

FITNESS TO PRACTISE

One of the main roles of the College of Occupational Therapists of Manitoba (COTM) is to protect the public. Before granting registration to an applicant, COTM needs to assess if there are reasons why you should not be allowed to practise occupational therapy in Manitoba. We also determine if there should be any restrictions on your registration. One of the things we check is that you are fit to practise. This means that you do not have a physical or mental illness or condition, or an addiction to drugs or alcohol that interferes with your ability to practise occupational therapy.

How does the Essential Competencies of Practice address fitness to practice?

COMPETENCY 1.2 Practises within scope of professional and personal limitations and abilities.

Indicator iii. Takes action to ensure that personal and professional limitations do not cause competence to fall below a level considered acceptable in the jurisdiction.

COMPETENCY 7.1 Manages day-to-day practice processes.

Indicator iv. Manages professional responsibilities by recognizing personal and professional limits of functioning.

Cues: limits or stops work if physically or mentally unable to practice safely and effectively; monitors impact of work-life balance on professional responsibilities

How do you get information about my fitness to practise?

There are several ways that COTM learns about fitness to practise concerns.

- 1) There are questions on the initial application form and annual renewal form that ask you if you have:
 - a physical illness
 - a mental illness or
 - an addiction to drugs or alcoholthat interferes with your ability to practise occupational therapy.
- 2) Any member of the college who believes that you are suffering from a physical or mental condition or disorder to the extent that you are unfit to continue to practise occupational therapy must inform COTM of their concerns.
- 3) If your employment is terminated, your employer must report the reasons for the termination to COTM.
- 4) Any person may make a report in writing to COTM about the conduct of a member.

Do I need to contact COTM between annual renewals to report a health condition?

It is advisable to contact COTM to report a health condition as it arises, if you believe it may have some impact on your ability to safely carry out your work as a registered occupational therapist. This will allow the COTM staff to support you in taking necessary steps to manage your practice. Secondly, it will assist COTM in responding if another occupational therapist reports the matter to COTM as per S. 64 of *The Occupational Therapists Act*.

Duty of members to report

64 (1) A member who believes that another member is suffering from a physical or mental condition or disorder of a nature or to an extent that the member is unfit to continue to practise or that the member's practice should be restricted, shall inform the registrar of that belief and the reasons for it.

Exemption from liability for disclosure

64 (2) A member who discloses information under subsection (1) is not subject to any liability as a result, unless it is established that the disclosure was made maliciously.

What will happen if I disclose that I have a physical or mental illness or addiction?

If you declare that your physical or mental illness or addiction interferes with your ability to practise occupational therapy, you may be asked by COTM to:

- provide details of the condition, which may include current treatment regimes
- description of practice challenges that you may be facing
- define any special provisions you require or limitations on your practice
- submit a reference from your current or recent past employer or educator
- provide a report from a recent health care provider or counselor.

What will happen if someone reports a concern about me?

COTM will contact you to gather more information. You may choose to co-operate by providing the information needed, (similar to above) and reaching a mutually agreeable plan to manage the concern. If you choose not to co-operate, the COTM Registrar will refer the matter to the COTM Investigation Committee and a formal investigation will proceed.

What will happen if someone complains about my practice?

If the information is received as a complaint, it will be referred to the investigation committee and may be investigated. This may involve a more thorough assessment of your condition and your practice.

A variety of outcomes are possible. Refer to Part 6 of *The Occupational Therapists Act* for detailed information.

Will I be allowed to practise occupational therapy in Manitoba if I have a physical or mental illness or addiction?

Yes, if the health condition does not interfere with your ability to practise.

If the condition *does* interfere with your ability to practise, any of the following may occur:

- some conditions may be placed on your registration. Where relevant, you may be asked to disclose the information to your employer, and make arrangements to have the necessary accommodations
- your registration may be suspended
- your registration may be cancelled.

How can I appeal COTM’s decision if I don’t agree?

You can make an appeal in writing. The details of the appeals process related to registration decisions of the Board of Assessors can be found in S. 11 *The Occupational Therapists Act*.

You may wish to also review the COTM Fact Sheet on Appeals. <https://cotm.ca/upload/FACTS-Appeals.pdf>

Do I need to report to COTM if I am involved in a supported employment arrangement such as a gradual return to work program?

It is advisable to contact COTM to report a health condition even if there are supported employment arrangements in place. This will allow the COTM staff to clarify any other necessary steps you need to take to manage your practice. Secondly, it will assist COTM in responding if another occupational therapist reports the matter to the college as per S. 64 of *The Occupational Therapists Act*.

Further, it allows COTM to clarify regulatory expectations related to a modified work situation. A modified work arrangement to support safe practice cannot allow for a reduction in the provision of adequate service. The structural and logistical features of the work situation (for e.g., frequency of attendance, length of work days, size of caseload, physical demands of the position) can be modified according to the return-to-work agreement between you and your employer. However, the quality of service that is provided to clients cannot be allowed to fall below an accepted standard.

What if I am aware of another OT having a health condition because they are my client?

Currently, *The Occupational Therapists Act* does not provide specific direction on this however the previous OT legislation specified that you are exempt from communicating this information to COTM if you are aware of it because you are providing professional services to an occupational therapist who is your client. The confidentiality requirements that support your involvement with the client would take precedence. However, once your professional relationship with the client ends, if you are aware that the COTM member is practising and is likely unsafe in that practice, it is advisable that you contact COTM.

What if I am aware of another professional having a health condition?

Though you do not have a legal obligation to report another professional, you do have a professional obligation to consider the safety of clients. For this reason, and in keeping with the COTM Code of Ethics, you are advised to seek advice and direction from that professional’s regulatory authority.

For more information, please contact COTM at (204) 957-1214 or by email at registration@cotm.ca

This publication is provided for general information. For more specific information see *The Essential Competencies of Practice for Occupational Therapists in Canada*, 3rd Edition 2011
 The COTM Code of Ethics for Occupational Therapists and
The Occupational Therapists Act and Regulation.
 COTM publications are available on our website at www.cotm.ca