



COLLEGE of OCCUPATIONAL  
THERAPISTS of NOVA SCOTIA

## COTNS NEWS

Spring 2018 Newsletter

### *In this Issue*

#### **Registration Renewal!**

Renew your Licence between  
April 1<sup>st</sup> to May 15<sup>th</sup>!

#### **New Continuing Competency Program!**

Find the answers to the Frequently  
Asked Questions

#### **Duty to Report**

What is your duty?

## *Professional Liability Insurance*

Occupational Therapists are required under the Registration Regulations to maintain 5 million dollar liability insurance with a legal expense endorsement for investigation of regulatory complaints. Registrants may meet this requirement by purchasing private insurance or ensuring their employer's insurance provides them with adequate coverage to meet the College's requirements.

Where private insurance is obtained, coverage is generally provided for every area of practice performed within the scope of occupational therapy and covers off duty conduct. In contrast, employer-provided liability insurance typically only provides coverage for on-duty conduct and does not cover conduct performed off duty or with another employer. Occupational therapists that work privately or with more than one employer must be able to demonstrate to the College that they have adequate professional liability insurance for each area of practice.

Occupational therapists that rely on employer provided insurance should be aware that they may be at risk of a law suit by their employer. Where legal action is brought against a health professional by a client, the employer's insurance will provide coverage. However, if the client is successful, the employer may bring legal action against the occupational therapist to recover legal costs. An occupational therapist that maintains private liability insurance will have coverage for such legal action.

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The **COTNS AGM** is  
scheduled for  
**June 14, 2018**  
Save the date!

## Registration Renewal - The move to the Guild Database System

In September 2017, the College's Board made the decision to move our database to Guild Association Management Software. This decision was made to improve operational efficiency, decrease administrative costs, and to incorporate our Continuing Competence Program in our database system. The migration to our new system will be completed by the end of March.

Here is an introduction:

**To login**, you will need your e-mail address that is on file with the College. Your email address is your username.

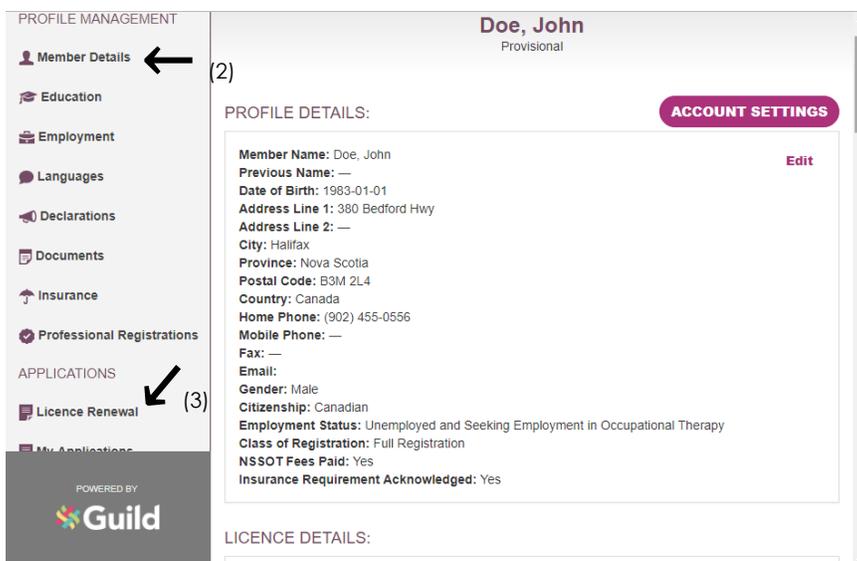
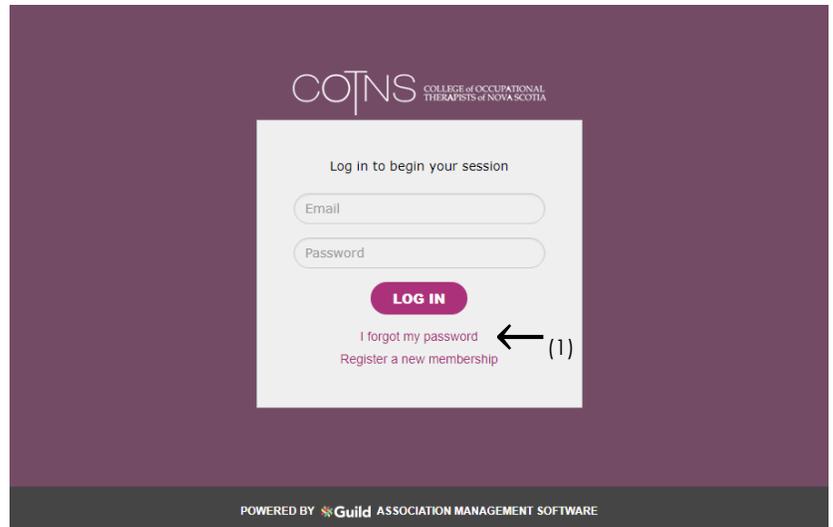
Upon first login, you will need to use the "I forgot my password" link for a temporary password (1). This will be sent to your e-mail address on file. Use this password to log in.

Once you are logged in, you can change your password using the account settings under member details (2). You can update your profile at any time using member details or by selecting a quick link on the left. Please be advised that you are required to update your profile with the College when changes occur (i.e. address, employment).

All registration renewals will be completed through our new system. You can complete your renewal by clicking "licence renewal" on the left bar (3). You will be asked to confirm your profile is up-to-date, enter your insurance information, enter your currency hours for the past year, and make an annual declaration.

Members are required to up-load insurance certificates annually.

If you have any challenges with the new system, please feel free to contact us.



**Members should review their member details for accuracy and completeness.**

## *The Continuing Competency Program Town Hall - FAQs*

In response to our recent survey, we have provided education sessions to our membership including a review of the trends, evidence, and rationale for a written competence assessment. A record of the webinar has been posted to the College website, with other webinars, under Quality Practice. Below are the frequently asked questions from these sessions:

**1. How will the College assist us in preparing for the Competence Assessment?**

We will prepare an education series on subject areas identified in the assessment blueprint to assist in preparing registrants. Sample questions will be provided within these sessions. As part of our Continuing Competence Program, there will be annual learning modules that will provide education on key regulatory competencies and include questions similar to what will be on the written assessment. At least one learning module will be released before the first administration of the Competence Assessment. We will be including additional competencies in each of our newsletters. Finally, we will provide registrants with the list of resource items from which every question on the assessment is blueprinted.

**2. Where and when will we write the Competence Assessment?**

The Continuing Competence Committee is currently reviewing how the assessment will be administered. It will be a written assessment using an online platform imbedded in our database system. Registrants will likely be able to choose where they write it but will be responsible for arranging their own proctor. The College will also establish testing facilities where registrants can write if they so choose. We currently anticipate the pilot testing of the assessment this fall, with the first administration of the assessment early in 2019; however, this is subject to change depending on how long it takes to develop the content.

**3. Will the results of the written Competence Assessment affect my registration?**

The results of the assessment will **not** affect registration. Those that do not meet the requirements for the assessment will undergo further on-site assessment of their competence. Registration can only be affected by an on-site assessment if there is evidence of professional misconduct or where there is significant and imminent risk to the public.

**4. Will the College offer accommodations?**

Yes, the College will provide an accommodation process in accordance with the standards for testing and legal requirements. The Continuing Competence Committee is currently developing this policy and information will be provided to registrants once the assessment dates are set.

**5. Who will write the Competence Assessment?**

Every registrant on the General Register will write the assessment regardless of practice setting or area. Currently, the Continuing Competence Committee is reviewing who will be eligible for an exemption. If an exemption is granted, the registrant will have to write the assessment at the next sitting.

**6. What will be the cost to members to write the Competence Assessment?**

The College is developing and administering the assessment within its current budget. The only cost anticipated for registrants is for establishing their own proctor or using a testing facility.

**7. Will we receive feedback on the questions we got wrong?**

Other regulators have only informed registrants if they had passed or failed their assessment. The Continuing Competence Committee will be reviewing whether we will be providing a total score to our registrants. There will be insufficient content to be able to breakdown the score based on area(s) of weakness. The College will not be sharing the answers to the questions or providing access to the questions as this will jeopardize our question pool for future sittings.

**8. How will the current Continuing Competence Portfolio be affected by this change?**

Under our new framework, registrants will still be required to maintain a professional development plan; this will eventually be included within our online database. The self-assessment will become optional after the implementation of the written assessment. The peer assessment may be included in an on-site assessment for those that do not meet the requirements on the written Competence Assessment.

**9. How will the questions be formatted (i.e. multiple choice, short answer)? How will the assessment be scored?**

There will be no short or long answer questions due to scoring challenges of these types of questions. Current question formats being considered include: multiple choice, ranking/ordering, matching, multiple true/false, and pick x (e.g. select as many as appropriate/select 2 correct answers). Pick X questions may have correct answers that receive a score, neutral answers that do not affect the score, or incorrect answers that result in a negative score. The cut-off score will be established by the Continuing Competence Committee based standards for test development.

*Please refer to the Continuing Competence Program Framework, Competence Assessment Framework and Blueprint, and the Competence Assessment Blueprint Validation Report now available on our website under Quality Practice for more details.*

## An Occupational Therapist's Duty to Report

In our recent survey regarding our Continuing Competence Program, duty to report was identified as an area of concern for occupational therapists. Participants in the survey rated duty to report as the least confident competency, yet rated it higher in importance. In response to this, the College is providing information to its registrants in this article on their duty to report.

Duty to report is a legal or ethical obligation to report situations that impose harm, or a risk of harm, to the public. Some health professionals are required by their legislation to report to a regulatory body when they have reasonable grounds that another regulated health professional has engaged in professional misconduct, is incompetent or incapacitated, or is practising in a manner that poses danger to the public. For example, the *Registered Nurses Act* requires nurses to report unsafe or unprofessional conduct of another nurse or any other regulated health professional. Currently, the *Occupational Therapists Act* does not have a similar requirement but this will be considered when the legislation is amended. Despite not having a legal obligation to report, the College imposes an ethical obligation on occupational therapists to report unsafe conduct. Under the principle of accountability, the College's Code of Ethics requires occupational therapists to appropriately address misconduct by another health professional. How the conduct is addressed will be dependent on its severity. Conduct that is minor or considered low risk could be addressed by an honest conversation with the other health professional. More serious actions may be addressed by approaching the health professional's manager. Conduct that presents imminent and significant risk to the public or is unresolved should be reported to the professional's regulatory body. Failure to report may lead to disciplinary action.

**Legal obligation vs  
Ethical obligation**

**Duty to Report vs  
Right to Report**

While the *Occupational Therapists Act* does not provide a legal obligation, other provincial legislation may impose a duty to report in specific situations. It is important to distinguish a legal duty versus right to report. A duty is mandatory under legislation and may result in specific consequences if not performed (see table for details). For example, the *Child and Family Services Act* requires professionals providing service to a child to report to the Department of Community Services when they have reasonable grounds to suspect that the child has or may be suffering abuse. Failure to comply with this requirement may result in a fine of five thousand dollars, a year imprisonment, or both. In contrast, a right to report provides the health professional with the ability to report concerns at their discretion. For example, the *Personal Health Information Act* allows health professionals to disclose information without consent if they believe, on reasonable grounds, that the disclosure will minimize imminent and significant harm to the health or safety an individual or group. Occupational therapists are advised to seek legal counsel prior to exercising a right to report without consent. Where an occupational therapist intends to fulfill a duty or right to report, they should provide honest and transparent communication with their client.

It is important to note that there are situations where occupational therapists do not have a legislative duty or right to report. For example, the *Motor Vehicle Act* does not provide the right for occupational therapists to report clients that they believe are unsafe to drive a motor vehicle. This legislative right has

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only been granted to physicians and psychologists. In this situation, occupational therapists may exercise their right to disclose under the *Personal Health Information Act* to the client's physician, who may choose to report to the Registry of Motor Vehicles. Before taking such a course of action, occupational therapists should seek legal counsel and provide honest and transparent communication with their clients.

Finally, it is important to note that reporting a concern to a regulatory body is not necessarily the same as filing a complaint. Where a complaint triggers a formal investigation process, a report is only bring information to the attention of the College. Upon receiving a report, the Registrar may look further into the matter prior to filing a formal complaint with the College. In both situations, you may be asked to be interviewed as a witness.

Subject Matter	Duty/Right	Who has duty	Reporting Organization	Legislation Reference
Unsafe practice by another health professional	Duty	Any health professional	Regulatory body	No current legislative requirement Code of Ethics – Accountability
Vulnerable adult is being abused or not receiving proper care	Duty	Any person	Department of Community Services	<i>Adult Protection Act</i> Sections 3(b), 5, 16
Abuse of a patient or resident	Duty	Any health professional	Department of Health Services	<i>Protection for Persons in Care Act</i> Sections 5, 12, 17
Child in need of protection	Duty	Any person; professional providing service to a child	Department of Community Services	<i>Child &amp; Family Services Act</i> Sections 22-25A
Personal Health Information Act	Right	Custodian or their agents	Any person	<i>Personal Health Information Act</i> Section 38(1)(d)
Motor Vehicle Act	Right	Medical practitioner or psychologist	Registry of Motor Vehicles	<i>Motor Vehicle Act</i> Section 279(7)-(9)A

## The Last Word

**Renew your Licence between April 1<sup>st</sup> and May 15<sup>th</sup>!**

**Email reminders will be sent from the database system on April 1<sup>st</sup> when the renewal opens, then bi-weekly until you have completed your renewal.**

**All questions and concerns can be brought forward to  
admin@cotns.ca 902-455-0556 registrar@cotns.ca**