may be exempted by the Registrar from writing the certification examination.

**29** An applicant may be required to have a personal interview with the Registrar, the Credentials Committee or the Board.

**30** An applicant shall be required to pay any applicable fees for documentation, registration or any other fees relative to the application.

**31** An applicant shall comply with any requirement of the Board for information pursuant to clause 25(d) of the Act.

### **Conditions on licence**

**32** The Board may impose such reasonable limitations or qualifications on a member’s licence as it considers appropriate, including, but not limited to, categories of clients, procedures and interventions.

### **Scope of practice**

**33** In addition to any conditions imposed under Section 32, it is a term, condition and limitation of registration that the member practice only within the scope of practice in which the member is educated and experienced.

**34** When considering the scope of practice in which the member is educated and experienced, the Board may take into account their

- (a) graduate education in occupational therapy or occupational therapy specialties;
- (b) performance in qualifying examinations in occupational therapy and occupational therapy specialties;
- (c) non-clinical occupational therapy practice, where registration is a requirement of employment;
- (d) graduate education in, and evaluation of the member’s performance in health disciplines not included in clauses (a) or (b) but considered appropriate by the Board; and

- (e) scope of practice in which they were engaged in the 5-year period prior to initial registration or annual renewal of licence.

**35** Should a member wish to change the scope of practice from the one that the member has practised for the previous 5 years, the Board may request that the member provide the Board with evidence that the member is competent to engage in the new scope of practice.

**36** All requests from members to change their scopes of practice shall be handled on an individual basis.

### **General Register**

**37** An applicant who is accepted by the Board as a member of the College engaging in the practice of occupational therapy and who is not otherwise registered in the Defined Register may be registered in the Register pursuant to Section 19 of the Act.

### **Re-entrance process**

**38** Any person who has practised for a period of less than 1200 currency hours within the 5-year period prior to the date of application for membership or for renewal shall be required to successfully complete the following, as applicable:

- (a) persons with 750 or more currency hours in the 3-year period prior to the date of application but less than 1200 currency hours in the 5-year period prior to the date of application shall complete 400 hours of supervised practice as required by the Board and shall successfully complete the Canadian Association of Occupational Therapists National Certification Examination; or
- (b) persons with less than 750 currency hours in the 3-year period prior to the date of application and less than 1200 currency hours in the 5-year period prior to the date of application shall complete 600 hours of supervised practice and shall successfully complete the Canadian Association of Occupational Therapists National Certification Examination.

### **Provisional registration**

**39** For the purpose of Section 20 of the Act, a provisional registration may be granted to an applicant who otherwise meets the requirements for registration contained in the Act and regulations

- (a) where written confirmation of a requirement for registration is temporarily unavailable but will be provided within a reasonable period of time in the opinion of the Registrar and where the Registrar is able to verify the information through some other acceptable means; or
- (b) where the applicant is a visiting occupational therapist currently licensed in another province and is in the Province to participate in, or attend an event or an educational course as approved by the Board, or

for such other reasons as the Board considers appropriate.

**40** A provisional registration and licence may be granted subject to terms and conditions

(a) as to the length of time and the place in which the person may be permitted to practice;

(b) as to the nature of the services the person is permitted to perform,

or any other conditions that the Registrar may, in his or her sole discretion, consider necessary and appropriate.

**Supervised practice**

**41 (1)** Applicants and occupational therapists may be required to undergo a period of supervised practice in a clinical occupational therapy setting approved by the Board and to demonstrate competence to practice.

**(2)** Persons who require supervised practice may include, but are not limited to,

(a) persons who are enrolled to take the Canadian Association of Occupational Therapists National Certification Examination;

(b) persons who do not meet the continuing competency requirements in Section 17; and

(c) occupational therapists who wish to change their scope of practice.

**42 (1)** A person who requires supervised practice shall notify the College of the name of an occupational therapist who agrees to act as the person's sponsor.

**(2)** A sponsor referred to in subsection (1) shall

(a) be registered with the College but not currently practising under a provisional registration pursuant to Section 20 of the Act or registered in the Defined Register pursuant to Section 22 of the Act;

(b) reside in the Province;

(c) unless exempted by the Registrar, practise occupational therapy at the same site as the sponsored person;

(d) be engaged in a scope of practice comparable to that of the sponsored person;

(e) enter into a written agreement with the College with such terms and conditions as may be determined by the Board to be applicable to the relationship between the College, the sponsor and the sponsored person;

(f) report in writing on a regular basis, as considered necessary by the Board, on the performance of the sponsored person;

- (g) notify the College promptly if concerned about the practice of the sponsored person or if any change in supervision occurs; and
- (h) comply with any other requirements considered necessary by the Board.

### **Publication**

**43** Where a member's licence or registration is suspended or revoked,

- (a) a notice of the suspension or revocation shall be published in at least one newspaper with circulation throughout the Province;
- (b) the College shall notify licensing authorities in other Canadian jurisdictions;
- (c) the College shall notify the Association of Canadian Occupational Therapy Regulatory Organizations; and
- (d) the College shall notify the National Board for Certification in Occupational Therapy in the United States.

### **Records and accounts**

**44** Occupational therapists and professional corporations are required to maintain such records and accounts as may be required by the *Standards of Practice* approved by the Board, as amended from time to time, and such records and accounts shall be made available for examination and inspection by the College upon request and the College may make copies of such records and accounts at its own expense.

### **Suspension of licence**

**45** The licence of a member may be suspended by the Registrar without notice or investigation upon contravention of any regulation that requires the member to pay a fee, file a document or to do any other act by a specified or ascertainable date.

**46** A licence suspended pursuant to Section 45 shall not be re-instated until such time as the member has paid the fee, filed the document or carried out whatever act was required.

**47** Where the Registrar suspends the licence of a member pursuant to Section 45, the member shall immediately cease practice until such time as they are re-instated by the Registrar and a notice of re-instatement is received from the Registrar.

### **Minimum professional liability insurance**

**48** Every occupational therapist shall ensure that they are covered by a minimum of \$5 000 000.00 professional liability insurance, with a legal expenses endorsement for investigation of complaints by a regulatory body, prior to engaging in the practice of occupational therapy and no member shall engage in the practice of occupational therapy unless they are insured in accordance with this Section.

### **Designated titles**

- 49** A member in the practice of occupational therapy shall only use the titles “Occupational Therapist”, “Licenced Occupational Therapist”, “Registered Occupational Therapist” or “O.T.Reg. (N.S.)” and may use in association with the member’s name any academic degree, diplomas or certificates held by the member and approved by the Board for such use.
- 50** An occupational therapist under this Act who advertises or uses the words “Clinic”, “Institute”, “Health Service” or any other non-personal designation shall include with the designation the name or names of the occupational therapists working at such service.
- 51** (1) No occupational therapist shall use or condone the use of any terms, titles or designations indicating specialization or expertise in any branch of occupational therapy or with respect to any particular aspect of occupational therapy or with respect to any area of preferred practice, whether approved by the Board as a specialist class or not, unless that person is registered in the Specialists Register and is using a term, title or designation approved by the Board.
- (2) For the purpose of this Section, in any proceedings under the Act, the onus of proving that a term, title, or designation is approved by the Board shall be on the occupational therapist seeking to rely upon such approval.
- (3) This Section shall apply mutatis mutandis to a professional corporation under the Act.

### **Advertising**

- 52** Subject to Section 54, an occupational therapist may advertise the services they provide.
- 53** Any proposed notice or advertisement that deviates from Sections 49, 50, 51 or 54 shall be submitted to the Board, which may grant or refuse permission to publish such notice or advertisement.
- 54** No occupational therapist shall advertise the services they provide in a manner that
- (a) claims superiority of practice over that of another occupational therapist;
  - (b) is inaccurate;
  - (c) is capable of misleading the public;
  - (d) is in the nature of a testimonial or a comparative statement;
  - (e) makes any claim as to the quality or efficacy of the services provided;
  - (f) tends to promote the excessive or unnecessary use of the services provided; or

- (g) is of a character which could reasonably be regarded as likely to bring the profession of occupational therapy into disrepute.

**55** Professional signs shall

- (a) be dignified and restrained in character;
- (b) be limited in position, size, design and wording to no more than is reasonably required to indicate the exact location of and entrance to the premises where the practice is carried on; and
- (c) not display anything other than as outlined in Sections 49, 50, and 51.

**56** Sections 52 to 55 shall apply mutatis mutandis to a professional corporation under the Act.

**Professional standards**

**57 (1)** A member in the practice of occupational therapy shall follow the *Standards of Practice* approved by the Board in the performance of professional services and shall

- (a) maintain the premises in which the member engages in the practice of occupational therapy in a sanitary and hygienic condition;
- (b) maintain the equipment with which the member engages in the practice of occupational therapy in working order and in a hygienic condition; and
- (c) maintain a legible record respecting each client of the member that shall include
  - (i) the name, address, age and sex of the client,
  - (ii) the name of the client's physician and/or referring agency,
  - (iii) the client's case history, including relevant medical and social data and an occupational profile which summarizes the client's prioritized occupational performance issues, occupational [performance components and environmental conditions, and the] client's strengths and resources,
  - (iv) the evaluation and assessment procedures utilized, the findings obtained, and the occupational performance issues identified,
  - (v) progress notes containing a record of the action plan implemented to achieve targeted outcomes, with progress, changes to the plans, reasons for the changes and referrals to other sources documented, and the status of the client on discharge,
  - (vi) copies of reports respecting the client received from other sources or issued to other sources,

- (vii) documentation to substantiate the frequency the client was seen by the member, or rendered a professional service by the member in accordance with workplace requirements, where applicable,
  - (viii) where applicable, a record of the member's fees and charges, and
  - (ix) all applicable information from the referring source including diagnosis and prescription from a physician where required by the member's workplace.
- (2) Subject to subsection (4), a member shall keep the records required under clause (1)(c) in a systematic manner and shall retain each record for a period of not less than 6 years after the date of the last entry in the record and, upon cessation of practice, shall ensure the safe custody of the member's records.
- (3) A member shall make records kept pursuant to clause (1)(c) and books, records, documents, equipment and things relevant thereto available at reasonable hours for inspection by a member or members of a committee of the College.
- (4) A member shall not be required to comply with subsection (2) where that member is employed in a health care facility which maintains records on behalf of the member.

### **Conflict of interest**

- 58 (1)** In this Section, "member of the family" means a child, parent, grandparent, uncle, aunt, brother, sister, grandchild, niece, nephew, first cousin, and spouse of the member.
- (2) A member shall not engage in the practice of occupational therapy where the member has a conflict of interest.
- (3) It is a conflict of interest for a member to
- (a) charge a fee to an agency making payment for professional services rendered to a member of the family;
  - (b) share fees with any person who has referred a client, or receive fees from any person to whom a member has referred a client or directly or indirectly receive, make or confer a rebate, credit, commission or other benefit by reason of the referral of a client from or to any other person; or
  - (c) practice in any situation or enter into any arrangement by reason of which the interest of the member or any person associated with the member in the member's occupational therapy practice or in the provision of the member's professional services influences, or is likely to influence, adversely the discharge of the member's professional obligations as an occupational therapist.

**Sale of equipment**

- 59 (1)** No member shall sell or supply equipment or any appliance, splint or other assistive or supportive device to a client for profit.
- (2) Despite subsection (1), a member may charge to the client the cost of materials used and a reasonable fee for handling and time spent by the member in the fabrication of any such appliance, splint or device.

**Notice**

- 60** Any notice required to be given to a member pursuant to the Act or these regulations may be by prepaid registered mail to the address indicated on the Register and shall be deemed to have been received on the 3rd day after the notice is sent.
- 61** Where notice of any act or thing is required to be given to the Registrar or the Board pursuant to the Act or these regulations, it shall be in writing by prepaid registered mail and shall be deemed to have been received by the Registrar or Board, as the case may be, on the 3rd day after the notice is sent.