

COLLEGE VOCATIONAL REHABILITATION PROFESSIONALS

POLICY 01 - PROFESSIONAL MISCONDUCT

Definitions

“By-Laws” means the By-Laws of the College of Vocational Rehabilitation Professionals

“College” means the College of Vocational Rehabilitation Professionals

“Member” means a member of the College

“Procedures” means the Procedures developed by the College pursuant to the By-Laws in relation to Registration, Complaints, Discipline, Professional Practice, Fitness to Practice or any other Procedures developed by the College from time to time

“Profession” means the profession of vocational rehabilitation

1. The following are acts of professional misconduct for the purposes of the By-Laws and Procedures

Professional misconduct in the practice of vocational rehabilitation and members' relations with client

1. Failing to maintain, or contravening the standards of practice of the profession, by act or omission.
2. Abusing a client or a client's representative sexually, verbally, physically or emotionally.
3. Performing a professional service for which consent is required without consent.
4. Failing to provide a truthful, understandable and appropriate explanation of the nature of an assessment, intervention or other service provided or recommended by the member following a client's reasonable request for an explanation.
5. Discontinuing professional services that are needed unless,
 - i. the client requests the discontinuation,
 - ii. the client withdraws from the service,
 - iii. reasonable efforts are made to arrange alternative services,
 - iv. the client is given a reasonable opportunity to arrange alternative services,

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- v. the client has failed to make payment within a reasonable time for professional services or
 - vi. continuing to provide the services would place the Member or his or her staff at serious personal risk.
6. Giving information about a client to a person other than the client or his or her authorized representative, except with the consent of the client or the client's authorized representative or as required or authorized by law.
7. Recommending or providing an assessment or service that is unnecessary or that the Member knows or ought to know is not likely to benefit the client.
8. Providing service that the Member knows or ought to know he or she does not have the knowledge, skill or judgment to provide.
9. Failing to adequately supervise a person who is under the professional responsibility of the Member and to whom the Member has assigned tasks related to the practice of vocational rehabilitation.
10. Practicing the profession while the Member is in a conflict of interest.
11. Practicing the profession while under the influence of any substance, or while suffering from illness or other dysfunction, which the Member knows or ought to know impairs the Member's ability to practice.
12. Without reasonable cause, breaching a term of an agreement with a client relating to,
 - i. professional services for the client, or
 - ii. fees for professional services.
13. Making a claim about a remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion.
14. Influencing a client or a client's authorized representative to change the client's will or other testamentary instrument.
15. Failing to make reasonable attempts to coordinate the care of the client with the client's other relevant health care providers where such

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coordination is necessary for the client's health unless the client does not consent to coordination of care.

Record Keeping and Reports

16. Failing to keep records as required.
17. Signing or issuing a report or other document, or making a record, in his or her professional capacity, that the Member knows or ought to have known contains is false, misleading or otherwise improper.
18. Falsifying a record relating to the practice of vocational rehabilitation.
19. Failing, without reasonable cause, to provide a report or certificate relating to a service performed by the Member, within a reasonable time, to a client or a client's authorized representative after the client or his or her authorized representative has requested such a report or certificate.
20. If the Member intends to close his or her practice and where care has not been transferred to another practitioner, failing to take reasonable steps to give appropriate notice of the intended closure to each client for whom the Member has primary professional responsibility or failing ensure that each client's records are transferred to the Member's successor or to another Member, if the client so requests.
21. Failing to ensure that a client's records are retained or disposed of in a secure manner.

Representations about Members and their Qualifications

22. Inappropriately using a term, title or designation in respect of the Member's practice.
23. Inappropriately using a term, title or designation indicating a specialization in the profession.
24. Failing to identify oneself as a vocational rehabilitation professional to a client or a client's authorized representative when providing vocational rehabilitation services.

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25. Failing to advise the College promptly of a change in the name used by the Member in providing or offering to provide vocational rehabilitation services.
26. Permitting, counseling or assisting a person who is not a Member to represent himself or herself as a Member of the College.

Business Practices

27. Failing to inform the client, before or at the commencement of a service, of the fees and charges to be levied for the service, and for late cancellations or missed appointments, or of any penalties that will be charged for late payment of the fee.
28. Submitting an invoice, bill or receipt for services that the Member knows or ought to know is false or misleading.
29. Charging a fee that would be regarded by members as excessive in relation to the service performed.
30. Charging a block fee without first specifying the following in writing:
 - i. the services covered by the fee,
 - ii. the amount of the fee,
 - iii. the arrangements for paying the fee, and
 - iv. the rights and obligations of the Member and the client if the relationship between them is terminated before all of the services are provided.
31. Failing to provide an itemized account for professional services within a reasonable amount of time, if requested to do so by the client or the person or agency who is paying, in whole or in part, for the services.
32. Offering or giving a reduction for prompt payment of an account.
33. Receiving or conferring a rebate, fee or other benefit by reason of the referral of a client from or to another person.
34. Charging a fee for an undertaking to provide an on-call service to a client unless the client is an organization.

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35. Selling or assigning any debt owed to the Member for professional services. This does not include the use of credit cards to pay for professional services.
36. Advertising or permitting the advertising of the Member or his or her practice in a manner that is false or misleading or that includes statements that are not in good taste, factual and verifiable.

College Compliance

37. Contravening the By-Laws or a College Procedure, Policy, Guideline or Standard.
38. Contravening a term, condition or limitation imposed on a Member's certificate of registration.
39. Practicing the profession while the Member's certificate of registration has been suspended.
40. Failing to comply with an order of a Committee of the College.
41. Failing to appear before a panel of the Complaints Committee to be cautioned.
42. Failing to carry out or abide by an undertaking given to the College or breaching an agreement with the College.
43. Failing to cooperate with a College investigation.
44. Failing to reply appropriately, fully, accurately and within thirty days (30) to a written inquiry or request from the College.
45. Failing to cooperate with an investigator of the College, or another self-regulatory body who produces evidence of his or her appointment.

Miscellaneous Matters

46. Contravening, by act or omission, a federal, provincial or territorial law, or municipal by-law, if,

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- i. the purpose of the law, or by-law is to protect or promote public health, or
 - ii. the contravention is relevant to the member's suitability to practice.
47. Engaging in conduct or performing an act, in the course of professional practice, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
48. Engaging in conduct that would reasonably be regarded by members as conduct unbecoming of a vocational rehabilitation professional.