



## **PLEASE NOTE**

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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## CHAPTER O-1.1

### OCCUPATIONAL THERAPISTS ACT

1. In this Act	Definitions
(a) “Board” means the Prince Edward Island Occupational Therapists Registration Board established under section 2;	Board
(b) “certificate” means a certificate of registration issued under section 7;	certificate
(c) “Minister” means the Minister of Health and Wellness;	Minister
(d) “occupational therapist” means a person registered under this Act;	occupational therapist
(e) “occupational therapy” means the professional practice, on a continuing basis, of planning and implementing programs of activity for clients to enhance their ability to engage in daily living activities, which includes (i) developing and carrying out courses of action or adaptive measures to promote, maintain or restore performance, health or well-being, (ii) assessing circumstances that may affect the performance of an individual or group of people, along with their capabilities and environment, so as to determine needs and goals, (iii) monitoring progress, evaluating outcomes and adjusting goals as required, and may also include work in education, health promotion, consultation, management, research and similar aspects of practice;	occupational therapy
(f) “prescribed” means prescribed in the regulations made under section 6;	prescribed
(g) “registered” means recorded in the register maintained by the Registrar;	registered
(h) “Registrar” means the officer appointed under subsection 5(2);	Registrar
(i) “Society” means the Prince Edward Island Society of Occupational Therapists. 1994, c.43, s.1; 2005,c.40,s.23; 2010,c.31,s.3.	Society

## REGISTRATION BOARD

Board	<b>2.</b> There is hereby established as a corporate body the Prince Edward Island Occupational Therapists Registration Board. 1994, c.43, s.2.
Purpose	<b>3.</b> (1) The Board shall regulate the practice of occupational therapy in the province so as to ensure a high standard of practice and safeguard the welfare of the public with regard to occupational therapy services.
Functions	(2) The functions of the Board are to <ul style="list-style-type: none"> <li>(a) prescribe initial and continuing qualifications for registration, and fees for registration;</li> <li>(b) assess applications and decide if applicants qualify for registration;</li> <li>(c) issue certificates of registration and keep the official register of registered practitioners;</li> <li>(d) prescribe and monitor adherence to standards of practice and ethical guidelines for registered practitioners;</li> <li>(e) investigate complaints and exercise discipline or professional remediation of registered practitioners, by revocation, restriction or suspension of a registration, by reprimand, retraining requirement, fine or other means. 1994, c.43, s.3.</li> </ul>
Board, composition of	<b>4.</b> (1) The Board is composed of five persons nominated by the Society and appointed by the Minister, of whom <ul style="list-style-type: none"> <li>(a) three are, or at the time of the initial appointment are considered eligible to be, registered occupational therapists;</li> <li>(b) one is a person other than an occupational therapist considered to represent the perspective of the general public;</li> <li>(c) one is another person who may be an occupational therapist, another health professional, or lay person.</li> </ul>
Term	(2) Members of the Board are appointed for a maximum term of three years and the terms shall be so arranged or adjusted as to ensure that there will not be a turn-over of more than three members in any year.
Idem	(3) Board members may not serve more than two consecutive terms.
Termination of membership	(4) A Board member ceases to hold office if the member <ul style="list-style-type: none"> <li>(a) resigns;</li> <li>(b) ceases to reside in the province;</li> <li>(c) becomes incapacitated, for a sustained period, such as to prevent fulfilment of duties;</li> <li>(d) in the case of an occupational therapist member, ceases to be registered;</li> <li>(e) misses three consecutive meetings of the Board, without an excuse that the Board considers reasonable;</li> </ul>

- (f) is convicted of an indictable offence; or
- (g) commits an act which in the unanimous decision of the other members of the Board undermines the ability of the member to act credibly as a Board member.

(5) When a Board member ceases to hold office before the term expires, the Minister may appoint a new member, nominated by the Society, to hold office for the unexpired portion of the original term. 1994, c.43, s.4.

Completion of term

**5.** (1) The Board shall select one of its occupational therapist members as chairperson, and it may appoint other executive officers as it considers appropriate.

Officers

(2) The Board shall appoint a person, who may or may not be one of the appointed members of the Board, as Registrar who shall maintain a register in which shall be recorded the name of every person to whom a certificate is issued.

Registrar

(3) The Board may make bylaws and otherwise determine its own procedure.

Procedure

(4) The Board shall make an annual report to the Minister and to the general membership of the Society concerning its general operation and performance of its duties, and may provide to the Minister such information as the Minister may request. 1994, c.43, s.5.

Report

**6.** The Board, after consultation with the Society and subject to the approval of the Lieutenant Governor in Council, may make regulations. 1994, c.43, s.6.

Regulations

## REGISTRATION AND TITLE

**7.** (1) A person seeking to be registered as an occupational therapist shall apply to the Board and provide proof of having the following qualifications:

Qualifications

- (a) successful completion of a baccalaureate-level or diploma program in occupational therapy at an institution approved by the Board, or of an equivalent course of study acceptable to the Board;
- (b) successful completion of such practical training and acquisition of such professional experience as may be prescribed;
- (c) professional competency, as demonstrated by such examination as may be prescribed, or as the Board may otherwise recognize; and
- (d) currency of professional knowledge and skills, as indicated by such requirements as may be prescribed regarding recentness of professional qualification, examination, active practice or refresher program.

- Good standing (2) The Board may refuse to register an applicant who
- (a) has been or is being investigated or disciplined for professional misconduct, negligence or incompetence by a regulatory authority or professional organization, until such time as the said authority or organization declares the applicant to be in good standing;
  - (b) has been convicted of an offence of such a nature and direct relevance to professional practice that, in the unanimous judgment of the Board, the applicant would pose a danger to clients.
- Certificate (3) Subject to subsection (2), the Board shall register and issue a certificate to an applicant who has, to the Board's satisfaction, met the requirements of subsection (1) and paid the prescribed fee.
- Registration in other jurisdiction (4) Notwithstanding subsection (1), the Board may, in accordance with such conditions as may be prescribed, authorize the registration of a person who
- (a) is registered under an Act corresponding to this Act in another Canadian or United States jurisdiction; and
  - (b) is a member in good standing of the Canadian Association of Occupational Therapists.
- Transitional registration (5) A person who is registered as an occupational therapist under the Registered Occupational Therapists Act R.S.P.E.I. 1988, Cap. R-9, on the date this Act comes into force shall be registered and issued a certificate if the person applies within a year of this Act coming into force. 1994, c.43, s.7.
- Specialist recognition **8.** The Board may grant a specialist certification or endorsement of a registration to a person who satisfies such qualifications, standards and conditions as may be prescribed, to signify that the person is recognized as a practitioner with special or amplified expertise in a particular field of occupational therapy. 1994, c.43, s.8.
- Special-purpose certificate **9.** Notwithstanding that the qualifications set out in subsection 7(1) may not be entirely met, the Board may, in accordance with prescribed conditions, grant a special certificate, with certain privileges or restrictions concerning aspects such as duration or scope of function permitted. 1994, c.43, s.9.
- Auxiliaries **10.** The Board may, in accordance with section 6, make regulations
- (a) providing for the delegation to auxiliaries of the performance, under direct control and supervision of a registered occupational therapist, of such services as the Board may determine;
  - (b) generally for the defining, regulating and controlling of the practice of auxiliaries. 1994, c.43, s.10.

**11.** A registered occupational therapist may use the designation “occupational therapist”, “O.T.”, “registered occupational therapist”, “O.T. Reg.”, “ergothérapeute”, “ergothérapeute enregistré(e)”, “erg.” or other similar designation as may be prescribed. 1994, c.43, s.11. Effect of registration

**12.** (1) Unless a shorter term has been imposed by the Board, a certificate expires one year from the date on which it comes into effect. Expiry

(2) The Board may determine the effective date and expiry date of certificates. 1994, c.43, s.12. Idem

**13.** (1) A person who holds a certificate may apply, before its expiry, to the Registrar for renewal for the ensuing year. Renewal

(2) The Board shall renew a certificate if Idem

- (a) the Board has no reason to believe that the person is in violation of the Act, regulations or any terms or conditions affecting the validity of the person's certificate;
- (b) the person meets the prescribed requirements for currency of professional competency; and
- (c) the person pays the prescribed renewal fee. 1994, c.43, s.13.

**14.** (1) An occupational therapist who fails to renew a certificate on or before the expiry date, or to make a special arrangement for extension or deferred renewal that is satisfactory to the Board, ceases to be registered. Lapse

(2) Subject to section 13, an occupational therapist whose registration has lapsed under subsection (1) is entitled to have it renewed if application is made and the fee paid within three years of the expiry. Idem

(3) If the lapse extends for a period of more than three years, the person must apply as if for initial registration and the Board may renew the registration subject to such special terms and conditions as it considers appropriate. 1994, c.43, s.14. Idem

#### DISCIPLINE

**15.** (1) If the Board has cause to believe that an occupational therapist is Investigation

- (a) in violation of the Act or regulations; or
- (b) (i) unfit to practice, or
- (ii) guilty of conduct contrary to the public interest, by reason of negligence, professional misconduct, mental or professional incompetence or other comparable failing which may harm a client,

the Board shall conduct an investigation, and give the occupational therapist the opportunity of a hearing, with legal counsel if desired.

Notice to affected occupational therapist	(2) The Board shall not carry out a full investigation without first giving the occupational therapist written notice of its intent to do so, and the notice shall include a statement of what the complaint or concern is, the assurance of a hearing and the right to be represented by legal counsel if desired. 1994, c.43, s.15.
Discipline	<p><b>16.</b> If the Board, after the investigation and hearing, determines that the occupational therapist is in violation of the Act or regulations, unfit to practise or guilty of conduct contrary to the public interest, it may, following guidelines in regulations or written policy, disqualify, discipline or seek to remedy the professional performance of the occupational therapist, by</p> <ul style="list-style-type: none"> <li>(a) suspending or cancelling the registration;</li> <li>(b) imposing conditions on the registration;</li> <li>(c) reprimanding the occupational therapist;</li> <li>(d) requiring the occupational therapist to take a course or educational or rehabilitative treatment program;</li> <li>(e) requiring the occupational therapist to pay the costs of the investigation and discipline; or</li> <li>(f) imposing any combination of these measures or other such sanction as the Board considers appropriate. 1994, c.43, s.16.</li> </ul>
Appeal	<b>17.</b> (1) An occupational therapist whose registration has been suspended or revoked under section 16 may appeal that decision to the Supreme Court by filing a notice of appeal with the court, and so informing the Board, within thirty days of receiving notification of the decision of the Board.
Allowance	(2) A suspension or revocation takes effect only after thirty days following the date on which the Board has made its decision known to the occupational therapist, or, if an appeal is made, after the court has dismissed the appeal.
Reinstatement	(3) The Board may reinstate a revoked certificate or remove a suspension, if the applicant meets the requirements for registration set out in subsection 7(1). 1994, c.43, s.17; 2008,c.20,s.72(65).

#### OFFENCE

Prohibition	<p><b>18.</b> No person other than a registered occupational therapist holding a valid certificate shall</p> <ul style="list-style-type: none"> <li>(a) engage in or carry out the practice of occupational therapy under any of the titles referred to in section 11 or other similar designations as may be prescribed; or</li> </ul>
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(b) take or use any name, title, or description implying or calculated to lead people to infer that the person is a registered occupational therapist. 1994, c.43, s.18.

**19.** Anyone who violates section 18 is guilty of an offence and is liable on summary conviction to a fine not exceeding \$2,000. 1994, c.43, s.19.

Penalty

**20.** A prosecution under section 19 must be begun within two years of the alleged commission of the offence. 1994, c.43, s.20.

Limitation period

**21.** This Act in no way affects the practice of a qualified practitioner licensed or registered under any other Act governing that profession or occupation. 1994, c.43, s.21.

Saving for other professional activities

#### LIABILITY

**22.** The Board and its members and officers are not liable for anything done in good faith as part of their functions under this Act. 1994, c.43, s.22.

Liability of Board

**23.** The relationship of an occupational therapist to a limited company or professional corporation, whether as shareholder, director, officer or employee, does not change the liability of the occupational therapist as a practitioner. 1994, c.43, s.23.

Corporation

#### GENERAL

**24.** Repeal. 1994, c.43, s.24.

Repeal