

ADVISORY STATEMENT



Occupational Therapists' Assessment of Financial Management and Incapability

Occupational therapists practise within the scope of the profession, with knowledge of, and adherence to, national and provincial legislation, regulations, standards of practice and policies relevant to the practice of occupational therapy — COTBC Code of Ethics (p. 4)

Purpose

This advisory statement clarifies the various roles occupational therapists can have in the assessment of clients' financial management abilities. Specifically, it explores the impact of Section 2.1 of the *Adult Guardianship Act (AGA)* and *Statutory Property Guardianship (SPG) Regulation* on occupational therapists' practice.

Introduction

Occupational therapists have demonstrated long-standing expertise in assessing and providing recommendations regarding clients' ability to manage instrumental activities of daily living, including managing finances. The assessment of financial management is complex, and there are predictable clinical, ethical, and legal factors to consider to provide quality occupational therapy services.

Particularly significant to occupational therapists is the issue of assessing financial incapability. On December 1, 2014, changes came into force regarding the Certificate of Incapability Process under Part 2.1 of the AGA. These changes enhanced procedural protections for the adult being assessed for financial incapability, including enhanced notifications, standards for conducting assessments, and clarity on what factors must be considered prior to issuing a Certificate of Incapability.

As a result of this change in legislation, the College of Occupational Therapists of British Columbia (COTBC) developed a [Scope of Practice for Registered Occupational Therapists: Area: Financial Incapability Assessment](#). This statement uses a framework of standards, limits, and conditions to articulate the expectations, parameters, and requirements of occupational therapists should they engage in the activity of assessing financial incapability as qualified health care providers (QHCPs).

Occupational Therapy Scope of Practice

The *Occupational Therapists Regulation* indicates that “a registrant may assess occupational performance and modify human and environmental conditions to maintain, restore or enhance occupational performance and health” (s. 4). According to this regulation, occupational performance “means the ability to choose, organize and effectively and safely perform everyday activities necessary for self-care and participation in educational, leisure, home management and work activities” (s. 1).

Within their scope of practice, occupational therapists may have a variety of roles related to assessing an adult client’s financial management abilities. Occupational therapists need to understand these roles and their associated responsibilities in order to ensure that

- clients’ rights are protected;
- best practices and consistent procedures are followed, consistent with Part 2.1 of the AGA and SPG regulation; and
- occupational therapists are aware of their legal obligations under Part 2.1 of the AGA.

Occupational Therapy Roles in the Assessment of Financial Management

Occupational Therapists as Service Providers

As indicated previously, occupational therapists can play an important role in assessing and making recommendations regarding clients’ functional abilities, including in the area of financial management. The new legislative framework does not preclude occupational therapists, who are not QHCPs, from continuing to complete assessments and recommendations in this area. It does, however, specify required processes, under Part 2.1 of the AGA and SPG Regulation.

Specifically, occupational therapists should be aware that once the process for a Certificate of Incapability is initiated, only a QHCP should complete evaluations that will be relied on to determine whether the adult is incapable of managing finances. The adult must receive specific information about the assessment from the QHCP before the assessment begins unless there is reason to believe that providing the information would result in serious physical or mental harm to the adult or significant damage or loss to the adult’s property.

As appropriate, occupational therapy service providers may continue their involvement assessing and addressing their clients’ other identified functional issues. Additionally, QHCPs may still obtain collateral information from the occupational therapy service providers. For example, the QHCP might ask the service provider for a copy of an assessment that was previously completed. According to the [Guide to the Certificate of Incapability Process under the Adult Guardianship Act](#), a document developed in partnership by the Public Guardian and Trustee of British Columbia and Ministry of Health, best practice is to gather that collateral information before the QHCP completes the assessment.

Occupational therapists working in a health authority are advised to speak with their leadership team to familiarize themselves with any employer policies and procedures as well as to determine who the QHCPs are in their health authority.

While the legislative and regulatory framework permits occupational therapists who are not employed by a health authority to act as QHCPs, COTBC’s current standards, limits, and conditions may preclude private-practice occupational therapists from acting in this capacity now because access to health authority designates and education programs may be limited.

Occupational Therapists as QHCPs

A QHCP “is responsible for conducting the functional component of an assessment of incapability and making a determination about an adult’s financial incapability” (Public Guardian and Trustee of British Columbia & Ministry of Health, 2014, p. 7).

To act as QHCPs, occupational therapists must meet the standards, limits, and conditions outlined in COTBC’s [Scope of Practice Statement: Financial Incapability Assessments](#). Occupational therapists should carefully review this document to ensure they understand its content.

Among the conditions specified in the Scope of Practice document, occupational therapists must

- successfully complete the Ministry of Health course A Guide to the Certificate of Incapability Process of the Adult Guardianship Act,
- successfully complete additional education related to clinical practice in this area or otherwise be designated by a regional health authority as meeting the requirements for conducting an assessment of financial incapability,
- maintain competence in the area of conducting the functional component of an assessment of financial incapability, and
- comply with the legal requirements for conducting assessment under the SPA regulation and follow the Public Guardian and Trustee and Ministry of Health’s procedural [Guide to the Certificate of Incapability Process under the Adult Guardianship Act](#).

Occupational Therapists as Health Authority Designates (HADs)

“HADs are people designated as having the authority to issue Certificates of Incapability under section 32 of the AGA” (Public Guardian and Trustee of British Columbia, 2014, p. 7). HADs are either directly designated by a regional health board or the provincial health services authority, or under certain conditions, authorized by a regional health board employee, such as a chief executive officer. Given the limited number of provincial HADs, few occupational therapists will likely serve as HADs.

Learn More

Occupational therapists are accountable for obtaining and maintaining the necessary competencies to perform their roles and functions. Given the multiple risk factors associated with assessing financial management, including financial incapability, occupational therapists are advised to pay specific attention to completing any mandated and/or self-directed professional development in this area.

One resource that may be particularly useful is the previously mentioned [Guide to the Certificate of Incapability Process under the Adult Guardianship Act](#). Occupational therapists are encouraged to review this guide to develop a deeper understanding of the new legislative framework and processes.

Definition

Collateral information “Any information obtained from third parties during the Certificate of Incapability process. It can include reports, test results, information from discussions with people in the adult’s life. Collateral information can be obtained from anyone who knows the adult, including spouse, family, friends, neighbours, care and service providers, and financial institutions” (Public Guardian and Trustee of British Columbia, 2014, pp. 55–56). Note: if the QHCP is also the previous occupational therapy service provider, that person may draw upon his or her own assessments as a source of collateral information.

References/Resources

Adult Guardianship Act, Revised Statutes of British Columbia (1996, c. 6). Retrieved from the BC Laws website: http://www.bclaws.ca/civix/document/id/complete/statreg/96006_01

College of Occupational Therapists of British Columbia. (2014). *Practice standard #4: Disclosing the occupational therapy record*. Retrieved from http://www.cotbc.org/PDFs/PS---Managing-Client-Info-Series/COTBC_ManagingClientInfo_Standard4_2014.aspx

College of Occupational Therapists of British Columbia. (2014, Oct. 24). *Scope of practice for registered occupational therapists: Area: Financial incapacity assessment*. Retrieved from http://www.cotbc.org/PDFs/Scope-of-Practice-Statements/COTBC_SOP_IncapacityAx_Final.aspx

Occupational Therapists Regulation. (2008). Retrieved from the BC Laws website: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/286_2008

Public Guardian and Trustee of British Columbia & Ministry of Health. (2014, Dec. 22). *A guide to the Certificate of Incapability process under the Adult Guardianship Act*. Retrieved from <http://www.trustee.bc.ca/reports-and-publications/Documents/A%20Guide%20to%20the%20Certificate%20of%20Incapacity%20Process%20under%20the%20Adult%20Guardianship%20Act.pdf>

Statutory Property Guardianship Regulation. (2014). Retrieved from the BC Laws website: http://www.bclaws.ca/civix/document/id/complete/statreg/115_2014

Websites

College of Occupational Therapists of British Columbia

www.cotbc.org

Public Guardian and Trustee of British Columbia

www.trustee.bc.ca

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