



COLLEGE OF  
**PSYCHOLOGISTS**  
OF ONTARIO

# CONSULTATION

PROPOSED REGULATIONS AMENDING THE REGISTRATION  
REGULATION, PROFESSIONAL MISCONDUCT REGULATION AND  
GENERAL REGULATION UNDER *THE PSYCHOLOGY ACT, 1991*

CIRCULATION DATE: OCTOBER 3, 2022  
CONSULTATION CLOSES: DECEMBER 2, 2022

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## APPLIED BEHAVIOUR ANALYSIS CONSULTATION: REGULATION AMENDMENTS

### Consultation Closes December 2, 2022

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#### BACKGROUND

The College of Psychologists of Ontario has been working towards welcoming Behaviour Analysts to what will become the new **College of Psychologists and Behaviour Analysts of Ontario** to be established under the yet to be proclaimed [Psychology and Applied Behaviour Analysis Act, 2021](#). The Act establishes the regulatory framework for the profession of Applied Behaviour Analysis (ABA) as a new regulated health profession in Ontario. It defines the distinct scope of practice of the profession, restricts the use of the title “Behaviour Analyst”, prohibits non-members from “holding out” as qualified to practice as Behaviour Analysts, and makes necessary changes to the composition of the College Council to include ABA professionals. In doing so, the legislation makes no changes related to the practice of psychology.

**Scope of Practice of the Profession** is defined in the *Psychology and Applied Behaviour Analysis Act, 2021* as: *The practice of applied behaviour analysis is the assessment of covert and overt behaviour and its functions through direct observation and measurement, and the design, implementation, delivery, and evaluation of interventions derived from the principles of behaviour in order to produce meaningful improvements.*

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#### WHO MUST REGISTER WITH THE COLLEGE?

The activities that form the scope of practice of Applied Behaviour Analysis are not Controlled Acts as defined in [section 27](#) of the [Regulated Health Professions Act, 1991](#). Under the restrictions of the new Act however, only those registered with the College will be permitted to use the title “Behaviour Analyst”, a variation or abbreviation or an equivalent in another language or “hold themselves out as a person who is qualified to practise in Ontario as a Behaviour Analyst or in a specialty of Applied Behaviour Analysis”.

This would include referring to any earned certification one may have that would lead the public to believe that they are a qualified Behaviour Analyst registered with the College. Unauthorized use of the title or “holding out” could be a violation of the *Psychology and Applied Behaviour Analysis Act, 2021*.

***Once the legislation comes into force, only those who are registered with the College may use the title “Behaviour Analyst”.***

The College recognizes that many professionals registered with other regulatory Colleges, including social workers, occupational therapists, speech language pathologists, educators, and nurses, may use behavioural techniques in their practice. These techniques, while also used by Behaviour Analysts, are within the public domain as they are not designated as Controlled Acts and therefore, are not restricted. If, however, a professional wishes to identify as a “Behaviour Analyst”, they must register with the College of Psychologists and Behaviour Analysts of Ontario regardless of any other concurrent registrations they may hold.

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#### HOW WERE THESE REGULATIONS DEVELOPED?

The College established an Applied Behaviour Analysis Working Group made up of College Council members, Behaviour Analysts and ABA educators. The Working Group met twice monthly over the past year to draft the tools necessary to regulate the profession and to propose appropriate registration

requirements for Behaviour Analysts. The Working Group based its consideration on the principle that Applied Behaviour Analysis is a separate and distinct profession from Psychology in developing entry-level requirements appropriate for the ABA profession, recognizing these are different from entry-level requirements for the profession of Psychology. The goal was to ensure that all registered Behaviour Analysts have the qualifications and competencies necessary to deliver safe, effective, and quality care to the Ontario public. Out of the Working Group's deliberations, a draft Registration Regulation was developed. The Working Group also prepared necessary amendments to other existing College Regulations, including the Professional Misconduct Regulation and the General Regulation (Quality Assurance and Advertising) to ensure the inclusion of Behaviour Analysts.

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## PURPOSE OF THE CONSULTATION

Regulation development follows a formal process and, as set out in [section 95\(1\) \(1.4\)](#) of the Health Professions Procedural Code being Schedule 2 of the *Regulated Health Professions Act, 1991*, the College is required to circulate proposed Regulations to its members, the public and stakeholders for a minimum of 60 days. Prior to finalizing the proposed amendments for submission to the Ministry of Health, the College Council will carefully consider all comments, keeping in mind the College's mandate to protect the public interest.

At the September 23, 2022 meeting, the College Council approved, for circulation and comment, proposed Regulation amendments which will enable the College to regulate the profession of Applied Behaviour Analysis. These include amendments to O.Reg. 74/15 Registration, which sets out registration requirements for applicants entering practice for the first time, as well as time-limited transitional (or grandparenting) provisions, to allow qualified practising Behaviour Analysts to apply for registration. Amendments to O.Reg. 801/93 Professional Misconduct and O.Reg 209/94 General (Quality Assurance and Advertising) were also approved for circulation.

**NOTE:** This consultation is related solely to the regulation of the profession of Applied Behaviour Analysis and is not intended to solicit comments on other College registration matters.

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## YOUR FEEDBACK AND COMMENTS ARE IMPORTANT!

You are invited to review the summary of the draft Regulation amendments and the actual proposed wording of the Regulation found below, and provide your comments using this [survey](#) or by e-mailing the College at [abaconsultation@cpo.on.ca](mailto:abaconsultation@cpo.on.ca).

Please share this consultation information with your colleagues in the field of Applied Behaviour Analysis. The deadline for receipt of comments on the proposed Regulation amendments is **Friday, December 2, 2022**.

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## SUMMARY OF PROPOSED AMENDMENTS

### A. REGISTRATION REGULATION

The following summary describes the proposed requirements to register as a Behaviour Analyst with the College. Flowcharts are attached which provide a visual representation of the three routes to registration. Amendments will be made to the [current Registration Regulation](#) under the *Psychology Act, 1991*. In doing so, additional sections related to the profession of Applied Behaviour Analysis have been added and no changes have been made to registration provisions related to the profession of Psychology.

O.Reg 74/15 Registration showing the proposed amendments (highlighted) as well as a Table explaining the various sections, are attached.

### **1. Registration Requirements During the Transitional (Grandparenting) Period**

A transitional period of 24 months following proclamation of the new Act will provide an opportunity for registration for qualified individuals who are currently practising the profession of Applied Behaviour Analysis.

#### **Two Transitional Registration Routes (Flow Charts 1 and 2)**

##### **Route 1**

An applicant must provide evidence that they were certified, with active status and in good standing, with the Behavior Analyst Certification Board (BACB) with either a BCBA or BCBA-D certification, prior to the date the Registration Regulation comes into force.

OR

##### **Route 2**

An applicant must:

- i. have engaged in practice in Canada within the statutory scope of practice of the profession of Applied Behaviour Analysis within the three years prior to the Registration Regulation coming into force and must have engaged in practice for at least 1500 hours prior to applying for registration, and
- ii. provide satisfactory evidence of their competence to practice ABA. Evidence must be provided in the form and manner required by the College. In addition, individuals wishing to be registered through Route 2 must pass an examination of knowledge or competence approved by Council for that purpose.

All transitional applicants using Route 1 or 2 will be required to complete the College's Jurisprudence and Ethics Module and, in addition, provide the following:

- Evidence of language fluency in English or French;
- Evidence of standing in any jurisdiction or other profession in which they are or were previously regulated;
- Evidence of good character, including criminal record check; and
- Payment of the appropriate fees.

### **2. Ongoing Registration Requirements (Flow Chart 3)**

The following registration requirements will apply to:

- a) Individuals entering the profession for the first time or who do not qualify under either of the two transitional registration routes; and,
- b) Individuals applying for registration following the close of the 24-month transitional period.

An applicant must:

- i. Have obtained a post-graduate degree from a Canadian university and completed recognized coursework in behaviour analysis or have completed an accredited post-graduate program in behaviour analysis.

*Applicants who have not successfully completed a program as described above, must satisfy the Registration Committee that their education and training is substantially similar to a described program and that the applicant is competent to practice ABA.*

- ii. Successfully complete a minimum of 1500 hours of supervised practice in ABA while holding a certificate of registration with the College authorizing supervised practice and while under the supervision of a member of the College authorized to practice ABA.
- iii. Pass the examination of knowledge or competence approved by Council.

All applicants will be required to complete the College's Jurisprudence and Ethics Module and in addition, provide the following:

- Evidence of language fluency in English or French;
- Evidence of standing in any jurisdiction or other profession in which they are, or were previously, regulated;
- Evidence of good character, including criminal record check; and
- Payment of the appropriate fees.

### 3. Behaviour Analysts Practising in Other Jurisdictions

A Behaviour Analyst currently practising outside Ontario and who is:

- i. currently registered/licensed, in good standing, in a jurisdiction with registration requirements equivalent to those of Ontario; or
- ii. certified with active status and in good standing, with the Behavior Analyst Certification Board (BACB) with either a BCBA or BCBA-D type certification,

will not be required to complete supervised practice or pass the examination of knowledge or competence. These applicants however, will be required to attend an interview with a panel of the Registration Committee, in addition to fulfilling all other registration requirements.

### 4. Two Certificates of Registration Permitted

Under the current Regulation, a member of the College of Psychologists is permitted to hold only one certificate of registration at a time. The proposed Regulation will permit members of the College, who meet the registration requirements, to hold two certificates of registration: one authorizing the practice of Psychology, and one authorizing the practice of Applied Behaviour Analysis.

## B. PROFESSIONAL MISCONDUCT AND GENERAL REGULATIONS

Minor changes are being proposed to these two Regulations to ensure they encompass Behaviour Analysts and the profession of Applied Behaviour Analysis.

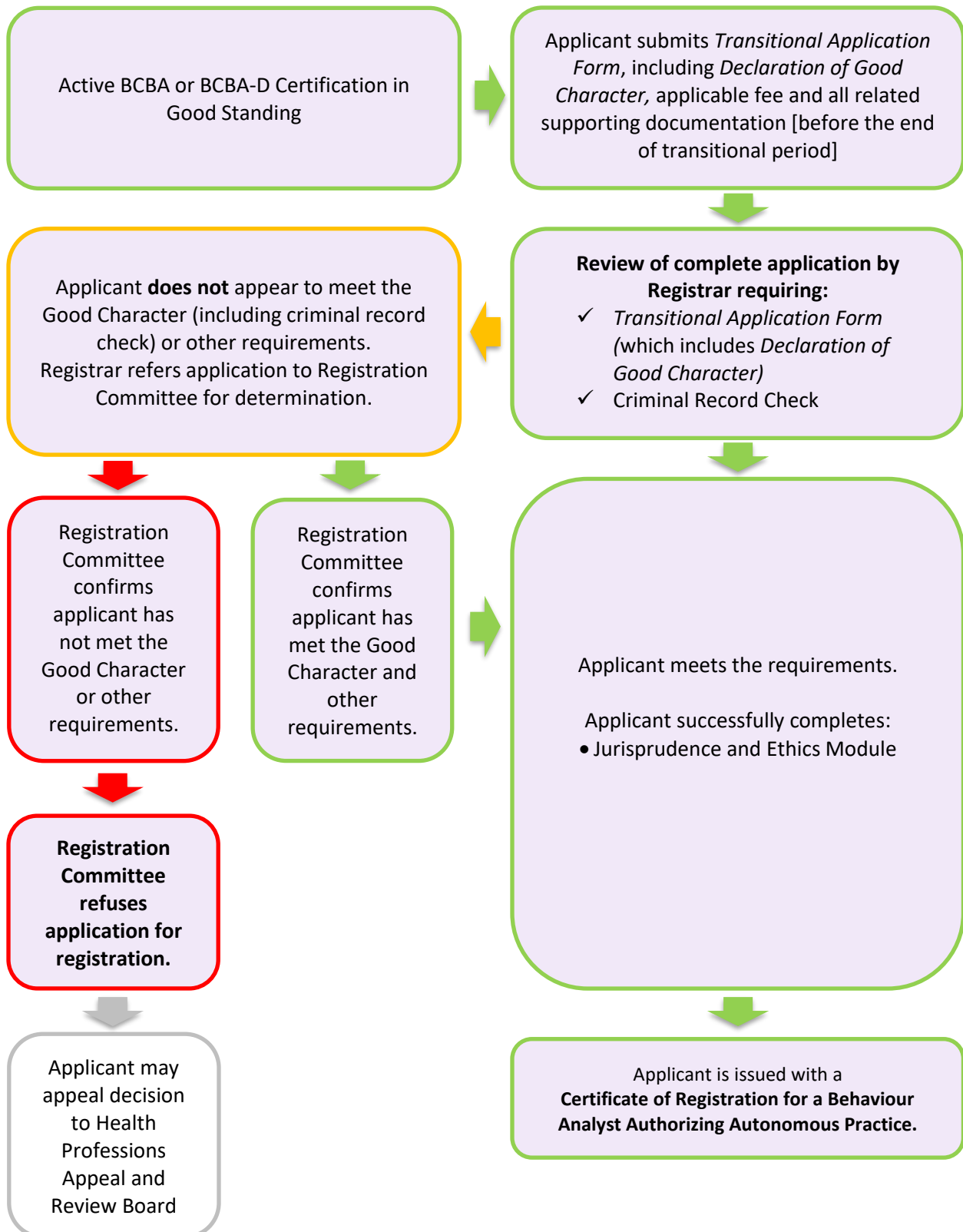
**Professional Misconduct Regulation:** The provisions of the Professional Misconduct Regulation will remain unchanged. The rules that currently apply to the practice of Psychology with respect to ethical, competent practice, will also apply to the practice of Applied Behaviour Analysis.

**General Regulation:** The General Regulation describes the details of the Quality Assurance program and the Advertising provisions. The College's Quality Assurance Program, as outlined in the Regulation, includes Continuing Professional Development and Self, Peer, and Practice Assessment components. A Quality Assurance Program is being developed for Behaviour Analysts that is based on the model currently in place for Psychologists and Psychological Associates. The program will consider distinct aspects of the practice of Applied Behaviour Analysis to ensure quality care is provided to clients. Advertising provisions that apply to the practice of Psychology will also apply to the practice of Applied Behaviour Analysis.

Proposed changes to these two documents are shown in "Track Changes" in the attached documents.

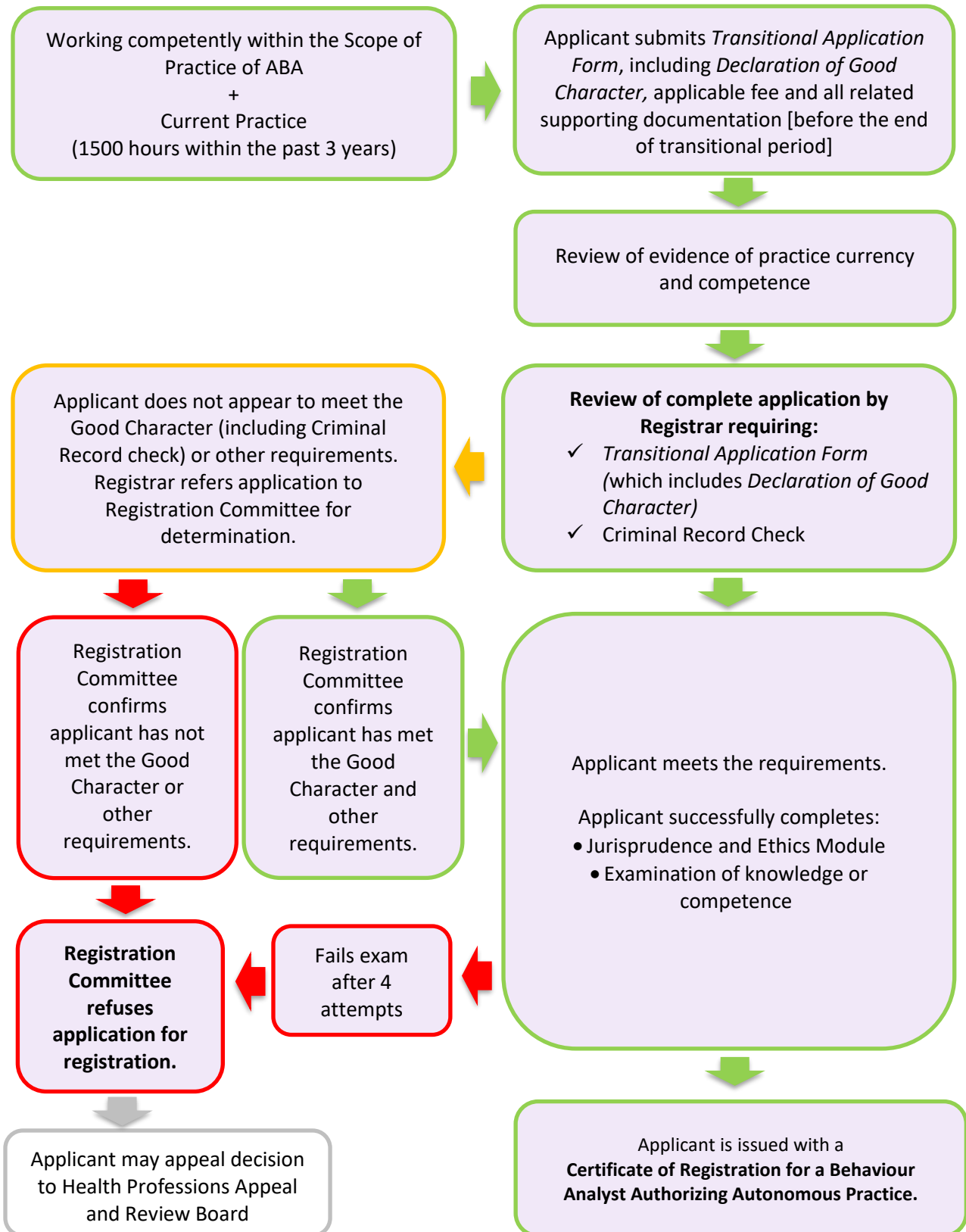


## ROUTE TO REGISTRATION: TRANSITIONAL ROUTE 1 (BCBA or BCBA-D Certified Behaviour Analyst)





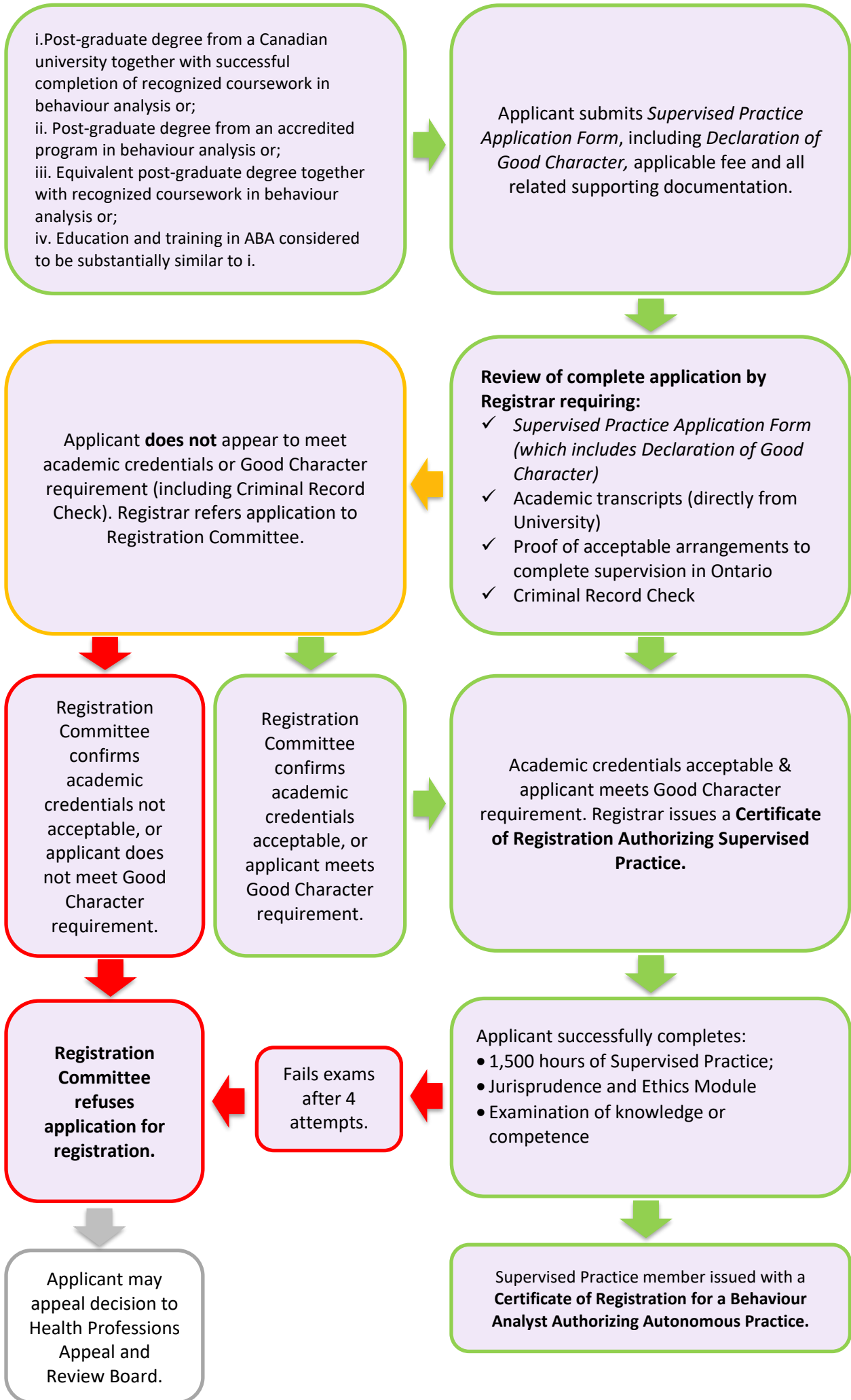
## ROUTE TO REGISTRATION: TRANSITIONAL ROUTE 2 (Non-BCBA or BCBA-D Certified Behaviour Analysts)







**ROUTE TO REGISTRATION: BEHAVIOUR ANALYSTS – ENTRY LEVEL**



## Psychology and Applied Behaviour Analysis Act, 2021

### PROPOSED AMENDMENTS TO CURRENT ONTARIO REGULATION 74/15 REGISTRATION

#### UNDER THE *PSYCHOLOGY ACT, 1991*

#### RELATED TO THE REGULATION OF BEHAVIOUR ANALYSTS

### PROPOSED NEW SECTIONS AND WORDING ARE HIGHLIGHTED

**Consolidation Period:** From June 10, 2019 to the [e-Laws currency date](#).

Last Amendment: 183/19.

Legislative History: 183/19.

*This is the English version of a bilingual regulation.*

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#### Classes of certificate

1. The following are prescribed as classes of certificates of registration:

1. Certificate of registration for a psychologist authorizing autonomous practice.
2. Certificate of registration for a psychologist authorizing interim autonomous practice.
3. Certificate of registration for a psychologist authorizing supervised practice.
4. Certificate of registration for a psychological associate authorizing autonomous practice.
5. Certificate of registration for a psychological associate authorizing interim autonomous practice.
6. Certificate of registration for a psychological associate authorizing supervised practice.
7. [Certificate of registration for a behaviour analyst authorizing autonomous practice](#)
8. [Certificate of registration for a behaviour analyst authorizing supervised practice](#)
9. Academic certificate of registration.
10. Inactive certificate of registration.
11. Retired certificate of registration.

#### Application

2. A person may apply for the issue of a certificate of registration by submitting an application to the Registrar together with the application fee required under the by-laws.

#### Requirements for issuance

3. The following are registration requirements for all certificates of registration:

1. The applicant must provide details of any of the following that relate to the applicant:
  - i. A conviction for a criminal offence or an offence related to the regulation of the practice of the profession.
  - ii. A finding of professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession.
  - iii. A current proceeding for professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession.
2. The applicant must be able with reasonable fluency to speak and write either English or French.
3. The applicant must be a Canadian citizen or a permanent resident of Canada or authorized under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of the profession.

**Terms, etc., of every certificate**

4. It is a condition of a certificate of registration that the member provide the College with details of any of the following that relate to the member and that occur or arise after the registration of the member:

1. A conviction for any offence.
2. A finding of professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession.
3. A proceeding for professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession.
4. A finding of professional negligence or malpractice in any jurisdiction.
5. A proceeding in any jurisdiction in which the member is alleged to have committed professional negligence or malpractice that is in relation to the practice of a health profession.

**SECTIONS 5-26 RELATING TO THE PROFESSION OF PSYCHOLOGY REMAIN UNCHANGED**

**NEW SECTIONS 27-34**

**CERTIFICATE OF REGISTRATION FOR A BEHAVIOUR ANALYST AUTHORIZING AUTONOMOUS PRACTICE**

27. (1) Subject to subsections (2) to (5), to qualify for a certificate of registration for a behaviour analyst authorizing autonomous practice, an applicant must comply with the following non-exemptible registration requirements:

1. The applicant must have obtained:
  - i. a post-graduate degree from a Canadian institution that is legally authorized to grant the degree and have successfully completed coursework in behaviour analysis recognized by a body approved by Council for that purpose, or
  - ii. a post-graduate degree that is considered by a panel of the Registration Committee to be equivalent to a degree described in subparagraph i., and have successfully completed coursework in behaviour analysis recognized by a body approved by Council for that purpose, or
  - iii. a post-graduate degree from a program in behaviour analysis accredited by a body, and at an accreditation level, approved by Council for that purpose; or
  - iv. Education and training in behaviour analysis outside of Canada that is considered by a panel of the Registration Committee to be substantially similar to the requirements described in subparagraph i.
2. The applicant must have completed a minimum of 1,500 hours of post-graduate supervised practice in applied behaviour analysis approved by the Registrar or a panel of the Registration Committee and performed while being a member holding a certificate of registration for a behaviour analyst authorizing supervised practice and while under the supervision of a member who meets the requirements in subsection 31. (3).
3. The applicant must have passed the examination of knowledge or competence set or approved by the Council or by a body that is approved by the Council for that purpose.
4. The applicant must have demonstrated successful completion of an assessment of Jurisprudence and Ethics knowledge in a manner or form approved by Council.
5. The applicant must have completed all further professional training or experience that, in the opinion of a panel of the Registration Committee, is required to ensure the competence of the applicant for autonomous practice as a behaviour analyst.

(2) An applicant who has obtained a degree from a program described in subparagraph 1 iv of subsection (1) shall not be considered to have met the requirements of paragraph 1 of subsection (1) unless the applicant has successfully completed such further assessment, training or supervised experience, if any, which in the opinion of a panel of the Registration Committee is required to ensure that the applicant has competencies equivalent to those of an applicant who has obtained a post-graduate degree and completed required coursework in behaviour analysis as described in subparagraph 1 i of subsection (1).

(3) An applicant who, at the time of application, is registered, licensed, or certified to practise applied behaviour analysis outside of Ontario, and where the applicant who made the application has been practising as a behaviour analyst at any point during the 24 months prior to submitting their application, is not required to meet the requirements in paragraphs 1, 2, 3 and 5 of subsection (1) if the following requirements are met:

1.
  - i. The applicant must be registered as a behaviour analyst in good standing in a jurisdiction that is considered by a panel of the Registration Committee to have registration requirements equivalent to those of the College for the issuance of a certificate of registration for a behaviour analyst authorizing autonomous practice; or
  - ii. The applicant must be certified by a body that is approved by Council for that purpose with a certification type and status approved by Council and is in good standing with that body as of the date of the application.
2.
  - i. It is a non-exemptible registration requirement that an applicant referred to in subsection (3) 1.i. provide one or more certificates, letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate; or
  - ii. It is a non-exemptible registration requirement that an applicant referred to in subsection (3) 1.ii. provide one or more certificates, letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst with the certification body approved by Council for that purpose.
3. The applicant must have attended an interview conducted by a panel of interviewers appointed by the Registrar and been assessed by that panel as being competent to practise the profession.
4. Where the applicant is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of applied behaviour analysis to the extent that would be permitted by a certificate of registration for a behaviour analyst authorizing autonomous practice at any time during the 24-month period preceding their application, the applicant must meet any further requirement to undertake, obtain or undergo any additional training, experience, examinations or assessments that, in the opinion of a panel of the Registration Committee, is required to ensure the competence of the applicant for autonomous practice as a behaviour analyst.

(4) Where an applicant is a member in good standing holding an Academic certificate of registration, the Registrar shall issue that member a certificate of registration for a behaviour analyst authorizing autonomous practice if the member,

- (a) was, at the time of being issued their Academic certificate of registration, a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice;
- (b) applies in writing to the Registrar for a certificate of registration for a behaviour analyst authorizing autonomous practice not less than 60 days before the applicant proposes to start practising as a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice; and
- (c) has satisfied the conditions, if any, imposed by a panel of the Registration Committee which in the opinion of the panel are required to ensure current competence in the practice of applied behaviour analysis.

(5) Where an applicant is a member in good standing holding an Inactive certificate of registration, the Registrar shall issue that member a certificate of registration for a behaviour analyst authorizing autonomous practice if the member,

- (a) was, at the time of being issued their Inactive certificate of registration, a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice;
- (b) applies in writing to the Registrar for a certificate of registration for a behaviour analyst authorizing autonomous practice not less than 60 days before the applicant proposes to start practising as a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice; and
- (c) has satisfied the conditions, if any, imposed by a panel of the Registration Committee which in the opinion of the panel are required to ensure current competence in the practice of applied behaviour analysis.

(6) Where an applicant is a member in good standing holding a Retired certificate of registration, the Registrar shall issue that member a certificate of registration for a behaviour analyst authorizing autonomous practice if the member,

- (a) was, at the time of being issued their Retired certificate of registration, a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice;
- (b) applies in writing to the Registrar for a certificate of registration for a behaviour analyst authorizing autonomous practice no more than 24 months after the member was issued a Retired certificate of registration and not less

than 60 days before the applicant proposes to start practising as a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice; and

- (c) has satisfied the conditions, if any, imposed by a panel of the Registration Committee which in the opinion of the panel are required to ensure current competence in the practice of applied behaviour analysis

**Labour mobility**

**28.** (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration for a behaviour analyst authorizing autonomous practice, the applicant is deemed to have met the requirements set out in paragraphs 1, 2, 3, and 5 of subsection 27 (1) of this Regulation.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate.

(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of applied behaviour analysis to the extent that would be permitted by a certificate of registration for a behaviour analyst authorizing autonomous practice at any time in the two years immediately before the date of the applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 2 of section 3 if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

**Terms, conditions and limitations**

**29.** It is a term, condition and limitation of every certificate of registration for a behaviour analyst authorizing autonomous practice that the member shall practise the profession only within the areas of applied behaviour analysis in which the member has knowledge, skill and judgement.

**Transitional**

**30.** The following apply for the first 24 months after the day this Regulation comes into force,

(1) Paragraphs 1, 2, and 3 of subsection 27 (1) do not apply in respect of an application for a certificate of registration for a behaviour analyst authorizing autonomous practice where the applicant was certified by a body that is approved by Council for that purpose with a certification type and status approved by Council by the date this Regulation comes into force and is in good standing with that body, or

(2) Paragraphs 1 and 2 of subsection 27 (1) do not apply in respect of an application for certificate of registration for a behaviour analyst authorizing autonomous practice where the applicant who made the application had been practising as a behaviour analyst at any point within or during the three (3) years prior to this Regulation coming into force and meets the following additional non-exemptible requirements:

1. The applicant must have engaged in practice in Canada within the scope of practice of applied behaviour analysis for at least 1500 hours during the three-year period that immediately preceded the date that the applicant submitted their application; and
2. The applicant must provide evidence satisfactory to the Registrar or the Registration Committee of competence to practise as a behaviour analyst.

**CERTIFICATES OF REGISTRATION FOR A BEHAVIOUR ANALYST AUTHORIZING SUPERVISED PRACTICE**

**31.** (1) To qualify for a certificate of registration for a behaviour analyst authorizing supervised practice, an applicant must comply with the following non-exemptible registration requirements:

1. The applicant meets the requirements set out in subsection 27 (1) 1.
2. The applicant must provide to the College a signed undertaking from a supervisor in which the supervisor undertakes to train the proposed member and supervise and evaluate the proposed member's practice and to provide reports in the form and manner as specified by the Registrar or a panel of the Registration Committee.

(2) An applicant who has obtained a degree from a program described in subparagraph 1 iv of subsection 27. (1) shall not be considered to have met the requirements of paragraph 1 of subsection (1) unless the applicant has successfully completed such further assessment, training or supervised experience, if any, which in the opinion of a panel of the Registration Committee is required to ensure that the applicant has competencies equivalent to those of an applicant who has obtained a degree from a program described in subparagraph 1 i of subsection 27. (1).

(3) A signed undertaking shall not be considered as satisfying the requirement in paragraph 2 of subsection (1) unless the proposed supervisor who signed the undertaking met all of the following requirements:

1. They must be a member holding either a certificate of registration for a behaviour analyst authorizing autonomous practice or for the first 24 months after this Regulation comes into force, provides evidence, satisfactory to the Registration Committee that they meet the requirements for a certificate of registration authorizing autonomous practice.
2. Their certificate of registration must not be subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding.
3. They must not be the subject of any ongoing disciplinary proceeding or fitness to practise proceeding.

#### **Labour mobility**

**32.** (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration for a behaviour analyst authorizing supervised practice, the applicant is deemed to have met the requirements set out in paragraph 1 of subsection 31 (1) of this Regulation.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate.

(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of applied behaviour analysis to the extent that would be permitted by a certificate of registration for a behaviour analyst authorizing supervised practice at any time in the two years immediately before the date of the applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 2 of section 3 if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

#### **Terms, conditions and limitations**

**33.** It is a term, condition and limitation of every certificate of registration for a behaviour analyst authorizing supervised practice that the member shall practise the profession only under the supervision of a supervisor who is approved for that purpose by the Registrar or a panel of the Registration Committee.

#### **Expiry**

**34.** A certificate of registration for a behaviour analyst authorizing supervised practice expires on the date set out on the certificate, which date shall be no earlier than 12 months after the date the certificate of registration was issued and no more than 24 months after the date the certificate of registration was issued.

### **RENUMBERED SECTIONS 35-44**

#### **(CURRENT SECTIONS 27-36)**

### **Addition of Terminology to Include Applied Behaviour Analysis/Behaviour Analysts (highlighted)**

#### ACADEMIC CLASS OF CERTIFICATES OF REGISTRATION

##### **Academic class of certificates of registration**

**35.** To qualify for an Academic certificate of registration, an applicant must comply with the following non-exemptible registration requirements:

1. The applicant must occupy a full-time or regular academic position on the faculty of an Ontario university.

2. The applicant must be a member in good standing who holds a certificate of registration for a psychologist authorizing autonomous practice or a certificate of registration for a psychological associate authorizing autonomous practice or a certificate of registration for a behaviour analyst authorizing autonomous practice and,
  - i. whose certificate of registration is not subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding,
  - ii. who is not in default of any obligation to the College, including payment of the annual membership fee, and
  - iii. who is not the subject of any ongoing disciplinary or fitness to practise proceeding.

#### **Labour mobility**

**36.** (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for an Academic certificate of registration, the applicant is deemed to have met the requirements set out in paragraph 2 of section 27 of this Regulation.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a psychologist or behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate.

(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of psychology or applied behaviour analysis to the extent that would be permitted by an Academic certificate of registration at any time in the two years immediately before the date of the applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 2 of section 3 if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

#### **Terms, conditions and limitations**

**37.** It is a term, condition and limitation of every Academic certificate of registration that the member not provide intervention, assessment or consultation services, or, in the case of a behaviour analyst, applied behaviour analysis services, to individual clients, groups of clients, or organizations and not supervise persons in providing those services.

### **INACTIVE CLASS OF CERTIFICATES OF REGISTRATION**

#### **Inactive class of certificates of registration**

**38.** To qualify for an Inactive certificate of registration, an applicant must comply with the following non-exemptible registration requirements:

1. The applicant must submit his or her application to the Registrar not less than 60 days before the applicant intends to cease practising the profession.
2. The applicant must be a member in good standing who holds a certificate of registration for a psychologist authorizing autonomous practice or a certificate of registration for a psychological associate authorizing autonomous practice or a certificate of registration for a behaviour analyst authorizing autonomous practice and,
  - i. whose certificate of registration is not subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding,
  - ii. who is not in default of any obligation to the College, including payment of the annual membership fee, and
  - iii. who is not the subject of any ongoing disciplinary or fitness to practise proceeding.

#### **Terms, conditions and limitations**

**39.** It is a term, condition and limitation of every Inactive certificate of registration that the member shall not practise the profession.



## RETIRED CLASS OF CERTIFICATES OF REGISTRATION

### Retired class of certificates of registration

**40.** To qualify for a Retired certificate of registration, an applicant must comply with the following non-exemptible registration requirements:

1. The applicant must submit his or her application to the Registrar not less than 60 days before the applicant intends to cease practising the profession.
2. The applicant must be a member in good standing who holds a certificate of registration for a psychologist authorizing autonomous practice or a certificate of registration for a psychological associate authorizing autonomous practice or a certificate of registration for a behaviour analyst authorizing autonomous practice and,
  - i. whose certificate of registration is not subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding,
  - ii. who is not in default of any obligation to the College, including payment of the annual membership fee, and
  - iii. who is not the subject of any ongoing disciplinary or fitness to practise proceeding.

### Terms, conditions and limitations

**41.** It is a term, condition and limitation of every Retired certificate of registration that the member shall not practise the profession.

### Expiry on issuance of new certificate

**42** A person's certificate of registration expires immediately if the Registrar issues another certificate of registration to the person.

**42.1** Despite section 42., a person may hold a certificate of registration in each of the professions regulated by the College if they meet the registration requirements to practice as a psychologist or psychological associate and meet the registration requirements to practice as a behaviour analyst.

### Reinstatement

**43.** If the Registrar suspends a member's certificate of registration pursuant to section 24 of the Health Professions Procedural Code for failure to pay a fee, the Registrar may lift the suspension within two years from the date of suspension on the payment of,

- (a) the fee the member failed to pay; and
- (b) all applicable fees and penalties required under the by-laws.

## TRANSITION

### Transition

**44.** (1) Every certificate of registration that was in existence immediately before April 7, 2015 is continued as the equivalent certificate of registration with the same status under this Regulation until such time as it otherwise ceases to be effective and, for greater certainty,

- (a) every certificate of registration subject to a limitation of academic status is continued as an Academic certificate of registration;
- (b) every certificate of registration subject to a limitation of inactive status is continued as an Inactive certificate of registration; and
- (c) every certificate of registration subject to a limitation of retired status is continued as a Retired certificate of registration.

(2) Where an application for a certificate of registration had been made but not finally dealt with before April 7, 2015, the application shall be dealt with in accordance with this Regulation.

**45. OMITTED (REVOKES OTHER REGULATIONS).**

**46. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).**

## Psychology and Applied Behaviour Analysis Act, 2021

### PROPOSED AMENDMENTS TO [ONTARIO REGULATION 74/15 REGISTRATION](#)

#### UNDER THE *PSYCHOLOGY ACT, 1991*

#### RELATED TO THE REGULATION OF BEHAVIOUR ANALYSTS

1. Section 2. Application, Section 3. Requirements of issuance and Section 4. Terms, etc., of every certificate, will all remain unchanged and relate to all applicants to the College
2. New sections 27-34 have been added to O. Reg. 74/15 to create two new Certificates of Registration for Behaviour Analysts.
  - i. Sections 27-30: Certificate of Registration for a Behaviour Analyst Authorizing Autonomous Practice
  - ii. Sections 31-34: Certificate of Registration for a Behaviour Analyst Authorizing Supervised Practice
3. Renumbered sections 35-44 (currently sections 27-36) to include terminology related to Applied Behaviour Analysis/Behaviour Analysts

Section/ Subsection	Proposed Regulation	Interpretation/Application
	<b>Certificate of Registration for a Behaviour Analyst Authorizing Autonomous Practice</b>	
<b>27. (1)</b>	Subject to subsections (2) to (5), to qualify for a certificate of registration for a behaviour analyst authorizing autonomous practice, an applicant must comply with the following non-exemptible registration requirements:	Non-exemptible registration requirements for Behaviour Analysts are described in Section 27. (1).
<b>27. (1) 1.</b>	The applicant must have obtained: <ol style="list-style-type: none"> <li>i. a post-graduate degree from a Canadian institution that is legally authorized to grant the degree and have successfully completed coursework in behaviour analysis recognized by a body approved by Council for that purpose, or</li> </ol>	<ol style="list-style-type: none"> <li>i. ABA training currently available in Canada is at the post-graduate (master’s or PhD. Level) where the degree is combined with a sequence of courses in behaviour analysis (Verified Course Sequence or VCS) directly related to the practice of ABA. The course sequence is verified by the <a href="#">Association for Behavior Analysis International</a> (ABAI) and is the recognized training for behaviour analysts in North America. In Ontario, ABA training is available at <a href="#">Brock University</a> through the Faculty of Social Sciences and at <a href="#">Western University</a> through the Faculty of Education. Training is also available in Manitoba and British Columbia.</li> </ol>

	<p>ii. a post-graduate degree that is considered by a panel of the Registration Committee to be equivalent to a degree described in subparagraph i., and have successfully completed coursework in behaviour analysis recognized by a body approved by Council for that purpose, or</p> <p>iii. a post-graduate degree from a program in behaviour analysis accredited by a body, and at an accreditation level, approved by Council for that purpose; or</p> <p>iv. Education and training in behaviour analysis outside of Canada that is considered by a panel of the Registration Committee to be substantially similar to the requirements described in subparagraph i.</p>	<p>ii. A post-graduate degree obtained from an academic institution, other than a Canadian university, that is deemed to be equivalent to a Canadian degree and completion of a VCS in behaviour analysis. Equivalence of the degree would be determined by a third-party credential authentication and assessment.</p> <p>iii. Post-graduate programs in behaviour analysis, that are accredited by <a href="#">ABAI</a> are currently only available in the US and Norway.</p> <p>iv. Where an applicant does not have formal training in ABA, as described in i., ii. or iii., their education and training would be assessed for substantial similarity to the requirements in i. Third party credential authentication and assessment would be used to assist the Registration Committee in making this determination.</p>
<p><b>27. (1) 2.</b></p>	<p>The applicant must have completed a minimum of 1,500 hours of post-graduate supervised practice in applied behaviour analysis approved by the Registrar or a panel of the Registration Committee and performed while being a member holding a certificate of registration for a behaviour analyst authorizing supervised practice and while under the supervision of a member who meets the requirements in subsection 31. (3).</p>	<p>1500 hours of supervised practice must be completed while under the jurisdiction of the College while holding a Certificate of Registration for a Behaviour Analyst Authorizing Supervised Practice. The equivalent of one year of full-time supervised practice is generally accepted to confirm readiness of a behaviour analyst to practise autonomously and mirrors the supervised practice hours required by other professions, including psychology. It is also similar to supervised fieldwork hours required by the Behavior Analyst Certification Board (BACB) to earn certification.</p> <p>Training in applied behaviour analysis may include a practicum or supervised fieldwork hours, however these hours are separate and would not be counted towards hours required to meet the registration requirements of the College.</p>
<p><b>27. (1) 3.</b></p>	<p>The applicant must have passed the examination of knowledge or competence set or approved by the Council or by a body that is approved by the Council for that purpose.</p>	<p>The College is developing an Ontario examination of knowledge or competence. This exam is expected to be available online with remote proctoring.</p>

		While an oral exam has been part of the registration process in Ontario and in several jurisdictions for many years for psychology, it is not regarded as necessary for the registration of Behaviour Analysts. The ABA profession will have no authorized controlled acts, nor will areas of practice or client populations be declared by Behaviour Analysts; which are two reasons for an oral examination being required for registration for the profession of Psychology.
<b>27. (1) 4.</b>	The applicant must have demonstrated successful completion of an assessment of Jurisprudence and Ethics knowledge in a manner or form approved by Council.	Applicants will be required to complete an online jurisprudence and ethics education course that also assesses their understanding of ethical issues and applicable jurisprudence and how these principles are applied in practice. The course, which will include an assessment component, ensures applicants possess knowledge of current jurisprudence and ethical principles, and may be completed by applicants, at their own pace. This online module ensures mastery of jurisprudence and ethical principles and is the norm for many professions, including Applied Behaviour Analysis. This contrasts with the high-stakes jurisprudence and ethics examination currently required by the College for the profession of Psychology.
<b>27. (1) 5.</b>	The applicant must have completed all further professional training or experience that, in the opinion of a panel of the Registration Committee, is required to ensure the competence of the applicant for autonomous practice as a behaviour analyst.	Provision is the same as the current subsection 5. (1) 6. This provides flexibility to the Registration Committee where it believes additional training or experience is necessary to ensure an applicant's competence.
<b>27. (2)</b>	An applicant who has obtained a degree from a program described in subparagraph 1 iv of subsection (1) shall not be considered to have met the requirements of paragraph 1 of subsection (1) unless the applicant has successfully completed such further assessment, training or supervised experience, if any, which in the opinion of a panel of the Registration Committee is required to ensure that the applicant has competencies equivalent to those of an applicant who has obtained a post-graduate degree and completed required coursework in applied behaviour analysis as described in subparagraph 1 i of subsection (1).	Provision is the same as the current subsection 5. (2) and provides the Registration Committee with the authority to require further assessment, training, or supervised experience to ensure the applicant has competencies equal to a graduate of a Canadian program. This provision would relate to internationally trained behaviour analysts who apply for registration under subsection 27. (1) 1. iv.
<b>27. (3)</b>	An applicant who, at the time of application, is registered, licensed, or certified to practise applied behaviour analysis outside of Ontario, and where the applicant who made the application has been practising as a behaviour analyst at any point during the 24 months prior to submitting	This provision provides an exemption, for applicants who qualify, from meeting the education, supervised practice, and entry to practice examination requirements for registration. These applicants must be behaviour analysts practising outside Ontario, who are currently

<p>their application, is not required to meet the requirements in paragraphs 1, 2, 3 and 5 of subsection (1) if the following requirements are met:</p> <ol style="list-style-type: none"> <li>1. i. The applicant must be registered as a behaviour analyst in good standing in a jurisdiction that is considered by a panel of the Registration Committee to have registration requirements equivalent to those of the College for the issuance of a certificate of registration for a behaviour analyst authorizing autonomous practice, or</li> <li>ii. The applicant must be certified by a body that is approved by Council for that purpose with a certification type and status approved by Council and is in good standing with that body as of the date of the application.</li> <li>2. i. It is a non-exemptible registration requirement that an applicant referred to in subsection (3) 1. i. provide one or more certificates, letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate, or</li> <li>ii. It is a non-exemptible registration requirement that an applicant referred to in subsection (3) 1.ii. provide one or more certificates, letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst with the certification body approved by Council for that purpose.</li> <li>3. The applicant must have attended an interview conducted by a panel of interviewers appointed by the Registrar and been assessed by that panel as being competent to practise the profession.</li> <li>4. Where the applicant is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of applied behaviour analysis to the extent that would be permitted by a certificate of registration for a behaviour analyst authorizing autonomous practice at any time during the 24-month period preceding their application, the applicant must meet any further requirement to undertake, obtain or undergo any additional training, experience, examinations or assessments that, in the opinion of a panel of the Registration Committee, is required to ensure the competence of the applicant for autonomous practice as a behaviour analyst.</li> </ol>	<p>registered or licensed in good standing in a jurisdiction considered to have equivalent registration requirements, or who are certified in good standing with BCBA or BCBA-D type certification with active status.</p> <p>In addition to providing evidence of good standing, applicants using this registration route must attend an interview conducted by a panel of interviewers appointed by the Registrar to assess competence to practice. As with labour mobility provisions under subsection 28., the Registration Committee can require additional training, experience, examinations, or assessments that are required to ensure competence of the applicant for autonomous practice as a behaviour analyst.</p>
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<p><b>27. (4)</b></p>	<p>Where an applicant is a member in good standing holding an Academic certificate of registration, the Registrar shall issue that member a certificate of registration for a behaviour analyst authorizing autonomous practice if the member,</p> <ul style="list-style-type: none"> <li>(a) was, at the time of being issued their Academic certificate of registration, a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice;</li> <li>(b) applies in writing to the Registrar for a certificate of registration for a behaviour analyst authorizing autonomous practice not less than 60 days before the applicant proposes to start practising as a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice; and</li> <li>(c) has satisfied the conditions, if any, imposed by a panel of the Registration Committee which in the opinion of the panel are required to ensure current competence in the practice of applied behaviour analysis.</li> </ul>	<p>Provision mirrors the current subsection 5. (4) and provides a process for a Behaviour Analyst holding an Academic Certificate of Registration to return to autonomous practice.</p>
<p><b>27. (5)</b></p>	<p>Where an applicant is a member in good standing holding an Inactive certificate of registration, the Registrar shall issue that member a certificate of registration for a behaviour analyst authorizing autonomous practice if the member,</p> <ul style="list-style-type: none"> <li>(a) was, at the time of being issued their Inactive certificate of registration, a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice;</li> <li>(b) applies in writing to the Registrar for a certificate of registration for a behaviour analyst authorizing autonomous practice not less than 60 days before the applicant proposes to start practising as a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice; and</li> <li>(c) has satisfied the conditions, if any, imposed by a panel of the Registration Committee which in the opinion of the panel are required to ensure current competence in the practice of applied behaviour analysis.</li> </ul>	<p>Provision mirrors the current subsection 5. (5) and provides a process for a behaviour analyst holding an Inactive certificate of registration to return to autonomous practice.</p>
<p><b>27. (6)</b></p>	<p>Where an applicant is a member in good standing holding a Retired certificate of registration, the Registrar shall issue that member a certificate of registration for a behaviour analyst authorizing autonomous practice if the member,</p>	<p>Provision mirrors the current subsection 5. (6) and provides a process for a behaviour analyst holding a Retired certificate of registration to return to autonomous practice within 24 months of the Retired certificate being issued.</p>

	<ul style="list-style-type: none"> <li>(a) was, at the time of being issued their Retired certificate of registration, a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice;</li> <li>(b) applies in writing to the Registrar for a certificate of registration for a behaviour analyst authorizing autonomous practice no more than 24 months after the member was issued a Retired certificate of registration and not less than 60 days before the applicant proposes to start practising as a member holding a certificate of registration for a behaviour analyst authorizing autonomous practice; and</li> <li>(c) has satisfied the conditions, if any, imposed by a panel of the Registration Committee which in the opinion of the panel are required to ensure current competence in the practice of applied behaviour analysis.</li> </ul>	
<p><b>28.</b></p>	<p>Labour Mobility</p> <ul style="list-style-type: none"> <li>(1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration for a behaviour analyst authorizing autonomous practice, the applicant is deemed to have met the requirements set out in paragraphs 1, 2, 3, and 5 of subsection 27 (1) of this Regulation.</li> <li>(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate.</li> <li>(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of applied behaviour analysis to the extent that would be permitted by a certificate of registration for a behaviour analyst authorizing autonomous practice at any time in the two years immediately before the date of the applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.</li> <li>(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 2 of section 3 if the requirements for the</li> </ul>	<p>Provision is the same as the current subsection 6. and provides a process for a behaviour analyst, practising in another province, to the extent that would be permitted by a certificate of registration for a behaviour analyst authorizing autonomous practice, to register in Ontario. Currently, there are no other provinces regulating the profession of Applied Behaviour Analysis.</p>

	<p>issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.</p> <p>(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.</p>	
<b>29.</b>	<p>Terms, Conditions and Limitations</p> <p>It is a term, condition and limitation of every certificate of registration for a behaviour analyst authorizing autonomous practice that the member shall practise the profession only within the areas of applied behaviour analysis in which the member has knowledge, skill and judgement.</p>	<p>Training in the profession of applied behaviour analysis is not specific to defined areas of practice as it may be in other professions (i.e., psychology). This provision for terms, conditions and limitations is added to ensure that a Behaviour Analyst will only practise within the area(s) in which they possess knowledge, skill, and judgement, and will only provide services to populations that they are competent to serve. A Behaviour Analyst may be found guilty of professional misconduct if they are found to have practised outside their scope of competence.</p>
<b>30.</b>	<p>Transitional</p> <p>The following apply for the first 24 months after the day this Regulation comes into force,</p>	<p>Transitional (or grandparenting) provisions provide an opportunity for experienced Behaviour Analysts to register with the College. The transitional period is time-limited (24 months after the Regulation comes into force) and requires the applicant to demonstrate that they were practising competently within the scope of practice of the profession prior to proclamation. The College's goal is to have a fair and objective process for assessing these applicants to register all qualified Behaviour Analysts. Applicants registering under these provisions will be required to meet all remaining registration requirements under subsection 27(1).</p>
<b>30. (1)</b>	<p>Paragraphs 1, 2, and 3 of subsection 27 (1) do not apply in respect of an application for a certificate of registration for a behaviour analyst authorizing autonomous practice where the applicant was certified by a body that is approved by Council for that purpose with a certification type and status approved by Council by the date the Regulation comes into force and is in good standing with that body, or</p>	<p>Applicants who were certified by the Behavior Analyst Certification Board (BACB) with BCBA or BCBA-D type certification prior to the date of proclamation and who hold active status, will not have to fulfill the education, supervised practice, and entry to practice examination requirements, and do not have to provide evidence of current practice. They will be required to fulfill all other registration requirements, including completion of the Jurisprudence and Ethics module, criminal record check, and evidence of standing in other jurisdictions (if applicable).</p>



<p><b>30. (2)</b></p>	<p>Paragraphs 1 and 2 of subsection 27 (1) do not apply in respect of an application for Certificate of Registration for A Behaviour Analyst Authorizing Autonomous Practice where the applicant who made the application had been practising as a behaviour analyst at any point within or during the three (3) years prior to this Regulation coming into force and meets the following additional non-exemptible requirements:</p> <ol style="list-style-type: none"> <li>1. The applicant must have engaged in practice in Canada within the scope of practice of applied behaviour analysis for at least 1500 hours during the three-year period that immediately preceded the date that the applicant submitted their application; and</li> <li>2. The applicant must provide evidence satisfactory to the Registrar or the Registration Committee of competence to practise as a behaviour analyst.</li> </ol>	<p>Applicants who are experienced Behaviour Analysts and who do not hold BCBA or BCBA-D type certification with active status prior to proclamation must provide evidence of competence and current practice by completing an application form and providing supporting documentation in a form that is acceptable to the College. This may include verification of practice/employment, CV, or other proof acceptable to the College of having practised the profession of Applied Behaviour Analysis. Applicants assessed as having practised within the scope of practice of Applied Behaviour Analysis, will then be required to pass the examination of knowledge or competence.</p> <p>Applicants will have to demonstrate that they had practised within the three years immediately prior to the date of proclamation and must have practised a minimum of 1500 hours of practice within the 3 years prior to submitting their application. The transitional registration routes will be closed 24 months following proclamation, after which, all applicants must apply through the normal registration routes.</p>
<p><b>Certificate of Registration for a Behaviour Analyst Authorizing Supervised Practice</b></p>		
<p><b>31. (1)</b></p>	<p>To qualify for a certificate of registration for a behaviour analyst authorizing supervised practice, an applicant must comply with the following non-exemptible registration requirements:</p>	
<p><b>31. (1) 1.</b></p>	<p>The applicant meets the requirements set out in subsection 27. (1) 1.</p>	<p>The academic requirements for a certificate of registration authorizing supervised practice are the same as the academic requirements for a certificate of registration authorizing autonomous practice.</p>
<p><b>31. (1) 2.</b></p>	<p>The applicant must provide to the College a signed undertaking from a supervisor in which the supervisor undertakes to train the proposed member and supervise and evaluate the proposed member's practice and to provide reports in the form and manner as specified by the Registrar or a panel of the Registration Committee.</p>	<p>For a certificate of registration to be issued, the supervisor must sign an undertaking to train, supervise and evaluate the member's practice and provide reports as required by the College.</p>
<p><b>31. (2)</b></p>	<p>An applicant who has obtained a degree from a program described in subparagraph 1 iv of subsection 27. (1) shall not be considered to have met the requirements of paragraph 1 of subsection (1) unless the</p>	<p>This section is the same as subsection 27. (2) with respect to academic credentials and training obtained outside of Canada.</p>

	<p>applicant has successfully completed such further assessment, training or supervised experience, if any, which in the opinion of a panel of the Registration Committee is required to ensure that the applicant has competencies equivalent to those of an applicant who has obtained a degree from a program described in subparagraph 1 i of subsection 27. (1).</p>	
<p><b>31. (3)</b></p>	<p>A signed undertaking shall not be considered as satisfying the requirement in paragraph 2 of subsection (1) unless the proposed supervisor who signed the undertaking met all of the following requirements:</p> <ol style="list-style-type: none"> <li>1. They must be a member holding either a certificate of registration for a behaviour analyst authorizing autonomous practice or for the first 24 months after this Regulation comes into force, provides evidence, satisfactory to the Registration Committee that they meet the requirements for a certificate of registration authorizing autonomous practice.</li> <li>2. Their certificate of registration must not be subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding.</li> <li>3. They must not be the subject of any ongoing disciplinary proceeding or fitness to practise proceeding.</li> </ol>	<p>The supervisor must meet specific criteria to be acceptable to the College. To ensure capacity can be met for appropriate numbers of supervisors during the transition period, a provision has been added to allow a Behaviour Analyst, who meets the requirements for registration, but may not yet be registered, to provide supervision, with prior consent of the Registration Committee.</p>
<p><b>32.</b></p>	<p>Labour Mobility</p> <ol style="list-style-type: none"> <li>(1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration for a behaviour analyst authorizing supervised practice, the applicant is deemed to have met the requirements set out in paragraph 1 of subsection 31 (1) of this Regulation.</li> <li>(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate.</li> <li>(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the</li> </ol>	<p>This provision is the same as subsection 28.</p>

	<p>applicant practised the profession of applied behaviour analysis to the extent that would be permitted by a certificate of registration for a behaviour analyst authorizing supervised practice at any time in the two years immediately before the date of the applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.</p> <p>(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 2 of section 3 if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.</p> <p>(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.</p>	
<p><b>33.</b></p>	<p>Terms, Conditions and Limitations</p> <p>It is a term, condition and limitation of every certificate of registration for a behaviour analyst authorizing supervised practice that the member shall practise the profession only under the supervision of a supervisor who is approved for that purpose by the Registrar or a panel of the Registration Committee.</p>	<p>A member holding a certificate of registration authorizing supervised practice may only practice under the supervision of an approved supervisor.</p>
<p><b>34.</b></p>	<p>Expiry</p> <p>A certificate of registration for a behaviour analyst authorizing supervised practice expires on the date set out on the certificate, which date shall be no earlier than 12 months after the date the certificate of registration was issued and no more than 24 months after the date the certificate of registration was issued.</p>	<p>The timeline mirrors that of psychology, providing a minimum of a year of supervised practice. The Registrar can place a certificate on hold or extend the expiry of a certificate at the member's request under certain circumstances.</p>
<p><b>Renumbered Sections 35-44 (currently sections 27-36) with the Addition of Terminology Related to Applied Behaviour Analysis/Behaviour Analyst (highlighted)</b></p>		
<p><b>35.</b></p>	<p><b>Academic Class of Certificates of Registration</b></p> <p>To qualify for an Academic certificate of registration, an applicant must comply with the following non-exemptible registration requirements:</p>	<p>These provisions (subsections 35.-37.) for Academic Class of Certificates of Registration are unchanged (current subsections 27.-</p>

	<ol style="list-style-type: none"> <li>1. The applicant must occupy a full-time or regular academic position on the faculty of an Ontario university.</li> <li>2. The applicant must be a member in good standing who holds a certificate of registration for a psychologist authorizing autonomous practice or a certificate of registration for a psychological associate authorizing autonomous practice or a certificate of registration for a behaviour analyst authorizing autonomous practice and,             <ol style="list-style-type: none"> <li>i. whose certificate of registration is not subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding,</li> <li>ii. who is not in default of any obligation to the College, including payment of the annual membership fee, and</li> <li>iii. who is not the subject of any ongoing disciplinary or fitness to practise proceeding.</li> </ol> </li> </ol>	<p>29.) adding the profession of Applied Behaviour Analysis/Behaviour Analysts to the wording (highlights).</p>
<p><b>36.</b></p>	<p>Labour Mobility</p> <ol style="list-style-type: none"> <li>(1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for an Academic certificate of registration, the applicant is deemed to have met the requirements set out in paragraph 2 of section 27 of this Regulation.</li> <li>(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a psychologist or behaviour analyst in every jurisdiction where the applicant holds an out-of-province certificate.</li> <li>(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of psychology or applied behaviour analysis to the extent that would be permitted by an Academic certificate of registration at any time in the two years immediately before the date of the applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.</li> <li>(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 2 of section 3 if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.</li> </ol>	

	<p>(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.</p>	
<p><b>37.</b></p>	<p>Terms Conditions and Limitations</p> <p>It is a term, condition and limitation of every Academic certificate of registration that the member not provide intervention, assessment or consultation services, or, in the case of a behaviour analyst, applied behaviour analysis services, to individual clients, groups of clients, or organizations and not supervise persons in providing those services</p>	
<p><b>38.</b></p>	<p><b>Inactive Class of Certificates of Registration</b></p> <p>To qualify for an Inactive certificate of registration, an applicant must comply with the following non-exemptible registration requirements:</p> <ol style="list-style-type: none"> <li>1. The applicant must submit his or her application to the Registrar not less than 60 days before the applicant intends to cease practising the profession.</li> <li>2. The applicant must be a member in good standing who holds a certificate of registration for a psychologist authorizing autonomous practice or a certificate of registration for a psychological associate authorizing autonomous practice or a certificate of registration for a behaviour analyst authorizing autonomous practice and,             <ol style="list-style-type: none"> <li>i. whose certificate of registration is not subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding,</li> <li>ii. who is not in default of any obligation to the College, including payment of the annual membership fee, and</li> <li>iii. who is not the subject of any ongoing disciplinary or fitness to practise proceeding.</li> </ol> </li> </ol>	<p>These provisions (subsections 38., 39.) for Inactive Class of Certificates of Registration are unchanged (current subsections 30., 31.) adding the profession of Applied Behaviour Analysis/Behaviour Analysts to the wording (highlights).</p>
<p><b>39.</b></p>	<p>Terms Conditions and Limitations</p> <p>It is a term, condition and limitation of every Inactive certificate of registration that the member shall not practise the profession.</p>	

<p><b>40.</b></p>	<p><b>Retired Class of Certificates of Registration</b></p> <p>To qualify for a Retired certificate of registration, an applicant must comply with the following non-exemptible registration requirements:</p> <ol style="list-style-type: none"> <li>1. The applicant must submit his or her application to the Registrar not less than 60 days before the applicant intends to cease practising the profession.</li> <li>2. The applicant must be a member in good standing who holds a certificate of registration for a psychologist authorizing autonomous practice or a certificate of registration for a psychological associate authorizing autonomous practice or a certificate of registration for a behaviour analyst authorizing autonomous practice and,             <ol style="list-style-type: none"> <li>i. whose certificate of registration is not subject to any term, condition or limitation that was imposed as a result of a disciplinary proceeding or a fitness to practise proceeding,</li> <li>ii. who is not in default of any obligation to the College, including payment of the annual membership fee, and</li> <li>iii. who is not the subject of any ongoing disciplinary or fitness to practise proceeding.</li> </ol> </li> </ol>	<p>These provisions (subsections 40., 41) for Retired Class of Certificates of Registration are unchanged (current subsections 32., 33.) adding the profession of Applied Behaviour Analysis/Behaviour Analysts to the wording (highlights).</p>
<p><b>41.</b></p>	<p>It is a term, condition and limitation of every Retired certificate of registration that the member shall not practise the profession.</p>	
<p><b>Expiry, Reinstatement, Etc.,</b></p>		
<p><b>42.</b></p>	<p>A person's certificate of registration expires immediately if the Registrar issues another certificate of registration to the person.</p>	<p>No proposed change. A provision is made in 42.1 to allow a psychologist or psychological associate to also hold a certificate of registration as a behaviour analyst. However, this provision continues to prohibit a member from holding supervised practice and autonomous or interim autonomous practice certificates of registration, at the same time.</p>
<p><b>42.1</b></p>	<p>Despite section 42., a person may hold a certificate of registration in each of the professions regulated by the College if they meet the registration requirements to practice as a psychologist or psychological associate and meet the registration requirements to practice as a behaviour analyst.</p>	<p>This provision will permit members of the College, who meet the registration requirements, to hold two certificates of registration: one authorizing the practice of Psychology, and one authorizing the practice of Applied Behaviour Analysis.</p>

<p><b>43.</b></p>	<p>If the Registrar suspends a member’s certificate of registration pursuant to section 24 of the Health Professions Procedural Code for failure to pay a fee, the Registrar may lift the suspension within two years from the date of suspension on the payment of,</p> <ul style="list-style-type: none"> <li>(a) the fee the member failed to pay; and</li> <li>(b) all applicable fees and penalties required under the by-laws.</li> </ul>	<p>No proposed change.</p>
<p><b>Transition</b></p>		
<p><b>44. – 46.</b></p>	<p>44. (1) Every certificate of registration that was in existence immediately before April 7, 2015 is continued as the equivalent certificate of registration with the same status under this Regulation until such time as it otherwise ceases to be effective and, for greater certainty,</p> <ul style="list-style-type: none"> <li>(a) every certificate of registration subject to a limitation of academic status is continued as an Academic certificate of registration;</li> <li>(b) every certificate of registration subject to a limitation of inactive status is continued as an Inactive certificate of registration; and</li> <li>(c) every certificate of registration subject to a limitation of retired status is continued as a Retired certificate of registration.</li> </ul> <p>(2) Where an application for a certificate of registration had been made but not finally dealt with before April 7, 2015, the application shall be dealt with in accordance with this Regulation.</p> <p><b>45. OMITTED (REVOKES OTHER REGULATIONS).</b></p> <p><b>46. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).</b></p>	<p>These provisions (subsections 44.-46.) are unchanged (current subsections 36.-38.). The date of proclamation will be inserted in subsection 44. (1) to replace the date of April 7, 2015.</p>

**Psychology and Applied Behaviour Analysis Act, 1991/2021**  
**Loi de 2021 sur la psychologie et l'analyse comportementale appliquée** ~~Loi de 1991 sur les~~  
~~psychologues~~

**ONTARIO REGULATION 801/93**  
**PROFESSIONAL MISCONDUCT**

**Consolidation Period:** From December 31, 1993 to the [e-Laws currency date](#).

No amendments.

*This Regulation is made in English only.*

1. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

THE PRACTICE OF THE PROFESSION AND THE CARE OF, AND RELATIONSHIP WITH, CLIENTS

1. Contravening a term, condition or limitation imposed on the member's certificate of registration.
2. Failing to maintain the standards of the profession.
3. Doing anything to a client for the purpose of prevention, assessment, diagnosis, intervention or other purpose in a situation in which a consent is required by law, without such a consent.
4. Delegating a controlled act in contravention of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
5. Failing to supervise adequately a person who is under the professional responsibility of the member and who is providing a psychological [or applied behaviour analysis](#) service.
6. Abusing a client.
7. Practising the profession while under the influence of any substance, or while suffering from illness or other dysfunction which the member knows or ought to know impairs the member's ability to practise.
8. Discontinuing professional services that are needed unless,
  - i. the client requests the discontinuation,
  - ii. the client withdraws from the service,
  - iii. reasonable efforts are made to arrange alternative services,
  - iv. the client is given a reasonable opportunity to arrange alternative services, or
  - v. continuing to provide the services would place the member at serious personal risk.
9. Providing a service that the member knows or ought to know is not likely to benefit the client.
10. Practising the profession while the member is in a conflict of interest.
11. Giving information about a client to a person other than the client or ~~his or her~~[their](#) authorized representative except with the consent of the client or ~~his or her~~[their](#) authorized representative or as required or allowed by law.
12. Breaching a term of an agreement with a client relating to,
  - i. the fees for professional services, or
  - ii. professional services for the client, except where, in the judgement of the member, the breach is trivial or was necessitated by exceptional circumstances.
13. Failing to provide a truthful, understandable and appropriate explanation of the nature of an assessment, intervention, or other service following a client's request for an explanation.

REPRESENTATIONS ABOUT MEMBERS AND THEIR QUALIFICATIONS

14. Inappropriately using a term, title or designation in respect of the member's practice.
15. Inappropriately using a term, title or designation indicating a specialization in the profession.



16. Failing to identify oneself as a psychologist or psychological associate [or behaviour analyst](#) to a client or a member's employer when providing psychological [or applied behaviour analysis](#) services.
17. Failing to advise the College promptly of a change in the name used by the member in providing or offering to provide psychological [or applied behaviour analysis](#) services.
18. Permitting, counselling, or assisting any person who is not a member to represent himself or herself as a member of the College.

#### RECORD KEEPING AND REPORTS

19. Failing to keep records as required by the regulations.
20. Making a record, or issuing or signing a certificate, report, or similar document that the member knows or ought to know is false, misleading or otherwise improper.
21. Failing, without reasonable cause, to provide a report or certificate relating to a service performed by the member, within a reasonable time, to the client or ~~his or her~~[their](#) authorized representative after a client or ~~his or her~~[their](#) authorized representative has requested such a report or certificate.

#### BUSINESS PRACTICES

22. Failing to inform the client, before or at the commencement of a service of the fees and charges to be levied for the service, and for late cancellations or missed appointments.
23. Submitting an account or charge for services that the member knows [or ought to know](#) is false or misleading.
24. Charging a fee that is excessive in relation to the service performed.
25. Charging a fee for a service that exceeds the fee set out in the schedule of fees currently published for the profession without informing the client, before or at the commencement of the service, of the additional amount that will be charged.
26. Receiving or conferring a rebate, fee or other benefit by reason of the referral of a client from or to another person.
27. Charging a fee for an undertaking to provide an on-call service to a client unless the client is an organization.
28. Offering or giving a reduction for prompt payment of an account.
29. Failing to provide an itemized account for professional services within a reasonable time, if requested to do so by the client or the person or agency who is to pay, in whole or in part, for the services.
30. Selling any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services.

#### MISCELLANEOUS MATTERS

31. Contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
32. Contravening a federal, provincial or territorial law, or a municipal by-law, if
  - i. the purpose of the law, or by-law is to protect public health, or
  - ii. the contravention is relevant to the member's suitability to practise.
33. Influencing a client to change ~~his or her~~[their](#) will or other testamentary instrument.
34. Engaging in conduct or performing an act, in the course of practising the profession [of psychology or applied behaviour analysis or relevant to the practice of psychology or applied behaviour analysis](#), that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. O. Reg. 801/93, s. 1.
2. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 801/93, s. 2.

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**Psychology and Applied Behaviour Analysis Act, 1991/2021**  
**Loi de 2021 sur la psychologie et l'analyse comportementale appliquée ~~Loi de 1991 psychologues~~**

**ONTARIO REGULATION 209/94**  
**GENERAL**

**Consolidation Period:** From April 7, 2015 to the [e-Laws currency date](#).

Last amendment: 73/15.

Legislative History: 222/95, 534/98, 535/99, 73/15.

*This Regulation is made in English only.*

**PARTS I, II REVOKED:** O. Reg. 535/99, s. 1.

**PART III**  
**QUALITY ASSURANCE**

**GENERAL**

**6.** In this Part,

“assessor” means an assessor appointed under section 81 of the Health Professions Procedural Code;

“Committee” means the Quality Assurance Committee and includes a panel of the Committee appointed under subsection 7 (2);

“program” means the quality assurance program required by section 80 of the Health Professions Procedural Code;

“stratified random sampling” means a sampling where groups are,

- (a) removed from the pool of members to be sampled, or
- (b) weighted to increase or decrease the likelihood of their being selected. O. Reg. 73/15, s. 1.

**7.** (1) The program shall include the following components:

1. Self-assessment.
2. Peer and practice assessment.
3. Continuing education and professional development designed to,
  - i. promote continuing competence and continuing quality improvement among members,
  - ii. address changes in practice environments, and
  - iii. incorporate standards of practice, advances in technology, changes made in entry to practice competencies and other relevant issues in the discretion of the Council.
4. Mechanisms for the College to monitor members’ participation in, and compliance with, the program. O. Reg. 73/15, s. 1.

(2) The Chair of the Committee may appoint a panel of the Committee composed of three persons, at least one of whom shall be a member of the Council appointed by the Lieutenant Governor in Council. O. Reg. 73/15, s. 1.

(3) The Committee shall administer the program. O. Reg. 73/15, s. 1.

**SELF-ASSESSMENT**

**8.** (1) The purposes of self-assessment are to assist members,

- (a) to identify the extent to which a member’s practice meets current standards;
- (b) to identify opportunities to improve a member’s knowledge, skill and judgment; and
- (c) to plan a member’s continuing education and professional development. O. Reg. 73/15, s. 1.

(2) Every member shall participate in self-assessment in the manner approved by the Committee and fulfil any reporting requirements as directed by the Committee. O. Reg. 73/15, s. 1.

(3) Every member shall retain records of ~~his or her~~their participation in self-assessment, in the form and manner required by the Committee, for a period of at least five years. O. Reg. 73/15, s. 1.

(4) At the request of the Committee, a member shall submit the records referred to in subsection (3) to the College within the time period specified in the request or, where no time period is specified, within 30 days after the day the member receives the request. O. Reg. 73/15, s. 1.

(5) This section does not apply to a member who holds a Retired certificate of registration. O. Reg. 73/15, s. 1.

#### PEER AND PRACTICE ASSESSMENT

**9.** (1) Each year the Committee shall select members to undergo a peer and practice assessment to assess the members' knowledge, skill and judgment. O. Reg. 73/15, s. 1.

(2) A member shall undergo a peer and practice assessment if,

(a) the member's name is selected randomly from the entire membership;

(b) the member's name is selected by stratified random sampling; or

(c) the member has failed to participate in self-assessment. O. Reg. 73/15, s. 1.

(3) An assessor or assessors shall evaluate the member's knowledge, skill and judgment by way of a peer and practice assessment, prepare a written report that may include recommendations and provide the report to the Committee and the member, along with a notice of the member's right to make written submissions to the Committee. O. Reg. 73/15, s. 1.

(4) The member may make written submissions to the Committee within 14 days from the date that he or she received the report. O. Reg. 73/15, s. 1.

(5) If, after considering the report and the member's submissions, if any, and giving the member an opportunity to confer with the Committee, the Committee may,

(a) direct that no further action be taken;

(b) take any action listed in subsection 80.2 (1) of the Health Professions Procedural Code if the Committee is of the opinion that the member's knowledge, skill or judgment is unsatisfactory;

(c) grant the member a specified period of time to address the recommendations in the report; or

(d) direct that the member undergo a second peer and practice assessment. O. Reg. 73/15, s. 1.

(6) If the Committee acts under clause (5) (c) or (d), subsections (3) and (4) and clauses (5) (a) and (b) apply, with any necessary modifications. O. Reg. 73/15, s. 1.

(7) For greater certainty, the Committee shall not require a member to undergo a further peer and practice assessment under clause (5) (d) after the second assessment. O. Reg. 73/15, s. 1.

(8) This section does not apply to a member who holds a Retired or Inactive certificate of registration. O. Reg. 73/15, s. 1.

#### CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

**10.** (1) Every member shall participate in continuing education and professional development activities in the manner approved by the Committee for the purpose of maintaining and enhancing the member's knowledge, skill and judgment. O. Reg. 73/15, s. 1.

(2) The College shall, in a timely manner, distribute information to the members about the requirements for continuing education and professional development activities approved by the Committee. O. Reg. 73/15, s. 1.

(3) A member shall retain the records of ~~his or her~~their participation in continuing education and professional development activities for a period of at least five years. O. Reg. 73/15, s. 1.

(4) At the request of the Committee, a member shall attest to the completion of their continuing education and professional development activities in the form and manner required by the Committee and provide the Committee with ~~his or her~~their records of the activities undertaken in the form and manner requested by the Committee. O. Reg. 73/15, s. 1.

(5) This section does not apply to a member who holds a Retired certificate of registration. O. Reg. 73/15, s. 1.

**11.-17.** REVOKED: O. Reg. 73/15, s. 1.

#### PART IV ADVERTISING

**18.** (1) An advertisement with respect to a member's practice must not contain,

(a) anything that is false or misleading;

(b) claims of uniqueness or special advantage that are not supportable by existing scientific evidence;

(c) any claim, whether express or implied, that the member is a specialist;

- (d) an endorsement by an organization other than a professional psychological [or applied behaviour analysis](#) organization or a professional body of psychologists, of psychological associates or of both [or of behaviour analysts](#) that grants professional credentials to psychologists, psychological associates or to both [or to behaviour analysts](#);
  - (e) a testimonial by a client or former client or by a friend or relative of a client or former client;
  - (f) a reference to a particular brand of equipment used to provide professional services if the reference implies that the member recommends the use of that brand of equipment; or
  - (g) anything that discredits the professions of psychology [or applied behaviour analysis](#). O. Reg. 534/98, s. 1.
- (2) Clause (1) (e) does not apply with respect to an advertisement that is intended for organizations or businesses or with respect to testimonials made by an organization or a business. O. Reg. 534/98, s. 1.
- (3) An advertisement must be readily comprehensible to the persons to whom it is directed. O. Reg. 534/98, s. 1.
- 19.** (1) The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:
- 1. Advertising or permitting advertising with respect to the member's practice in contravention of section 18.
  - 2. Contacting or communicating with or causing or allowing any person to contact or communicate with, potential clients, either in person, [in writing](#) or by ~~telephone~~[any other medium](#), in an attempt to solicit business, unless the person contacted is a representative or agent of the potential client and the potential client is not an individual or a family.
  - 3. Appearing in, or permitting the use of the member's name in, an advertisement, other than an advertisement of the member's own practice, that implies or could be reasonably interpreted to imply that the professional expertise of the member is relevant to the subject- matter of the advertisement.
  - 4. Permitting, counselling or assisting persons who are not members of the College to promote or advertise themselves as psychologists, ~~or~~ psychological associates [or behaviour analysts](#). O. Reg. 534/98, s. 1.
- (2) Paragraph 3 of subsection (1) does not apply to,
- (a) an advertisement for a non-profit organization for which the member receives no consideration for ~~his or her~~[their](#) appearance or for the use of ~~his or her~~[their](#) name;
  - (b) an advertisement of a book or other publication of which the member is the author or editor or one of the authors or editors; or
  - (c) an advertisement of a book or other publication if the appearance or use of the member's name is in relation to a review by the member of the book or publication. O. Reg. 534/98, s. 1.

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## ABA ADDITIONAL RESOURCES

### College of Psychologists of Ontario

- [Applied Behaviour Analysis – Information and Updates Webpage](#)
- [Notice of Consultation](#)

### Psychology Act, 1991

- [O. Reg. 74/15: Registration](#)
- [O. Reg. 209/94: General](#)
- [O. Reg. 801/93: Professional Misconduct](#)

### Advancing Oversight and Planning in Ontario's Health System Act, 2021, S.O. 2021, c. 27 - Bill 283

- [Schedule 4](#)

### Ontario Association for Behaviour Analysis (ONTABA)

### Behavior Analysis Certification Board (BACB)

### Health Professions Regulatory Advisory Council (HPRAC)

- January 2018 report to the Minister of Health and Long-Term Care, [Applied Behaviour Analysis: Risk of Harm and Oversight](#)



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