

Standard for the Sale of Appliances and Equipment

Date of Issue TBD

Introduction

Registrants of the Nova Scotia Occupational Therapy Regulator are accountable for the practice they provide to the public. Standards are issued by the Regulator to ensure a minimum level of practice is maintained for occupational therapists in Nova Scotia. Standards are intended for the protection of occupational therapy clients. Although standards are prescriptive, occupational therapists are still expected to exercise professional judgement in their practice and apply the standards within the context of their environment. Occupational therapists are also expected to follow the standards set by their employer; when the employer's standards seem to conflict with this standard, occupational therapists should contact the Regulator for clarification.

Statement of Purpose

The purpose of this document is to ensure occupational therapists in Nova Scotia are aware of the minimum expectations for the sale of appliances and equipment within an occupational therapy practice.

Regulator publications contain practice parameters and standards which should be considered by all Nova Scotia occupational therapists in the care of their clients, and in the practice of the profession. Regulator publications are developed in consultation with occupational therapists and describe current professional expectations. It is important to note that these Regulator publications may be used by the Regulator or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

The Standards are based on core occupational therapy principles outlined in the Competencies for Occupational Therapists in Canada (2021).

Background

Appliances may be referred to by other names by clinicians, such as equipment, products, assistive devices, etc. but refer to any device or product sold to the client, not including services provided.

An appliance means any non-service device or product sold to the client, including but not limited to, assistive devices, splints, and TENS.

Occupational therapists often sell products as a part of their practice. It is important that occupational therapists be aware of the regulatory expectations set out for the sale of appliances and equipment, as well as actively mitigating risk and conflict of interest that could be associated with this practice. Occupational therapists are expected to sell appliances and equipment using appropriate knowledge, skill, and training, and to do so in manner in keeping with this standard, as well as other relevant standards such as the Standard for Record Keeping and the Standard for Conflict of Interest.

Definitions

A working understanding of the following definitions is essential for the appropriate interpretation of this document.

Appliance means any non-service device or product sold to the client, including but not limited to assistive devices, splints, TENS.

Client means the individual who is the recipient or intended recipient of health care services from an occupational therapist, and, where the context requires, includes a substitute decision-maker for the recipient or intended recipient of health care services.

Conflict of Interest means when an occupational therapist has a relationship or interest, which could be seen by a reasonable person as improperly influencing their professional judgement or ability to act in the best interest of the client. A conflict of interest can be actual, potential, or perceived

Actual: Occurs where an occupational therapist has already performed an action when a relationship or interest has influenced their ability to serve the client's best interests. An actual conflict of interest means an action has already occurred.

Potential: Occurs where a reasonable person foresees that an occupational therapist has a relationship or interest sufficient to influence their ability to serve the client's best interests should the occupational therapist become involved in the client's care. (COTBC, 2019)

Perceived: Occurs where a reasonable person determines that an occupational therapist's ability to act in the best interests of a client might be affected due to competing interests – even if this is not actually the case. (COTBC, 2019)

Handling means time spent in acquiring the appliance. Any fees associated with handling must be fair, transparent, and appropriate to the service provided.

Profit means any revenue above the purchase cost to the occupational therapist or employer.

Vendor means a third-party company which supplies the appliance to the occupational therapist or client.

Application of the Standard

The following **standard** describe the minimum expectation for occupational therapists in the sale of appliances.

- The **performance indicators** listed below each standard describe more specific behaviours that demonstrate the standard has been met.
- It is expected that occupational therapists will always use their clinical judgement to determine how to best meet client needs in accordance with the standards of the profession.

Performance Indicators

An occupational therapist will:

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| 1.1 | Not sell equipment or any appliance, including a splint or other assistive or supportive device to a client for profit, except:

(a) A registrant may charge to the client the cost of materials used and a fair, transparent, and reasonable fee for handling and time spent by the registrant in the fabrication of any such appliance, splint or device; |
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| 1.2 | Ensure that they are knowledgeable about product safety and use with a particular client population; |
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| 1.3 | Provide information to clients regarding the products and their cost; |
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| 1.4 | Provide information to clients regarding alternative options for vendors; |
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| 1.5 | Maintain a financial record that is in keeping with the Standard for Record Keeping; |
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| 1.6 | Not engage in the sale of appliances where a conflict of interest, either actual, potential, or perceived, may arise. |
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Frequently Asked Questions

Q: I make and/or recommend equipment for my clients, but they get sent to finance to do the billing, and the paperwork is kept separate from their clinical file. Does this meet the standard?

A: Yes. Documentation related to billing does not need to be kept in the client's medical chart, and can be stored separately. Record keeping for financial records must be in keeping with the Financial Records Standard under the Standards for Record Keeping.

Q: My employer has preferred vendor contracts. How do I ensure I meet the performance indicator of alternative options for vendors?

A: Even when an employer has a preferred vendor contract, it is important to provide the client with the option to go through a vendor of their choosing. If your employer only stocks appliances from one vendor, registrants must inform the client of other vendors where they could get the recommended appliances, and give them the necessary information of your equipment recommendations to do so.

Q: What handling fees would not be considered fair, transparent, and appropriate?

A: The Regulator is not involved in setting fees for occupational therapists. Registrants are encouraged to consult with professional associations for assistance in establishing fee schedules. Fair, transparent, and appropriate handling fees allow occupational therapists to be compensated for the time spent acquiring the appliance without overburdening the client financially. One example of a handling fee that would not be fair, transparent, and appropriate would be where the occupational therapist bills the time spent fitting the splint to a client both as a treatment and as handling.

Q: I bill third-party payers for the equipment, who then bill the client. How do I ensure that the billing is fair, transparent, and appropriate?

A: While the cost to the client from third-party payers may not be totally in control of the occupational therapist, there are steps the occupational therapist can take to manage this concern. For example, occupational therapists should be charging third-party payers in a manner that is also fair, transparent, and reasonable to prevent these costs from being passed along to the client.

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