

SSOT Regulatory Bylaws

Office Consolidation as of September 24, 2021

NOTE:

This consolidation includes the SSOT Regulatory Bylaws approved at the 1997 annual meeting and published in *The Saskatchewan Gazette* on September 12, 1997 and the amendments that were confirmed at subsequent annual meetings, approved by the Minister of Health and published in *The Saskatchewan Gazette*, as required by section 13 of *The Occupational Therapists Act, 1997*.

This consolidation is not official but is prepared for convenience of reference. Amendments to the original 1997 SSOT Regulatory Bylaws have been incorporated into the original bylaw for convenience of reference. Notes after each section indicate the publication dates from the Gazette where the amendments were published.

Technically, the original bylaw and the amendments to it, as each of them was published in the Gazette should be consulted for all purposes of interpretation and application of the law.

In order to preserve the integrity of the original documents, errors that may have appeared are reproduced in this consolidation. The notes following each section of the bylaws indicate where the official version of the bylaws may be found.

Bylaws I to IX and XI are administrative bylaws and are included in the SSOT consolidation of its administrative Bylaws. Bylaw XIV relates to fees and is included in the SSOT consolidation of its fee Bylaws.

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BYLAW X – STATUTORY COMMITTEES

Section 1 – Statutory Committees

The statutory committees of the society shall be:

- (a) the professional conduct committee; and
- (b) the discipline committee.

Section 2 – Professional Conduct Committee

1 The professional conduct committee shall be established per section 24 of the Act and shall

conduct its affairs as set out in sections 25 and 26, subsection 28(2) and section 32 of the Act.

2 In the event of a conflict of interest, the involved member of the professional conduct committee will step down, and the council may appoint a replacement to deal with the specific complaint.

3 The committee shall notify, in writing, the member who is the subject of a report or allegation that a report or allegation has been received and ask for a written response.

4 The committee shall notify, in writing, the person who made the report or allegation that the report or allegation will be reviewed.

5 The committee shall take appropriate action including:

(a) an informal resolution of the matter;

(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 report or conduct being investigated; and

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

6 In the case where the allegation is dismissed, the committee shall notify any individual as to the outcome of the investigation as the committee deems appropriate.

Section 3 – Discipline Committee

1 The discipline committee shall be as established in section 27 of the Act and shall conduct its affairs per sections 28, 29, 31 and 32 of the Act.

2 In the event of a conflict of interest, the involved member of the discipline committee shall step down, and the council may appoint a replacement to deal with the specific hearing.

3 Without limiting the generality of sections 22 and 23 of the Act, the committee may find an occupational therapist guilty of professional incompetence and/or professional misconduct who:

(a) abused a client physically, sexually, verbally, or psychologically;

(b) knowingly endangered the safety of a client;

(c) influenced a client to change the client's last will and testament;

(d) wrongfully abandoned a client;

(e) misappropriated property belonging to a client, employer or fellow employee;

(f) failed to exercise discretion with respect to the disclosure of confidential information about a client;

(g) failed to maintain or falsified any client record;

(h) failed to inform an employer of the occupational therapist's inability to accept specific responsibility in areas where special training is required or where the occupational therapist does not feel competent to function without supervision;

(i) failed to report the incompetence or misconduct of a member or colleague;

(j) failed to comply with the Code of Ethics of the society and failed to comply with established standards of practice;

(k) failed without reasonable cause to respond to inquiries from the society regarding alleged professional misconduct or professional incompetence;

(l) conspired to participate in any act of misconduct or counselled a participant in any act of misconduct;

(m) obtained registration by misrepresentation or fraud; and

(n) contravened any provision of the Act or these bylaws.

4 Where the committee determines that the person is not guilty of professional incompetence and/or professional misconduct, written notice that the complaint has been dismissed shall be provided to:

(a) the person who was the subject of the report;

(b) the person who made the report; and

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

5 Findings of guilt shall be matters of public interest and reported in society publications.

BYLAW XII – MEMBERSHIP

Section 1 – Categories of Membership

1 Membership in the society shall consist of the following categories:

(a) practising membership; *amended 2006-07-28*

(b) restricted licence membership;

(c) non-practising membership;

(d) student membership;

(e) life membership; and

(f) *repealed 2006-07-28*

2 The membership year shall be March 1 to the end of February.

Bylaw XII section 1 amended 2006-07-28

Section 2 – Practising Membership

1 Practising membership in the society shall be:

(a) limited to an occupational therapist to whom a licence to practice occupational therapy is issued by the society in accordance with the Act;

(b) granted upon approval of the relevant application form (s), payment of the fees set by the Society, submission of the signed declaration that the *Essential Competencies of Practice for Occupational Therapists in Canada*, 3rd edition, has been incorporated into the member's practice of Occupational Therapy, and proof of English language proficiency and liability/malpractice insurance coverage for a minimum of \$5 million.

2 Practising membership entitles a person to the following privileges:

(a) a licence to practise occupational therapy in Saskatchewan;

(b) to vote and hold office in the society;

(c) to have voice and vote at the annual and special meetings of the society;

(d) to be appointed to committees of the society;

(e) to receive financial assistance for purposes specified in the policies of the society;

- (f) to receive a copy of society documents appropriate for distribution; and
- (g) to receive the publications of the society.

3 Practicing membership carries obligations including, but not limited to, the following:

- (a) to adhere to the society's Code of Ethics;
- (b) to incorporate the *Essential Competencies of Practice for Occupational Therapists in Canada*, 3rd edition, into their practice of occupational therapy;
- (c) to notify the registrar of any change of name, address and/or employment status;
- (d) to carry a minimum of \$5 million liability/malpractice insurance coverage; and
- (e) to participate in the SSOT Continuing Competency Program.

Bylaw XII section 2 amended 2006-07-28; 2008-05-23; 2007-01-02; 2008-05-23; 2008-12-05; 2009-12-18; 2010-07-30; 2013-06-28; 2015-12-04

Section 3 – Restricted Licence Member

1 Restricted licence membership in the society shall be:

- (a) limited to an occupational therapist to whom a restricted licence to practise occupational therapy is issued by the society in accordance with the Act; and
- (b) granted upon approval of the relevant application form(s), payment of the fees set by the Society[, submission of the signed declaration that the *Essential Competencies of Practice for Occupational Therapists in Canada*, 3rd edition, has been incorporated into the member's practice of Occupational Therapy, and proof of English language proficiency and liability/malpractice insurance coverage for a minimum of \$5 million.]

2 Restricted licence membership entitles a person to the following privileges:

- (a) a licence to practise OT in Saskatchewan subject to the restrictions imposed and for the period specified in the license; *amended 2006-07-28*
- (b) to have voice, but no vote, at the annual and special meetings of the society;
- (c) to be appointed to committees of the society;
- (d) to receive a copy of society documents appropriate for distribution; and
- (e) to receive the publications of the society.

3 Restricted licence membership carries obligations including, but not limited to, the following:

- (a) to adhere to the society's Code of Ethics;
- (b) to incorporate the *Essential Competencies of Practice for Occupational Therapists in Canada*, 3rd edition, into their practice of occupational therapy;
- (c) to use the title "Occupational Therapist Restricted" or "OT(Res)";
- (d) to notify the registrar of any change of name, address and/or employment status;
- (e) to carry a minimum of \$5 million liability/malpractice insurance coverage; and
- (f) to participate in the SSOT Continuing Competency Program.

4 Members who have fulfilled the conditions of their restricted licence may register as practising

members upon payment of the prescribed fee.

Bylaw XII section 3 amended 2006-07-28; 2008-05-23; 2008-12-05; 2010-07-30; 2013-06-28; 2015-12-04

Section 3.1 – Emergency registration and licensure

3.1 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, a restricted practising member or as a student 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 undergraduate program in Occupational Therapy or Canadian entry-level Professional Master's program in Occupational Therapy.

Bylaw XII section 3.1 new 2020-04-03

Section 4 – Non-practising Membership

1 Non-practising membership in the society shall be:

- (a) limited to an occupational therapist who:
 - (i) is eligible for registration as a practising member in accordance with subsection 19(1) of the Act, or was in good standing when last registered with a Canadian Occupational Therapy Regulatory Body;
 - (ii) is not currently practicing occupational therapy in Saskatchewan;
- (b) granted upon approval of the relevant application form(s) and payment of the fees set by the Society.

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 society;
- (b) to be appointed to committees of the society;
- (c) to receive a copy of society documents appropriate for distribution; and
- (d) to receive the publications of the society.

Bylaw XII section 4 amended 2006-07-28; 2008-12-05

Section 5 – Student Membership

1 Student membership in the society shall be:

- (a) limited to the person who provides evidence of enrolment in a Canadian undergraduate program in Occupational Therapy or Canadian entry-level Professional Master's program in Occupational Therapy; and
- (b) granted upon approval of the relevant application form(s).

2 Student membership entitles a person to the following privileges:

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

- (b) to be appointed to committees of the society as approved by council;
- (c) to receive a copy of society documents appropriate for distribution; and
- (d) to receive the publications of the society.

Bylaw XII section 5 amended 2006-07-28

Section 6 – Life Membership

1 Life membership in the society shall be:

- (a) limited to non-practising members or former practising members of the Society; and
- (b) granted by the council in recognition of outstanding service to occupational therapy in Saskatchewan.

2 Life membership entitles a person to the following privileges:

- (a) to have voice, but no vote, at annual and special meetings of the society;
- (b) to be appointed to committees of the society;
- (c) to receive a copy of society documents appropriate for distribution; and
- (d) to receive the publications of the society.

Note: section 7 re Honorary Membership was repealed in 2006-07-28 and Section 8 re Change of Status was renumbered as section 7.

Section 7 – Change of Status

Non-practising or restricted licence members may become practising members of the society upon payment of the required fee and compliance with current bylaws and policies governing registration.

BYLAW XIII – REGISTRATION

Section 1 – Registrar

The registrar shall:

- (a) receive and evaluate applications for licences, restricted licences, registration, and memberships;
- (b) collect the prescribed fees;
- (c) issue licences, restricted licences and memberships;
- (d) maintain the register of members as required by subsection 18(1) of the Act; and
- (e) perform other such duties as determined by council.

Section 2 – Registration as a Practising Member

1 Any person applying for registration as a practising member of the society, or applying to renew her/his registration as a practising member must:

- (a)
 - (i) have successfully completed an entry-level university degree (baccalaureate or Professional Master's) in occupational therapy recognized by Council; or
 - (ii) have equivalent education recognized by Council;
- (b) have passed an examination or assessment as approved by Council;
- (c) file with the application or renewal, a signed declaration that she/he will incorporate the Essential Competencies of Practice for Occupational Therapists in Canada, 3rd Edition, into her/his practice of occupational therapy;
- (d) submit a copy of a completed SSOT professional Development Plan and Outcomes with membership renewals by Feb. 15 annually;
- (e) provide evidence of English language proficiency; and
- (f) must provide written evidence satisfactory to the Registrar of having good character and reputation by submitting one or more of the following on the request of the Registrar:
 - (i) references from colleagues and, where applicable, from another jurisdiction in which the applicant is currently registered;
 - (ii) a statement by the applicant as to whether the applicant is currently undergoing an investigation or is subject to an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of occupational therapists or of another profession;
 - (iii) the results of a current criminal records check;
 - (iv) a statement by the applicant as to whether the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada;
 - (v) any other relevant evidence as requested by the Registrar.

2 Where the applicant has completed the requirements in clauses 1 (a) and (b) more than eighteen months before the date of the application for a practicing membership is made, the applicant shall provide evidence of one of the following:

- (a) completion of at least six hundred (600) hours using the expertise of an Occupational Therapist, recognized by Council, in the three years immediately preceding the date of application for registration; or
- (b) successful completion of the SSOT Re-Entry Program or a Re-Entry program administered by another province that is recognized by council within the eighteen months immediately preceding the date of the application for registration.

3 A licence to practice as an Occupational Therapist may be issued to persons who meet the requirements of Bylaw XII 2.1, Bylaw XIII 2.1 and Bylaw XIII 2.2.

4 Where a person applies for registration and that person is licenced and in good standing in another Canadian jurisdiction but does not meet the requirements of section 2.1. of this bylaw, the council may waive the requirements of section 2.1 of this bylaw as per policy in order to register that person as a practising member.

5 A licence to practise as an Occupational Therapist may be issued to persons who were practising members in good standing at the time of proclamation of *The Occupational Therapists Act, 1997*, but who do not meet the requirements of section 2.1 of this bylaw.

Bylaw XIII section 2 amended 2001-08-21;
2006-07-28; 2008-05-23; 2010-04-09; 2010-07-
30; 2013-06-28; 2015-12-04; 2021-09-24

Section 3 – Registration as a Restricted Licence Member

1 A restricted licence may be issued to an occupational therapist who:

- (a) is undergoing the SSOT Re-entry Program or a Re-entry program administered by another province and recognized by Council as required by Bylaw XIII, section 2.2;
- (b) does not meet the requirements for a practising membership as in clauses 19(c) and (d) of the Act and bylaw XIII, clauses 2.1(a) and (b) but is working toward these requirements;
- (c) 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.
- (d) carries a minimum of \$5 million personal liability/malpractice insurance coverage;
- (e) has answered affirmatively to questions of suspension, disqualification, censure, reprimand or any disciplinary action on initial application for registration; and
- (f) provides proof of English language proficiency.

2 To be eligible for registration in this category, the person must:

- (a) complete the prescribed application forms, carry a minimum of \$5 million personal liability/malpractice insurance coverage, pay the fees, provide proof of English language proficiency; and
- (b) do any of the following as approved by council:
 - i) participate in a re-entry or refresher program approved by council;
 - ii) provide evidence of working toward achieving the minimum undergraduate degree or equivalency as approved by council;
 - iii) provide evidence of eligibility to write the Canadian Association of Occupational Therapists National Certification Examination;
 - iv) provide an outline of the education program participating in or being taught including the title, location and dates and any other information requested.
 - v) practise only under conditions specified in an order by the discipline committee as per subsection 29(1) of the Act; or
 - vi) practise under any other restrictions or conditions deemed appropriate by council.

3 Except when issued pursuant to clause 3.1(c), a restricted licence may be renewed annually up to a maximum of five years:

- (a) upon review by the credentials committee;
- (b) upon payment of the prescribed fee; and
- (c) given that the conditions of section 3.2(b) apply.

Bylaw XIII section 3 amended 2008-
05-23; 2008-12-05

BYLAW XIV – FEES

Note this bylaw is contained in the SSOT Fees Consolidation Bylaw.

BYLAW XV – ADVERTISING BY MEMBERS

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.

BYLAW XVI – CODE OF ETHICS

Every member shall comply with the Code of Ethics contained in Appendix I of these bylaws.

BYLAW XVII – REPEAL OF PREVIOUS BYLAWS

Any previous bylaws are repealed on the date these bylaws come into force in accordance with the provisions of the Act.

Appendix 1

The following Code of Ethics has been adopted by the Saskatchewan Society of Occupational Therapists to guide and assist the members in meeting and maintaining proper standards of professional conduct. The Code of Ethics shall be construed as a general guide and not a denial of the existence of other duties equally imperative and other rights not specifically mentioned.

Certain terms used in the Code of Ethics require definition as follows:

“Client” means a person to whom a member renders professional services.

“Member” means a member of the society who is in good standing.

Article One

The member shall possess the qualities of integrity, loyalty, reliability and shall maintain a standard of professional competency as required by the profession, and shall at all times demonstrate behaviour which reflects the member’s professional interest and attitude.

Article Two

The welfare of the client shall be the primary concern of the member. Without limiting the generality of the foregoing, in furtherance of this goal the member shall:

- a. provide service at the highest possible level of professional skill;
- b. demonstrate respect for the client and appreciation of the particular need of the client;
- c. respect confidentiality of all client information by disclosing your client’s personal health information to third parties only with their consent, or as provided for by law, such as when the maintenance of confidentiality would result in a significant risk of substantial harm to others or to the client themselves. In such cases take all reasonable steps to inform the client that the usual requirements for confidentiality will be breached; and
- d. report to the appropriate authority any alleged unethical conduct or inappropriate practise of occupational therapy of another member.

Article Three

A member shall recognize and accept responsibility to the relevant employing agency, to other health care colleagues, and to the community at large, and furthermore thereof shall:

- a. maintain comprehensive, accurate, and up-to-date records of professional activities which include the nature, extent, duration, and outcome of occupational therapy intervention;
- b. co-operate and maintain appropriate communication with other health care colleagues or services dealing with the client in order that the combined desired results are achieved in the treatment of the client;
- c. be professionally responsible for all treatment and services rendered by the member, or by other personnel including students, who are under the direct supervision of the member;
- d. respect and uphold the dignity of each individual with whom the member is associated within the profession of occupational therapy;
- e. provide no misrepresentation regarding information relating to the practice of the profession of occupational therapy or regarding the provision of occupational therapy services

to individual clients;

f. maintain an appropriate relation with members of the public in order to facilitate the promotion of the goals and functions of the profession of occupational therapy; and

g. refrain from endorsing any goods or services related to the practice of occupational therapy without having made an objective assessment of those goods and services.

Article Four

The members shall endeavour to maintain and improve their professional knowledge and skill, and in this regard shall maintain a progressive attitude.

Article Five

The members shall recognize and accept their responsibilities to the profession and to professional organizations, and shall do everything within their means to provide for the growth and development of occupational therapy.

Article Six

A member shall be responsible for the prompt identification and proposed resolution of conflicts of interest. If a real or potential conflict of interest arises, the member will take all reasonable steps to resolve conflict of interest by informing all parties of the need to resolve the situation in a manner that is consistent with the Code of Ethics.

A member shall not exploit any relationship established as a therapist to further their own physical, emotional, financial, political, or business interests at the expense of the best interest of clients. This includes, but is not limited to: soliciting clients of the member's employer for private practice; using coercion or taking advantage of trust or dependency to engage in sexual activities or to initiate/continue treatment of a client where it is ineffective, unnecessary or no longer indicated; breaching an agreement with a client or employer regarding the use of resources for provision of service; securing or accepting significant financial or material benefit for activities which are already awarded by salary or other compensation; and, prejudicing others against a colleague for reason of personal gain.

Appendix amended 2013-06-28