Professional Corporation for Occupational Therapists Requirements

If you have a private practice, corporation or are considering these options please review the following information and plan for how you will comply with the bylaws.

All corporations with a name that includes Occupational Therapy or any of the other titles protected under the OT Act will be required to register with SSOT by December 31, 2014.

Use of Protected Titles in Corporate Names

SSOT became aware that any corporation with a name that includes the term “occupational therapy” or “occupational therapist” or any of the other titles protected under section 21 of The Occupational Therapists Act, 1997, may be in contravention of that section. Section 21 states:

No person other than a member shall use the title “occupational therapist”, “Registered Occupational Therapist”, “Occupational Therapist Certified”, “ergotherapeute”, the abbreviations “O.T.; “R.O.T”, “O.T. Reg. (Sask.)” or any word, title or designation, abbreviated or otherwise, to imply that the person is a member.

Since, legally, the term “person” includes a corporation, this prohibition applies also to a corporation and, because only individuals can be members of SSOT, the result is that corporations cannot use these protected titles.

(An individual who is a member of SSOT may use these titles in a registered business name, since the registration of a personal business name does not create a corporate entity.)

SSOT has taken legal advice to identify what has to be done to allow members the option of using these protected titles in corporate names. This article lays out the two options open to SSOT members so that members who might be unwittingly contravening the Act can take appropriate action to rectify matters and those that might be thinking of incorporating can ensure that they are doing it correctly prior to the deadline of December 31, 2014.

Professional Corporations Act

The Professional Corporations Act allows members of designated professions to incorporate under The Business Corporations Act as a professional corporation and to provide their professional services through that professional corporation, provided that they meet certain specified criteria. The Act allows these corporate businesses to be granted a permit to use the protected titles within their corporate name. Professions are
designated by the Provincial Cabinet through regulations made under the authority provided by the Act.

**Occupational Therapy is now a designated professional under the Professional Corporations Act**

Now that the Occupational Therapy profession is designated under *The Professional Corporations Act*, the SSOT is able to administer the application of the Act to its members; pass bylaws setting qualifications and procedures to register professional corporations; regulate the names by which professional corporations may be known; and regulate advertising by professional corporations.

In preparation, the SSOT Legislative and Bylaws Committee, in consultation with the SSOT lawyer, have drawn up bylaws governing the qualifications and procedures for the registration of any incorporated OT practices that wish to apply for registration and a permit so that they can include OT in their corporate name. SSOT presented bylaws at the 2013 Annual General Meeting which are required for occupational therapy to be a designated profession under the Professional Corporations Act. These bylaws were passed by the membership and in October 2013 were passed by the Government of Saskatchewan.

**Why is such a bylaw needed?**
It provides a way for SSOT members to incorporate their businesses and continue to use “title” in the name of their corporation. The manner in which the current OT Act is written only allows for “people” to use title, not corporations. A business that is incorporated has advantages such as limited liability and tax saving options. It would also ensure that any incorporated private practice using title (which reflects on the profession as a whole) met minimum standards for a business providing professional services. (e.g. the voting shareholders would have to be SSOT members).

**Who is affected by this proposed bylaw?**
Anyone who has an incorporated business with a title that includes the terms “occupational therapy” or “occupational therapist”. The OT Act explicitly mentions “occupational therapist but also indicates that any “word, title or designation to imply that the person is a member”, also counts. There has been legal precedent set over this with the professional engineers.

**What if my private practice, while incorporated, does not include OT in its name?**
Then you are not affected by this bylaw and can continue to use whatever name you choose. You would not be required to register your corporation with SSOT.

My company name includes “occupational therapy” and I had no problems registering it as my business name (thus protecting it from use by others) but I
am not incorporated. If I choose to become incorporated, will I need to have a new name?
As long as you are the owner of the business AND you are not incorporated, then you can, as a registered SSOT member continue to include OT in your title whether these bylaws are passed by government or not. However, if you try and take advantage of incorporating your business, then you will have to apply to SSOT for professional corporation membership or remove title from your name.

If I already have a registered business name, can I use the same name if I become a professional incorporation?
Any business would need to submit their intended name to the SSOT Registrar prior to applying for SSOT membership as a professional corporation. As long as the name is acceptable to SSOT and in compliance with the Professional Corporations Act, then there should in the ordinary course of events be no problem.

How do I register my corporation with SSOT
Members can apply to the SSOT Registrar for registration as a professional corporation and be granted a permit that would then allow the corporation to include the term “OT” or any other protected title in the corporate name. In order to be granted such a permit, any business corporation will have to be in compliance with The Professional Corporations Act and the SSOT Bylaws made under the authority of that Act relating to occupational therapy corporations. There will be an initial application fee for corporation registration of $250 and a yearly permit renewal fee of $150.

These facts were developed based on SSOT’s understanding of their legal advice. All SSOT members who have any form of independent practice should contact their lawyers for advice regarding corporation and use of the occupational therapy title.

If you have any questions/comments/or concerns please contact the SSOT Executive Director, Coralie Lennea.

Coralie Lennea
Saskatchewan Society of Occupational Therapists
Executive Director
(306) 651-3607
ed@ssot.sk.ca
www.ssot.sk.ca

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