

Published by Authority

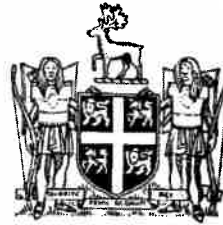
**CONSOLIDATED NEWFOUNDLAND AND LABRADOR
REGULATION 1125/96**

Occupational Therapists Regulations
under the
Occupational Therapists Act
(O.C. 96-941)

Amended by:
21/00
14/02

OFFICE OF THE QUEEN'S PRINTER
© EARL G. TUCKER, Q.P.
Print Date: September 23, 2010





Published by Authority

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1125/96

Occupational Therapists Regulations
under the
Occupational Therapists Act
(O.C. 96-941)

Under the authority of section 12 of the *Occupational Therapists Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

Analysis

- | | |
|---------------------------|------------------------------|
| 1. Short title | 7. Register of licensees |
| 2. Definitions | 8. Meetings of the board |
| 3. Functions of the board | 9. Discipline of licensees |
| 4. Finances | 10. Amendment of regulations |
| 5. Licensing | 11. Referral |
| 6. Provisional licence | 12. Repeal |

Short title

1. These regulations may be cited as the *Occupational Therapists Regulations*.

281/88 s1

Definitions

2. In these regulations

(a) "Act" means the *Occupational Therapists Act*;

- (b) "association" means the Newfoundland and Labrador Association of Occupational Therapists, Inc., incorporated under the laws of the province;
- (c) "board" means the Newfoundland and Labrador Occupational Therapy Board;
- (d) "education" means a course of studies including academic and practical studies approved by the World Federation of Occupational Therapists;
- (e) "licence" means a licence to practise as an occupational therapist issued under this Act and includes a provisional licence;
- (f) "occupational therapist" means a person who practises occupational therapy;
- (g) "practice of occupational therapy" means employment as an occupational therapist including the provision of direct service, education, consultation, research or administration in the fields of health, education, community or social services; and
- (h) "registration examination" means an examination set or designated by the board to determine eligibility for registration.

281/88 s2

Functions of the board

3. (1) The board shall at its first meeting following the annual meeting in each year elect the following officers:

- (a) secretary/treasurer; and
 - (b) registrar.
- (2) The chairperson on the board shall be responsible for
- (a) calling and chairing all meetings of the board;
 - (b) belonging by virtue of the position to all committees of the board;

- (c) directing and co-ordinating the affairs of the board; and
 - (d) performing other activities that may be assigned by the board.
- (3) The registrar shall be responsible for
- (a) maintaining the register of licensees;
 - (b) issuing applications for licence and renewal of licence;
 - (c) receiving applications for licence and renewal of licence;
 - (d) issuing licences to eligible applicants;
 - (e) issuing annual membership cards to eligible applicants;
 - (f) collecting licence fees, renewal fees and fines;
 - (g) publishing a list of all persons licensed to practise occupational therapy in the province in a newspaper having general circulation throughout the province before February 28 in each year; and
 - (h) assuming the duties of the chairperson in the absence of the chairperson.
- (4) The offices of the secretary and treasurer shall be combined by the board and performed by one officer designated as the secretary/treasurer.
- (5) The office described in subsection (4) shall be responsible for
- (a) recording minutes of the board;
 - (b) issuing all notices and mailings to licensees as designated by the chairperson;
 - (c) managing the accounts of the board;
 - (d) disbursing funds of the board;

- (e) preparing and presenting the annual budget; and
- (f) preparing and presenting a fiscal income statement, balance sheet and statement of retained earnings for the last fiscal year which shall be presented to the annual general meeting.

281/88 s3; 14/02 s1

Finances

4. (1) The fiscal year of the board shall be from April 1 to March 31.

(2) The membership year of the board shall be from March 1 to the last day of February.

(3) The board shall annually establish the amounts of the licence fee and renewal fee.

(4) All members of the association and occupational therapists shall be sent notice of the amount and due date of the annual fee 30 days before the start of the licensing year and failure to receive that notice does not relieve the individual of the responsibility of paying the correct fee by the due date.

(5) The amount of a late payment fine shall be determined by the board.

(6) Contracts, obligations and financial transactions entered into the board approval shall be signed by 2 of 4 signatories authorized by the board.

281/88 s4

Licensing

5. (1) A person shall be licensed by the board if he or she

- (a) applies in writing;
- (b) pays the prescribed fee at the time of application;
- (c) satisfies the board that he or she
 - (i) has graduated from a Canadian degree program in occupational therapy recognized by the board or has graduated from a World Federation of Occupational Thera-

pists approved school of occupational therapy, and has passed the Canadian Association of Occupational Therapists certification examination, and has at least 1,000 hours of practical occupational therapy experience,

- (ii) holds an unrestricted practice licence in a board approved Canadian jurisdiction and has graduated from a Canadian degree program recognized by the board or has established practice for 3 consecutive years in a board approved Canadian jurisdiction and meets examination requirements or other equivalencies established by the board, or
- (iii) has graduated from a board recognized school of occupational therapy prior to December 1, 1985 and has held an unrestricted licence with the board prior to July 1, 2001;
- (d) has practised with an unrestricted licence in a Canadian jurisdiction approved by the board within the immediate 3 years preceding the application, or has graduated from a school of occupational therapy approved by the board within the 18 months immediately preceding the application, but where a person is otherwise eligible but has not satisfied the board that he or she has met the requirements of this paragraph, he or she shall complete a minimum of 600 hours practice in a clinical occupational therapy facility accredited by the Canadian Association of Occupational Therapists and pass the Canadian Association of Occupational Therapists Certification exam; and
- (e) is a current member of the Canadian Association of Occupational Therapists and the association.

(2) An applicant for licence shall submit to the registrar the prescribed application form and documentation required by the board as evidence of compliance with subsection (1).

(3) An application form shall be considered to be submitted on the date it is posted as evidenced by the postmark.

(4) At the time of application, the applicant shall pay to the board a licensing fee.

(5) Upon receipt of a satisfactory and complete application and receipt of the licensing fee, the registrar shall present the application to the board chairperson for approval or present the application at the next board meeting for approval.

(6) If the application for a licence is approved by the board, the registrar shall

(a) enter the name of the approved applicant together with the required particulars in the register of licences; and

(b) issue to the applicant a licence and membership card.

(7) If the board refuses to approve an application,

(a) the reasons for the refusal shall be stated and the registrar shall promptly notify the applicant in writing of the refusal and the reasons for the refusal;

(b) shall advise the applicant of this individual's rights of appeal under section 11 of the Act; and

(c) the registrar shall notify employers if a licence has been denied.

(8) A licence under the Act expires each year on the last day of February unless otherwise specified at the time the licence is issued.

(9) To renew a licence, a member shall submit to the registrar on or before February 14 an application form for renewal of licence, accompanied by

(a) evidence of practice without restriction on his or her licence in a Canadian jurisdiction approved by the board within the immediate three years preceding the application for renewal;

(b) payment of the renewal fee; and

(c) evidence of membership in the association and the Canadian Association of Occupational Therapists.

- (10) Where a member fails to renew a licence by February 14,
- (a) that member may have his or her name retained on the register upon payment of a \$40 fine in addition to full payment of the fee paid by March 1; and
 - (b) the registrar of the board shall notify the late licensee that his or her renewal of licence is overdue and that failure to pay full payment of the fee and the fine by March 1 will result in the licensee's name being struck from the register on that date.

(11) On March 1 a person whose licence has expired shall have his or her name struck from the register and the registrar shall immediately notify both the person and the employer, by registered mail, that the person is no longer licensed by the board.

(12) The occupational therapist who has allowed his or her licence to expire may re-register by applying for a licence registration as described in subsection (2) and by paying the fine referred to in paragraph (10)(a).

(13) The member's licence may be cancelled or suspended in accordance with section 10 of the Act.

(14) There shall be no refunds of a fee once the licence has been issued and in the event of denial of the application for licence, 50% of the fee shall be refunded.

14/02 s2

Provisional licence

6. (1) A candidate for a licence who has paid the prescribed fee and who has submitted an application which on its face indicates that the applicant is entitled to a licence, but has failed to submit one or more of the proofs in accordance with subsection 5(2), may be granted a provisional licence.

(2) Issuing of provisional licences shall not imply the right to continuing membership if the candidate fails to meet the licensing requirements stated in paragraphs 5(1)(c), (d), and (e).

(3) A candidate for a licence who has complied with all the requirements of subsections 5(1) and (2), except for successful comple-

tion of the Canadian Association of Occupational Therapists certification examination, may be granted a provisional licence for up to one year provided the applicant satisfied the board that

(a) for a Canadian educated applicant

- (i) the applicant has graduated from an occupational therapist educational program in Canada which is accredited by the C.A.O.T., and
- (ii) the applicant has successfully completed the required fieldwork in Canada; or

(b) for a non-Canadian educated applicant

- (i) the applicant has graduated from a non-Canadian occupational therapist educational program recognized by the World Federation of Occupational Therapists, and
- (ii) is a full member in the Professional Association of Occupational Therapists in the country where their occupational therapy education was received or in the occupational therapy association in the place where they are presently working.

(4) Provisional licences under this section require the candidate to write the C.A.O.T. certification exam at the first available sitting.

(5) Provisional licences may be extended for an additional year to allow a candidate who has failed the exam the opportunity to sit the exam a second time.

(6) The licensing year shall run from March 1 to the last day of February unless otherwise specified at the time the provisional licence is issued.

(7) A provisional licence to practise occupational therapy may be issued to a person for a period of 6 months, provided that an extension after the 6 month period, or the issuing of a permanent licence, shall be subject to the regulations then in effect.

212/87 s2; 281/88 s5; 14/02 s3

Register of licenses

7. The board shall maintain a register of licensees and shall enter in it the names of every person who is a licensee together with the following particulars:

- (a) full name and address;
- (b) the date on which each person is licensed and the date on which a person ceases to be a licensee;
- (c) occupational therapy degrees and qualifications; and
- (d) the licence number for each person.

281/88 s6

Meetings of the board

8. (1) The board shall meet 90 days before the annual general meeting of the association and at least 3 other times during the year.

(2) The annual general meeting shall be held no later than November 31 in each year.

(3) The order of business of the annual general meeting shall include

- (a) minutes of the previous annual general meeting;
 - (b) the secretary/treasurer's report;
 - (c) the registrar's report;
 - (d) presentation of the annual budget and a proposed licence fee schedule; and
 - (e) election of officers.
- (4) Special meetings may be called by the board.

(5) Notice of all annual general or special meetings shall be mailed to the members of the board at least 30 days before the meeting and shall include

- (a) time and place of the meeting;

(b) agenda, specifying the nature of the business to be conducted;

(c) notice of motion; and

(d) copies of documents requiring preview before the meeting.

(6) The notice of the annual general meeting referred to in subsection (5) shall also be accompanied by

(a) notice of the annual licence fee and renewal fee proposed by the board; and

(b) notice of motions introducing, amending or repealing the regulations.

(7) All notices required under subsection (6) may be waived by the board member.

(8) A quorum for an annual general or special meeting shall be 60% of the members of the board.

(9) Each member of the board is entitled to one vote cast in person.

(10) At every meeting of the members of the board, each question shall be decided by a simple majority of votes cast by those present with the exception of

(a) introduction, amendment or repeal of the regulations;

(b) changes in the licence fee schedule;

(c) acceptance of the financial statement of the board; or

(d) removal of a board member,

which shall require the votes of at least 3 board members.

(11) Voting at every meeting shall be by a show of hands.

(12) The board chairperson shall not take part in debates at board meetings, but when there is an equality of votes, and not otherwise, the chairperson shall vote.

281/88 s7

Discipline of
licensees

9. (1) The board shall appoint a standing disciplinary committee consisting of 3 members of which

(a) one member of the committee shall be a licensee;

(b) one member shall represent the public; and

(c) one member shall represent the Newfoundland and Labrador Health Care Association.

(2) The board shall appoint one member of the committee to be chairperson of the committee.

(3) All complaints to the board alleging that a licensee has been guilty of misconduct or is incompetent to practise occupational therapy shall be referred to the disciplinary committee and the licensee against whom the complaint has been lodged shall be notified by the board of the action.

(4) Disciplinary procedure shall be in accordance with section 10 of the Act.

281/88 s8: 21/00 s1

Amendment of
regulations

10. (1) Subject to the approval of the minister, the board shall amend these regulations in accordance with a special resolution passed under this section.

(2) Regulations may be amended at an annual general meeting or a special meeting.

(3) A written proposal for an amendment to the regulations may be forwarded by a member of the board to the secretary not less than 45 days before the date of an annual general or special meeting.

(4) The secretary shall send with the notice of the annual general or special meeting a notice of intention to propose an amendment

to the regulations together with a copy of the proposed amendment not less than 30 days before the meeting at which it will be presented.

(5) A special meeting shall be called by the secretary upon receipt of a written request from a member of the board for an amendment to the regulations.

281/88 s9

Referral

11. In accordance with paragraph 12(h) and section 13 of the Act, referral to an occupational therapist may be made by professionals in the health, education, social, industrial sector or by the client or family.

179/94 s1

Repeal

12. The Occupational Therapists Regulations, 1988, Newfoundland Regulation 281/88, and the Occupational Therapists (Provisional Licensing) Regulations, 1987, Newfoundland Regulation 212/87, are repealed.

©Earl G. Tucker, Queen's Printer