

Guidance for Facilities for Indoor Sports and Recreational Fitness Activities: Written Instruction for Physical Therapy from a Regulated Health Professional

January 10, 2022

Ontario Regulation 263/20: Rules for Areas in Step 2 provides limited exceptions for individuals to access indoor sports and recreational fitness activities. Section 19(4) of the Regulation provides a limited exception through receiving written instruction for physical therapy from a regulated health professional who is qualified to provide the instruction.

Section 19(4) reads as follows:

A facility for indoor sports and recreational fitness activities may, but is not required to, open if it meets the following conditions:

1. **The facility must be open solely for the purpose of allowing use of the facility by,**
 - i. **persons with a disability, within the meaning of the *Accessibility for Ontarians with Disabilities Act, 2005*, who,**
 - A. **have received a written instruction for physical therapy from a regulated health professional who is qualified to provide the instruction, and**
 - B. **are not able to engage in the physical therapy elsewhere,**
 - ii. such staff as are strictly necessary to operate the facility and support the provision of the physical therapy, and
 - iii. such support persons or service animals as may be necessary for the person with a disability.
2. The facility must have established a health and safety protocol for the use of the facility that is consistent with sections 3.1, 3.2, 3.3 and 7 of Schedule 1, and the facility must be operated in compliance with the health and safety protocol.
3. The person responsible for the facility must,
 - i. record the name and contact information of every person described in paragraph 1 who enters and uses the facility,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

Under the *Ontarians with Disabilities Act, 2005*, “disability” is defined as follows:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

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- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”)

Additional guidance on this subject from CCO is as follows:

- Members, when providing care to patients, must always be providing care and advice within the chiropractic scope of chiropractic practice, as described in the [Chiropractic Act, 1991](#) and [Standard of Practice S-001: Chiropractic Scope of Practice](#). Adjunctive therapies within the chiropractic scope of practice include giving advice on lifestyle and exercise.
- It would be the expectation that in providing written instruction for physical therapy at a facility for indoor sports and recreational fitness facility, a member would comply with the [Ontario Regulation](#), the [Accessibility for Ontarians with Disabilities Act, 2005](#), as well as all CCO regulations, standards of practice, policies and guidelines of CCO. This includes performing a chiropractic consultation and examination/assessment, communicating a diagnosis or clinical impression, communicating a plan of treatment/care, obtaining informed consent from the patient, delivering a plan of treatment/care and performing timely re-assessments. Any written instruction for physical therapy at a facility for indoor sports and recreational fitness activities would be considered part of the patient health record.
- It would be inappropriate to provide written instruction for physical therapy at a facility for indoor sports and recreational fitness facility for individuals who are not patients.
- It would be advisable for a patient to consult with their insurance company or third-party payor if any submission for these services is contemplated.