

The e-Bulletin

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
L'ORDRE DES PSYCHOLOGUES DE L'ONTARIO
Regulating Psychologists & Psychological Associates

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Upcoming Council Meeting Dates

The following date has
been confirmed for the next
Council Meeting:

December 14, 2012

Observers are welcome. Please
advise the College of your wish
to attend by calling 416-961-8817
or emailing cpo@cpo.on.ca

Quick Links

[College of Psychologists Of
Ontario](#)

416-961-8817
800-489-8388
cpo@cpo.on.ca

[Index of Articles: June 2010 v.1 no.1 - October 2012 v.3 no.3](#)

HPRAC's consultation Re: Spousal Patient

In June 2011, the Minister of Health and Long-Term Care asked the Health Professions Regulatory Advisory Council (HPRAC) to provide advice on the need to change the mandatory revocation provisions in the Regulated Health Professions Act (RHPA) for a finding of sexual abuse of a patient, specifically when the patient was a spouse. In considering the Minister's question, HPRAC undertook a consultation to which the College participated.

[More....](#)

Council Highlights

Highlights from the Council meeting held on September 21, 2012 can be [found here](#).

Financial Audit

On July 23 to 27, 2012, the College of Psychologists underwent its annual financial audit. The auditor's summary report may be [found here](#).

Mandatory Reporting of Offenses

A number of members have provided information in their annual updates to the College about their convictions for offenses. Because the meaning of "offenses" has not been limited in the Health Professions Procedural Code, it is understood to mean offenses of any nature, including such things as parking and traffic violations.

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Investigations and Resolutions

During the 2011-12 fiscal year the College received 259 informal

reports of concern about members' practices which were resolved without the need for investigation. In addition, the College initiated the investigation of 74 formal complaints and initiated one Registrar's Investigation.

These investigations relate to the following services:

[Read more...](#)

Discipline Proceedings

The Discipline Committee of the College holds hearings into allegations of professional misconduct and/or incompetence. The information provided below is published on the Register of the College and available through the [Member Search](#) section of the College website or may be obtained by contacting The College of Psychologists of Ontario. It is provided for the information of the public, members of the College and other professionals

[Recent Discipline Findings \(2\)...](#)

HPRAC Consultation Regarding the Spousal Patient

In June 2011, the Minister of Health and Long-Term Care asked the Health Professions Regulatory Advisory Council (HPRAC) to provide advice on the need to change the mandatory revocation provisions in the *Regulated Health Professions Act* (RHPA) for a finding of sexual abuse of a patient, specifically when the patient was a spouse. In considering the Minister's question, HPRAC undertook a consultation in which the College participated.

In January 2012, the College of Psychologists made a [submission](#) to HPRAC outlining the complex issues raised by the Minister's question, including the potential for harm should a health professional treat a spouse or other family member.

In its [report](#) to the Minister in June 2012, HPRAC recommended that the mandatory revocation provisions of the RHPA be maintained but that an exemption for spouses be created in the definition of "sexual abuse".

The College responded to a further request from the Ministry for comments on HPRAC's recommendations. In its [response](#) the College once again raised concerns regarding the potential for harm should a health professional treat a spouse or other family member and recommended that any proposed legislative amendments not compromise the authority of a College to prohibit its members from treating a spouse. At this time, there has been no final decision by the Minister regarding this matter.

Council Highlights – September 21, 2012

Agenda and Minutes

After the meeting was called to order, the meeting agenda was approved as were the minutes from the June 1 Council meeting.

Policy issues

Report from the Task Force on Shaping the Future of Psychology in Ontario

The Task Force reported on plans to identify current and future needs for psychological services through the gathering of additional data and consultation with stakeholder groups. An interim report will be provided to Council in December 2012 and a final report to be tabled in March 2013 will discuss the implications for classes of registration to meet the identified needs.

Regulation Updates

In June 2012, the College resubmitted proposed Registration Regulation amendments, dealing with academic credentials requirements and the elimination of reference to guidelines, to the Ministry of Health and Long-Term Care. Quality Assurance Regulation amendments were submitted to the Ministry in August 2012. The Ministry acknowledged receipt of the proposed amendments and hopes to process most of the outstanding regulation submissions during the next few months.

Jurisprudence and Ethics Examination – Discussion of Options

Under the AIT-related mobility amendments to the Regulated Health Professions Act, the College is no longer permitted to require applicants registered elsewhere in Canada to pass the Jurisprudence and Ethics Examination in order to be registered in Ontario. Council directed that the Registrar prepare a proposed budget for development of an on-line format of a post-registration Jurisprudence and Ethics Examination including development costs and a training module to replace the current exam.

Business issues

Financial

The Council approved the audited financial statements for the fiscal year ending May 31, 2012 and approved the reappointment of Clarke Henning LLP as the auditors for the next fiscal year. The Registrar presented the budget variance report for the period covered in the audited statements. The Finance and Audit Committee recommended to Council that there be no increase in membership fee 2012-2013.

Other Business

December 14, 2012 was confirmed for the next Council meeting. In addition, Council set March 22 and June 21, 2013 as the dates for future Council meetings.

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
INDEPENDENT AUDITOR'S REPORT

TO THE MEMBERS OF THE COUNCIL OF THE THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO

The accompanying summary financial statements of The College of Psychologists of Ontario (the "College"), which comprise the summary balance sheet as at May 31, 2012, and the summary statement of operations for the year then ended, are derived from the audited financial statements of the College for the year ended May 31, 2012. We expressed an unmodified audit opinion on those financial statements in our report dated September 21, 2012.

The summary financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Reading the summary financial statements therefore, is not a substitute for reading the audited financial statements of the College.

Management's Responsibility for the Summary Financial Statements

Management is responsible for the preparation of a summary of the audited financial statements in accordance with Canadian generally accepted accounting principles.

Auditor's Responsibility

Our responsibility is to express an opinion on the summary financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements".

Opinion

In our opinion, the summary financial statements derived from the audited financial statements of the College for the year ended May 31, 2012 are a fair summary of those financial statements, in accordance with Canadian generally accepted accounting principles.

Clarke Derrington LLP

Toronto, Ontario
September 21, 2012

CHARTERED ACCOUNTANTS
Licensed Public Accountants

SUMMARY STATEMENT OF FINANCIAL POSITION
AS AT MAY 31, 2012

	2012	2011
ASSETS		
Current assets		
Cash and equivalents	\$ 6,000,268	\$ 5,049,568
Prepaid expenses and sundry assets	38,860	62,826
	<u>6,039,128</u>	<u>5,112,394</u>
Investments at fair value	745,262	1,591,388
Property and equipment	254,107	211,075
	<u>7,038,497</u>	<u>6,914,857</u>
LIABILITIES		
Current liabilities		
Accounts payable and accrued liabilities	199,434	282,585
Registration fees received in advance	2,251,523	2,258,381
	<u>2,450,957</u>	<u>2,540,966</u>
NET ASSETS		
Invested in capital assets	254,107	211,075
Internally restricted reserve funds	2,862,303	2,979,850
Unrestricted	1,471,130	1,182,966
	<u>4,587,540</u>	<u>4,373,891</u>
	<u>7,038,497</u>	<u>6,914,857</u>

SUMMARY STATEMENT OF OPERATIONS
YEAR ENDED MAY 31, 2012

Revenues		
Registration fees	2,770,275	2,665,115
Examination fees	119,370	116,390
Interest and miscellaneous income	96,428	68,384
	<u>2,986,073</u>	<u>2,849,889</u>
Expenses		
Administration	2,043,076	1,897,496
Professional services	106,010	157,622
Investigations, hearings and resolutions	217,111	270,145
Examination and seminar costs	158,105	158,204
Governance	77,423	89,037
Registration	52,564	59,798
Professional organizations	26,855	28,150
Communication, education and training	66,378	76,959
Quality assurance	24,902	26,954
	<u>2,772,424</u>	<u>2,764,365</u>
Excess of revenues over expenses for the year	<u>\$ 213,649</u>	<u>\$ 85,524</u>

Mandatory Reporting of Offenses

A number of members have provided information in their annual updates to the College about their convictions for offenses. The *Health Professions Procedural Code* of the Regulated Health Professions Act does not limit the meaning of “offenses”, therefore, it is understood to mean offenses of any nature, including such things as parking and traffic violations. Members are reminded that such reports must be filed as soon as practicable after the member receives notice of the finding of guilt. The specific requirement for these reports is set out in the Code:

Reporting by members re: offences

85.6.1 (1) A member shall file a report in writing with the Registrar if the member has been found guilty of an offence. 2007, c. 10, Sched. M, s. 63; 2009, c. 26, s. 24 (15).

Timing of report

(2) The report must be filed as soon as reasonably practicable after the member receives notice of the finding of guilt. 2007, c. 10, Sched. M, s. 63.

Contents of report

(3) The report must contain,

- (a) the name of the member filing the report;*
- (b) the nature of, and a description of the offence;*
- (c) the date the member was found guilty of the offence;*
- (d) the name and location of the court that found the member guilty of the offence; and*
- (e) the status of any appeal initiated respecting the finding of guilt. 2007, c. 10, Sched. M, s. 63.*

Publication ban

(4) The report shall not contain any information that violates a publication ban. 2007, c. 10, Sched. M, s. 63.

Same

(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2007, c. 10, Sched. M, s. 63.

Additional reports

(6) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding of guilt as the result of an appeal. 2007, c. 10, Sched. M, s. 63.

Investigations and Resolutions Summary

During the 2011-12 fiscal year the College received 259 informal reports of concern about members' practices which were resolved without the need for investigation. In addition, the College initiated the investigation of 74 formal complaints and initiated one Registrar's Investigation.

These investigations relate to the following services:

Psychotherapy / Counseling	21
Rehabilitation / Insurance Assessment	17
Custody & Access / Child Welfare Assessment	10
Neuropsychological Assessment	2
Educational Assessment	5
Industrial / Occupational Assessment	2
Correctional Assessment	1
Other Psychological Assessment	6
Supervision	4
Administration	2
Teaching / Training	1
Mediation	1
Not Related to Psychological Services	3
Total:	75

Allegations investigated include:

Inadequate data to support conclusions	33
Conduct unbecoming a member of the CPO	26
Failure to render services appropriate to the user's needs	24
Bias	22
False or misleading statements	20
Inaccurate information	16
Insensitive treatment of clients	15
Breach of confidentiality	11
Conflict of interest	12
Failure to obtain informed consent	12
Failure to respond to a request in a timely manner	12
Fees and billing problems	9
Poor quality of services	9
Failure to fulfill the terms of the agreement with user	8
Lack of competence	8
Boundary violation	7
Failure to provide services sought	6

Improper supervision	5
Inadequate handling of termination	5
Non-sexual abuse	4
Incapacity	3
Record keeping problems	3
Illegal conduct	2
Inadequate feedback	2
Inappropriate conduct towards an employee	2
Problematic statements made at trial	2
Sexual abuse	2
Sexual harassment	2
Failure to comply with College requirements	1
Improper office conditions	1
Failure to comply with limitation	1
Inappropriate advertising and announcements	1
Non -acceptance of regulatory authority of the College	1
Dual relationship	1

During the 2011-12 fiscal year, the ICRC made the following dispositions:

Take no Further Action	24
Advice	11
Written Caution	10
Administrative Withdrawal	6
Referral to the Discipline Committee	4
Take No Action; Complaint Frivolous, Vexatious, Made in Bad Faith, Moot or otherwise an Abuse of Process	3
Incapacity Investigation	2
Oral Caution	2
Written Caution and Undertaking	2
Oral Caution and Undertakings	1
Closed – No Jurisdiction	1
In Abeyance	1
Total:	67

A review by the Health Professions Appeal and Review Board (HPARB) of 13 of these Decisions was requested by complainants and/ or members. HPARB issued 19 Decisions confirming the College's Decisions and deemed one Decision unreasonable. It also gave notice it would not proceed with 3 matters and granted 3 requests to withdraw a request for review.

Discipline Proceedings

The Discipline Committee of the College holds hearings into allegations of professional misconduct and/or incompetence. The information provided below is published on the Register of the College and available through the [Member Search](#) section of the College website or may be obtained by contacting The College of Psychologists of Ontario. It is provided for the information of the public, members of the College and other professionals.

Mr. Gregory Carter

On September 14, 2011, the ICRC referred Mr. Gregory Carter of Whitby, Ontario for a Discipline Hearing into allegations that he committed professional misconduct. Specifics include allegations that Mr. Carter:

- made a record, or issued or signed a certificate, report or similar document that you knew or ought to have known was false, misleading or otherwise improper, contrary to s. 1(20) of the Ontario Regulation 801/93, made under the Psychology Act, 1991, S.O. 1991, c. 38 (“O. Reg. 801/93”).
- obstructed a College investigator and/or withheld or concealed from the investigator and/or destroyed anything that was relevant to an investigation, contrary to s.76(3) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, S.O., 1991, c. 18.
- engaged in conduct or performed an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to s. 1(34) of O. Reg. 801/93.

- and -

On January 13, 2012, the ICRC also referred Mr. Gregory Carter of Whitby, Ontario for a Discipline Hearing into allegations that he committed professional misconduct. Specifics include allegations that Mr. Carter:

- contravened a term, condition or limitation imposed on his certificate of registration by providing diagnoses contrary to a limitation his Certificate of Registration which states his practice in psychology is not to include the autonomous performance of the controlled act of communicating to a person a diagnosis identifying as the cause of a person’s symptoms, a neuropsychological disorder or a psychologically based psychotic, neurotic or personality disorder, contrary to section 1(1) of the Professional Misconduct Regulation.

On June 8, 2012 Mr. Carter retired from the practice of psychology and became a retired member of this College.

Mr. Carter has undertaken not to re-apply or resume practice as a Registered Psychologist or Psychological Associate in Ontario or to seek registration or licensure as a Psychologist or Psychological Associate in any other jurisdiction in the world.

The Discipline prosecution against Mr. Carter was subsequently adjourned indefinitely, to be recommenced in the event that Mr. Carter breached any term of his Undertaking to the College.

A copy of the text of the Undertaking and Agreement entered into between the College of Psychologists and Mr. Carter, and the specific allegations underlying the referral to Discipline is available, upon request, to other regulatory authorities responsible for the regulation of the practices of psychology in other jurisdictions.

A copy of the entry on the Register in respect of Mr. Carter may be obtained by contacting the Register, Dr. Catherine Yarrow, at the College of Psychologists of Ontario, 110 Eglinton Avenue West, Suite 500, Toronto, Ontario, M4R 1A3, tel. 416-961-8817 or 1-800-489-8388 or at Fax: 416-961-2635.”

Dr. Vincent Lo

On June 27, 2012, Dr. Vincent Lo was found guilty of professional misconduct in that he sexually abused a patient and engaged in conduct or performed an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to section 51(1)(b.1) of the Health Professions Procedural Code.

Specifics relating to the findings are set out in the Statement of Agreed Facts attached as Appendix “2”. Effective June 27, 2012 Dr. Lo resigned from membership in this College.

A copy of the text of the Undertaking and Agreement entered into between the College of Psychologists and Dr. Lo, and of the specific allegations underlying both the Discipline finding and the referral to Discipline are available, upon request, to other regulatory authorities responsible for the regulation of the practice of psychology in other jurisdictions.

A copy of the entry on the Register in respect of Dr. Lo may be obtained by contacting the Registrar, Dr. Catherine Yarrow, at the College of Psychologists of Ontario, 110 Eglinton Avenue West, Suite 500, Toronto, Ontario, M4R 1A3, Tel. 416-961-8817 or 1-800-489-8388 or at Fax: 416-961-2635.

Appendix 2

STATEMENT OF AGREED FACTS REGARDING PATIENT MR. M.

The Member, Dr. Vincent Lo, hereby formally admits the following facts:

1. Dr. Lo is a psychologist and a member of the College of Psychologists of Ontario. Dr. Lo’s Certificate of Registration was issued in 1989.
2. In 2002, Dr. Lo was a psychologist in private practice.
3. During that year, Dr. Lo provided psychological services to Mr. M, whose identity has been disclosed to Dr. Lo. Mr. M was being treated for issues relating to social anxiety and ADHD. He was 19 years old. Throughout this period, Dr. Lo knew or ought reasonably to have known that Mr. M was vulnerable and his position as Mr. M’s psychologist gave rise to a power imbalance.

4. Throughout the course of treatment in 2002, Dr. Lo treated Mr. M's social anxiety condition. During this time, Dr. Lo massaged Mr. M's shoulders. In so doing, Dr. Lo failed to maintain appropriate boundaries, particulars of which are set out below.
5. In addition to the shoulder massage, on one occasion in 2002 Dr. Lo touched Mr. M's bare chest and nipple area with his hand. On another occasion during a therapy session in 2002, Dr. Lo placed Mr. M's bare leg on his own, and began to massage Mr. M's bare leg, moving upward towards the groin area. When Dr. Lo's finger touched Mr. M's groin area and Mr. M reacted with discomfort, Dr. Lo stopped.
6. Dr. Lo knew or ought to have known that this conduct might reasonably be expected to cause harm, discomfort, or humiliation to Mr. M.

Further Issue: No Contest Plea

7. Dr. Lo does not contest that, by acting in the manner described above, he committed the following act of professional misconduct:

In the course of rendering professional services to Mr. M, Dr. Lo sexually abused Mr. M, contrary to section 1(6) of Ontario Regulation 801/93 (Professional Misconduct), made under the Psychology Act ("O. Reg. 801/93"), and section 51(1)(b.1) of the RHPA Code, respectively.

Further Issue: Admission

8. Dr. Lo hereby admits that, by acting in the manner described above, he committed the following act of professional misconduct:

Engaging in conduct or performing acts, in the course of practicing the profession that, having regard to all the circumstances, would reasonably be regarded my members as disgraceful, dishonourable, and unprofessional, contrary to section 1(34) of O. Reg. 801/93.
