

## Practice Guidance for Occupational Therapists: Considerations for Starting or Closing a Private Practice



This practice resource is intended to help support registrants who are considering starting, leaving, or closing an occupational therapy private practice.

### CORE PRINCIPLES

- Public safety and acting in the client’s best interest must be the highest priorities.
- The public can expect a clear description of the scope and nature of occupational services being offered (including any limitations) and is entitled to continuity of care and access to their records when an occupational therapist ceases to practice.

***Note: The information below is not exhaustive and the College strongly recommends that occupational therapists consult with professionals, such as accountants and/or lawyers, for assistance in determining legal requirements and best business practices.***

### STARTING A PRIVATE PRACTICE

The following are some key regulatory principles and a series of reflective questions to help support registrants who are considering starting an occupational therapy private practice.

### ESSENTIAL COMPETENCIES

As regulated health professionals, occupational therapists assume professional responsibility for providing safe, ethical and effective occupational therapy services. In the interest of public protection, it is important to reflect on the application of your competencies to owning and operating a private practice.



Some questions to consider:

- Do you have the skills, abilities and knowledge required to own and operate a private practice?
- How will you ensure your individual competence and supports for transitions as part of your continuing professional development goals?
- How will you support the effectiveness and safety of occupational therapy services through preceptorship, supervision, mentoring, teaching and coaching opportunities in your private practice?

### MANAGING CLIENT RECORDS

Occupational therapists in private practice must maintain records in accordance with [COTBC's Managing Client Information Practice Standards](#) and BC's [Personal Information Protection Act](#). Occupational therapists considering starting a private practice should fully understand their responsibilities for managing records, protecting personal privacy under the *Personal Information Protection Act*, and ensuring proper business practices are in place to meet these standards and legal requirements.



## MANAGING CLIENT RECORDS (cont.)

Some questions to consider:

- Do you have the necessary equipment, policies, and processes in place to ensure you will be able to retain your clients' occupational therapy records for a minimum of 16 years from the date of the last entry, or to the age of majority *plus* 16 years (per Practice Standard #6)?
- Do you understand your responsibilities related to financial records, including developing a schedule of fees for services rendered? (Note: The financial record is part of the clinical record, and therefore is subject to the same retention requirements).
- What plan will you put in place to dispose of records in accordance with [COTBC Bylaw 81](#) once the period of retention is complete?
- If using an electronic health record system, do you have a clear understanding/contract with the service provider that details how clients will be able to access their records, who maintains custody or control of the records and how access will be granted should you change service providers in the future?
- If using a paper-based system, do you have policies and processes in place to support clients' ability to access to their record, if requested?
- Do you have a privacy protection policy in place and a process for responding to access requests under the *Personal Information Protection Act*?
- If you are signing a contract to provide services with a private practice company, does it include details about how clients will be informed if/when you leave the practice and who will be responsible for retaining the client's occupational therapy records?

## COMMUNICATING ABOUT YOUR PRACTICE

There are many factors related to communications which must be considered in starting a private practice. It should be noted that, as a first step, [COTBC Bylaw 55](#) requires registrants to notify the



College in writing of any change of name, address, email, place of employment or other contact information previously provided. This is important for the public to be able to search the College Register to verify your registration status and place of employment, as well as for the College to be able to contact you.

Some questions to consider:

- Are you familiar with the [College's Advisory Statement on Use of Title](#) and how it applies to communications and the trust relationship with the public?
- Do you fully understand the [College's Practice Standards for Consent](#) and legislation related to privacy and disclosure of information?
- What policies and procedures do you need to develop to support proactive, transparent and standardized management of practice issues or concerns that may arise?
- How will you ensure you are abiding by [COTBC Bylaw 89](#) regarding marketing and advertising?
- If considering client testimonials and/or providing pro bono services, have you assessed the potential impacts and risks on the therapeutic relationship, in particular related to power imbalances (real or perceived) and professional integrity?

## PLANNING FOR THE UNEXPECTED

It is important to be prepared. Safety plans, infection prevention and control measures and the development of policies and procedures for emergencies need to be considered.



Some questions to consider:

- What arrangements need to be made for client records/personal information to be safely and securely transferred to another registrant (refer to [COTBC Bylaw 82\(2\)](#)) in the event you are unable to work? Does the other registrant fully understand their responsibilities for notifying clients should this happen?
- Are you familiar with the College's practice standards for [professional boundaries](#), [conflict of interest](#) and [infection prevention and control](#) to be able to anticipate and mitigate risks?
- If you are a sole practitioner, how will your clients continue to receive occupational therapy services if you are suddenly unable to work?
- Do you have adequate insurance coverage for the occupational therapy services you will provide?
- Do you have the necessary equipment and procedures in place to effectively respond to an emergency (e.g., first aid kit, fire extinguishers)?

## INCORPORATING YOUR BUSINESS

The College does not provide advice or guidance on the business models an occupational therapist may consider when starting a private practice. Occupational therapists may find it beneficial to consult with a lawyer and/or accountant regarding these matters. The College occasionally receives questions



regarding incorporation. Unlike some health profession colleges, COTBC does not authorize incorporation of health profession corporations for the delivery of occupational therapy services under its regulation and bylaws as Part 4 of the *Health Profession Act* (governing health profession corporations) is not engaged by regulation. Consequently, an occupational therapist may incorporate a company to provide occupational therapy services and it may be beneficial to do so for financial or business reasons. If an occupational therapist files an application to incorporate a company, the College may be asked to approve the proposed name. It is important to note that a registrant who practices through a health profession corporation has the same responsibilities to meet standards of practice and conduct and has the same liability for professional negligence as a registrant who does not practice through a company.

## NAMING YOUR BUSINESS

If you choose to register a business name that includes the use of a restricted term/reserved title (e.g., Occupational Therapy/Occupational Therapist), BC Registries will indicate that you need to contact the College for confirmation or 'consent' to use that restricted term/reserved title. Typically, individuals provide the College with a copy of the Name Request Form received from BC Registries to assist with this process.

## LEAVING OR CLOSING A PRIVATE PRACTICE

The following are some key regulatory principles for registrants to consider when leaving or closing an occupational therapy practice. As stated above, the information is not exhaustive and the College strongly recommends that occupational therapists consult with professionals, such as accountants and/or lawyers, for assistance in determining best business practices and any legal requirements.

### NOTIFYING CLIENTS

COTBC's [Code of Ethics](#) highlights individual autonomy, recognizing that "every client has the right and capacity for self-determination" (p.3). This includes occupational therapists providing complete and accurate information to enable their clients to make informed decisions regarding the need for, and nature of, their occupational therapy services.



Some questions to consider:

- How will clients be informed about anticipated changes to your practice, including information/options regarding where they can receive any ongoing occupational therapy services to ensure continuity of care (e.g., option to continue with the existing clinic or finding a new occupational therapist elsewhere)?
- If you are a contractor with a private practice business, does your contract specify how clients will be notified you are leaving and the expectations for transfer of care and who has custody and control of clinical records?

### MANAGING CLIENT RECORDS

Clients may need to access their occupational therapy record in the future. Clients should be provided with information regarding where their records will be stored (e.g., securely with the retired therapist, with a storage service, or at the existing clinic if another occupational therapist takes over the practice and agrees to store the past records). Registrants are accountable for ensuring that records are safeguarded and kept in accordance with legal obligations.



Some questions to consider:

- If applicable, does the executor of your will know what to do with your business records?
- Are you aware of [COTBC Bylaw 84](#) that address contracts for handling personal information?
- If using an electronic health record system, do you have a clear understanding/contract with the service provider that details how clients will be able to access their records, who maintains custody or control of the records and how records will be disposed of after the required retention period?

### NOTIFYING THE COLLEGE

As per [COTBC Bylaw 82\(1\)](#), a written summary of the steps taken to dispose of client information must be provided to the College when a registrant ceases to practice. This includes if you are transferring/selling your practice to another business owner. Disposal of client information can only occur after the required retention period.



## OTHER CONSIDERATIONS



The following additional questions are offered as part of your reflective practice process to support the delivery of safe, ethical and effective occupational therapy services:

### Logistical Considerations

- Who will you consult with as knowledgeable business experts?
- What communications systems will you need for your small business (e.g., phone, email, electronic medical records, etc.)?
- How will you develop a budget and determine your rates?
- How will you accept payments and provide invoices/receipts?
- Will you be any hiring staff? What does that involve?
- Have you consulted with your national and/or provincial professional association for any business-related resources available to members?

### Legal & Ethical Considerations

- Are you considering a sole proprietorship, general partnership or corporation?
- Are you required to obtain a business license from your local municipality?
- Do you need to register for a GST account?
- Do you require service contracts for billing third parties or funding agencies for the services you will provide?
- What business obligations/arrangements need to be met in closing your practice (i.e., employee contracts, business sale, collecting fees/billing)?

**The College's practice team is available for further discussion and can be reached at [practice@cotbc.org](mailto:practice@cotbc.org) or toll free in BC at 1-866-386-6822**

The College of Occupational Therapists of BC (COTBC) is the governing body responsible for regulating the practice of occupational therapy in BC under the Health Professions Act and the Occupational Therapists Regulation. All occupational therapists who practise in BC must be registered with the College.