

OCCUPATIONAL THERAPISTS BOARD

HONG KONG

Disciplinary procedures in handling complaints against registered occupational therapists

(This leaflet is for information only)

Introduction

The Occupational Therapists Board is empowered by law to deal with complaints against registered occupational therapists touching on matters of unprofessional conduct.

2. Complaints against registered occupational therapists are handled by the Occupational Therapists Board in accordance with the Supplementary Medical Professions Ordinance (Cap. 359) and the Occupational Therapists (Registration and Disciplinary Procedure) Regulations. The steps involved are outlined in the ensuing paragraphs.

3. The Occupational Therapists Board has no jurisdiction whatsoever over claims for refund or compensation, which should be pursued through separate civil proceedings.

Receipt of complaints

4. On receipt of a written complaint, the Secretary will refer it to the Chairman of the Preliminary Investigation Committee (PIC) of the Board for consideration. The PIC Chairman is a member of the Board nominated by the Board and appointed by the Chairman of the Board. If the PIC Chairman is or will be unable temporarily to exercise his functions, another Board Member may be appointed as the acting PIC Chairman.

Consideration by the PIC Chairman

5. Having regard to the information available, the Chairman will decide on one of the following courses of action:

- (a) to dismiss the complaint if he is satisfied that the complaint is frivolous or groundless; or
- (b) to call for a meeting of the PIC to discuss the matter; or
- (c) to collect further information from the complainant, before coming to a determination as to whether the complaint should be dismissed or referred to the PIC.

Meeting of the PIC

6. The PIC comprises, apart from the Chairman, two other Part I registered occupational therapists, one in the employment of the Government or the Hospital Authority and the other not, both nominated by the Hong Kong Occupational Therapy Association. Before the matter is discussed in a PIC meeting, the registered occupational therapist being complained will be informed of the substance of the complaint and be invited to give an explanation in reply.

7. At the meeting, the PIC will consider the letter of complaint, the explanation submitted by the registered occupational therapist and any other relevant information which is available, and decide whether:

- (a) to dismiss the complaint, or
- (b) to refer the complaint in whole or in part to the Occupational Therapists Board for inquiry.

If the complaint is dismissed by the Chairman / PIC, the complainant will be informed of the brief reasons for the dismissal.

Inquiry of the Occupational Therapists Board

8. The inquiry is conducted in accordance with a set of statutory disciplinary procedures. At the hearing, either the Secretary or the complainant may present the case against the registered occupational therapist. When the case against the occupational therapist is closed, the occupational therapist will be given opportunity to defend his case and to adduce evidence in support. The complainant may also be called upon to testify in person.

9. At the conclusion to the hearing, the Board may:

- (a) dismiss the complaint if the registered occupational therapist is not guilty of the offence charged; or
- (b) make an order against the registered occupational therapist if he is found guilty of the offence charged.

10. Upon the Board making a finding of guilt, the registered occupational therapist may be punished by way of a disciplinary order. It includes the removal of the registered occupational therapist's name from the register of occupational therapists, a reprimand or a warning letter. If the registered occupational therapist is aggrieved by the decision of the Board, he may appeal to the Court of Appeal.

Notification of results

11. Depending on the complexity of each case, it will generally take a few months before a case can be concluded. In any event, a complainant will be informed in writing of the progress of the disciplinary proceedings as far as possible.