

COTBC Webinars

Today's session will start shortly

Duty of Care

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COTBC

QUALITY PRACTICE WEBINARS

Duty of Care

Welcome!

- Participants are placed on mute.
- Please type your questions in the chat box.
- Sessions are recorded and posted within 24 hours.
- Thank you for attending – please complete our evaluation.

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COTBC

QUALITY PRACTICE WEBINARS

Duty of Care



Today's speaker....

Kathy Corbett

Registrar

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QUALITY PRACTICE WEBINARS

## Duty of Care

Today's Session

	Timing
Introductions	12:00 -12:05
Being a Regulated Professional – Privilege and Responsibility	
Duty of Care – Professional Accountability	12:05 - 12:30
• A Legal Duty	
• An Ethical Duty	
Duty of Care - In Practice	
Reflecting on My Practice	
Questions and Answers	12:30 - 12:40
Wrap-up	12:40 -12:45

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## Self-regulation is a privilege...

Trust and confidence are built when a profession fulfills its promise to deliver safe, effective and ethical care.





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## The Public expects the College will protect it by:

Setting

Promoting

Monitoring

Enforcing

- Standards for entry
- Standards for ethical conduct
- Standards for practice
- Standards for quality assurance & continuing competence
- Complaints & discipline

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## Duty of Care



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## Duty of Care: When is this an issue?

withdrawing of services

discontinuing practice

Personal illness or limitations

after hours services

'abandonment'

harassment

emergencies and urgent care

refusing services

client demands

Personal safety

competence

high workload

'risky' or 'unreasonable requests'

professional boundaries

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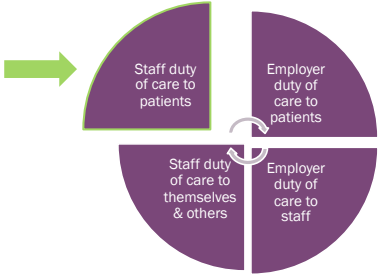
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## The Interconnected Duties of Care



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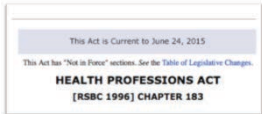
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## Duty of Care

An Ethical  
Responsibility



A Legal  
Responsibility



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*A duty of care in the health context is an obligation to ensure that a health professional provides a proper level and standard of care to patients.*

A.R Westmacott, QC  
College Legal Counsel

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## Duty of Care: A definition

**Duty of Care** can be defined simply as a legal obligation to:

- ✓ always act in the best interest of clients and others
- ✓ provide a proper standard of care
- ✓ not act or fail to act in a way that results in harm, and
- ✓ act within your competence and not take on anything you do not believe you can safely do.

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## Duty of Care

This Act is Current to August 19, 2015

**HUMAN RIGHTS CODE**  
[RSBC 1996] CHAPTER 210

“A person must not....discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or class of persons.” [Section 8, *Human Rights Code of BC.*]

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## Duty of Care

### Legislation & Regulations



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## Duty of Care

### An Ethical Responsibility



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**Dignity and Worth**  
*Every client is unique and has intrinsic worth.*

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## An OT – Client Relationship Established






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## Duty of Care

### An Ethical Responsibility



**COTBC Code of Ethics**

**Occupational Therapy Values**

- 1 Dignity and Worth**  
Every client is unique and has intrinsic worth.
- 2 Individual Autonomy**  
Every client has the right and capacity for self-determination.
- 3 Safe, Competent and Ethical Care**  
Every client has the right to safe, competent and ethical occupational therapy services.
- 4 Accountability**  
Occupational therapists are fully responsible for their practice and are obligated to account for their actions.
- 5 Confidentiality**  
Occupational therapists safeguard the confidentiality of information acquired in the context of professional relationships, to protect their clients' rights to privacy.
- 6 Fairness**  
Every client has the right to quality occupational therapy services in accordance with individual needs.
- 7 Honesty and Transparency**  
Occupational therapists communicate openly and honestly in a clear and caring manner, and respect the client's right to comprehensive information regarding occupational therapy services.
- 8 Trusting and Respectful Work Environment**  
Occupational therapists perform their professional duties in a manner that promotes a trusting and respectful working environment that supports safe and competent care.

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## Duty of Care

### An Ethical Responsibility



**COTBC Code of Ethics**

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## Duty of Care

### An Ethical Responsibility



**Code of Ethics**

**3 Safe, Competent and Ethical Care**  
*Every client has the right to safe, competent and ethical occupational therapy services.*

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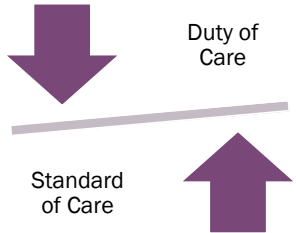
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### Concept: Standard of Care



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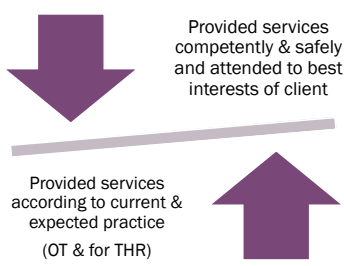
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### An example:



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### Duty of Care in Your Practice

1. Know how duty of care contributes to safe practice
2. Know how to address dilemmas that may arise that may affect your duty of care
3. Know how to recognize and act when duty of care issues arise
4. Know how to recognize & handle adverse events, incidents and “near misses”

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## Duty of Care in Your Practice

### Know how duty of care contributes to safe practice

- Review Code of Ethics and connect values to your approach with clients
- Act within your own personal & professional limitations
- Keep current on standards of care for the people you serve
- Act in non-judgmental and non-discriminatory manner
- Honest, respectful and open communication

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## Duty of Care in Your Practice

### Know how to address dilemmas that may arise & how may impact your duty of care

- Personal safety of yourself or others
- Client directives that you can't follow
- Withdrawal or discontinuation of services that are still needed

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## An example: Discontinuing services



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## Duty of Care

### A Legal Responsibility



**Professional misconduct**

68. (1) Professional misconduct for the purposes of section 33(4)c of the Act includes, but is not limited to...

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## Professional Misconduct

Discontinuing services that are needed unless:

- Client requests
- Alternative services arranged
- Client has opportunity to arrange alternate services
- Failure to establish therapeutic relationship
- Client given reasonable opportunity to achieve goals
- Client can no longer meet agreed terms of payment
- Resources allocated to services are exhausted.

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## Duty of Care in Your Practice

**Know how to recognize and act when duty of care issues arise**

- Personal capability issues (health and wellness)
- Lack of competence for the services or tasks
- Unsafe workload or environment

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## Personal Illness or Limitations



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## Workload Issues




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## Duty of Care in Your Practice

**Know how recognize & handle incidents, errors or “near misses”**

- Risk management in your practice
- Be familiar with organization policies
- Share and learn from events
- Build culture of safety for clients and colleagues

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### Duty of Care– Final Thoughts

- Reflect on:
  - Client's rights
  - OT responsibilities
  - Any limitations on practice (physical, competence, moral)
  - Standards and employer policies
- Seek support and guidance
- Arrange alternate services when appropriate
- Communicate and Document

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### Duty of Care

THANK YOU FOR LISTENING... Questions?

- Please fill out the evaluation.
- Recording will be available in 24 hours
- Additional questions? Email [practice@cotbc.org](mailto:practice@cotbc.org)
- Join us on    @OTCollegeBC

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UPCOMING WEBINARS

Coming up!

Quality Practice Series	Date/Time	Exam Prep Series	Date
Conflict of Interest	October 29, 2015	Test Wiseness – Tips for Taking an Online Exam	October 8, 2015
Client Autonomy	November 26, 2015	Booking Your Exam Date	November 5, 2015
Obtaining Consent	December 3, 2015		

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