

POLICIES & PROCEDURES

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| DATE APPROVED: June 13, 2022 | CATEGORY: Registration |
| DATE FOR REVIEW: June 2025 | AUTHORITY: OT Act 20(3)-(7), 21(3), FRP Act 10(1)-(5). |

POLICY TITLE: 413.3 Review of Registration Decisions

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 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*. To ensure public protection, registrants and applicants must demonstrate that they meet the requirements for registration as dictated by the *Occupational Therapists Act*, Registration Regulations, and College policies. 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 may be reviewed by the Credentials Committee and/or the Board of the College in accordance with the legislation.

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 registrants who hold provisional registration granted by the Registrar under section 20 of the Act, the Registrar may refer the matter to the Credentials Committee to make a determination to vary, vacate, or ratify 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 varied, vacated, or ratified, the Registrar shall:
 - (a) provide notice of the referral to the registrant, as well as the reasons for the referral;
 - (b) advise the registrant of their right to make submissions to the Credentials Committee; and
 - (c) disclose to the registrant all information and documents in the College's possession relevant to the application.
3. Upon receipt of a referral from the Registrar, the Credentials Committee shall:
 - (a) assess whether the registrant meets the requirements applicable to provisional registration;
 - (b) make any inquiries necessary, or demand further information as the Committee sees fit, in order to assist its consideration of the matter, including by requiring a personal interview of the registrant; and
 - (c) grant any requests by an registrant to appear before the Committee, with or without legal counsel.
4. Where the Credentials Committee is satisfied the registrant meets the requirements for provisional registration, the Credentials Committee shall ratify the provisional registration and notify the registrant accordingly.
5. Where the Credentials Committee is not satisfied that the registrant meets the requirements for provisional registration, the Credentials Committee shall:
 - (a) request further information from the Registrar, the registrant, or third-parties, as required;

- (b) provide the registrant with an opportunity to explain the issue(s) identified by the Registrar and/or the Credentials Committee. Unless the registrant requests a meeting with the Credentials Committee, this explanation may be provided in writing;
- (c) upon hearing from the provisional registrant:
 - i. Ratify, vary or vacate their provisional registration.
- 6. The Credentials Committee must provide its decision with reasons in writing to the registrant and the Registrar.
- 7. Within 30 days of receiving written notification of the Credentials Committee's decision, 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.
- 8. 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.
- 9. If the matter proceeds to the Board, no member of the Board who considered the application as part of the Credentials Committee can participate in the review process.
- 10. 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 a written decision with reasons.
- 11. 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.
- 12. The decision of the Board is final.

B. Registrants on the General Register and Applicants for renewal

(See section 21 of the Act)

1. The Registrar shall make the initial determination of whether an applicant meets the criteria for general registration or renewal. If satisfied that an applicant meets the criteria, the Registrar shall grant registration or renewal.
2. Where the Registrar is not satisfied with the evidence presented by the applicant, the Registrar may, or where the person requests in writing, shall refer the matter to the Credentials Committee.
3. Where the Registrar refers a matter to the Credentials Committee, the Registrar shall:
 - (a) provide notice of the referral to the applicant, as well as the reasons for the referral;
 - (b) advise the applicant of their right to make submissions to the Credentials Committee; and
 - (c) disclose to the applicant all information and documents in the College's possession relevant to the application.
4. Upon receipt of a referral from the Registrar, the Credentials Committee shall:
 - (a) assess whether the applicant meets the applicable requirements for registration or renewal;
 - (b) make any inquiries necessary, or demand further information as the Committee sees fit, in order to assist its consideration of the matter, including by requiring a personal interview of the applicant; and
 - (c) grant any requests by an registrant to appear before the Committee, with or without legal counsel.
5. Where the Credentials Committee is satisfied the applicant meets the requirements for registration or renewal, the Credentials Committee shall grant the application and direct the Registrar to register or renew the applicant.
6. Where the Credentials Committee is not satisfied that the applicant meets the requirements for registration or renewal, the Credentials Committee may:
 - (a) request further information from the Registrar, the applicant, or third-parties, as required;
 - (b) provide the applicant with an opportunity to explain the issue(s) identified by the Registrar and/or the Credentials Committee. Unless the applicant requests a meeting with the Credentials Committee, this explanation may be provided in writing;
 - (c) upon hearing from the applicant:
 - i. grant the application;
 - ii. grant the application with restrictions; or

- iii. refuse the application.
7. Within 30 days of receiving written notification of the Credentials Committee’s decision, the applicant 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 applicant 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 applicant and the Registrar may agree to extend the time for such meeting, or request the Board to grant such extension.

C. 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 provisional registration, full registration, or renewal;
2. Direct the Registrar to grant registration or renewal 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 or renewal.

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