



College of Occupational Therapists of British Columbia

BYLAWS

Effective October 2, 2017

Approved by the COTBC Board January 30, 2000

Amended effective: August 19, 2010

Amended effective: March 17, 2014

Amended effective: August 26, 2014

Amended and filed: August 3, 2017

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To cite this document:

College of Occupational Therapists of British Columbia. (2017). College of Occupational Therapists of British Columbia Bylaws. Victoria, BC: Author. Retrieved from <https://cotbc.org/library/cotbc-standards/college-bylaws/>

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SCHEDULES

FORMS

Definitions

1. In these bylaws,

"**Act**" means the *Health Professions Act*,

"**appointed board member**" means a person appointed to the board under section 17(3)(b) of the *Act*,

"**board**" means the board of the College of Occupational Therapists of British Columbia,

"**board member**" means an appointed board member or an elected board member,

"**chair**" means the chair of the board elected under section 11(1),

"**college**" means the College of Occupational Therapists of British Columbia,

"**deliver**" with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person's mailbox or receptacle at the person's residence or place of business or transmit to the most recent electronic mail address provided to the college by a registrant for the purpose of delivery,

"**direct supervision**" means the registrant under supervision is subject to the direction and review of a full registrant, who is present at the same location at the same time that the supervised registrant performs a clinical aspect of the practice,

"**elected board member**" means a member of the board elected under section 17(3)(a) of the *Act*,

"**examination**" includes a theoretical examination, given orally or in writing, or by computer, or a practical examination, or any combination of these, and includes a supplemental examination,

"**full registrant**" means a registrant who is a member of the class established by section 41(1)(a),

"**general supervision**" means that the registrant under supervision is subject to the review of a full registrant, but it is not necessary for the full registrant to be present at the same location at the same time that the supervised registrant performs a clinical aspect of practice,

"**in good standing**" means the registrant's registration as a member of the college is not suspended or cancelled or otherwise restricted or limited under the *Act*,

“non-practising registrant” means a registrant who is a member of the class established under section 41(1)(d),

“patient” means individuals, families and/or groups agencies or organizations receiving care and/or services from a registered occupational therapist and includes a client or consumer,

"personal information" means "personal information" as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*,

“provisional registrant” means a registrant who is a member of the class established under section 41(1)(b),

“professional misconduct of a sexual nature” includes:

1. sexual intercourse or other forms of physical sexual relations between the registrant and the patient,
2. touching of a sexual nature of the patient by the registrant, or
3. behaviour or remarks of a sexual nature by the registrant towards the patient,

and does not include touching, behaviour and remarks by a registrant to a patient that are of a clinical nature appropriate to the service being provided,

"public representative" means a person who is not a registrant or former registrant or who has no close family or business relationship with a registrant or former registrant and includes an appointed board member,

"record" means a "record" as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*,

“registrant” means a person who is granted registration in a class established under section 41(1),

"regulation" means the Occupational Therapists Regulation made under the *Health Professions Act*, B.C. Reg. 286/08,

“support personnel” means an occupational therapy aide, rehabilitation assistant, activity aide, home support worker, volunteer or other support personnel who works under the direction of a full registrant,

“special resolution” is a resolution that requires the vote of a two-thirds majority of those present and eligible to vote at a meeting.

“temporary registrant” means a person who is a member of the class established under section 41(1)(c),

"vice-chair" means the vice-chair of the board elected under section 11(1),

"voter " means a registrant eligible to vote under section 3.

PART 1 BOARD OF THE COLLEGE

Board composition

1. The board consists of six (6) elected board members and three (3) appointed board members.

Eligibility for election

2. (1) Subject to subsections (2) to (4), only full registrants in good standing are eligible for election to the board.
 - (2) A registrant is not eligible to be elected in a board election if the registrant is employed by the college, or was employed by the college at any time on or after the date that is eleven (11) months before the expiry of the applicable term of office.
 - (3) A registrant is not eligible to be elected in a board election if the registrant is, or was at any time on or after the date that is eleven (11) months before the expiry of the applicable term of office, a director or officer of an occupational therapy professional association or a trade union that bargains on behalf of occupational therapists.
 - (4) An elected board member who has held office for a consecutive period of six (6) years is not eligible to be elected in an election for a vacant office under section 17(3)(a) of the Act unless the term of office of the vacant office commences at least one (1) year after the expiry of that consecutive period.

Voters

3. Only registrants in the following classes of registration who are in good standing may vote in an election of board members:
 - (a) full registrants, and
 - (b) provisional registrants.

Notice of Election

4. (1) At least one hundred and fifty (150) days prior to the expiration of a term of office of an elected registrant, the registrar must deliver notice of an election in Form 1 to every registrant who is entitled to vote prior to expiry of the term.

- (2) Accidental omissions in the delivery of a notice or non-receipt of a notice by a person entitled to receive notice by the college does not invalidate an election.

Nomination procedure

5.
 - (1) A registrant entitled to vote may nominate a maximum of two (2) candidates for each vacant board position by delivering a nomination Form 2 to the registrar at least one hundred and twenty (120) days before the expiry of the applicable term of office.
 - (2) A candidate for election must consent to nomination in writing in Form 2 at least one hundred and twenty (120) days before the expiry of the applicable term of office.
 - (3) A nominee must declare in writing in Form 2 that he or she will comply with the provisions of the *Act*, the regulations and these bylaws and the procedures related to the election and the conduct of the election.
 - (4) The registrar must disqualify any nominee who is not eligible for nomination or election and provide reasons to the nominee and the board.
 - (5) If the number of nominated candidates is less than or equal to the number of positions to be elected at the close of nominations, the registrar must declare the nominees to be acclaimed and must so notify all registrants.
 - (6) If the number of nominated candidates is greater than the number of positions to be elected at the close of nominations, the registrar must conduct an election in accordance with these bylaws.
 - (7) If there is an interruption of electronic service during the nomination period, the registrar may extend the deadline for delivery of nominations for such time as the registrar considers necessary in the circumstances.

Election procedure

6.
 - (1) The registrar must supervise and administer all board elections and may establish procedures for that purpose which are consistent with these bylaws and may include secure, confidential electronic voting procedures.
 - (2) At least thirty (30) days prior to the election, the registrar must deliver to each registrant who is eligible to vote under section 3:
 - (a) an election ballot, and
 - (b) notice of the time and date by which the ballot must be received by the college, and the procedure for completing and delivering the ballot.

- (3) A vote must not be counted unless cast according to the delivered instructions under subsection (2).
- (4) Upon receipt of a paper or electronic ballot, the registrar must be satisfied that it bears the name and correct email or electronic signature of a registrant entitled to vote.
- (5) The nominees receiving the most votes during the election are elected to the vacant positions on the board.
- (6) In the case of a tie vote, the registrar must select the successful candidate by random draw.
- (7) In the event of any irregularity or dispute with respect to any nomination, ballot or election, the registrar must be the sole arbitrator thereof, and a decision of the registrar is final.
- (8) If there is an interruption of electronic service during the election, the registrar may extend the deadline for election or casting of ballots for such a time as the registrar considers necessary in the circumstances.

Terms of office

7.
 - (1) The term of office for an elected board member is three (3) years, beginning on February 1 of each year.
 - (2) An elected board member may serve a maximum of two (2) consecutive terms.
 - (3) A board member may resign at any time by delivering a notice in writing to the registrar and the resignation is effective upon receipt by the registrar.

Elected board members who cease to hold office

8. An elected board member ceases to hold office if the member:
 - (a) resigns by delivering a written notice to the registrar,
 - (b) ceases to be a registrant eligible for election to the board,
 - (c) is removed by special resolution of the board,
 - (d) becomes an employee of the college,
 - (e) contravenes the oath of office under section 17.11(5) of the *Act*,
 - (f) ceases to be a resident of British Columbia,
 - (g) fails to attend three (3) consecutive board meetings unless previously excused by the board, or

- (h) is deceased.

Vacancy

- 9. If an elected board member ceases to hold office before the end of the member's term, the remaining board members may appoint, as the member's replacement, any registrant eligible under section 2 for the remainder of the term of that position by majority vote.

Remuneration

- 10. (1) Subject to subsection (2), board and committee members are entitled to be:
 - (a) remunerated for time spent on business of the college in the amount approved by the board from time to time, and
 - (b) reimbursed for reasonable expenses necessarily incurred in connection with the business of the college.
- (2) The board and committee chairs are entitled to additional remuneration for time spent on the business of the college approved by the board from time to time.

Chair and vice-chair

- 11. (1) Each year at the first meeting of the board following an election, the members of the board must elect a chair and vice-chair for a one (1) year term by a majority vote.
- (2) The chair must:
 - (a) preside at all board meetings and the annual general meeting,
 - (b) sign the minutes of each meeting after they are approved by the board, and
 - (c) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.
- (3) The vice-chair will perform the duties of the chair in the absence of the chair.
- (4) In the absence of both the chair and the vice-chair at a board meeting, an acting chair from the board must be elected by a majority vote of the board members by a show of hands.
- (5) The board may remove the chair or vice-chair by special resolution of the board members.

- (6) A chair or vice-chair who is removed by subsection (5) remains a board member.

Board meetings

12. (1) The board must meet at least four (4) times in each fiscal year and must provide reasonable notice of board meetings to registrants of the college and the public.
- (2) The accidental omission to deliver notice of a board meeting to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate proceedings at that meeting.
- (3) Meetings of the board must be called by the registrar at the request of either the chair or any three (3) board members.
- (4) The meetings of the board must be open to registrants and to the public.
- (5) The registrar must provide on request to registrants or members of the public:
 - (a) details of the time and place of a board meeting,
 - (b) a copy of the agenda, and
 - (c) a copy of the minutes of the preceding meeting.
- (6) Notwithstanding subsection (4), the board may exclude any person from any part of a meeting if it is satisfied that one or more of the following matters will be discussed:
 - (a) financial, personal or other matters that are of such a nature that the interest of any person affected or the public interest in avoiding public disclosure of those matters outweighs the public interest in board meetings being open to the public,
 - (b) information concerning an application by any individual for registration under section 20 of the *Act*, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy,
 - (c) information concerning a complaint against, or an investigation of, any individual under Part 3 of the *Act*, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy,
 - (d) information the disclosure of which may prejudice the interests of any person involved in:
 - i. a proceeding under the *Act*, including a disciplinary proceeding under Part 3 of the *Act* or a review under Part 4.2 of the *Act* or
 - ii. any other criminal, civil or administrative proceeding,
 - (e) personnel matters,
 - (f) property acquisitions or disposals,
 - (g) the contents of examinations,

- (h) communications with the Office of the Ombudsperson,
 - (i) instructions to or opinions from legal counsel, or any other matter that is subject to solicitor-client privilege for the college, board, or committees,
 - (j) information that the college would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the *Freedom of Information and Protection of Privacy Act*,
 - (k) information that the college is otherwise required by law to keep confidential.
- (7) If the board conducts a meeting or part of a meeting in private, it must record its reasons for doing so in the minutes.
- (8) A majority of the board constitutes a quorum.
- (9) If a quorum is not present after the expiration of thirty (30) minutes from the time fixed for the commencement of the meeting, the chair may adjourn the meeting and fix a time and place for a rescheduled meeting.
- (10) No resolution before a meeting need be seconded and the chair may move or propose resolutions.
- (11) The board may meet and conduct business by video-conferencing, tele-conferencing, electronic communication such as email or similar means.
- (12) A written resolution approved by the requisite majority of board members in writing, by mail copy, facsimile or electronic mail is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.
- (13) Voting at meetings of the board shall be verbal or by a show of hands except where a secret ballot is requested by a majority of the board.
- (14) The chair is entitled to a vote on resolutions before the board.
- (15) Where there is a tie vote on a resolution the resolution is defeated.
- (16) Subject to the *Act* and bylaws, all board and committee meetings are to be governed by the most recent edition of *Robert's Rules of Order*.

Extraordinary board meetings

- 13.** Notwithstanding section 12(1), the registrar or the chair may call a meeting of the board without providing notice to the registrants and the public if necessary to conduct urgent business.

Board panels

14. (1) The board may from time to time establish panels, the membership and purpose of which are to be determined by the board.
- (2) Board panels may vary in number and must include a public member.
- (3) All members of the panel are required for quorum.
- (4) A panel of the board may exercise any power, duty or function assigned to it by a resolution of the board.

Committees

15. (1) The following committees are established:
 - (a) registration committee,
 - (b) inquiry committee,
 - (c) discipline committee,
 - (d) quality assurance committee, and
 - (e) patient relations, standards and ethics committee.
- (2) A committee may exercise any power, duty, or function assigned to it by a resolution of the board.
- (3) The committee membership shall be approved by the board.
- (4) The board must appoint a committee chair and a committee vice-chair from the members of the committee.
- (5) A majority of committee members constitutes a quorum.
- (6) Committees may meet and conduct business by video-conferencing, tele-conferencing, electronic communication such as email or similar means.
- (7) Each committee must report at each board meeting and at least annually submit a report of its activities to the board.

Committee panels

16. (1) A committee may, from time to time, establish panels of the committee, and the chair of the committee must appoint the chair of the panel.

- (2) The discipline committee, the inquiry committee, the registration committee, and the patient relations, standards and ethics committee may meet in panels of three (3) persons which must include at least one (1) board member.
- (3) All members of a panel are required for a quorum.
- (4) A panel of a committee referred to in subsection (1) and (2) may exercise any power, duty or function assigned to it by the committee.

Registration committee

17. (1) The registration committee consists of at least five (5) persons appointed by the board, including at least two (2) public representatives, one (1) elected board member and at least two (2) full registrants in good standing.
- (2) The registration committee is responsible for carrying out the duties prescribed to it under section 20 of the *Act*, regulations and bylaws.
- (3) A person appointed to the registration committee:
 - (a) must serve a term not exceeding three (3) years,
 - (b) is eligible for reappointment but may not serve more than three (3) consecutive terms, and
 - (c) may be removed by a majority vote of the board for reasons set under section 8.

Inquiry committee

18. (1) The inquiry committee consists of at least six (6) persons appointed by the board, including at least two (2) public representatives, one (1) elected board member and three (3) full registrants in good standing.
- (2) No person may sit on the inquiry committee while a member of the discipline committee,
- (3) The inquiry committee is responsible for carrying out the duties prescribed to it under Part 3 of the *Act*.
- (4) A person appointed to the inquiry committee:
 - (a) must serve a term not exceeding five (5) years,
 - (b) is eligible for reappointment but may not serve more than three (3) consecutive terms, and

- (c) may be removed by a majority vote of the board for reasons set under section 8.

Discipline committee

- 19.**
- (1) The discipline committee consists of at least five (5) persons appointed by the board, including at least two (2) public representatives, one (1) elected board member and at least two (2) full registrants in good standing.
 - (2) No member of the discipline committee may participate in the hearing of a matter in which he or she was involved as a member of the inquiry committee.
 - (3) No person may sit on the discipline committee while a member of the inquiry committee.
 - (4) The discipline committee is responsible for carrying out the duties prescribed to it under Part 3 of the *Act*.
 - (5) A person appointed to the discipline committee:
 - (a) must serve a term not exceeding five (5) years,
 - (b) is eligible for reappointment but may not serve more than three (3) consecutive terms; and
 - (c) may be removed by a majority vote of the board for reasons set under section 8.

Quality assurance committee

- 20.**
- (1) The quality assurance committee consists of at least five (5) persons appointed by the board, including at least two (2) public representatives, one (1) elected board member and at least two (2) full registrants in good standing.
 - (2) The quality assurance committee is responsible for making recommendations to the board with respect to:
 - (a) the content of the quality assurance program,
 - (b) continuing competence requirements,
 - (c) mechanisms for assessment of registrants.
 - (3) The quality assurance committee is responsible for carrying out the duties prescribed to it under section 26 of the *Act*, including administration of the quality assurance program and scheduling of the quality assurance program cycle.
 - (4) A person appointed to the quality assurance committee:

- (a) must serve a term not exceeding three (3) years,
- (b) is eligible for reappointment but may not serve more than three (3) consecutive terms, and
- (c) may be removed by a majority vote of the board for reasons set under section 8.

Patient relations, standards and ethics committee

- 21.**
- (1) The patient relations, standards and ethics committee consists of at least five (5) persons appointed by the board, including at least two (2) public representatives, one (1) elected board member, and at least two (2) full registrants in good standing.
 - (2) The patient relations, standards and ethics committee reports to the board and is responsible for:
 - (a) establishing and monitoring a patient relations program which includes:
 - i. requirements for educational programs for registrants on professional misconduct of a sexual nature,
 - ii. guidelines for the conduct of registrants with their patients, and
 - iii. provision of information to the public regarding the college's complaint and disciplinary process,
 - (b) making recommendations regarding standards of practice, and
 - (c) making recommendations regarding the code of ethics.
 - (3) A person appointed to the patient relations, standards and ethics committee:
 - (a) must serve a term not exceeding three (3) years,
 - (b) is eligible for reappointment but may not serve more than three (3) consecutive terms, and
 - (c) may be removed by a majority vote of the board for reasons set under section 8.
 - (4) The board must publish, on the college website or in another manner accessible to registrants and the public, the standards of practice, the code of ethics, and any terms, limits, and conditions established by the board.

PART 2 COLLEGE ADMINISTRATION

Seal

22. (1) The board must approve a common seal for the college.
- (2) The seal of the college must be affixed to certificates of registration and such other documents as the board may direct by resolution, under the hands of such persons as the board may designate.

Registrar

23. (1) In addition to the registrar's duties under the *Act* the registrar is the chief executive officer of the college, responsible to the board for all administrative and operational matters of the college.
- (2) The registrar's duties include responsibility for:
 - (a) managing the funds of the college and banking
 - (b) submitting at each meeting of the board a report of all revenues and expenditures since the last meeting, unless otherwise directed by the board,
 - (c) submitting a report to the annual meeting of the college,
 - (d) ensuring that minutes are taken at each meeting and retained on file,
 - (e) establishing forms for the purposes of the bylaws, and requiring the use of such forms by registrants,
 - (f) submitting a financial statement to the auditor after the end of each fiscal year,
 - (g) including a copy of the auditor's report in the annual report submitted under section 18(2) of the *Act*,
 - (h) keeping the records and seal of the college and perform such other duties required by the board.
- (3) The registrar must prepare the annual report for the board.
- (4) The registrar is an ex-officio non-voting member of every committee of the college.
- (5) In the event of the office of the registrar being vacant, the board shall make a temporary appointment until a successor is appointed by the board.

Deputy registrar

- 24.** (1) The board may appoint a person to act as deputy registrar.
- (2) The deputy registrar shall:
- (a) be directly responsible to the registrar,
 - (b) perform the duties of the registrar in his or her absence or inability to act,
 - (c) perform any duties assigned by the registrar,
 - (d) have the same authority as the registrar under these bylaws where the deputy registrar is performing the duties of the registrar.

Fiscal year

- 25.** The fiscal year of the college commences on July 1 and ends on June 30 of the following year.

Bank accounts and financial authority

- 26.** (1) The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary.
- (2) The board must approve an operating and capital budget for each fiscal year and may amend the approved budget from time to time.
- (3) The board may raise or secure the payment or repayment of money on behalf of and in the name of the college, in the manner it decides, in order to carry out the purposes of the college.
- (4) The registrar may authorize any budgeted expenditure provided the registrar is satisfied that the expenditure will not cause the total of the annual operating expense, revenue budget or board approved expenditures to be exceeded.

Investment income

- 27.** All income derived from invested funds must be added to and become part of the ordinary income of the college.

Auditor

- 28.** (1) The board shall annually appoint a chartered professional accountant to be the auditor.

- (2) The auditor shall audit the financial statement submitted to him or her within sixty (60) days of the end of the financial year.
- (3) The audited financial statements must be included in the annual report of the college.

Legal counsel

- 29.** The board or registrar may retain a member in good standing of the Law Society of British Columbia for the purpose of advising the college on any matter.

General meetings

- 30.**
- (1) A general meeting of the registrants must be held in British Columbia at a time and place determined by the board.
 - (2) The annual general meeting must be held at least once in every calendar year and not more than fifteen (15) months after the holding of the preceding annual general meeting.
 - (3) The following matters must be considered at an annual general meeting:
 - (a) financial statements,
 - (b) the report of the board,
 - (c) the report of the auditor, and
 - (d) resolutions submitted by registrants under section 32.
 - (4) Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
 - (5) The board may convene an extraordinary general meeting of the registrants by resolution of the board
 - (6) The board must convene an extraordinary general meeting within sixty (60) days after receipt by the registrar of a request for such a meeting signed by at least ten percent (10%) of all registrants eligible to vote.

Notice of general meetings

- 31.**
- (1) The registrar must deliver notice of an annual or extraordinary general meeting to registrants and board members at least thirty (30) days prior to the meeting.

- (2) Notice of a general meeting must include:
 - (a) the place, day and time of the meeting,
 - (b) the proposed agenda,
 - (c) any resolutions proposed by the board
 - (d) any resolutions proposed by the registrants under section 32, and delivered to the registrar prior to the mailing of the notice.
- (3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by, any registrant or board member entitled to receive notice of a general meeting, does not invalidate proceedings at that meeting.
- (4) The registrar must provide reasonable notice of each general meeting to public via the college website.

Resolutions proposed by registrants

32. (1) Any ten (10) full registrants in good standing may deliver written notice to the registrar, at least forty-five (45) days prior to the date of an annual or extraordinary general meeting, requesting that a resolution be placed on the agenda for the general meeting.
- (2) On receipt of a notice specified in subsection (1), the registrar shall deliver to all registrants, at least fourteen (14) days prior to the date of that meeting, supplementary notice of the resolution, including the proposed resolution.
- (3) Resolutions under subsection 1 are for consideration of the board and not binding on the board.

Proceedings at general meetings

33. (1) In the absence of both the chair and the vice-chair of the board at a general meeting, an acting chair for the meeting must be elected by a majority vote of the full registrants present.
- (2) A quorum is ten (10) full registrants present at a general meeting.
- (3) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.
- (4) Except as these bylaws otherwise provide, the most recent edition of *Robert's Rules of Order* governs the procedures at a general meeting.

- (5) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at a rescheduled meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (6) When a meeting is adjourned, notice of the rescheduled meeting must be delivered as in the case of the original meeting.
- (7) A full registrant present at a meeting is entitled to one vote and the chair of the meeting, where the chair is a full registrant, is entitled to one vote.
- (8) All voting shall be carried out by ballot, show of hands or by electronic means.
- (9) In the event of a tie vote, the resolution is not passed.

Notice to public representatives

- 34.** Every notice or mailing provided to the general membership of the college must also be provided to each public representative serving on the board or committee.

PART 3 COLLEGE RECORDS

Freedom of information and protection of privacy

35. (1) The registrar is the “head” of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize a deputy registrar, a person employed by the college or a person who has contracted to perform services for the college, to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.
- (3) The board is responsible for ensuring that the registrar fulfills his or her duties under the *Freedom of Information and Protection of Privacy Act*.
- (4) The registrar must report annually to the board regarding the steps he or she has taken to fulfill the duties of the college under the *Freedom of Information and Protection of Privacy Act*.

Fees for information requests

36. Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the fees set out in Schedule F.

Protection of personal information

37. (1) The board must take all reasonable measures to ensure that the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board must take reasonable measures to ensure that, where personal information is sent to any person, service or organization for processing, storage or destruction, a contract is made with that person or organization which includes an undertaking by the person or organization that confidentiality will be maintained.

Disclosure of annual report

- 38.** The college must make each annual report under section 18(2) of the *Act* available electronically on the college website and notify registrants that the annual report is available

Disclosure of registration

- 39.** (1) If an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose, in addition to the matters required by section 21(2) of the *Act*:
- (a) the details of an order issued against the person under sections 35, 39 and 39.1 of the *Act*,
 - (b) the details of a consent order provided by the person under section 37.1 of the *Act*, and
 - (c) the details of a consent order under section 39.3(1)(b) of the *Act* by the person in relation to a “serious matter”.
- (2) The registrar must not disclose information under subsection (1) which would disclose the identity of complainants, or patients or their families, without the consent of such persons.

Manner of disposal of college records containing personal information

- 40.** The board must ensure that a college record containing personal information is disposed of only by:
- (a) effectively destroying a physical record by secure means such as utilizing a shredder, or by complete burning,
 - (b) erasing information recorded or stored by electronic methods on tapes, disks, or cassettes in a manner that ensures that the information cannot be reconstructed,
 - (c) returning the record to the person the information pertains to, or
 - (d) returning the record to the registrant who compiled the information.

PART 4 REGISTRATION

Classes of registrants

41. (1) A registrant must be registered in one of the following classes:
- (a) Full registration
 - (b) Provisional registration
 - (c) Temporary registration
 - (d) Non-practising registration

Full registration

42. (1) For the purposes of section 20(2) of the *Act*, a person applying for registration as a full registrant must satisfy the registration committee that he or she:
- (a) has graduated from one of the recognized programs in occupational therapy obtained in Canada approved by the board in Schedule A or obtained an academic qualification from a program or institution outside Canada considered substantially equivalent by the registration committee,
 - (b) has completed a minimum of one thousand (1,000) hours fieldwork or clinical practicum acceptable to the registration committee,
 - (c) has successfully completed an entry to practice examination approved by the board in Schedule C,
 - (d) is a person of good character and fit to practise consistent with the responsibilities of a registrant and the standards of practice and conduct expected of a registrant,
 - (e) has demonstrated proficiency in the English language to the satisfaction of the registration committee, and
 - (f) has delivered to the registrar:
 - i. a signed application for registration in Form 3, together with the initial registration fees set out in Schedule B,
 - ii. an official transcript which specifies the degree earned or other evidence satisfactory to the registration committee of completion of educational requirements,
 - iii. proof of successful completion of the required examination,
 - iv. a completed authorization for release of information in Form 5, to be sent to the regulatory authority in any jurisdiction in which the applicant has practiced, for confirmation of the registration status of the applicant,

- v. proof that he or she has Canadian citizenship or is a permanent resident of Canada or otherwise authorized to work in Canada in a health care profession,
- vi. the fees for initial registration set out in Schedule B,
- vii. any other outstanding fine, fee, debt or levy owed to the college,
- viii. meets the requirements for a criminal record check authorization required by the *Criminal Records Review Act*,
- ix. proof of professional liability insurance under section 48, and

as a result of receipt of those materials, the registration committee is satisfied the applicant is qualified to be registered.

- (2) Where the applicant has completed the requirements in subsection (1)(a) and (b) more than eighteen (18) months before the date the application for registration is received by the college, the applicant shall provide, in addition to the requirements in subsection (1)(c) to (f) evidence of one of the following:

- (a) successful completion of at least six hundred (600) hours of service within the scope of practice of the profession in the three (3) years immediately preceding the date of the application for registration, or
- (b) successful completion of a refresher or upgrading program approved by the college board within the eighteen(18) months immediately preceding the date of the application for registration,

and as a result of receipt of those materials, the registration committee is satisfied that the applicant is qualified to be registered.

- (3) Subsection (2) does not apply to applicants who apply for registration within the first eighteen (18) months after their graduation from a recognized occupational therapy program obtained in Canada approved by the board in Schedule A or who have obtained an academic qualification from a program or institution outside Canada considered substantially equivalent by the registration committee.

- (4) Notwithstanding subsection (1) where the registration committee determines that:

- (a) the applicant's entitlement to practise occupational therapy has been cancelled or suspended or limited in this or any other jurisdiction at any time,
- (b) at the time of the application an investigation, review or proceeding is taking place in this or any other jurisdiction which could result in the suspension, cancellation or limitation of the applicant's authorization to practice,
- (c) the applicant has contravened the *Act*, the regulations or these bylaws, or
- (d) the applicant has been convicted in Canada or elsewhere of any offence which would be an act of professional misconduct,

the registration committee may refuse to grant registration or grant registration with terms, limits and conditions.

- (5) A full registrant subject to terms, limits and conditions shall only perform the services of an occupational therapist under the direct or general supervision of a full registrant upon the terms, limits and conditions imposed by the registration committee, and shall not supervise students or other registrants of the college.

Provisional registration

- 43.** (1) For the purposes of section 20(2) of the *Act* the registration committee may grant provisional registration to an applicant who has:
- (a) graduated from one of the recognized programs in occupational therapy in Canada in Schedule A, obtained an academic qualification from a program or institution outside Canada considered substantially equivalent by the registration committee, or, in the opinion of the registration committee, requires only minimal educational upgrading to achieve an equivalent status,
 - (b) successfully completed either a minimum of one thousand (1,000) hours of fieldwork or a clinical practicum approved by the college,
 - (c) not met the requirements established in section 42(1)(c) or 42(2) but has:
 - i. satisfied the registration committee that he or she is eligible to complete the examination pursuant to section 42(1)(c) and provides evidence that he/she is registered for the next available examination,
 - ii. been found by the registration committee to require minimal educational upgrading to achieve an equivalent educational status established in section 43(a) and is enrolled in a program to complete the educational requirements specified by the registration committee,
 - iii. signed an undertaking with the college to complete a re-entry program approved by the board and any additional requirements that may be imposed by the registration committee, and
 - (d) satisfied the registration committee of his or her good character and fitness to practice consistent with the responsibilities of a registrant and the standards of practice and conduct expected of a registrant,
 - (e) satisfied the registration committee that his or her practice as a provisional registrant is without any significant risk to the public health and safety,
 - (f) demonstrated proficiency in the English language to the satisfaction of the registration committee, and
 - (g) delivers to the registrar:
 - i. a signed application for registration in Form 3, together with the initial registration fees set out in Schedule B,

- ii. an official transcript which specifies the degree earned or other evidence satisfactory to the registration committee of completion of education requirements,
- iii. a completed authorization for release of information in Form 5, to be sent to the regulatory authority in any jurisdiction in which the applicant has practiced, for confirmation of the registration status of the applicant,
- iv. such other information as in the opinion of the registration committee is required to make a determination regarding the eligibility for registration of the applicant,
- v. the fees for initial registration set out in Schedule B,
- vi. proof that the applicant meets the requirements for a criminal record check authorization required by the *Criminal Records Review Act*,
- vii. proof of professional liability insurance under section 48, and

as a result of receipt of those materials, the registration committee is satisfied the applicant is qualified to be registered.

- (2) A provisional registrant:
 - (a) shall only perform the services of an occupational therapist if the services are performed under the general supervision of a full registered occupational therapist and upon such terms and conditions as are set by the registration committee, and
 - (b) shall not supervise other registrants of the college.
- (3) An applicant may be granted provisional registration under subsection (1) for one (1) year and the provisional registration may be renewed once for a further period up to one (1) year.
- (4) A provisional registrant who fails to complete the conditions for full registration within two (2) years from the date of initial provisional registration shall cease to be registered.
- (5) A provisional registrant must advise patients and employers in advance of providing occupational therapy services of any limitations on his or her practice.
- (6) Full registration must be granted by the registration committee to an applicant who has been granted provisional registration under subsection (1), has applied for full registration, and has:
 - (a) successfully completed the required examination approved by the college, and
 - (b) successfully completed any other requirements of the registration committee.

Temporary registration

44. (1) For the purposes of section 20(2) of the *Act*, the registration committee may grant temporary registration to an applicant who is registered or licensed to practice occupational therapy by a regulatory authority in another jurisdiction acceptable to the registration committee, for a period not to exceed ninety (90) consecutive days in any twelve (12) month period. The registration committee will require the applicant to:
- (a) undertake to practise occupational therapy in British Columbia only during a specified time which may include participating in or conducting a clinical course of study, participating in an exchange program or accepting a temporary appointment sponsored by an agency approved by the registration committee,
 - (b) provide proof of professional liability insurance under section 48 for the period of the proposed temporary registration,
 - (c) agree to practise under terms acceptable to the registration committee, and
 - (d) deliver to the registrar:
 - i. proof of current and valid registration in good standing in the jurisdiction where he or she is currently registered or licensed,
 - ii. a signed application for temporary registration in Form 4, together with the temporary fee set out in Schedule B,
 - iii. meets the requirements for a criminal record check authorization required by the *Criminal Records Review Act*, and

as a result of receipt of those materials, the registration committee is satisfied the applicant is qualified to be registered as a temporary registrant.

- (2) A temporary registrant is not eligible to:
- (a) serve on the board or on any of its committees,
 - (b) vote in an election of board members, or
 - (c) vote at a general or extraordinary meeting.

Non-practising registration

45. (1) For the purposes of section 20(2) of the *Act*, the registration committee may grant non-practising registration to an applicant who:
- (a) submits an application in Form 7 and pays the fees for registration in Schedule B, and
 - (b) was previously a full registrant under section 42 or otherwise meets the requirements for full registration under section 42 at the time of his or her application for non-practising registration.
- (2) A non-practising registrant must not practice occupational therapy or supervise or delegate occupational therapy services.

- (3) A non-practising registrant must not hold himself or herself out as an occupational therapist entitled to practise.
- (4) A non-practising registrant is not eligible to:
 - (a) serve on the board or on any of its committees,
 - (b) vote in an election of board members, or
 - (c) vote at a general or extraordinary meeting.

Transfer to full registration status

46. (1) A provisional registrant may apply to the registration committee for full registration where the provisional registrant:
 - (a) submits proof of successful completion of the required examination,
 - (b) submits proof of completion of required educational upgrading, and
 - (c) submits additional requirements as required by the registration committee.

Use of title

47. (1) Full and provisional registrants must use the reserved title of Occupational Therapist and may also use Registered Occupational Therapist, Reg. OT or Registered Occupational Therapy, (BC) or Reg. OT (BC).
- (2) Non-practising registrants are not entitled to use the reserved title of Occupational Therapist or any abbreviation or variation of that title.

Liability insurance

48. (1) Full, provisional and temporary registrants must obtain and at all times maintain professional liability insurance with a limit of liability of not less than five million dollars (\$5,000,000) per occurrence insuring against liability arising from an error.
- (2) Registrants must provide written proof of professional liability insurance to the college on request.

Confirmation of registration

- 49.** (1) Upon acceptance of an application for registration, the registrar will confirm registration including any terms, limits and conditions imposed by the registration committee.
- (2) Subject to subsection (3), confirmation of registration, or any renewal of it, is valid until June 30 of the following year, unless registration is otherwise suspended or cancelled under the *Act*.
- (3) Confirmation of provisional or temporary registration is valid until the date shown on the document certifying registration, unless registration has otherwise been suspended or cancelled under the *Act*.

Entry to practice examinations

- 50.** (1) The approved entry to practice examinations as set out in Schedule C.
- (2) The registration committee is responsible for making recommendations to the board on all matters relating to entry to practice examinations including but not limited to:
- (a) content of the entry to practice examinations, and
 - (b) selection of a provider of the examination.

Annual registration renewal

- 51.** (1) On or before May 30 each year, the registrar must notify registrants of:
- (a) the annual renewal deadline of June 30,
 - (b) the requirement to pay the annual registration fee by June 30 of each year, and
 - (c) the consequences for failure to renew registration by the June 30 renewal deadline.
- (2) The registration committee must renew registration if a registrant:
- (a) provides an application for renewal in Form 7 by June 30 each year together with the annual registration renewal fee set out in Schedule B,
 - (b) provides evidence of successful completion of:
 - i. six hundred (600) hours of service within the scope of practice of the profession in the three (3) years immediately preceding the date of application, or
 - ii. has evidence of successful completion of a re-entry program approved by the registration committee within eighteen (18) months immediately preceding the date of application.

- (c) pays any other outstanding fee, debt or levy owed to the college,
- (d) provides a declaration on Form 7 that he or she is in compliance with the *Act*, the regulations and bylaws, and is in compliance with any limits or conditions imposed on his or her registration,
- (e) meets the continuing competence requirements and the quality assurance requirements under Part 5,
- (f) meets the requirements for a criminal record check authorization required by the *Criminal Records Review Act*,
- (g) provides proof of professional liability insurance under section 48, and

as a result of receipt of those materials, the registration committee is satisfied the applicant is qualified for renewal.

- (3) The registrar must cancel the registration of a registrant who fails to renew by the June 30 deadline.
- (4) A registrant who ceases to be registered under subsection (3), may apply for reinstatement under section 53, where he or she:
 - (a) applies for reinstatement of registration in Form 8 not later than sixty (60) days following the expiration of his or her registration,
 - (b) is not in contravention of the *Act*, the regulations, or these bylaws, and
 - (c) pays the reinstatement of registration fee and an additional late registration fee in an amount equal to thirty-five percent (35%) of the annual registration fee.

Fees

52. All fees for registration are set out in Schedule B.

Reinstatement

53. (1) A non-practicing registrant or a former registrant whose registration is not suspended or cancelled under the *Act*, and who has been out of practice less than three (3) years may be restored to full registration by the registration committee where the non-practicing or former registrant:
- (a) satisfies the requirements of section 42(2),
 - (b) provides a signed application for reinstatement in Form 8, together with the reinstatement of registration fee set out in Schedule B,
 - (c) pays any other outstanding fine, fee, debt or levy owed to the college,
 - (d) provides proof of having met the continuing competence and quality assurance requirements established by the quality assurance committee under Part 5 as though he or she had not ceased to be registered,

- (e) provides evidence satisfactory to the registration committee of his or her good character and fitness to practise consistent with the responsibilities of a registrant and the standards expected of a registrant,
- (f) provides a completed authorization for release of information in Form 5, to be sent to the regulatory authority in any jurisdiction in which the applicant has practiced since registration with the college,
- (g) meets the requirements for a criminal record check authorization required by the *Criminal Records Review Act*,
- (h) provides proof of professional liability insurance under section 48, and

as a result of receipt of those materials, the registration committee is satisfied the applicant is qualified to be registered.

- (2) A non-practising registrant or a former registrant whose registration is not suspended or cancelled under the *Act* and who has been out of practice for three (3) years or more may be restored to full registration by the registration committee where the non-practising registrant or former registrant:

- (a) applies for provisional registration for the purpose of completing a re-entry program,
- (b) provides a signed application for reinstatement in Form 8, together with the reinstatement of registration fee set out in Schedule B,
- (c) pays any other outstanding fine, fee, debt or levy owed to the college,
- (d) provides evidence satisfactory to the registration committee of his or her good character and fitness to practise consistent with the responsibilities of a registrant and the standards expected of a registrant,
- (e) provides a completed authorization for release of information in Form 5, to be sent to the regulatory authority in any jurisdiction in which the applicant has practiced since registration with the college,
- (f) meets the requirements for a criminal record check authorization required by the *Criminal Records Review Act*,
- (g) provides proof of professional liability insurance under section 48,
- (h) successfully completes a re-entry program established by the registration committee, and

as a result of receipt of those materials, the registration committee is satisfied the applicant is qualified to be registered.

Reinstatement following disciplinary action

54. (1) In this section “disciplined person” means a former registrant whose previous registration was cancelled under Part 3 of the *Act*, and who is eligible for reinstatement of registration.

- (2) Subject to subsection 3, a disciplined person must be reinstated if he or she:
- (a) meets the requirements for registration under section 42,
 - (b) is not in contravention of the *Act*, bylaws or regulations,
 - (c) provides evidence satisfactory to the registration committee:
 - i. of his or her good character and fitness to practice consistent with the responsibilities of a registrant and the standards expected of a registrant ,
 - ii. that his or her registration will not pose an undue risk to public health or safety, or
 - iii. that his or her registration will not otherwise be contrary to the public interest,
 - (d) delivers to the registrar:
 - i. a signed reinstatement application in Form 8, together with the reinstatement of registration fee set out Schedule B,
 - ii. a completed authorization for release of information in Form 5, to be sent to the regulatory authority in any jurisdiction in which the applicant has practiced,
 - iii. proof that the person meets the requirements for a criminal record check authorization required by the *Criminal Records Review Act*,
 - iv. any other fee, fine, levy or debt owed to the college, and
 - v. proof of professional liability insurance under section 48.
- (3) In the case of a disciplined person whose previous registration has been cancelled for three (3) or more consecutive years, he or she must provide evidence of successful completion of the re-entry program approved by the registration committee.

Notification of change of registrant information

55. A registrant must notify the registrar forthwith in writing of any change of name, address, email, place of employment or other contact information previously provided to the registrar.

PART 5 QUALITY ASSURANCE PROGRAM

Requirements for registrants

- 56.** (1) Full registrants, provisional registrants and applicants for registration and reinstatement must meet the requirements of the quality assurance program.
- (2) The requirements of the quality assurance program include:
- (a) completion of an annual continuing competence review as outlined in Schedule D,
 - (b) satisfactory completion of the continuing competence examination.
- (3) Registrants who do not satisfactorily complete the continuing competence examination are required to undertake competence improvement, by completion of a practice enhancement plan approved by the quality assurance committee.
- (4) Registrants who do not complete a practice enhancement plan are required to participate in an assessment of professional performance in accordance with section 59.

Annual continuing competence review

- 57.** Full and provisional registrants are exempt from the requirement to complete the annual continuing competence review in the year in which they complete the continuing competence examination.

Continuing competence examination

- 58.** Subject to the discretion of the quality assurance committee, full and provisional registrants must complete the continuing competence examination once in a six (6) year cycle.

Assessment of professional performance

- 59.** (1) The quality assurance committee or an assessor appointed by the quality assurance committee may assess the professional performance of the registrant.
- (2) A registrant who is required to participate in a professional performance assessment under this section must co-operate fully with the committee and its assessors.

- (3) Professional performance assessment may include:
- (a) a review of specific or randomly selected patient records including billing records of the registrant that are related to professional performance,
 - (b) an on-site assessment of the registrant's practise,
 - (c) an assessment of the premises where the registrant engages in the practice of occupational therapy, and
 - (d) the collection of information from a registrant's peers, co-workers, or patients for the purposes of obtaining feedback about the registrant's professional performance.

PART 6 INSPECTIONS, INQUIRIES AND DISCIPLINE

Inspections

- 60.** (1) A registrant or former registrant has a duty to co-operate with an investigation by any committee of the college.
- (2) A registrant or former registrant must, as soon as practicable, make available his or her records to the registrar or an inspector on request.
- (3) A registrant or former registrant must not refuse to provide access to records that are the subject of an inspection.

Registrar authority

- 61.** The registrar is authorized to act under section 32(3) of the *Act*.

Mediation

- 62.** (1) The inquiry committee may direct mediation under section 33(6)(b) of the *Act* where:
- (a) it determines that mediation may be appropriate, having regard to the nature of the complaint, and
 - (b) the complainant and the registrant agree to mediation.
- (2) If the inquiry committee directs mediation, it must appoint a mediator acceptable to both parties to conduct a confidential mediation.
- (3) The mediator must conduct the mediation process in accordance with the terms of a written mediation agreement established by the inquiry committee, approved by the board, and executed by the complainant and the registrant.
- (4) The inquiry committee must retain a copy of the agreement achieved through mediation on file for ten (10) years.
- (5) Where an agreement is not reached through mediation, the mediator must refer the matter back to the inquiry committee.

Citation for discipline

- 63.** (1) The discipline committee may on its own initiative or at the request of the inquiry committee join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation.
- (2) The discipline committee may on its own initiative or at the request of the inquiry committee, sever one or more complaints or other matters which are to be the subject of a discipline hearing.
- (3) The discipline committee may conduct a hearing in relation to citations containing one or more charges directed against one or more registrants at the same time.
- (4) The discipline committee may at the request of the inquiry committee amend a citation issued under section 37 of the *Act*.
- (5) If a citation is amended under this section before a discipline hearing begins, the amended citation must be delivered to the registrant against whom the citation is issued at least fourteen (14) days before the commencement of the hearing.

Notice of discipline committee action under section 39.1 of Act

- 64.** The discipline committee must provide notice of proposed action not less than fourteen (14) days before making an order under section 39.1 of the *Act*.

Hearings of the discipline committee

- 65.** (1) Notice of discipline hearings must be available to the public.
- (2) The chair of the discipline committee or discipline committee panel may issue a notice to attend in the form of Form 9.
- (3) All discipline committee hearings shall be recorded and transcribed and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

Notice of disciplinary decision

- 66.** (1) If a consent agreement or undertaking under section 36 of the *Act*, an order under section 35, 39, or 39.1 of the *Act*, or a consent order under section 37.1 of the *Act* results in the suspension or cancellation of a registrant's authorization to practice, or

includes a limit or condition on the registrant's authorization to practice, the registrar must notify:

- (a) all registrants of the college,
- (b) the registrant's employer(s), if any,
- (c) the regulatory bodies governing the practice of occupational therapy in every Canadian jurisdiction, and
- (d) on request, a body responsible for the regulation of occupational therapy outside of Canada.

Retention of discipline committee and inquiry committee records

- 67.** (1) Subject to subsection 2 records of the inquiry committee and the discipline committee must be retained for not less than ten (10) years following the conclusion of an investigation and records of the discipline committee must be retained for not less than ten (10) years following the date a decision is issued under section 39 of the *Act*.
- (2) Documents containing decisions and reasons of the inquiry and discipline committees in relation to the actions taken under section 32(3), 32.2, 32.3, 33(6)(c) or (d), 35, 36, 37.1, 38, 39, 39.1 or 44 of the *Act* must be kept on permanent record at the office of the college.

Registrant under suspension

- 68.** (1) A registrant whose registration is suspended must not, for the period of suspension:
- (a) engage in the practice of occupational therapy,
 - (b) hold himself or herself out as entitled to practice occupational therapy in British Columbia or any other jurisdiction,
 - (c) hold office in the college,
 - (d) make appointments for patients or prospective patients,
 - (e) contact patients or prospective patients, except in writing and then only for the purpose of advising them of the fact and duration of the suspension or referring them to a registrant in good standing, or
 - (f) manage a clinic or supervise or delegate occupational therapy services to any staff, student or support personnel.
- (2) Any communication under subsection (1)(e) must be approved in advance in writing by the registrar.
- (3) A registrant whose registration is suspended must:

- (a) immediately surrender his or her practice certificate or other confirmation of registration from the college to the registrar for the period of the suspension,
 - (b) remove his or her name from any signs in or around the premises where he or she practises and from any building in which the practice is located,
 - (c) refrain from advertising and marketing his or her services as an occupational therapist and remove his or her name from any marketing or advertising of his or her professional services,
 - (d) prominently display a notice of suspension in Form 10 in an area to be approved by the registrar, and
 - (e) pay any fees or assessments due to the college as if he or she were not suspended.
- (4) A registrant suspended from practice is not entitled to a refund of the annual fee for the portion of the suspension.

Fines

- 69.** (1) The maximum amount of a fine that may be ordered by the discipline committee under section 39(2)(f) of the *Act* is fifty thousand dollars (\$50,000).
- (2) The fine is a debt due to the college by the registrant.

Costs

- 70.** (1) (a) The tariff of costs to partially indemnify the college for investigations under the *Act* is set out in Schedule E.
- (b) The tariff of costs to partially indemnify the college for its expenses incurred in preparation for and conduct of discipline hearings under section 39 of the *Act* is set out in Schedule E.

Professional misconduct

- 71.** Professional misconduct includes, but is not limited to:
- (a) contravening the *Act*, the regulations, or any of these bylaws,
 - (b) contravening a term, condition, or limitation imposed on the registrant's registration,
 - (c) contravening a standard of practice, clinical practice statement, advisory statement, scope of practice, code of ethics or other standards, limits and conditions documents published by the college,

- (d) being found guilty by any other regulatory body of committing an act that would, in the opinion of the inquiry or discipline committee, be an act of professional misconduct,
- (e) being found guilty of a criminal or regulatory offence that is relevant to the member's suitability to practice,
- (f) committing an act of misconduct of a sexual nature,
- (g) unreasonably discontinuing professional services that are needed unless:
 - i. the patient requests the discontinuation,
 - ii. alternative services are arranged where possible,
 - iii. the patient is given a reasonable opportunity to arrange alternative services,
 - iv. there has been a failure to establish a therapeutic relationship,
 - v. the patient has been given a reasonable opportunity to achieve set patient goals,
 - vi. the patient can no longer meet agreed upon terms of payment, and all reasonable attempts on the part of the registrant to facilitate such payment have been unsuccessful or,
 - vii. the agency providing services has exhausted the resources allocated to those services.
- (h) disclosing patient's personal information to a third party except with the consent of the patient or his or her representative or as required by law,
- (i) falsifying a record relating to the registrant's practice,
- (j) signing or issuing in the registrant's professional capacity, a document that the registrant knows contains a false or misleading statement,
- (k) submitting an account or charge for services that the registrant knows is false or misleading,
- (l) failure to supervise an assistant or support personnel appropriately or in accordance with professional standards,
- (m) engaging in the unauthorized practise of occupational therapy.

PART 7 REGISTRANT MANAGEMENT OF PATIENT RECORDS

Clinical record requirements

- 72.** (1) A registrant must record and maintain accurate and comprehensive patient records for each patient that adhere to the college's practice standards for managing patient information.
- (2) All records referred to in subsection (1) must be typed or written legibly in ink and kept in a systematic and permanent form for the period set out under section 80(2).
- (3) A registrant must make records under subsection (1) and any written, electronic, computerized or mechanically recorded documentation relevant to those records available during business hours for inspection by the college.

Purpose for which personal information may be collected

- 73.** No registrant may collect personal information regarding a patient unless:
- (a) the information relates directly to and is necessary for providing health care services to the patient or for related administrative purposes, or
- (b) the collection of that information is expressly authorized by or under an enactment.

Source of personal information

- 74.** (1) Subject to subsection (2), a registrant must collect personal information about a patient directly from the patient.
- (2) A registrant may collect personal information from another person if the registrant has reasonable grounds to believe:
- (a) the patient has authorized collection of the personal information from another person,
- (b) the patient is unable to give his or her authorization and the registrant collects the information from the representative or the representative collects it from another person,
- (c) that compliance with subsection (1) would be contrary to the best interests of the patient or prejudice the safety of any persons, or

- (d) it is necessary where the information is about law enforcement within the meaning of section 15 of the *Freedom of Information and Protection of Privacy Act*.

Confidentiality of personal information

- 75.** A registrant must at all times protect and maintain the confidentiality of personal information.

Right to request correction of personal information

- 76.** (1) A person who believes there is an error or omission in a record containing his or her personal information may request that the registrant with the record in his or her custody or control, correct the information.
- (2) If after receiving a request for correction under subsection (1), the registrant disagrees that there is an error or omission in the record, the registrant must note the request in the record with particulars of the correction that was sought.

Use of personal information by a registrant

- 77.** A registrant may use personal information only:
 - (a) for the purpose of providing health care services to the patient or for a related administrative purpose,
 - (b) for a purpose or disclosure consistent with a purpose specified in subsection 77(a),
 - (c) if the patient has consented to the use, or
 - (d) for a purpose for which that information may be disclosed by the registrant under section 78.

Disclosure of personal information by a registrant

- 78.** (1) A registrant must maintain confidentiality of personal information and may disclose relevant personal information only:
 - (a) if the patient to which the personal information relates has consented to the disclosure,
 - (b) for the purpose of providing health care services to the patient or for a related administrative purpose or for disclosure consistent with either purpose,
 - (c) for the purpose of complying with an enactment of or an arrangement or agreement made pursuant to an enactment of British Columbia or Canada,

- (d) for the purpose of complying with a subpoena, warrant or order pronounced by a person or body with jurisdiction to compel the production of information,
 - (e) to an employee of, or contractor providing services to, the registrant, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the employee or contractor,
 - (f) to a lawyer acting for the registrant, for use in civil or criminal proceedings involving the registrant,
 - (g) where necessary to comply with the *Coroners Act*,
 - (h) where necessary to comply with the *Ombudsperson Act*,
 - (i) for the purposes of:
 - i. collecting a debt or fine owing by a patient to the registrant, or
 - ii. making a payment owing by the patient to a registrant.
 - (j) to an auditor, the college or any other person or body authorized by law, for audit purposes,
 - (k) where the registrant believes on reasonable grounds that there is a risk of significant harm to the health or safety of any person and that the use or disclosure of the information would reduce that risk,
 - (l) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,
 - (m) in accordance with the *Act*, regulations, bylaws and the *Freedom of Information and Protection of Privacy Act*, or
 - (n) as otherwise required by law.
- (2) Disclosure of personal information pursuant to subsection (1) shall be only to the extent reasonably required in the circumstances.

Definition of consistent purpose

- 79.** A use or disclosure of personal information is consistent with the purposes of providing health care services to a patient or related administrative purposes under sections 77 and 78 if the use or disclosure has a reasonable and direct connection to either purpose.

Storage and retention of personal information

- 80.** (1) A registrant must ensure that all records pertaining to his or her practice, and containing personal information are safely and securely stored.
- (2) Personal information must be retained for a period of sixteen (16) years from the date of the last recorded entry or sixteen (16) years from the date the patient reaches the age of majority, whichever is later.

Manner of disposal of records

- 81.** A registrant must ensure that records are disposed of only by:
- (a) transferring the record to another registrant in good standing or with the consent of the patient, to another health care agency or health care practitioner,
 - (b) effectively destroying a physical record by utilizing a shredder or by complete burning,
 - (c) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed, or
 - (d) transferring the record to the patient.

Registrant ceasing to practice

- 82.**
- (1) A registrant who ceases to practice for any reason must dispose of personal information in accordance with this part, notify the college, and provide the college with a written summary of the steps he or she has taken to dispose of the personal information.
 - (2) A registrant must make appropriate arrangements to ensure that, in the event that the registrant dies or becomes unable to practice for any reason and is unable to dispose of the personal information, the personal information will be safely and securely transferred to another registrant.
 - (3) A registrant who receives personal information transferred in accordance with subsection (2) or section 81(a) must notify the patients whose personal information has been transferred in writing of the transfer.

Protection of personal information

- 83.**
- (1) A registrant must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
 - (2) A registrant must take reasonable measures to ensure that a third party, including a volunteer, employee of or contractor of the registrant or a health professions corporation or a student practitioner under the supervision of the registrant, does not access, collect, use, disclose, store or dispose of personal information except in accordance with the requirements of this Part.

Contracts for handling personal information

84. A registrant must ensure that, where personal information is transferred to any person or service organization for processing, storage or disposal, a contract is made with that person which includes an undertaking by the recipient that confidentiality and physical security will be maintained.

Remedying a breach of security

85. A registrant must take appropriate measures to remedy any unauthorized access, use, disclosure or disposal of personal information under this part as soon as possible after the breach is discovered, including:
- (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered,
 - (b) taking steps to ensure that any remaining personal information is secured,
 - (c) notifying:
 - i. anyone affected by the unauthorized access including patients and other health care providers,
 - ii. the college, and
 - iii. law enforcement officials, where criminal action may have contributed to the unauthorized action, and
 - (d) modifying existing security arrangements to prevent a re-occurrence of the breach of security.

Patient access to personal information

86. (1) For the purposes of this section, "access to" means the opportunity to examine or make copies of the original record.
- (2) If a patient or a patient representative makes a request for access to personal information about the patient, the registrant must comply as soon as practicable but not more than thirty (30) days following the request by:
- (a) providing access to the patient or patient's representative,
 - (b) providing access to the remainder of the personal information where that information excepted from disclosure under subsection (3) can reasonably be severed, or
 - (c) providing written reasons for the refusal of access to the personal information or to any portion of the health records.

- (3) The registrant may refuse to disclose personal information to a patient or patient representative:
 - (a) where there is a significant likelihood of a substantial adverse effect on the physical, mental or emotional health of the patient,
 - (b) where there is a significant likelihood of harm to a third party, or
 - (c) if the disclosure could reasonably be expected to disclose personal information regarding another individual, which cannot reasonably be severed from the information to be disclosed.
- (4) Where a registrant provides access and the patient or patient representative requests a copy of the personal information, a copy must be provided if it can reasonably be reproduced.
- (5) A registrant may charge a reasonable fee to cover costs for photocopying and, where appropriate, staff time in retrieving and reproducing the document as set forth in Schedule F.
- (6) Subject to subsection (3), a patient under 19 years of age may have access to a record where, in the opinion of the registrant, the patient is capable of understanding the subject matter of the record.
- (7) Except where authorized by the patient, a registrant must not provide access to the records of a patient who is under 19 years of age to the guardian or parent of the patient where the subject matter of the record is health care which was provided without the consent of a parent or guardian in accordance with the requirements of section 17 of the *Infants Act*.

PART 8 GENERAL

Supervision

87. (1) A registrant may only assign aspects of practice to support personnel, if there is an adequate supervision plan in place.
- (2) A registrant who assigns aspects of practice to support personnel remains responsible for the patient's occupational therapy assessment and treatment.

Practice standards

88. Registrants must comply with all standards of practice and the code of ethics published on the college website.

Marketing

89. (1) In this part,

“**advertisement**” means a notice or announcement used for advertising,

“**advertising**” means the use of space or time in a medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser,

“**marketing**” includes:

- (a) advertising and advertisements,
 - (b) a publication or communication in any medium with any patient, prospective patient or the public generally, in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
 - (c) any contact with a prospective patient initiated by or under the direction of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be:
- (a) false,

- (b) inaccurate,
 - (c) reasonably expected to mislead the public,
 - (d) unverifiable, or
 - (e) contrary to the public interest in the practice of the profession.
- (3) Marketing violates subsection (2) if it:
- (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient,
 - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve,
 - (c) implies that the registrant can obtain results not achievable by other registrants,
 - (d) implies that the registrant can obtain results by improper means, or
 - (e) compares the quality of services provided with those provided by:
 - i. another registrant,
 - ii. a person authorized to provide health care services under another enactment, or
 - iii. another health profession.
- (4) A registrant must not:
- (a) state publicly that he or she speaks on behalf of the college unless he or she has been expressly authorized by the board to state the official position of the college, or
 - (b) endorse or lend himself or herself as an occupational therapist to the advertisement of any product, investment or service for sale to the public, unless such product, investment or service relates directly to the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service:
- (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the patient, and
 - (b) must not in the advertisement compare the fees charged by the registrant with those charged by another registrant.
- (6) Unless otherwise authorized by the *Act*, the regulations, these bylaws, or the board, a registrant:
- (a) must not use the title "specialist" or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and

- (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the title "specialist" or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (7) A registrant must retain the following records for one (1) year after the date of publication or broadcast of any advertisement and provide to the board upon request:
- (a) a copy of any publication,
 - (b) a record of any broadcast made by use of any electronic media, and
 - (c) documentation of date and place where the publication or broadcast was made.
- (8) It is the duty of the registrant, when called upon by the inquiry committee to do so, to verify the statements made in his or her marketing.
- (9) Registrants who focus their practices to certain areas of the profession may state in any marketing the area to which their practice is focused.
- (10) The name used by a registrant in an advertisement shall be the same as the name shown in the register.