

# SSOT Regulatory Bylaws

## Office Consolidation as of September 30, 2022

### NOTE:

This consolidation includes *The SSOT Regulatory Bylaws, 2022* and is not official but is prepared for convenience of reference. The official legal version of the regulatory bylaws is the version that is published in *The Saskatchewan Gazette* and should be consulted for all purposes of interpretation and application of the law. Notes following each section indicate the locations in the Gazette where the bylaws are published.

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**Title**

1 These bylaws may be referred to as *The SSOT Regulatory Bylaws, 2022*.

*Gazette Sept.30/22, s. 1*

**Definitions**

2 In these bylaws:

- (a) “Act” means *The Occupational Therapists Act, 1997*;
- (b) “prescribed examination” means the National Occupational Therapy Certification Examination administered by the Canadian Association of Occupational Therapists;
- (c) “SSOT” means the society.

*Gazette Sept.30/22, s. 2*

**MEMBERSHIP****Categories of membership**

3 Membership in the SSOT consists of the following categories:

- (a) practising membership;
- (b) restricted practising membership;
- (c) extended access membership; and
- (e) non-practising membership.

*Gazette Sept.30/22, s. 3*

**General requirements**

4(1) All applications for registration in any category of membership must be made on a form provided by SSOT for the purpose.

(2) All applicants for admission to membership as a practising member must:

- (a) provide satisfactory evidence of good character by submitting:
  - (i) a criminal record check; and
  - (ii) any other relevant information the registrar may require; and

(b) meet the English language requirement set by council.

*Gazette Sept.30/22, s. 4*

**Practising membership**

5(1) Practising membership in the SSOT is available to a person who is described in:

(a) subsection 19(1) of the Act who has successfully completed an entry-level Professional Master's program in Occupational Therapy from a Canadian university or education assessed as equivalent by the Association of Canadian Occupational Therapy Regulatory Organizations, and has passed the prescribed examination; or

(b) subsection 19(1.1) of the Act.

(2) Practising membership entitles a person to the following privileges:

(a) to vote and hold office in the SSOT;

(b) to have voice and vote at the annual and special meetings of the SSOT;

(c) to be appointed to committees of the SSOT; and

(d) to receive publications of the SSOT.

*Gazette Sept.30/22, s. 5*

**Restricted practising membership**

6(1) Restricted practising membership in the SSOT is available to a person who has successfully completed the occupational therapy education program described in clause 5(1)(a) and who otherwise meets the requirements of subsection 19(2) of the Act.

(2) A restricted practising membership is intended as a transitional status to provide a person with the ability to be a member of the SSOT while obtaining all necessary qualifications for practising membership and expires at the earliest of the following times:

(a) 18 months from the date on which it is approved; or

(b) if and when the member fails for a second time to successfully complete the prescribed examination.

(3) Restricted practising membership entitles a person to the following privileges:

(a) to have voice, but no vote, at the annual and special meetings of the SSOT;

- (b) to be appointed to committees of the SSOT; and
- (c) to receive publications of the SSOT.

*Gazette Sept.30/22, s. 6*

**Extended access membership**

7 (1) Extended access membership in the SSOT is available to a person who meets the requirements of subsection 19 (1.1) of the Act.

(2) Subject to obtaining and maintaining a valid licence or permit to practice in another Canadian jurisdiction, extended access membership entitles a member to provide telepractice services to a person who is physically situated in Saskatchewan and to the following privileges:

- (a) to have a voice, but no vote, at the annual and special meetings of the SSOT;
- (b) to receive publications of the SSOT.

*Gazette Sept.30/22, s. 7*

**Non-practising membership**

8(1) Non-practising membership in the SSOT is available to a person who:

- (a) is eligible for registration as a practising member or was in good standing when last registered with a regulatory body for occupational therapists in Canada; and
- (b) is not currently practising occupational therapy in Saskatchewan.

(2) Non-practising membership entitles a person to the following privileges:

- (a) to have voice, but no vote, at annual and special meetings of the SSOT;
- (b) to be appointed to committees of the SSOT; and
- (c) to receive publications of the SSOT.

(3) Non-practising members are required to renew their non-practising status annually.

*Gazette Sept.30/22, s. 8*

**Emergency registration and licensure**

9 Notwithstanding any other provision of these bylaws, in an emergency, the registrar may, under any terms, conditions or restrictions that the registrar considers appropriate, register as a practising member or a restricted practising member and issue a licence to:

- (a) a person who is currently or has been licensed to practice as an occupational therapist in Canada; or
- (b) a person who is a graduate of or a student in a Canadian entry-level Professional Master's program in Occupational Therapy.

*Gazette Sept.30/22, s. 9*

## LICENSURE

### **Full practising licence**

10(1) A person who is registered as a practising member is entitled to a full practising licence for the initial licensing year in which the person is registered.

(2) In order to obtain renewal of a licence to practice, a practising member shall:

(a) provide evidence of:

(i) completion of at least 600 hours of occupational therapist activities recognized by council, in the three years immediately preceding the date of application for renewal; or

(ii) successful completion of the SSOT re-entry program or a re-entry program administered by another province that is recognized by council within the 18 months immediately preceding the date of the application for renewal;

(b) provide proof of liability/malpractice insurance coverage for a minimum of \$5 million; and

(c) meet the continuing competency program requirements as determined by council.

(3) A practising member who is currently in the process of completing the SSOT re-entry program or a re-entry program administered by another province and recognized by council may obtain renewal of their practising licence subject to the condition that it only permits the member to complete the program.

*Gazette Sept.30/22, s. 10*

### **Restricted practising licence**

11(1) A restricted licence may be issued to a restricted practising member who provides evidence of eligibility to write the prescribed examination.

(2) In order to obtain renewal of a licence to practice, a restricted practising member shall:

(a) provide proof of liability/malpractice insurance coverage for a minimum of \$5 million; and

(b) meet the continuing competency program requirements as determined by council.

*Gazette Sept.30/22, s. 11*

**Temporary practising licence**

12 A person who meets the requirements of subsection 19(1.1) of the Act and is intending to participate in or teach or instruct a course, workshop, seminar or any other program involving client contact of two weeks or less duration may obtain a temporary licence.

*Gazette Sept.30/22, s. 12*

**CONTINUING COMPETENCY**

**Continuing competency program**

13(1) Practising members who hold a current full practising licence or restricted practising licence are required to participate in SSOT’s continuing competency program as part of the licence renewal process.

(2) Prior to the end of the licensing year, members must submit a copy of their completed SSOT professional development plan and outcomes from that current licensing year.

(3) Members must submit their SSOT professional development plan for the upcoming licensing year in order to renew their licence.

(4) Members must participate in the audit process of the continuing competency program if selected unless an exemption of participation has been approved by council.

*Gazette Sept.30/22, s. 13*

**ADVERTISING**

**Advertising**

14(1) A member or clinic may make information about the member and services provided, or about the clinic and the services it provides, available to any client, potential client or the public generally, subject to the limitations contained herein:

(a) the word “advertising” in relation to the occupational therapy profession must be taken in its broadest sense. It includes all those methods by which a member is made known to the public either by himself/herself or by others without his/her objection, in a

manner that can be fairly regarded as having for its purpose the obtainment of clients or the promotion in other ways of the member's professional advantage;

(b) an advertisement with respect to a member's practice shall contain only relevant factual and verifiable information; and

(c) a member or clinic may participate in or donate services to charitable endeavors.

(2) Advertising, promotion and other marketing activities must be accurate and not capable of misleading the public either directly or indirectly through any medium or agent that:

(a) misrepresents facts;

(b) compares either directly, indirectly or by innuendo, the member's services or ability with that of any other practitioner or clinic, or promises or offers more effective services or better results than those available elsewhere;

(c) deprecates another member or clinic as to service, ability or fees;

(d) creates an unjustified expectation about the results the member can achieve;

(e) is made under any false or misleading guise, or takes advantage, either physically, emotionally or financially of any patient, or uses coercion, duress or harassment;

(f) is incompatible with the best interests of the public or members, or tends to harm the standing of the occupational therapy profession generally;

(g) contains any testimonial or discloses the names of clients; or

(h) contains any reference to a specific brand of drug, device, or equipment.

(3) Members may list on office letterhead and business cards:

(a) only those qualifications they hold;

(b) their name and that of the office, its address, phone, fax, office hours and similar details; and

(c) services provided or area of specialty.

(4) A breach by any member of any of the provisions contained in the above subsections of this bylaw shall be deemed professional misconduct.

## PROFESSIONAL CONDUCT

### Generally

15 All members shall ensure that they work within their educational preparation, level of competence and scope of practice and incorporate the *Competencies for Occupational Therapists in Canada*, as amended or revised from time to time, into their practice of occupational therapy.

*Gazette Sept.30/22, s. 15*

### Code of ethics

16 All members shall comply with the SSOT's most current Code of Ethics as approved by the council and the membership.

*Gazette Sept.30/22, s. 16*

### Use of titles

17(1) A practising member who holds a current practising licence is entitled to and shall use the title "Occupational Therapist", the abbreviation "OT", "O.T. Reg. (Sask.)", or any word, title or designation, abbreviated or otherwise to show that the person is a registered occupational therapist, subject to section 21 of the Act.

(2) A restricted practising member who holds a current restricted licence is entitled to and shall use the title "Occupational Therapist Restricted" or "OT(Res.)."

(3) An extended access member is entitled to use the title "Occupational Therapist" or any other word, title or designation, whether or not abbreviated, to include that the individual is practising with an extended access membership as a member of the SSOT.

(4) A temporary practising member who holds a temporary practising licence is entitled to use the title "Occupational Therapist" or any other word, title or designation, whether or not abbreviated, to include that the individual is practising with a temporary practising licence as a member of the SSOT.

(5) A non-practising member shall not hold themselves out as entitled to practice.

*Gazette Sept.30/22, s. 17*

## COMPLAINT INVESTIGATION AND DISCIPLINE

### Investigation procedures

18(1) Where the Professional Conduct Committee receives a complaint pursuant to subsection 25(1) of the Act, the committee shall, in writing, notify:



(a) the member who is the subject of the complaint that a complaint has been received and ask for a written response to be provided within a specified time; and

(b) the person who made the complaint that the complaint will be reviewed.

(2) In determining the steps that it considers necessary in its investigation of a complaint, the Professional Conduct Committee may:

(a) facilitate a resolution of the complaint by consent of the complainant and the member;

(b) request any person to answer any questions and to produce any records, notes, photographs, x-rays, films, books, papers, or any other documents or things in the person's possession or under their control that are or may be relevant to the complaint being investigated;

(c) with the consent of the person producing them, copy and keep copies of any of the documents or things that are produced in accordance with clause (b).

(3) If the Professional Conduct Committee determines that a complaint be dismissed, the committee shall, in addition to providing its report to the Discipline Committee as required by subsection 25(2) of the Act, notify any person of that determination that the committee considers appropriate.

*Gazette Sept.30/22, s. 18*

**Publication of Discipline Committee decisions**

19(1) Where the Discipline Committee determines that a member is not guilty of professional incompetence and/or professional misconduct, the committee shall provide written notice that the complaint has been dismissed to:

(a) the member who was the subject of the complaint;

(b) the person who made the complaint; and

(c) any other persons considered necessary by the committee.

(2) Where the Discipline Committee determines that a member is guilty of professional incompetence and/or professional misconduct, its decision shall be posted on the SSOT website, redacted so as to ensure no personal information of individuals other than the member is included.

*Gazette Sept.30/22, s. 19*

**Conflict of interest**

20 If a member of the Professional Conduct Committee or the Discipline Committee has a conflict of interest with respect to a complaint, the member shall step down and the council may appoint a person to replace that member in relation to that complaint.

*Gazette Sept.30/22, s. 20*

**THE REGISTER****Contents**

21 The Registrar may maintain the register required to be kept pursuant to subsection 18(1) of the Act in an electronic form and shall, in addition to the information required to be included in accordance with that subsection, include the following information with respect to each member:

- (a) date of initial registration;
- (b) current licensure status;
- (c) any limitations or restrictions on the member's practice for the period of time during which the limitation or restriction is effective;
- (d) if a formal complaint has been referred to the Discipline Committee, a notation that a discipline hearing is pending.
- (e) if the member participated in a consent resolution process, a notation indicating the nature of the discipline offence resolved; and
- (f) if the Discipline Committee has made a finding of guilt after a discipline hearing, a notation indicating the nature of the discipline offence found to have been committed by the member.

*Gazette Sept.30/22, s. 21*

**REVIEW OF REGISTRAR'S DECISION****Decision review procedures**

22(1) For the purposes of subsection 20(4) of the Act, an applicant who wishes to request a review by council of a decision of the registrar respecting an application for registration or licensure must file a written notice of appeal addressed to the council:

- (a) within 30 days after being notified of the decision;

- (b) received by SSOT staff within that time; and
  - (c) setting out the grounds on which the applicant alleges that the registrar's decision is in error, together with any documentation necessary to support the allegation.
- (2) Any new information that was not made available to the registrar prior to making the decision in respect of which review is requested must first be submitted to the registrar for review.
- (3) Upon reviewing any new information submitted, the registrar may either:
- (a) reverse the original decision and notify council that a review will not be necessary; or
  - (b) confirm the original decision and notify council that the review will proceed.
- (4) Where a review proceeds, SSOT staff will contact the applicant, members of council and legal counsel for the SSOT to arrange a date for the applicant to appear before council as required by subsection 20(6) of the Act.
- (5) The applicant may choose to be represented by legal counsel or to have a support person present during the appearance before council, and shall notify the SSOT's staff in advance of the names of any such person who will be attending.
- (6) Prior to the appearance before council, SSOT staff and the registrar shall not provide council with any information except the applicant's name and the name of any support person accompanying the applicant so members of council can declare any conflicts of interest in advance.
- (7) Council will review the facts of each case in the context of the Act, the bylaws, and the SSOT policies to determine if the decision was appropriately made, based on the information provided to the registrar.
- (8) The registrar shall prepare a written report for council identifying the decision, summarizing the relevant facts, and briefly explaining the rationale of the decision.
- (9) The registrar shall make the report available to the applicant a minimum of two days prior to their scheduled date of the appearance before council.
- (10) The registrar shall provide the written report, along with a brief oral summary of it, to council members at the applicant's appearance before council.

(11) The applicant, or legal counsel or other representative on the applicant's behalf may provide a written and/or verbal submission to council as to why the registrar's decision should be reversed.

(12) At the conclusion of the applicant's appearance before council, the council will deliberate in camera without the registrar present and the council's written decision with reasons will be provided to the applicant as soon as possible thereafter.

(13) A quorum of council for the purposes of a decision review is at least half of the members of council, not including the registrar.

*Gazette Sept.30/22, s. 22*

## **REPEAL AND COMING INTO FORCE**

### **Repeal**

23 All former regulatory bylaws of the SSOT are repealed.

*Gazette Sept.30/22, s. 23*

### **Coming into force**

24 In accordance with section 13 of the Act, these bylaws come into force when they are approved by the Minister and published in *The Saskatchewan Gazette*.

*Gazette Sept.30/22, s. 24*