Today’s session will start shortly!

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.

Today’s speaker....
Kathy Corbett
Registrar
Duty of Care

Today’s Session

12:00 - 12:05
Introductions

12:05 - 12:30
Being a Regulated Professional – Privilege and Responsibility
• Duty of Care — Professional Accountability
  • A Legal Duty
  • An Ethical Duty
• Duty of Care - In Practice

12:30 - 12:40
Questions and Answers

12:40 - 12:45
Wrap-up

Self-regulation is a privilege...

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

The Public expects the College will protect it by:

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

QUALITY PRACTICE WEBINARS

Duty of Care: When is this an issue?

- withdrawal of services
- ‘abandonment’
- emergencies and urgent care
- refusing services
- competence
- ‘risky’ or ‘unreasonable requests

- discontinuing practice
- after hours services
- Personal illness or limitations
- harassment
- Personal safety
- high workload
- professional boundaries

The Interconnected Duties of Care

- Staff duty of care to patients
- Staff duty of care to themselves & others
- Employer duty of care to patients
- Employer duty of care to staff
Duty of Care

An Ethical Responsibility

A Legal Responsibility

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

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.
“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.]
QUALITY PRACTICE WEBINARS

Duty of Care
An Ethical Responsibility

COTBC Code of Ethics

1. Duty to keep a proper and accurate record of all information that is relevant to the care or treatment of a client or patient.
2. Duty to keep all information about a client or patient that is relevant to the care or treatment of the client or patient private and confidential.
3. Duty to ensure that all information about a client or patient is accurate and up-to-date.
4. Duty to keep all information about a client or patient confidential and to ensure that it is not disclosed without the consent of the client or patient.
5. Duty to report any suspected or actual client or patient abuse or neglect.
6. Duty to ensure that all information about a client or patient is accurate and up-to-date.
7. Duty to keep all information about a client or patient confidential and to ensure that it is not disclosed without the consent of the client or patient.
8. Duty to report any suspected or actual client or patient abuse or neglect.

Safe, Competent and Ethical Care

Every client has the right to safe, competent, and ethical occupational therapy services.

An OT – Client Relationship Established
Concept: Standard of Care

Duty of Care

Standard of Care

An example:

Provided services competently & safely and attended to best interests of client

Provided services according to current & expected practice (OT & for THR)

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”
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

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

An example: Discontinuing services
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...

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.

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
Duty of Care – Final Thoughts

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

THANK YOU FOR LISTENING... Questions?

- Please fill out the evaluation.
- Recording will be available in 24 hours
- Additional questions? Email practice@cotbc.org
- Join us on Facebook, Twitter, LinkedIn
- @OTCollegeBC
UPCOMING WEBINARS

Coming up!

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