



COLLEGE of OCCUPATIONAL  
THERAPISTS of NOVA SCOTIA

**COTNS NEWS**

Spring 2019 Newsletter

## *Joining College Committees*

As a self-regulating profession, the College is supported in fulfilling its mandate by the activities of committees. Committee members are appointed by the Board. The College maintains the following committees:

### **Credentials Committee**

The Credentials Committee manages the registration and licensing of applicants and registrants in accordance with the Act and Regulations. The Committee is responsible for establishing and maintaining policies and procedures to govern the registration and licensing process. The Committee meets once a month, or as needed, for an hour. Committee members must have at least two years' experience as an occupational therapist.

### **Continuing Competence Committee**

The Continuing Competence Committee is responsible for the developing and administering the College's Continuing Competence Program to ensure registrants are competent to provide safe, effective, and ethical services. The Committee meets this mandate by:

- Developing and reviewing tools to support competence;
- Developing and reviewing tools to assess competence;
- Developing policies and procedures to govern the Continuing Competence Program;
- Reviewing the results of a competence assessment and providing improvement recommendations to registrants.

The Committee meets once a month for an hour and teleconference is available. Committee members must have at least five years' experience as an occupational therapist.

### **Practice Committee**

The Practice Committees are responsible for developing and maintaining practice standards and guidelines that regulate the practice of occupational therapy. The Committees may also provide recommendations regarding key practice issues referred by the Registrar or the Board. The College maintains a Practice Committee in Sydney that meets for two hours once every two months or as needed; participation by web-conferencing is available. The College is establishing a second Practice Committee based out of Halifax. Committee members must have at least two years' experience as an occupational therapist.

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## Investigations Committee

The Investigations Committee is responsible for investigating complaints filed against a registrant in a fair, impartial, transparent, and objective manner. The Committee meets as needed to complete investigations. Committee members must have at least five years' experience as an occupational therapist.

Committee members are paid an annual honorarium based on their participation with the College.

### Interested in Joining a Committee?

Send a resume or CV to [registrar@cotns.ca](mailto:registrar@cotns.ca) and indicate the Committee you are interested in joining.

## Frequently Asked Questions

**Question:** Can rehabilitation assistants or occupational therapist assistants complete standardized assessments such as the Montreal Cognitive Assessment (MoCA) or Mini-Mental State Examination (MMSE)?

**Answer:** Under the Practice Guideline for Assigning Service Components to Support Personnel, assistants may assist in gathering data but cannot complete aspects requiring clinical judgement. While standardized assessments that have explicit instructions do not require any clinical judgement to administer, their utilization and interpretation may be limited when conducted by a non-regulated health professional. For example, the MoCA may be conducted by an OTA, but the only information that the occupational therapist can interpret is the total score. Performance during the assessment cannot be interpreted or connected with occupational performance as the OT did not observe these behaviours.

Occupational therapists must determine the purpose for having an OTA collect data from a standardized assessment. If the purpose is only to obtain a total score, this likely reflects inappropriate use of occupational therapy services as it is not related to occupational functioning. For example, an OT may request an assistant to perform a MoCA on a patient as the doctor is asking for a score. In this situation, the purpose of the assessment does not reflect the assessment of occupational performance and is not being used to identify an intervention plan. This would exceed the purpose of occupational therapy services. Alternatively, if the purpose of the assessment is to identify occupational performance components to assist the OT in determining their recommendations or intervention plan, this would reflect the scope of practice of occupational therapy. In this situation, the OTA cannot be assigned the task of completing the assessment as the interpretation would require analysis beyond the total score to the patient's performance during the assessment.

In addressing practice concerns, it is often useful to consider how the issue may be reviewed in an investigation of complaint. In this situation, if an occupational therapist assigns a standardized assessment to an assistant, the Investigation Committee would consider to what extent the OT adhered to the Assigning Service Components to Support Personnel Practice Guidelines. If the OT only used the total score obtained by the assistant, this would likely result in a dismissal. On the other hand, if the OT interprets behaviours of the patient reported by the assistant, this would likely result in a positive finding as the assistant is performing an assessment that requires clinical judgement.

In conclusion, while it is not necessarily inappropriate to have an assistant complete a standardized assessment such as the MoCA, it should be used with a degree of caution as it may pose a significant risk to an occupational therapist's practice. Careful consideration of how the data will be used must be considered before assigning the task.

## Establishing an Independent OT Business

Occupational therapists who are considering establishing an independent private practice are faced with certain decisions on how to structure their business to meet regulatory and legislative requirements. This article acts as guide in establishing an independent OT business; registrants are advised to also seek advice from legal counsel and government agencies as needed.

### 1. Establishing a Business Structure

Occupational Therapists establishing a small business must consider whether they will operate as a sole proprietor, a partnership, or a corporation. This will depend upon the nature of the practice, others involved in the practice, personal financial circumstances, and the financial circumstances of the practice.

- *Sole Proprietorship*  
A sole proprietorship is an unincorporated business owned by one individual. It is the simplest business structure as it is not a separate legal entity. In a sole proprietorship, the owner assumes all responsibility for decisions and debts of the company. An occupational therapist operating as a sole proprietorship may practice under their own name or register a business name.
- *Partnership*  
A partnership is an association or relationship between two or more individuals or corporations that join together to carry on a business. Like a sole proprietorship, a partnership is not a separate legal entity. In a partnership, each partner contributes money, property, labour, or skills in exchange for a share of the profits and losses. A written agreement should dictate the terms of a partnership.
- *Corporation*  
Corporations are separate legal entities that can own property and enter into contracts separate of their owner. When a corporation is formed, the owners transfer money, property, or services to the corporation in exchange for shares. Shares may be bought or sold and allow shareholders an entitlement to the profits of the corporation. By establishing a corporation, occupational therapists may protect their personal assets by limiting their personal liability. However, occupational therapists must continue to carry professional liability insurance and exercise their due diligence in all business interactions.

#### *Resources*

Canada Revenue Agency. Setting up your business. <https://www.canada.ca/en/revenue-agency/services/tax/businesses/small-businesses-self-employed-income/setting-your-business.html>

### 2. Taxes and GST/HST

Occupational therapists that maintain an independent practice must pay taxes directly to the Canada Revenue Agency (CRA). OTs who establish a sole proprietorship or partnership must claim business income as personal income and may be required to remit deductions monthly or quarterly to CRA. Corporations must pay business tax and remit mandatory employment related costs to CRA for each employee. Under the Excise Tax Act (Schedule V, Part II, section 7), clinical occupational therapy services provided to an individual may be exempt from GST/HST. However, consultation or business services or sales may not be exempt. Occupational therapists are advised to contact CRA to determine what taxes must be collected and remitted.

### 3. Marketing and Advertising

Under the Registration regulations, occupational therapists that operate a sole proprietorship, partnership, or corporation may advertise the services they provide as long as they meet the College's advertising standards. These standards promote the principles of honesty, truthfulness, transparency, and professionalism and protect the public from misleading or inaccurate advertisement. Under these standards, occupational therapists shall **NOT** advertise services that:

- Use any terms, titles, or designation indicating specialization or expertise;
- Claim superiority of practice over another occupational therapist;
- Is inaccurate;
- Is capable of misleading the public;
- Is in the nature of a testimonial or a comparative statement;
- Make any claim to the quality or efficacy of the services provided;
- Tends to promote the excess or unnecessary use of services;
- Is of a character which could reasonably be regarded as likely to bring the profession in disrepute.

Occupational therapists should also avoid advertising where there is a real or perceived conflict of interests. For example, occupational therapists working with other employers should not advertise the services of a separate business they own or that of a family member or friend.

Occupational therapists may use social media to advertise their services as long as it is consistent with advertising standards and the Social Media Guidelines. Occupational therapists are recommended to maintain separate business and personal social media accounts.

#### *Resources*

Registration Regulations, NS Reg 317/2007, s.49-56.

College of Occupational Therapists of Nova Scotia (2017). Social Media Practice Guidelines.

### 4. Client and Third-Party Payers

Occupational Therapists working in private practice are often contracted and paid by a third-party separate from the client. This can create an ethical dilemma and competing interests and demands. A third party payer refers to an individual or organization other than the client who provides funding for services. The client refers to the person who is the focus of the assessment, treatment, or opinion regardless of who is paying for the service. Occupational therapists must at all times act in the best interests of the client and balance any competing interests or demands of third parties.

#### *Resources*

College of Occupational Therapists of Ontario (2017). Guidelines for Working With Third Party Payers.

[https://www.coto.org/docs/default-source/pdfs/guidelines\\_for\\_working\\_with\\_third\\_party\\_payers\\_2017.pdf?sfvrsn=35a85d59\\_10](https://www.coto.org/docs/default-source/pdfs/guidelines_for_working_with_third_party_payers_2017.pdf?sfvrsn=35a85d59_10)

### 5. Health Information Custodian

The *Personal Health Information Act* defines a custodian as the individual or organization described below who has custody or control of personal health information.

- A regulated health professional or person who operates a group practice of regulated health professionals;
- A health authority or the IWK;

- Review Board under the Involuntary Psychiatric Treatment Act;
- A licensed pharmacy;
- A licensed continuing-care facility;
- A Nova Scotia Hearing and Speech Centre;
- A home care agency.

Therefore, an independent occupational therapist qualifies as a potential custodian; however, if services are being contracted through another agency, the occupational therapist may be regarded as the agent and not the custodian. It is important to clarify early if you are the custodian or an agent. Where records are kept independent of the occupational therapist, they must ensure they have reasonable access to the health records.

Under the Personal Health Information Act, occupational therapists acting as custodians have legislated duties, including:

- Providing a notice of purposes for the collection, use, and disclosure of health information;
- Maintaining a retention and destruction schedule;
- Maintaining information practices that ensure protection of information from loss, theft, or unauthorized access;
- Implement, maintain, and comply with policies that allow an individual to make a complaint;
- Designate a contact person or persons to act as a privacy officer;
- Provide a written privacy statement;
- Create and maintain a record of user activity for any electronic information system used; and
- Report any breach in a client's privacy at the first reasonable opportunity.

#### *Resources*

Personal Health Information Act, RSNS 2010, c.41.

Department of Health and Wellness (2013). Toolkit for Custodians: A Guide to the Personal Health Information Act. <https://novascotia.ca/dhw/phia/documents/PHIA-complete-toolkit.pdf>

## **6. Security of Records**

Occupational therapists operating an independent practice must ensure they have taken reasonable steps to protect health information from unauthorized access, loss, or theft. Physical files should be kept in a locked filing cabinet in a locked office. Electronic files should be protected by password encryption. Occupational therapists should limit traveling with health information; when travel is required, files should be kept in a locked case and should not be visible in the vehicle.

#### *Resources*

College of Occupational Therapists of Nova Scotia (2017). Record Keeping Practice Standard.

## **7. Fee Schedule**

While occupational therapists are expected to adopt a fair, equitable, and transparent fee schedule, the College does not establish or recommend a fee schedule for occupational therapists. Occupational therapists must maintain financial records in accordance with the Record Keeping Practice Standard.

## Test Your Knowledge

### Assigning Service Components to Support Personnel

1. Occupational therapists may only assign service components to support personnel (select as many as appropriate):
  - a. If the support personnel is competent to provide the service
  - b. If the OT is competent to provide the service
  - c. When providing direct supervision of the support personnel
  - d. When providing indirect supervision of the support personnel
  - e. With the consent of the client
  - f. When delegated by another regulated health professional
  
2. The following service components can be assigned to support personnel (select as many as appropriate):
  - a. Interpretation of referrals
  - b. Gathering data during the assessment process
  - c. Intervention plans requiring continuous modifications
  - d. Intervention plans identified as low or moderate risk
  - e. Providing education to the client and family
  - f. Referrals to other professionals or resources
  - g. Communication of recommendations, opinions, and findings
  
3. Occupational therapists are not accountable for the support personnel when (select as many as appropriate):
  - a. The support personnel performs activities assigned by the OT
  - b. The support personnel performs activities assigned by another regulated health professional
  - c. The support personnel is not competent to provide the activities
  - d. The support personnel performs activities not assigned by the OT
  - e. The support personnel performs OT service components not assigned by the OT
  - f. The OT is aware the support personnel is not performing to expectations

## College of Occupational Therapists of Nova Scotia

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### COTNS Board

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Vice-Chair Cherie Lewis  
Secretary Phoebe Rai  
Treasurer Niki Kiepek  
Members at Large:  
Gerry Johnston  
Myrna King  
Sean Ponnambalam  
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Jenn MacKay-Myra  
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## Becoming a Capacity Assessor

Under the Adult Capacity and Decision-Making Act that came into effect in December 2017, occupational therapists can become capacity assessors after completing a capacity assessment training course. The Office of the Public Trustee is now accepting applications for a 2-day training course to be offered in June 2019; space is limited. Interested applicants can find the application form on the College's website or may contact:

Marian Casey  
Director, Health Care Decisions & Capacity Assessments  
Public Trustee Office  
5670 Spring Garden Road – Suite 200, PO Box 685  
Halifax, NS  
P: 902-424-4454  
F: 902-428-2159

e-mail: [Marian.Casey@novascotia.ca](mailto:Marian.Casey@novascotia.ca)

## Renewal

Renew your Licence between April 1st and May 15th! You will need to log in to your profile using your e-mail address and password on the member section of the website. Email reminders will be sent from the database system on April 1st when the renewal opens, then bi-weekly until you have completed your renewal. Before you complete renewal, you must successfully complete the Ethics in Practice Learning Module available under e-learning on your profile.

Renewal fees can be paid by credit card, e-transfers to [admin@cotns.ca](mailto:admin@cotns.ca), or cheque mailed to the College. The College has worked with NSHA and IWK to establish payroll deductions as option for collecting renewal fees; you must sign-up now for the 2020-2021 registration year.

As determined at the 2018 AGM, receipts and membership cards will only be mailed upon request. Registrants can print their receipt and membership card from their profile.

As per section 27(2) of the Occupational Therapists Act, every member of the College is required to pay the annual membership dues to the Nova Scotia Society of Occupational Therapists (NSSOT). Last year, the College determined that it does not have the legislative authority to enforce membership with the Society. While the College recommends applicants and registrants maintain membership with the Society, the College will not deny or suspend registration for those applicants and registrants that choose not to pay the annual fee to the Society.