

Update CPTBC

Fall 2005 • Volume 6 Issue 3

MESSAGE FROM THE CHAIR OF THE BOARD

I feel fortunate to be taking on the role of Chair at this time with a very hard working and dedicated Board, and wonderful support and organization carried out behind the scenes by our Registrar, Brenda Hudson, and the office staff. We continue to address several ongoing issues including:

- Upgrading the computer systems in the office and working on enhancing the College's website to better support the needs of our members.
- Completing work on revising our Bylaws in anticipation of amendments in the *Health Professions Act* (HPA).
- Revising the Continuing Competency Program to meet the upcoming requirements of the Ministry of Health for a Quality Assurance Program.
- Investigating the possible role of the College in the registering and/or regulating of Physical Therapy Support Workers.

This will be a busy year and hopefully several projects will be seen to completion during this time. We appreciate comments and feedback from our members while the College continues to focus on its primary role of protecting the public interest.

Margaret Harris

Chair, Board of Directors

Comments to the Chair can be sent by mail c/o the office or through the Registrar at: brenda_hudson@cptbc.org

REGISTRAR'S REPORT

Once again it's time to renew your registration with the College! You've no doubt heard us say many times during this past year that we plan to have a new membership database and on-line registration renewal ready for 2006. I'm pleased to say that we are close to that goal and are aiming to have the program available on December 1st for registration renewals. So, check our website at www.cptbc.org for further information as we get closer to the December 1st deadline. Key features of this program will allow you to change your personal information such as address and workplace, submit your registration renewal request and pay your fees by credit card. The system will also allow us to contact you by e-mail so please remember to include your preferred e-mail contact address when completing your application for renewal.

Enclosed with this newsletter is a copy of the July 2004 document entitled *ESSENTIAL COMPETENCY PROFILE for PHYSIOTHERAPISTS IN CANADA*. This document is sent to you compliments of the Board of Directors of the College. Additional or replacement copies can only be purchased through the Canadian Physiotherapy Association at a cost of \$36.00 per copy.

The office staff would like to take this opportunity to thank Melissa Holland, past Board Chair for her support in the past year and to welcome Marg Harris as our new chair. We look forward to working closely with Marg in continuing the projects that were started in the past year.

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INSERTS

- Examiner Application
- PS #1 Clinical Records
- Health Canada

NOMINATIONS COMMITTEE

CALL FOR NOMINATIONS

Are you interested in making a valuable contribution to your profession?

Do you want to gain experience and insight into professional health regulation issues, including registration, inquiry, discipline, quality assurance, patient relations, legislation and finance?

Are you interested in learning more about the *Health Professions Act* and the College's Bylaws and in gaining some insight into the legal process?

If so, now is the time to consider serving on the College's Board.

Nominations are now open for three board member positions, each to be elected for a two-year term.

The College Board has a total of nine members; six are physical therapists elected by the College's registrants and three are public representatives appointed by the Ministry of Health. A physical therapy student representative from University of British Columbia's School of Rehabilitation Sciences also attends the meetings.

Board members are expected to attend all Board meetings and to serve on one or more College Committees. Board meetings are held at least five times a year, usually on a Saturday, in Vancouver. Some Committee meetings occur around the same time as Board meetings to facilitate travel for out of town members.

Full registrants from all parts of the province, who practice either in the public or private sector, are encouraged to accept nominations for the three upcoming vacancies on the Board.

For further information about this opportunity contact the College Nominations Committee c/o the Registrar at brenda_hudson@cptbc.org or 604.730.9193 Nomination forms can be obtained from the College office by contacting Arlene at 604-730-9193 or arlene_gloria@cptbc.org

DEADLINE FOR NOMINATIONS: JANUARY 28, 2006

REGISTRATION

Annual Registration Renewals – Deadline December 31, 2005

Renew Immediately on receipt of your renewal form to meet the deadline.

The College's Bylaws require the annual renewal of the registration of all full, limited and inactive registrants and cancellation of registration when renewal does not take place. **If your registration is cancelled due to failure to renew you must not work as a Physical Therapist in British Columbia.** You may apply to have your registration reinstated by submitting the completed renewal form, proof of malpractice and the reinstatement fee.

The relevant sections of the College Bylaws are excerpted below:

Renewal

Bylaw References: Part III Registration:

42 The registrar must renew a registration if the registrant:

- (1) applies to the registrar and pays the fee for renewal of registration, within thirty (30) days of the date the assessed fees are due,*
- (2) pays any other outstanding fee, debt or levy owed to the college,*
- (3) attests that the registrant is in compliance with the Act, the regulations, and these bylaws, and is in compliance with any limits or conditions imposed under section 39(1)(c) of the Act, and*
- (4) meets the continuing competency requirements as imposed under section 16(2)(e) of the Act.*

Cancellation

44 (5) Where a registrant fails to pay an annual registration fee on or before January 31, he must cease to be registered unless the board otherwise directs.

Reinstatement

44(7) The board must reinstate the registration of a former registrant who ceased to be registered by reason only of a failure to renew his or her registration where the former registrant:

- (a) applies for renewal of registration in the form required by the board not later than 1 year following the expiration of his or her registration,*

(b) is not in contravention of the Act, the regulations, or these bylaws, and

(c) pays the annual registration fee and reinstatement fee in an amount equal to 35 percent of that person's annual registration fee.

*please note that the College Bylaws are on the College website: www.cptbc.org and in your College Reference Guide.

Guidelines to Complete your 2006 Renewal Form:

These instructions apply to renewing your annual registration via mail. Please check our website: www.cptbc.org to see if registration is available on-line beginning December 1. Please note: Credit card payment of dues will only be available with on-line registration.

- **NEW ENVELOPES:** For security reasons this year's mailing envelopes will be marked as follows:

'IMPORTANT NOTICE/TIME SENSITIVE'

and the return envelopes will be marked: **'TIME SENSITIVE'**

- Please provide the College with your current mailing address, if there has been a change.
- If your renewal form does not arrive by November 30: **CALL THE COLLEGE IMMEDIATELY.**
- **If you are going to be out of town**, designate someone to complete the form and return it to the College by the deadline. You must include a letter authorizing your designate to complete and sign the form on your behalf.
- If you wish to **change your registration status from inactive to full for 2006**, contact the College **NOW** to request an application form. The application form must be submitted with your renewal form before the December 31, 2005 deadline.
- Cheques and/or proof of malpractice insurance must be mailed to the College with the registration renewal form. **DO NOT MAIL SEPARATELY.**
- **FILL IN THE FORM COMPLETELY**
 - remember to answer ALL questions, and
 - provide proof of malpractice insurance, and

- **SIGN the Declaration**, and

- **REMEMBER TO MAKE YOUR CHEQUE PAYABLE TO THE COLLEGE OF PHYSICAL THERAPISTS OF BRITISH COLUMBIA or CPTBC and NOT PABC. Enter the correct date and amount payable.** Any errors related to payee, date or amount will result in your renewal application being returned to you and you must still meet the December 31, 2005 deadline.

- If the **Employment Status** questions on the back of the renewal form don't precisely reflect your situation please choose the answer provided that is closest. These statistics are forwarded to the Canadian Alliance of Physiotherapy Regulators for Health Human Resources planning.
- **Malpractice insurance:** All registrants, including those who have malpractice insurance through the **Canadian Physiotherapy Association (CPA)***, must submit hard copy proof of malpractice insurance unless:
 - **your only employer(s) under Principal/Secondary Workplace(s) on the renewal form is/are a facility within a Health Authority.**

***NEW THIS YEAR:** Due to the changes related to registration renewal, registrants who receive their malpractice insurance through **CPA** will need to provide hard copy proof to the College when submitting their renewal form.

- Complete your registration renewal form upon receipt and return it to the College **IMMEDIATELY**. Remember to include your renewal form, a cheque in the appropriate amount and proof of malpractice insurance, if required. Immediate action will ensure that you meet the December 31 deadline and will allow you sufficient time to address any errors or omissions in your submission if your renewal must be returned to you.
- Your renewal form will be returned to you if it is in any way incomplete. A renewal that is returned to you for completion or correction must still be returned to the College by the December 31, 2005 deadline to be processed without a late fee or by January 31, 2006 to be processed with the late fee, or your registration will be cancelled effective February 1, 2006.
- There is a Drop-Box to the right of the front door at the College office (1765 West 8th Avenue, Vancouver) for after-hours drop offs.

Are you leaving your practice?

You must notify the College where you will be storing your patient records and who will be taking responsibility for them if you are closing your practice.

Here's what the College Bylaws, Part VI: Miscellaneous: Access to health care records, require if you cease to practice:

- (5) A registrant who ceases to practice for any reason must:
 - (a) dispose of personal information in accordance with this part and notify the College in writing of the steps that he or she has taken to dispose of the personal information,
 - (b) transfer the personal information to another registrant or make appropriate arrangements to store the personal information safely and securely and provide access to the information by clients and clients' representatives.
- (6) A registrant must ensure that, where records containing personal information are transferred to any person or service organization for processing, storage or disposal, the contract includes an undertaking that the recipient will maintain the **confidentiality and physical security of the records**.

MEMBER ADVISORY

Implantable Medical Devices

Health Canada has issued an advisory on the interaction of implantable medical devices with other medical devices. A reference chart in the advisory outlines whether various electrotherapy modalities are contraindicated on clients with implanted cardiac pacemakers, implanted cardiac defibrillators, or implanted neurostimulators. The advisory is addressed to physical therapy departments in hospitals, however, given the nature of the advisory the College recommends that all physical therapists read the Health Canada insert included in this issue of the *Update*.

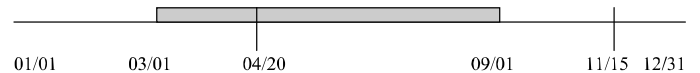
'CLAIMS MADE' versus 'OCCURRENCE' LIABILITY INSURANCE

Do you understand the difference?

Nearly all forms of errors & omissions insurance is issued on the 'claims made' basis of coverage rather than the what may be familiar 'occurrence' basis. Often the naïve or cynical will view the 'claims made' basis as a strategy for which the insurance industry can dig deeper into consumers pockets. In fact, the true reason is actually of benefit to the consumer. Prior to looking at the reasons for the difference, let's look at the difference itself.

Occurrence Basis

The 'occurrence' basis of coverage applies to your standard forms of liability insurance including automobile liability, commercial general liability and personal liability under a homeowners' policy. For the coverage to apply, the policy must have been in force when the incident happened.



Above we have an annual timeline running from January 1 through December 31. Consider the shaded area as a period in which an automobile policy was in place (March 1 through September 1). During this period an incident occurs (April 20). Following cessation of the policy (i.e. person sold their car, insured it elsewhere, etc.) notice of a lawsuit arrives (November 15). As 'occurrence' based insurance, coverage is afforded since the policy was in force when the incident 'occurred' (April 20).

Claims Made Basis

The 'claims made' basis of coverage applies to most errors & omissions forms of liability coverage such as physio-therapist's malpractice insurance. For coverage to apply, the policy must be in force when notice of the lawsuit is received. Coverage is provided based on when the claim is made rather than when the incident occurred.



Use the same timeline of January 1 through December 31. Consider the shaded area as a period of malpractice insurance. Similarly to the first example, an incident occurs on April 20 with a subsequent legal suit arriving on the doorstep on November 15. However, as the policy provided protection on the 'claims made' basis and it is no longer in force on the date of the lawsuit is received, no coverage is available.

Reasons for Claims Made

There is an obvious benefit to the insurer when offering claims made insurance in that their risk will cease upon expiry of the policy, however the most significant reason for issuing insurance on the 'claims made' basis is to

resolve a significant issues of concern to consumers. As many will recognize and appreciate, the threat of errors & omissions suits is real and often indeterminate from an occurrence standpoint. For instance, in view of an omission, when should a practitioner have taken notice that the health of a patient was in decline? Is there a determinable date? Likely not. Also, what if the issue had been overlooked repeatedly, possibly over a period of years? The same applies with the error aspect of malpractice. Perhaps a treatment is repeatedly provided but later alleged as flawed. There is no determinable date in this regard either. One could debate that the determinable date or happening of the incident as being when the practitioner made their decision to perform treatment in a certain manner, however it could also be argued that the happening was upon each patient visit as the practitioner was in a position to re-evaluate and amend their treatment strategy. As 'occurrence' based liability policies require determination of the date of incident, another solution was necessary for providing insurance to risks involving errors & omissions. From this challenge gave rise to the solution – 'claims made' based policies.

Benefits of Claims Made

As can be seen from the explanation above, insurance on the 'claims made' basis does not confine coverage to the date in which the incident happened or possibly repeatedly happened. As long as the policy is in force when notice of the lawsuit is received, then the coverage applies.

If your policy is subject to a deductible, this only applies once whereas 'occurrence' based policies are subject to a deductible for each incident. As suggested above, the same error or omission may actually happen repeatedly during the course of treating a patient. If a deductible applied for each 'occurrence' this could prove very costly. Instead, 'claims made' policies may be subject to a deductible only once for each claim made.

Protecting Yourself After Practice

Those who insure themselves and enjoy the security of 'claims made' insurance need to be alert to the fact that ceasing to practice does not cease the possibility of a lawsuit showing up. A practitioner may retire, take leave or change vocations. This does not in any way impede the rights of a prior patient from taking action by alleging malpractice during previous treatments. Here's where the trouble comes in. As learned, the 'claims made' policy stops providing coverage when the policy stops. Once the policy is no longer in force, any subsequent received lawsuits are not covered. The solution is to purchase an extended reporting period or tail.

Insurers offering errors & omissions liability on the claims made basis recognize that consumers are still at risk when they stop practicing and make available an additional period of coverage during which claims can be reported subject to the incident having not happened after the date

their practice was ceased. As the risk of suit is diminished with each passing year following cessation, the premium for the additional coverage period is usually on a downward scale.

Summary

Insurance on a 'claims made' basis is the best method of protecting most malpractice including that of physiotherapy practitioners as it provides coverage without regard to a determinable date of incident. This benefit does come at a cost, that being the need to extend the purchase of protection beyond the period of practice using an extended reporting period, or tail.

Submitted by:

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CONTINUING COMPETENCY PROGRAM UPDATE

In response to the government's pending requirement for Colleges to implement a Quality Assurance Program, the Continuing Competency Sub-committee has been evaluating how to incorporate the Continuing Competency requirements and the Quality Assurance requirements into one program. On October 4, 2005 the Sub-committee posted a Request for Proposals for the development of a combined program by an external consultant on the BC Bid website (www.bcbid.gov.bc.ca). The competition for this project closes on November 30, 2005. If you are aware of anyone who may be interested in the work please direct them to the website or have them contact the Practice Advisor or the Registrar at 604.730.9193 for a copy of the proposal.

The goal is to have a consultant selected by January 2006 and have the work done by the end of May 2006. Please keep an eye on the newsletter for regular updates on how the program development is progressing.

COMINGS AND GOINGS

Nicole Quilty resigned from the Continuing Competency Sub-Committee effective September 10, 2005.

Garrett Gabriel was appointed Chair, Continuing Competency Sub-Committee effective September 10, 2005.

FREQUENTLY ASKED QUESTIONS

Can I count hours worked as a registered physical therapist in Alberta towards my BC Practice Hours?

Absolutely. Any hours worked as a registered physical therapist should be counted towards your Practice Hours total for the year-regardless of where they were worked. Whether you accumulate Practice Hours as a registered physical therapist in British Columbia or any other jurisdiction, they must all be reported on your annual registration renewal form.

INQUIRY COMMITTEE

INVESTIGATORS NEEDED

The College is seeking Physical Therapists who are interested in working on a contract basis as an investigator for the College's Inquiry (complaints) Committee.

Appointees are sponsored to attend the College training program, the National Certified Investigator/Inspector Program offered by the Council on Licensure, Enforcement and Regulation (CLEAR) and/or courses at the Justice Institute.

The next College sponsored Investigators Workshop is scheduled for Friday, March 3, 2006.

Interested candidates should forward their resume to the Registrar at the College no later than January 31, 2006.

For further information contact the Registrar at 604.730.9193

INQUIRY SUMMARIES

Incompetence

The complainant alleged that the Physical Therapist did not correctly diagnosis her condition prior to treating her and that the treatments given were not effective in relieving her symptoms. In addition the complainant alleged that the Physical Therapist took advantage of her sickness to persuade her into attending physiotherapy for as long as possible for the therapist's financial gain. The Committee determined that an initial physical therapy assessment and subsequent re-assessments were completed prior to initiating treatment directed at the presenting complaints and that the Physical Therapist was a salaried employee and therefore would not stand to gain financially from a client's continued attendance for treatment. The Inquiry Committee decided under section 33(6)(a) of the *Health Professions Act* to take no further action in this matter and the file was closed.

Incompetence

The complainant alleges that the treatment she received delayed her recovery as the Physical Therapist did not correctly diagnose her injury. The complainant also alleges

that the therapist misrepresented the extent of the client's injury and this could have caused her problems with her insurance company. This treatment took place four years ago but the complainant has only recently seen her physical therapy report. The Committee determined that a physical therapy assessment was completed prior to initiating treatment and that the treatment plan was developed based on the objective examination findings and the clinical information received from the attending and consulting physicians

The Inquiry Committee decided under section 33(6)(a) of the *Health Professions Act* to take no further action in this matter and the file was closed.

IN MEMORIUM

Adrian Vali passed away in Vancouver on August 3, 2005.

Adrian has been a Registrant of the College since it's inception in 1994 and prior to that was a member, since 1954, of the Association of Physiotherapists and Massage Practitioners of BC. Adrian most recently served the Vancouver community from his private clinic, Adrian Vali Physical Therapy Clinic and continued to practice as a physical therapist until the Spring of this year.

Edith Aston-McCrimmon passed away on September 2, 2005.

Edith spend most of her career on faculty at McGill University. During her time at the university Edith contributed to the development and growth of the Physical Therapy Program and to the profession in general through her involvement in the Canadian Physiotherapy Association (CPA) and the Quebec Regulatory body (OPPQ). Edith was President of the CPA from 1964-1966.

Louise (Lou) McGregor passed away in Vancouver, British Columbia on October 1, 2005.

Lou McGregor was born in Winnipeg, Manitoba and graduated from the Physical Therapy Program at McGill University. She first moved to Vancouver in 1960 to work in the children's division of GF Strong then at Sunnyhill Hospital. After spending two years in Toronto Lou returned to Vancouver and took a position at the School for Rehabilitation Science at UBC. She remained there until her retirement in 1986.

**ARE YOU MOVING?
CHANGING YOUR STATUS?
CHANGING YOUR NAME?
MAIL OR FAX COUPON TO:**

Registration Coordinator
College of Physical Therapists of B.C.
302-1765 West 8th Avenue
Vancouver, BC V6J 5C6
Phone: (604) 730-9193
Fax: (604) 730-9273
Email: info@cptbc.org

MOVING OR CHANGING JOBS?

Name: _____

Full: _____ Inactive: _____ Interim: _____

Effective date of change: _____

New Home Address

Phone/Fax: _____

Email: _____

New Business Address

Name: _____

Address: _____

Phone/Fax: _____

Email: _____

DISCLAIMER

The College retains the right to determine the contents of its newsletter *Update*. Unless specifically indicated, all statements reflect the opinion of the writers and do not necessarily reflect the opinions or policies of the College. The College does not verify the content or accuracy of any advertising that appears in *Update*, nor does it accept responsibility for same.

CHANGING YOUR NAME?

Reg. No. _____

From: _____

To: _____

Attach a copy of official change of name form or marriage certificate and \$25 each for a new certificate or registration card.

GOING INACTIVE

CHANGE MY REGISTRATION STATUS

(Print Name) & (Signature)

Registration Number

I am a full registrant in good standing with the CPTBC and intend to cease practice as a physical therapist in British Columbia. If I choose inactive registration, I understand that as an inactive registrant I no longer need to carry malpractice insurance, may not work in BC as a physical therapist and **MUST** renew my registration by December 31. Please change my registration status to:

- Cancelled in good standing
- Retired
- Inactive*

on _____ (m/d/y)

*If you choose inactive registration, please be aware of the following:

1. You must be a full registrant to qualify for inactive status. You must request this change in writing, either with this form, with a letter to the Registration Coordinator or on your annual renewal form, which will be sent to you by November of each year.
2. You **must** change to inactive registration in BC if you no longer carry malpractice insurance.
3. There is no refund in whole or part of the annual registration fee when you change status during the year.
4. Inactive registrants may not work as physical therapists in any capacity, either clinically or non-clinically **and must report practice hours on renewal of registration.**
5. Inactive registrants continue to be listed in the register, receive the newsletter and any College mailouts.
6. To change from **inactive to full** registration at any time during the year you must first contact the office and obtain an application package. Allow three weeks for processing. Call the Registration Coordinator if you have any questions.

NOTICE

The College is working on providing on-line registration for its members. We would appreciate your advising the College if you own a private Clinic which is not incorporated so that your Clinic contact information can be added to the database. Please email: anna_gloria@cptbc.org or fax: 604-730-9273 the College following information:

- Name of Clinic
- Mailing Address
- Telephone Number
- Fax Number
- Email

ADVERTISING RATES AND DEADLINES

Advertisements for employment opportunities and educational/course announcements are suitable for publication.

Deadlines: January 15, May 15 & August 15

Rates:	\$50	up to 3¼" x 3¼"
	\$75	3¼" x 4½"
	\$100	3¼" x 8½"
	\$200	full page

WHO TO CONTACT AT THE COLLEGE

Brenda Hudson

Registrar and Complaints
Email: brenda_hudson@cptbc.org

Susan Paul

Practice Advisor: professional portfolios, practice hours and practice questions
Email: susan_paul@cptbc.org

Joan Morton

Registration Coordinator: registration, incorporation and newsletter
Email: joan_morton@cptbc.org

Arlene Gloria

Student and Courtesy Registration
Email: arlene_gloria@cptbc.org

Anna Gloria

General enquiries
Email: anna_gloria@cptbc.org

PLEASE ADDRESS ALL NEWSLETTER ITEMS AND QUERIES TO:

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