

POLICIES & PROCEDURES

DATE APPROVED: June 2022	CATEGORY: Registration
DATE FOR REVIEW: June 2025	AUTHORITY: OT Act 25(c); Registration Regulation 26, 27(e)(v)

POLICY TITLE: 406.3 Good Conduct

NSOTR is currently revising all COTNS policies to align with the RHPA. All mentions of the “College” or “COTNS” should be understood to mean “Regulator” or “NSOTR.” All policies will continue to apply to the extent that they are compliant with the RHPA, RHPA General Regulations, and RHPA Occupational Therapy Regulations.

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. They are 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, as well as the maintenance of high ethical standards and public confidence in the profession.

Policies:

1. Unless otherwise pardoned, applicants/registrants must provide evidence as to whether they have been charged, 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 file a report with the College within 30 days of being charged or found guilty of any offence listed in section 1.
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 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 must sign a declaration regarding their good conduct.
2. Applicants must provide a valid Vulnerable Sector Check (3 months validity), at their cost, on application for registration.
3. If an applicant has lived outside of Canada in the past two years, an International Criminal Record Check, translated by a certified translator (if applicable), may be required.
4. 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.
5. At renewal, registrants will be asked to provide a valid Vulnerable Sector Check (3 months validity) every five (5) years. The College will notify registrants when an updated vulnerable sector check is required, no less than 6 months prior.
6. 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 related to the practice of occupational therapy.

Where Previous Misconduct is Suspected

Any applicant/registrant whose previous conduct affords reasonable grounds for the belief that they will not practice occupational therapy safely and ethically may be referred to the Credentials Committee for 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 practice 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 charges or 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 the individual may have been subjected to as a result of 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 practice, 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 20, 2017

Revised: May 26, 2021

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