



Prince Edward Island College of Occupational Therapists

Policy

Title: Criminal Records Check – Applicant with a Criminal Record

No. 3.4

Category: Registration
Applies to: Applicants
Authority: RHPA/Regulations
Date Established: February 13, 2018

1.0 Policy

The College shall investigate any applicant or registrant with a criminal record whether reported by the applicant, registrant or another source. The College shall deem the registrant or applicant suitable or unsuitable for registration following the investigation. An applicant who is deemed ineligible for registration by the Registration Committee as a result of their criminal history record report may appeal the decision to the Council of the PEICOT for internal reconsideration, whose decision shall be final and binding on the applicant and the PEICOT.

Background: An applicant or registrant must disclose any criminal information about themselves and their practise of occupational therapy (or of any other profession) whether in Prince Edward Island or in another jurisdiction in relation to any offenses under: a) the “Criminal Code” (Canada), the “Controlled Drugs and Substances Act” (Canada), or the “Food and Drugs Act” (Canada), or b) a criminal or penal statute of a jurisdiction outside Canada that is, or may be, relevant to their suitability to practise.

2.0 Purpose

To ensure applicants or registrants who have a criminal record are investigated for suitability to practice occupational therapy on PEI.

3.0 Application

This policy applies to all applicants or registrants with a criminal record.

4.0 Exceptional Circumstances

Outstanding Court Conditions: When information is received which indicates an applicant has a criminal conviction(s) and the conditions of the court have not been met, the application may be delayed until acceptable evidence is submitted indicating the court conditions have been satisfied.

5.0 Procedures

5.1 Collection of Information:

The applicant/registrant provides the following information:

- 5.1.1 a current criminal records check, and a criminal records transcript based on fingerprinting,
- 5.1.2 type of conviction,
- 5.1.3 date of conviction,
- 5.1.4 date of offence,
- 5.1.5 specific nature and description of the offence,
- 5.1.6 penalty imposed.

The applicant/registrant provides the following information if required:

- 5.1.7 satisfactory references,
- 5.1.8 documentary evidence of rehabilitation efforts,
- 5.1.9 a copy of any pardon granted.

5.2 Assessment:

The Registrar or Registration Committee reviews the information provided in 4.1 and uses the following factors to determine eligibility for initial registration, reinstatement of registration, conversion of registration or renewal of registration:

- 5.2.1. The nature and frequency of the offence. For example:
 - a. did the offence occur when the applicant was in a position of trust?
 - b. does the offence demonstrate dishonest behaviour?
 - c. does the offence demonstrate behaviours that would be considered professional misconduct, conduct unbecoming or other breach of *The Regulated Health Professions Act* or the Code of Ethics?
- 5.2.2 The penalty imposed and whether that penalty has been satisfied.
- 5.2.3 Whether the behaviour, if repeated, poses a threat to client safety and/or to an employer's ability to operate safely and efficiently. For example:
 - d. convictions related to sexual assault, violence or use of a weapon may cause the individual to be ineligible for registration (e.g. physical or sexual abuse, sexual assault, armed robbery, etc.);
 - e. convictions related to honesty and integrity may cast doubt on character and ethical conduct (e.g., fraud, theft, repeated shoplifting, etc.);
 - f. convictions related to drugs and alcohol may indicate a health problem or an ethical concern (e.g., trafficking, repeated impaired driving convictions, etc.);
 - g. multiple convictions may suggest a pattern of conduct.
- 5.2.4 The circumstances of a conviction, particulars of the offence, or other applicable information. For example:
 - a. the age of the individual when the offence occurred,
 - b. the situation of the offender at the time of the offence,
 - c. extenuating circumstances.
- 5.2.5 Demonstration of successful efforts made at rehabilitation and other factors which eliminate or reduce the likelihood of recurrence. For example:
 - a. how much time has elapsed between the conviction and the application;
 - b. what has the individual done during that period of time.
- 5.2.6 Accomplishments of the individual since the incident(s). For example:
 - a. has the individual shown any tendency to repeat the kind of behaviour for which they were convicted;
 - b. has the individual shown a firm intention to rehabilitate themselves;
 - c. has the individual applied for/received a pardon.

5.2.7 Whether there is any connection between the conviction and occupational therapy practice.

5.3 Decision Making:

5.3.1 The Registrar renders the decision when the following criteria are met:

- a. the conviction is impaired driving, theft under \$1,000.00, or marijuana related, excluding trafficking; and
- b. the conviction is for a single occurrence and single offence; and
- c. the conviction occurred more than four years before the current application for registration; and
- d. there are no outstanding conditions such as completion of sentence, probationary period, etc.; and
- e. satisfactory references, supporting documentation of rehabilitation efforts and accomplishments since the offence are received; and
- f. there are no special circumstances warranting the attention of the Registration Committee.

5.3.2 The Registration Committee:

- a. renders the decision in all other circumstances or when requested by the Registrar
- b. sets eligibility restrictions when appropriate, including but not limited to, any conditions which should be placed on the registration.
Example: If an applicant is not able to obtain and provide a criminal history report in a timely manner (as may be the case when finger-print matching is required before a criminal history report can be produced), the Committee registers the applicant “with conditions”, notifies the employer is notified and flags the file for a monthly review.

5.3.2 The Registrar or Registration Committee requests other documents such as an outdated criminal history report, or personal reference when a current criminal history report is unavailable.

Approved By	Established	Last Review	Next Review
Council	February 13, 2018	November 25, 2019 March 2024	March 2026