

## Practice Guideline- Working Outside Scope of Practice during Health Emergencies

### Purpose

In a health emergency such as a pandemic, kinesiologists may be asked by an employer to work outside the scope of practice for kinesiology or be redeployed to another practice setting in which they are unfamiliar or have never worked. A health emergency presents challenges for kinesiologists that they must consider. This guideline provides considerations for working outside of scope during a health emergency, and explains why such a situation may arise. **This guideline addresses assigned tasks that are within the public domain but outside of the scope of practice of Kinesiology. For information on delegation and controlled acts, read the College's Practice Standard: Scope of Practice, Controlled Acts and Delegation.**

### Legislative Orders and Authority for Redeployment

In a health emergency, the government has the authority to make legislative orders directing the activities of regulated health professionals, including redeployment. These orders can give employers such as hospitals and long-term care homes the authority to identify staff priorities and develop, modify and implement redeployment plans including:

- i. redeploying staff within different locations in (or between) facilities;
- ii. redeploying staff to work in pandemic assessment centres;
- iii. changing the assignment of work, including assigning non-bargaining unit employees or contractors to perform bargaining unit work;
- iv. bringing in health care workers who did not previously work for the employer; and
- v. providing appropriate training or education as needed to staff to achieve the purposes of a redeployment plan.

## Guideline

### Competently Performing Assigned Tasks Outside of Scope

Even when a kinesiologist is assigned to work outside of the profession's scope of practice and/or their own personal sphere of competence, they are required by law to adhere to the practice standards of the profession, workplace health and safety legislation, and to demonstrate professional responsibility and accountability at all times.

#### Risk Assessment, Training, Self-Assessment and Supervision:

Before beginning an activity that is outside of scope, kinesiologists must work with their supervisor or organization to assess risks and ensure they receive the required training. Kinesiologists must work with their supervisor and colleagues to continuously assess their competence in performing the assigned tasks, and identify additional required training. A kinesiologist adheres to expectations of a regulated health professional by:

- Conducting a risk analysis with their employer, identifying and analyzing risks (e.g. task competence, escalation of care, workload, infection prevention and control), developing and implementing a plan to address them, and monitoring and updating the plan as required;
- Understanding their rights and responsibilities as an employee under the *Occupational Health and Safety Act* to ensure their own safety, the safety of coworkers and compliance with workplace health and safety legislation;
- Ensuring the appropriate authorizing mechanisms (e.g. order or medical directive) are in place where required and that the organization is appropriately assigning tasks to them;
- Understanding and clarifying in advance the role, expectations, responsibilities, and organizational policies, which apply to them;
- Understanding how they are expected to interact with their team members including decision-making authorities, consultation and information sharing within the circle of care.
- Working within one's own personal sphere of competence, and gaining and maintaining knowledge and skill through adequate training (e.g. lifts and transfers, personal protective equipment, mask fitting);
- Demonstrating insight into personal limitations, addressing concerns or gaps with employer and asking for re-assignment if necessary due to insufficient competency to meet expectations;
- Establishing processes for communications with supervisor and identifying individuals with whom the kinesiologist can consult if questions arise and supervisor is not available; and

- Seeking regular feedback on performance of assigned tasks from others (e.g. asking colleagues to review records to ensure appropriate documentation).

### Critical thinking, Decision-Making, and Consultation

Kinesiologists must exercise critical thinking and decision-making skills to evaluate their own effectiveness and to ensure that patient needs are addressed as they provide service.

Demonstrating effective problem-solving and professional judgment requires:

- Considering the patient's best interests (e.g. integrating patient issues, needs and goals);
- Synthesizing and analyzing information to inform care, and integrating relevant information with previous learning, experience, professional knowledge and current practice methods; and
- Taking appropriate measures if patient health is unstable and requires assessment and/or supervision by another health professional.

### **Obtaining Informed Consent and Use of Professional Designation**

Kinesiologists must obtain informed consent from the patient before performing any task, whether health care or hygiene-related (e.g. bathing, lifting, transfer). Consent can be written, oral or implied (e.g. demonstrated by a patient's actions). The kinesiologist should inform the patient that they are a registered kinesiologist, describe their role and responsibilities and the services to be provided, and advise the patient that the procedure has been assigned by another health professional or the supervising practitioner.

If there are doubts about the patient's capacity, the supervising practitioner would determine whether the patient is capable of providing informed consent, and identify and consult with the patient's substitute decision-maker (SDM) regarding the activities for which the patient is incapable of giving informed consent. The patient may be capable of consenting to certain activities but not others (e.g. health care versus hygiene) and therefore the SDM would only provide consent for the relevant activities while the patient would provide consent for the others.

Once the patient or SDM provides informed consent, the kinesiologist can provide care. The patient has the right to withdraw consent at any time.

### **Record Keeping**

There should be a record of the assignment or tasks that have been assigned to the kinesiologist, any specific instructions related to the assignment, acceptance of the assignment, and the name, date and professional designation of the individual assigning the activities/tasks/duties.

Kinesiologists are required to maintain record keeping practices in accordance with the organization's documentation protocol. Kinesiologists who are unfamiliar with the preferred

documentation processes for a particular activity should consult with their supervisor regarding the preferred documentation method (e.g. documenting COVID-19 screening).

Kinesiologists may be redeployed to facilities where the supervising health care professional is in charge of all documentation and the kinesiologist does not have access to the patient record. In this situation, if there is doubt about whether informed consent has been obtained or a patient is resistant, the kinesiologist should report this information to the health professional or supervising practitioner in charge (e.g. nurse) and maintain their own separate notes of the situation. Kinesiologists must use their judgement to determine what information should be included in the patient record. Kinesiologists would be required to respond and demonstrate clinical reasoning that informed their decision-making in the event of a complaint made to the College.

### **Professional Liability Insurance**

Regulated health professionals must be insured individually. Professional liability insurance policies typically only cover activities within the scope of practice of kinesiology. Kinesiologists should check with their supervisor/ employer in charge of the assignment to ensure that appropriate professional liability insurance is in place to cover their newly assigned tasks, roles and responsibilities.

DRAFT

## **Appendix: Terminology**

*Assignment* is the term used to describe the process of handing over the care of a patient/client (or specific tasks) to another health care worker who can be either regulated or non-regulated (e.g. personal support worker).

*Scope of practice* describes what a profession does and covers a range of activities, roles and responsibilities that a kinesiologist could be expected to safely and effectively perform. A kinesiologist typically acquires the knowledge, skills and judgement to competently perform these activities in their formal education, and through continuing professional practise, professional development training and research throughout their career.

DRAFT