

POLICIES & PROCEDURES

DATE APPROVED: December 2017	CATEGORY: Registration
DATE FOR REVIEW: December 2020	AUTHORITY: OT Act 25(c); Registration Regulation 26, 27(e)(v)

POLICY TITLE: 406.1 Good Conduct

Purpose:

The College fulfills its mandate by ensuring new applicants for registration meet certain standards for entry to practice in the province. In keeping with the Fair Registration Practices Act, the College makes registration requirements publicly available. This policy outlines the process to verify that applicants have met the good conduct requirements for entry to practice.

Principles:

Registrants are expected to adhere to the values shared by society in general and the profession specifically and to not have demonstrated conduct that would make them unsuitable for practice. The purpose of the good character requirement includes the protection of the public, the maintenance of high ethical standards, and the maintenance of public confidence in the profession.

Policies:

1. Applicants/registrants must provide evidence as to whether they have been convicted of, or pleaded guilty to, any offence arising in any jurisdiction, including:
 - a. Any criminal offence;
 - b. Drug offences that may impact their capacity, competence or character;
 - c. Traffic offences that may impact their capacity, competence or character, excluding minor offenses such as parking or speeding; or
 - d. Any offence relating to the practice of occupational therapy.
2. Applicants/registrants must provide evidence as to whether been found liable in any civil proceeding that may impact their capacity, competence or character.
3. Applicants/registrants who have been or are registered or licensed in occupational therapy or another profession in another jurisdiction, they must provide evidence whether they:

- a. Have a finding of professional misconduct, incompetence, incapacity, or other finding;
or
 - b. Are the subject of any current misconduct, incompetence, or incapacity proceeding or a similar proceeding.
4. Applicants/registrants must notify the College if they have a pending court date or are under criminal investigation; the nature of the offence does not need to be disclosed
5. Applicants/registrants must demonstrate that nothing in their previous conduct affords reasonable ground for the belief that they will not practice occupational therapy safely

Demonstration of Good Conduct

1. Applicants/registrants may demonstrate good conduct by signing a declaration on their application that they are not currently the subject of a criminal investigation, have a pending court date, or have been convicted of a crime or offence;
2. Applicants/registrants who have worked in other jurisdictions as a regulated health professional must arrange to have a regulatory history form sent directly to the College from every jurisdiction they have practiced in for past 10 years
3. At renewal, registrants must make a declaration that they are not currently the subject of a criminal investigation, have a pending court date, or have been convicted of a crime or offence
4. At renewal, registrants who have worked in other jurisdictions as a regulated health professional must make a declaration that they have not had a finding or are facing a proceeding of professional misconduct, incompetence, incapacity, or other finding

Where Previous Misconduct is Suspected

Any applicant/registrant whose previous conduct affords reasonable grounds for the belief that he or she will not practice occupational therapy safely and ethically may be referred to the Credentials Committee for a conduct review. The applicant will be asked to submit a written explanation to the Committee for their consideration.

Applicants/registrants may meet the good conduct requirement by providing sufficient evidence to the College that the previous conduct will not prevent them from practising occupational therapy safely and ethically. Specifically, applicants/registrants may be required to:

1. Respond in writing to any allegations of poor conduct and provide evidence that they are able to practise occupational therapy safely and ethically;
2. Sign a self-declaration that indicates that they will practice occupational therapy safely and ethically and, if applicable:
 - a. Indicate on the self-declaration any offences of which he or she has been found guilty, findings of professional misconduct, incompetence or incapacity;
 - b. Provide police or other records relevant to the information on the self-declaration for consideration by the Credentials Committee; and
 - c. Have the Committee determine whether or not they afford reasonable grounds for the belief that the applicant will not practice occupational therapy safely and ethically.

3. Enter into an Undertaking with the College, the terms of which may include such things as:
 - a. Requiring the applicant/registrant to submit a letter of explanation and apology to the College for the conduct;
 - b. Requiring the applicant to successfully complete additional training specified by the Committee

Committee Review

In making its decision, the Committee will consider any relevant factors, including such factors as:

- The strength of the evidence that the individual engaged in the conduct;
- Whether the individual made an error in judgment;
- Whether there were mitigating circumstances;
- The nature, duration, and frequency of the conduct, including such things as the degree of dishonesty or breach of trust, the motivation of the individual, whether the conduct was isolated or repeated, any concealment of the conduct, etc.;
- The attitude or remorse expressed by the individual regarding the conduct;
- Any consequences already suffered by the individual for the conduct;
- Any potential risk to the public posed by the conduct;
- Any undertaking with the College agreed to by the individual;
- Rehabilitative efforts taken and the success of such efforts;
- The applicant's conduct since the proven misconduct;
- External verification of remorse.

Outcome:

After considering the evidence, the Committee may:

1. Determine that the evidence provided does not render the applicant/registrant unsuitable to practise, and therefore deem that the applicant has met the good conduct requirement; or
2. Determine that, given the evidence provided, the applicant should be granted registration if terms, conditions, or limitations are imposed on their registration to protect public safety; or
3. Determine that, given the evidence provided, the registrant should have terms, conditions, or limitations imposed on their registration to protect public safety; or
4. Determine that, given the evidence provided, the applicant should be granted registration if the applicant successfully completes additional training specified by the Committee; or
5. Determine that, given the evidence provided, the registrant's registration should be suspended until the registrant successfully completes additional training specified by the Committee; or
6. Determine that, given the evidence provided, the applicant has demonstrated conduct which affords reasonable grounds for the belief that the applicant will not practice occupational therapy safely and ethically. In such a case, the applicant does not meet the good conduct requirement and is not eligible for registration; or

7. Determine that, given the evidence provided, the registrant has demonstrated conduct which affords reasonable grounds for the belief that the registrant will not practice occupational therapy safely and ethically. In such a case, the registrant does not meet the good conduct requirement and their registration will be revoked.

Established: June 2014

Revised: December 20th, 2017