

## **POLICIES & PROCEDURES**

<b>DATE APPROVED:</b> January 22 <sup>nd</sup> 2020	<b>CATEGORY:</b> Registration
<b>DATE FOR REVIEW:</b> January 2023	<b>AUTHORITY:</b> OT Act 20(3)-(7), 21(3), FRP Act 10(1)-(5).

### **POLICY TITLE: 413.3 Review of Registration Decisions**

#### Purpose:

The College aims to be transparent, objective, impartial and procedurally fair with its registration practices. As such, registrants and applicants who wish to contest a registration decision may seek a review of such decision in accordance with the provisions of the *Occupational Therapists Act*, its Registration Regulations, the *Fair Registration Practices Act*, and this policy.

This policy outlines the process for the review of a registration decision.

#### Principles:

To be procedurally fair while protecting the public interest, the College follows an established process for review of registration decisions that is consistent with the *Occupational Therapists Act* (the “Act”) and the *Fair Registration Practices Act*.<sup>1</sup> To ensure public protection, registrants and applicants must demonstrate that they meet the requirements for registration as dictated by the *Occupational Therapists Act* and the Registration Regulations. Registrants and applicants must provide appropriate and genuine documentation for their qualifications to be accurately assessed. To ensure documentation is genuine, some documents must be sent directly to the College by the issuing body.

To ensure impartiality and fairness, all applications for registration or licensing that are not initially approved by the Registrar must be reviewed by the Credentials Committee and/or the Board of the College in accordance with the legislation.

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<sup>1</sup> There is an alternative review process available under the *Regulated Health Professions Network Act* that may be considered for use. It requires the agreement of both the applicant and the College. Where the *Occupational Therapists Act* already provides for a review process internally, such alternative review process would be rarely if ever used by the College.

Neither the Registrar, the Credentials Committee nor the Board are able to change the registration criteria as determined by the *Occupational Therapists Act* and the Registration Regulations.

## Policies:

### A. **Provisional Registrants:** (See section 20 of the Act)

1. For applicants who hold provisional registration granted by the Registrar under section 20 of the Act, the Credentials Committee may make a determination to vary or vacate such registration. This can occur, for example, if provisional registration has been granted to a new graduate who has not yet met all formal requirements for registration such as the examination requirement, and subsequently is not successful in the final write of the examination.
2. Where the Registrar refers a matter to the Credentials Committee to consider whether a provisional registration should be vacated or varied, the Registrar shall give notice to the provisional registrant that the Credentials Committee is considering a change to their registration status, and provide the registrant with an opportunity to send written material to the Credentials Committee in advance of their meeting. The Credentials Committee shall determine in each case whether it wishes to give the provisional registrant an opportunity to appear before them, in person or by electronic means, prior to making their decision.
3. If the Credentials Committee varies or vacates the provisional registration, it shall notify the registrant at the earliest opportunity, and shall give reasons in writing for its decision.
4. Within 30 days of receiving notification that their registration has been varied or vacated by the Credentials Committee, the provisional registrant may request the opportunity to appear before the Board, with or without legal counsel to ask the Board to review the decision of the Credentials Committee. Section 20(3) of the Act provides that the registrant shall be given the opportunity to appear before the next meeting of the Board. If the timing of the next Board meeting is such that it is not reasonable to appear at the scheduled date, the registrant and the Registrar may agree to extend the time for such meeting, or request the Board to grant such extension.
5. If a meeting with the Board is requested, the registration status of the provisional registrant shall not be varied or vacated until the Board has completed its consideration of the matter, or the matter has been resolved to the satisfaction of the registrant under paragraph 6 below.
6. Prior to the meeting with the Board, if the registrant has new evidence it wishes to have considered, it shall first provide such evidence to the Registrar for forwarding to the Credentials Committee to consider. The Credentials Committee must consider such new evidence and determine if it changes their previously issued decision. Once this step is taken and a decision

with reasons issued by the Credentials Committee, if the registrant remains dissatisfied with the Credentials Committee's decision, the registrant may proceed with the requested meeting with the Board.

7. If the matter proceeds to the Board under either paragraph 4 or 6 above, no member of the Board who considered the application as part of the Credentials Committee can participate in the review process.
8. The Board will provide the provisional registrant with an opportunity to appear before it, and will set the format and timelines for such appearance and for receipt of any written submissions in advance of the meeting. The Board will hear from both the provisional registrant and the Registrar prior to making its decision. Upon completion of the submissions, the Board shall issue its decision with reasons within 30 days.
9. A copy of the decision shall be sent to the provisional registrant through such form of communications as may be agreed upon, and in the absence of such agreement, by registered mail.
10. The decision of the Board is final.

**B. Applicants who do not hold provisional registration**

(See section 21 of the Act)

1. The Registrar shall make the initial determination of whether an applicant meets the criteria for general registration. If satisfied that an applicant meets the criteria, the Registrar shall request direction from the Board under section 19 of the Act to register the applicant on the Register.
2. Where the Registrar is not satisfied with the evidence presented by a person for registration, the Registrar may, or where the person requests in writing, shall refer the matter to the Credentials Committee.
3. The Registrar shall provide the applicant with an opportunity to send written material to the Credentials Committee in advance of their meeting. The Credentials Committee may seek additional information as part of its review. Where the applicant requests an opportunity to appear before the Credentials Committee, the Committee shall grant such request. The applicant may appear with or without legal counsel. Where the applicant has requested an opportunity to appear, the Credentials Committee shall determine the format of the appearance.

4. The Credentials Committee shall render a written decision, with reasons, and provide it to the applicant within 30 days of completing its consideration of the matter.
5. The Decision of the Committee is final.

**C. Applications for Renewal of annual Registration and Licence**

(See sections 14-16 Registration Regulations)

1. The Registrar shall make the initial determination of whether a member meets the criteria for renewal of registration and licensing in accordance with the Registration Regulations made under the Act.
2. Where the Registrar is not satisfied with the evidence presented by the member, the Registrar shall give notice to the member that their application is denied, and shall provide written reasons for the denial.
3. Where the application has been denied the Registrar may, or where the member requests in writing, shall refer the matter to the Credentials Committee.
6. The Registrar shall provide the member with an opportunity to send written material to the Credentials Committee in advance of their meeting. The Credentials Committee may seek additional information as part of its review. Where the member requests an opportunity to appear before the Credentials Committee, the Committee shall grant such request. The member may appear with or without legal counsel. Where the member has requested an opportunity to appear, the Credentials Committee shall determine the format of the appearance.
7. The Credentials Committee shall render a written decision, with reasons, and provide it to the member within 30 days of completing its consideration of the matter.
8. Within 30 days of receiving the decision of the Credentials Committee, the member may request the opportunity to appear before the Board, with or without legal counsel to ask the Board to review the decision of the Credentials Committee. Section 28(6) of the Act provides that the registrant shall be given the opportunity to appear before the next meeting of the Board. If the timing of the next Board meeting is such that it is not reasonable to appear at the scheduled date, the member and the Registrar may agree to extend the time for such meeting, or request the Board to grant such extension.

9. Prior to the meeting with the Board, if the member has new evidence it wishes to have considered, it shall first provide such evidence to the Registrar for forwarding to the Credentials Committee to consider. The Credentials Committee must consider such new evidence and determine if it changes their previously issued decision. Once this step is taken and a decision with reasons issued by the Credentials Committee, if the member remains dissatisfied with the Credentials Committee's decision, the member may proceed with the requested meeting with the Board.
10. If the matter proceeds to the Board under either paragraph 4 or 5 above, no member of the Board who considered the application as part of the Credentials Committee can participate in the review process.
11. After hearing from the member and the Registrar, the Board shall render a decision with reasons in accordance with section 28(8) of the Act.
12. A copy of the decision shall be sent to the member through such form of communication as may be agreed upon, and in the absence of such agreement, by registered mail.
13. The decision of the Board is final.

**D. Potential Dispositions by reviewing authority**

The Credentials Committee or the Board, when acting in their reviewing authority under the Act, the regulations or this Policy may:

1. Direct the Registrar to grant registration where they are satisfied that the applicant meets the requirements for registration;
2. Direct the Registrar to grant registration with conditions, limitations, or restrictions as they consider appropriate;
3. Further consider the application pending the applicant completing further training, upgrading, or other examinations as they consider appropriate;
4. Direct the Registrar to refuse registration where they are not satisfied that the applicant meets the requirements for registration.

Established: April 11<sup>th</sup>, 2017

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