



The College of Psychologists of Ontario
COUNCIL MEETING
2016.03
September 30, 2016

Present:

Ruth Berman, Ph.D., C.Psych.
Kristin Bisbee, Public Member
Judy Cohen, Public Member
Dorothy Cotton, Ph.D., C.Psych.
D'Arcy Delamere, Public Member
Lynette Eulette, Ph.D., C.Psych.
Robert Gauthier, M.Sc., M. Ed, C.Psych.Assoc.
Michael Grand, Ph.D., C.Psych.
Jaffar Mohammad Hayat, Public Member
Gilles Hebert, Ph.D., C.Psych.
Elizabeth Levin, Ph.D., C.Psych.
Peter McKeegney, Public Member
Denise Milovan, Ph.D., C.Psych.
Patricia Minnes, Ph.D., C.Psych.
Ethel Teitelbaum, Public Member
Glenn Webster, M.Ed., C.Psych.Assoc.

Regrets:

Astra Josie Rose, Public Member
Donna McNicol, Public Member

Staff:

Rick Morris, Ph.D., C.Psych., Registrar & Executive Director:
Barry Gang, MBA, Dip.C.S., C.Psych.Assoc..Director, Professional Affairs
Lesia Mackanyn, Director, Registration
Zimra Yetnikoff, Director, Investigations & Hearings
Stephanie Morton, Manager: Administration
Caitlin O'Kelly, Administrative Assistant: Office of the Registrar, Recorder

2016.03.00

Call to Order

The Registrar called the meeting to order at 9:00AM.

2016.03.01

Approval of the Agenda and Minutes

.01a The following changes were made to the agenda:

Moved:

.02b (2a) Financial Statements to May 31, 2016 to .05c

Added:

.05d Membership Data for Future Planning

It was MOVED Cohen

That the agenda be approved as amended.

CARRIED

.01b Minutes
 (1) Minutes from the Council Meeting 2016.02 on June 17, 2016

**It was MOVED Gauthier
 That the minutes from the Council Meeting 2016.02 on June 17, 2016
 be approved with the following change:**

Line 263: 04b Proposed Amendments to *By-Law 20: Elections to Council* to include discussion regarding clarity that if a Psychological Associate does not choose between voting in Electoral District 7 (Psychological Associates) or their geographic District, the default will be District 7.

CARRIED

Review of Action List:

The Council reviewed the Action List and noted items that were completed, outstanding or on the agenda at this meeting.

The following Action Item was added:

**Action Item Staff
 Posting of Discipline decisions on the CanLii website**

The Council discussed the following Action Item:

**Action Item RM
 Provide an update to the Council meeting on September 30, 2016 on the
*Shaping the Future: Implementation Plan***

In the Registrar's Report it was noted that work on the Briefing Note to be provided to the Ministry of Health and Long-Term Care (MOHLTC) had begun but was not yet completed. Council agreed that in order to expedite this matter, the Registrar will send the Briefing Note to the MOHLTC without bringing it back to Council meeting in advance.

Action Item RM Prepare and send Briefing Note to the MHLTC on the *Shaping the Future: Implementation Plan*

2016.03.02 Consent Agenda

**It was MOVED Cotton
 That the Consent Agenda be approved.**

CARRIED

2016.03.03 Strategic Issues

.03a Strategic Direction Implementation Update
 The Registrar provided the Council with the updated *Strategic Direction Implementation Table*. Items added since the Council Meeting of June 17, 2016 were shown in **Bold**.

The Council suggested adding the following:

- Continuing Professional Development Pilot Project (Supporting and Assisting Members)

The Council had discussed the Strategic Direction for 2016-2021 at the Training Day on September 29, 2016. To facilitate the development of an amended plan, it was decided that an ad hoc Committee would be established to review the College's current *Vision, Mission and Values* and present suggested changes to the December 2016 Council meeting. Council agreed that the membership of the ad hoc Committee will be: Lynette Eulette (President), D'Arcy Delamere (Public Member) and Michael Grand (Academic Member).

It was Moved Minnes

That an ad hoc Committee be established to examine the Strategic Direction for 2016-2021 with the membership as proposed.

CARRIED

Action Item Strategic Direction Committee

Present suggested revisions to the November Executive Committee

2016.03.04

Policy Issues

.04a

Standards of Professional Conduct Review

The Deputy Registrar provided the Council with the proposed revisions to the *Standards of Professional Conduct* with an accompanying table showing the recommended amendments and rationale for these changes. The Council was asked to approve the proposed revised *Standards* with the "Recommended Changes Table" for consultation with the membership and other relevant stakeholders.

The Council suggested that the phrase "in most cases" as it appears in the Table regarding *4.1 Supervision: Responsibility for Supervised Psychological Service Providers*, (3rd bullet) be removed as the requirement was to encompass all supervisory arrangements. The results of the consultation on the *Standards* will be provided to the Client Relations Committee for review and compilation.

It was MOVED Grand

That the proposed revisions to the *Standards of Professional Conduct* and the accompanying *Recommended Changes Table* with the edits noted, be approved, for circulation to membership and other relevant stakeholders.

CARRIED

**Action Item BG
Action Item Staff**

**Add suggested edits to the *Recommended Changes Table*
Circulate the revised *Standards of Professional Conduct* with the *Recommended Changes Table* to the membership and other relevant stakeholders.**

.04b

Transparency Initiatives Consultation; Proposed Amendments to *By-Law 25: The Register and Related Matters*



The Council received a report on the feedback from the Transparency Initiatives Consultation that concluded on July 22, 2016. The consultation examined Transparency Initiatives #5, #6 & #7. The Council was asked to examine *Transparency Initiative #5* and approve a change to *By-Law 25: The Register and Related Matters* to permit the posting of the registration status of members with other “health” regulators either inside or outside of Ontario.

It was noted that this would entail a formal By-law change which requires circulation of *By-Law 25: The Register and Related Matters*. This circulation will be deferred until further Transparency changes, if any, are approved. The Registrar informed Council that discussions on *Transparency Initiatives #6 & #7* have been deferred pending further legal advice.

**It was MOVED Hayat
That *By-Law 25: The Register and Related Matters* be amended to reflect *Transparency Initiative #5* related to placing the registration status of members with other health regulators (inside or outside of the province) on the public register with circulation of this deferred until other initiatives are considered.**

CARRIED

.04c Proposed Amendments to *By-Law 5: Selection of Committee Chairs and Committee Members*

At the Council Meeting in June 2016, concern was expressed regarding the decrease in the number of Psychological Associates expressing interest in serving on College Committees. As a result, it was becoming increasingly difficult to find and fill the requirement that both titles be represented on all Committees as stated in section 5.11 of *By-Law 5: Selection of Committee Chairs and Committee Members*. The Executive Committee had considered this issue at their August meeting and determined that the best way to handle this concern was to change the wording of section 5.11 to indicate that representation by both titles was encouraged, rather than, required. That is, changing the wording:

From: *5.11 Both Registration Titles will be represented on all statutory committees.*

To: *5.11 The College will endeavor to have both titles represented on all statutory committees.*

In discussion, concern was expressed that this revision would do nothing to increase the number of Psychological Associates volunteering for Committees but instead could result in even fewer Psychological Associates being on Committees. The Council decided to defer this issue until after the May 2017 nominations were received with efforts being made to encourage Psychological Associate involvement. In this regard, it was suggested that at the time of the call for committee interest members in the spring, a specific letter be sent to all Psychological Associates and to the Ontario Association of Psychological Associates.

Action Item Staff **During the call for Committee interest in the spring, a letter be sent to all Psychological Associates and the OAPA.**

.04d *Additional Changes to By Law 20: Election to Council*
 At the Council Meeting in June 2016 a number of changes were approved to *By-Law 20: Election to Council*. Subsequent to the meeting some additional revisions to the criteria for the appointment of academic members came to light, specifically these include:

- 20.3 - Clarification of the composition of the professional training programs that make recommendations to Council for Academic Member Representation; and,
- 20.8(1)(a) - Changes to the language setting out eligibility of a member who holds a full-time university appointment in order to make it consistent with that of a member with an adjunct appointment [(20.8(1)(c)ii] as approved by Council at the June 2016 meeting.

There was discussion regarding the possibility of master’s level practitioners becoming a Council member in District 8 (Academic) as those making recommendations to Council all represent doctoral programs. The discussion lead to issues relating to the *Shaping the Future: Implementation Plan* and therefor Council agreed to defer further discussion at which time it is hoped there will be feedback from the Ministry regarding the *Shaping the Future* briefing note which would provide some guidance.

Action Item Council **Defer further discussion on amendments to By-Law 20 until the March 2017 Council Meeting**

.04e *Psychotherapy Clarification Document*
 The Registrar provided Council with a copy of the document, *The Controlled Act of Psychotherapy: A Clarification*, prepared by the Psychotherapy Working Group as requested by the Ministry of Health and Long-Term Care (MOHLTC). The Ministry is asking College Councils whose members will have access to the controlled act of psychotherapy for “approval in principle” of the document pending stakeholder consultation.

The Registrar reported that of the other concerned Colleges, the Councils of the Colleges of Registered Psychotherapists, Nurses, Social Workers and Social Service Workers had given such approval. The document will be going forward to the Council of the College of Occupational Therapists at their next meeting in October with approval anticipated.

Council was informed that the College of Physicians and Surgeons (CPSO) has decided not to go forward with the document at this time as they have concerns with the basic definition of the controlled act of psychotherapy, as written. This decision was not anticipated by the Working Group as the CPSO had agreed with an earlier draft of the

clarification document having signed onto a letter sent to the Ministry in December 2015.

In response to a question as to who the stakeholders would be in consultation, the Registrar reported that the Working Group would be discussing this with the Ministry as it is their suggestion. The Registrar also responded to questions regarding the impact on our members who practice psychotherapy if Council decided not to endorse these documents. It was noted that currently our members can practice psychotherapy but cannot use the title *Psychotherapist* until the controlled act is proclaimed. While there was concern expressed by Council regarding the definition of the controlled act, it agreed that it would be in the College's best interest to support the documents to allow the controlled act to be proclaimed. The Council agreed to approve the clarification paper with the understanding that, according to the Ministry, the current definition of the controlled act of psychotherapy, as per the RHPA is non-negotiable.

**It was MOVED Gauthier
That the clarification document, *The Controlled Act of
Psychotherapy: A Clarification*, be approved in principle.**

**CARRIED
Abstained: Berman
Teitelbaum
Levin
Milovan**

- .04f Format of Limitations on Certificates of Registration
The Council received a report from the Registration Committee suggesting a change with regards to the way in which limitations, imposed at the time initial registration following the oral examination, are noted.

Currently, a limitation imposed at initial registration is noted on the public register. That is, there is a notation that the member may only practice in specific areas or with a specific population. It was noted that all members are required to only practice within their authorized areas and it seemed redundant, if not punitive, to draw attention to specifically note that a particular member may only practice in a certain area.

The paper from the Registration Committee noted a number of difficulties that later arise. It was confirmed that, while the member's public register page would not suggest a negative outcome at the oral examination, the member would be very clearly informed of the outcome, reasons for concerns and steps needed to be taken to expand areas of practice to include those not authorized.

The Council agreed with the Registration Committee's recommendation that imposing these types of limitations on the public register does not

further public interest. It was also decided that this procedure will be retroactive to limitations placed on members from past oral exams.

Action Item Registration Committee

Implement the modification of the oral exam “limitations” procedure

Action Item Staff

Ensure consistency for members who currently have limitations on their certificates of registration from past oral exams

.04g Examination Accommodation Policy

The Council received a report prepared by Paulette Blais, Policy Analyst, on a proposed *Examination Accommodations Policy*. The report notes that the College has both ethical and legal obligations to provide accommodations to applicants requiring such in completing the registration process. The policy was developed as a result of a recommendation of the 2014 Jurisprudence and Ethics Examination Audit. The Council endorsed the Examination Accommodation Policy in order to permit the process for implementation to be developed. A formal policy, in College policy format for placement in the *Policies and Procedures Manual*, will be brought to Council in December 2016 for final approval. Once approved it will be placed in the *Manual* along with the other Registration Policies: *Registration Committee Terms of Reference/Role* [II-2(i)]; and, the *Examination-Taking Irregularities – Cheating* [II-2(ii)].

Action Item Staff

**Implement the Exam Accommodations Policy
Format the Exam Accommodations Policy into formal College policy format for the next December 2, 2016 Council meeting**

.04h Language Fluency Policy

The *Language Fluency Policy* was originally brought to Council on March 27, 2015, as an information item, by the Registration Committee. Following the development and review of this policy it was adopted by the Registration Committee effective, September 1, 2015. It is the view of the College Executive Committee that such policies should be incorporated into the College’s formal *Policies and Procedures Manual* and placed in the *Manual* along with the other Registration Policies: *Registration Committee Terms of Reference/Role* [II-2(i)]; and, the *Examination-Taking Irregularities – Cheating* [II-2(ii)].

**It was MOVED Delamere
That Language Fluency Policy be approved.**

CARRIED

Action Item Staff

To incorporate the Language Fluency Policy into the *Policies and Procedures Manual*

2016.03.05

Business Issues

.05a Annual Reports from Committees

The Council reviewed the Annual Reports for the year 2015-2016.

**It was MOVED Hebert
That the following Annual Reports for the year 2015-2016 be received:**

- Registration Committee
- Discipline Committee
- Inquiries, Complaints and Reports Committee
- Quality Assurance
- Client Relations
- Fitness to Practice
- Jurisprudence and Ethics Examination: Final Report
- Executive Committee
- Council

CARRIED

.05b Financial

(1) Variance Report to May 31, 2016

The Council received the Variance Report for the period ending May 31, 2016 as well as the explanation for items that exceeded the budget by more than \$2,000. Based on the unaudited figures at the end of the fiscal year, the College finished the year with a surplus of \$308,537 instead of the deficit of \$185,500 which had been projected in the budget for 2015-2016.

**It was MOVED Gauthier
That the Variance Report to May 31, 2016 be accepted.**

CARRIED

(2) Statement of Revenue and Expenses to May 31, 2016

**It was MOVED Gauthier
That the Statement of Revenue and Expenses to May 31, 2016 be accepted.**

CARRIED

Given the healthy state of the College's financial position Council suggested that the College consider the cost of bringing the College's website up to the full accessibility standards as prescribed by the Accessibility for Ontarians with Disability Act (AODA). The Manager, Administration noted that the College is not required to meet these standards due to the staff size and non-profit status of the College. Although not required, Council directed that the costs for this be reviewed.

Action Item Staff

Consider the cost of making the website fully accessible.

(3) Audit 2015-2016

Audited Financial Statements for the Year Ending May 31, 2016
Presentation of Audited Financial Statements by Ms. Liana Bell and Mr. Deric Chan, Clarke Henning LLP.

The President welcomed Ms. Liana Bell and Mr. Deric Chan, Auditors with Clarke Henning LLP to the Council meeting and invited them to present the Audited Financial Statements for the year ending May 31, 2016. The Finance and Audit Committee (FAC) had reviewed the draft Audited Financial Statements with Mr. Chan at their meeting on September 9, 2016. Mr. Chan discussed the following documents that had been provided to Council:

- Audit Findings Report
- Draft Audited Financial Statements

Mr. Chan congratulated the College on a clean audit. He noted that the College is in a healthy financial position with a number of Reserve Funds available for contingencies.

Mr. Chan commented that the College staff and management were well prepared for the audit. The College has appropriate Internal Controls and that all accounting estimates were appropriate and reasonable. There were no unusual transactions and no disagreements with management.

It was MOVED Delamere

That the Audited Financial Statements for 2015-2016 be approved.

CARRIED

It was MOVED Grand

That the firm of Clarke Henning LLP be appointed as the auditors for the College for the year 2016-2017.

CARRIED

The President thanked Ms. Liana Bell and Mr. Deric Chan for attending the Council meeting and presenting the Audited Financial Reports to the Council.

(4) Finance and Audit Committee Report and Recommendations

The President provided a report to Council from the Finance and Audit Committee (FAC)

It was Moved Delamere

That the Finance and Audit Committee Report be received.

CARRIED

(4i) Change in Level of Materiality for Variance Reporting

In reviewing the Variance Report to May 31, 2016, the FAC had discussed the question of “materiality”. That is, the level of variance from the budget that should be discussed in the Variance Report. Currently, staff report when an item is at least \$2,000 overspent to budget (or 1% for Salaries). It is the opinion of the FAC that this level of “materiality” was too low given the overall size of the College budget. The FAC suggested that the level be increased to items where the over-expenditure exceeded \$5,000.

It was also suggested that the Council oversight of the College’s quarterly finances should include not only reporting on items overspent but also those which are “materially” underspent. That is, deviations from the budget in a significantly positive direction. The FAC considered the question of “materiality” as it relates to items underspent and is recommending that this be established at \$10,000.

It was Moved Berman

That the criteria for reporting of quarterly variances (materiality) be established as follows:

- A. Line item expenditures that exceed the budget by at least \$5,000, and,**
- B. Line Item expenditures that are below the budget by at least \$10,000**

CARRIED

(4ii) Change to Fees By-Law for Circulation

In light of the College’s strong financial position, the Finance and Audit Committee, with support of the Executive Committee, were pleased to report there is no need to consider an increase in membership fees for the 2016-2017 fiscal year. They noted that there are two areas in which fee reductions are being recommended; fees charged in the registration process, and those related to incorporation. The following amendments to *By-Law 18: Fees* are recommended:

- Jurisprudence Examination fee from \$270 to \$200
- Oral Examination fee from \$740 to \$550
- Corporation Renewal fee from \$350 to \$250
- Corporation Application fee from \$500 to \$350

A change to *By-law 18: Fees* requires 60 day circulation to the membership prior to approval. The proposed change, if approved, would be circulated to the membership before being brought back to Council for final Council approval.

It was Moved Cohen

That the Proposed Amendments to *By-Law 18: Fees* be approved for circulation to membership.

CARRIED

Action Item Staff

Circulation of proposed amendments to *By-Law 18: Fees* to membership

(4iii) Movement of Funds into Premises Reserve Fund

It was reported that the Premises Reserve Fund currently has a balance of \$152,453. The current office lease expires in December 2021. It is anticipated that at that time, the cost of the office space, whether through a renewal in the current location or a move to a new location, will increase significantly. The Finance and Audit Committee suggested that in anticipation of this, the College begin to set aside the funds to handle this eventuality. The FAC is recommending that through a transfer from the Unrestricted Reserves, the Premises Reserve Fund be increased by

\$97,547 to \$250,000. In future years, leading up to the lease expiration date, further transfers to this fund can be considered.

**It was Moved Teitelbaum
That the \$97,547 be transferred from the unrestricted reserves to the Premises Reserves fund.**

CARRIED

- .05c Financial Statements to May 31, 2016
In response to a question on why the occupancy costs were higher this year than last, the Registrar clarified that this was due to the completion of repairs to the parking garage. It is a term of the lease that the College must pay a share of common area improvements/repairs based on the College's leased square footage.
- .05d Membership Data for Future Planning
The data collected 5 years ago through the Shaping the Future Task Force might now be out of date. For example, at that time, the median age of the membership was 55. It is not known whether this continues to be the case. The *Health Professions Procedural Code* of the *Regulated Health Professions Act* sets out the duty of the College to "work with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent ...professionals." [2.1]. In fulfilling this duty, it was seen to be important to obtain up-to-date data about the membership. Examples of such data included information on geographic distribution; gender, title, area of practice and populations served.

Action Item Staff Prepare a statistical report on the College's membership

2016.03.06 Other Business

Barbara Wand Seminar
In light of the discussions of the College's finances, it was suggested that the College consider offering the Barbara Wand Seminar to members at no cost. The upcoming half-day seminar is being held on Monday December 5, 2016 and participants will be able to attend in person or via webcast. Council asked that staff review the possibility of offering the seminar as a free event on a going forward basis.

**It was Moved Hebert
That beginning with the upcoming Barbara Wand Seminar in December 2016, this event be made available to members at no cost.**
CARRIED

Action Item Staff Include the Barbara Wand Seminar into the 2016-2017 budget at no cost to members.

- .06a Next Meetings of Council
 - o December 2, 2016

- March 24, 2017

2016.03.07

Adjournment

There being no further business,

It was MOVED Minnes

That the Council Meeting be adjourned.

CARRIED

The Council Meeting was adjourned at 1:53 PM

Lynette Eulette, Ph.D., C.Psych., President

Ruth Berman, Ph.D., C.Psych., Vice-President

Minutes approved at the Council Meeting on December 2, 2016