



## **COMPLAINTS, INVESTIGATIONS AND DISCIPLINARY HEARINGS**

One of the significant functions the Board performs as a part of its mandate to protect the public is the investigation of complaints against psychologists. The Psychologists Registration Act does not delineate the steps the Board should take when a complaint is received; but, over the years the Board has developed procedures to be followed in exercising its disciplinary function.

When a complaint is received over the telephone, the complainant is advised to put the complaint in writing. In all cases the complainant will be asked for written consent to contact the psychologist who is the subject of the complaint. If the complaint is in a form detailing the facts giving rise to the complaint, the psychologist will be sent a copy of the complaint with a letter asking that he or she study the complaint and respond to the allegations. A deadline for the response is set in order to resolve the issue as quickly as possible. Even with deadlines, the process may be lengthy.

After a response is received from the psychologist, the matter is discussed by the Registrar and the Director of Professional Affairs and the Board's solicitor. Some complaints can be settled at this point. For example, if a complaint was a dispute over the fee, a suggestion may be accepted by both parties. In other instances, it may be apparent from the complaint and the response that the complaint is not valid.

If a complaint is not easily resolved, a Board member is selected to lend his or her expertise in the investigation of a complaint. Complainants, witnesses and/or psychologists may be interviewed.

Once completed, a decision is made as to the next steps.

The complaint may be dismissed for insufficient grounds. If it is not dismissed, a hearing into the allegations may be held. In connection with the Board's solicitor a Notice of Hearing is drafted and served on the psychologist. The Notice sets out a date to set a date for the Hearing. The matter is heard by a panel of three Board members who have no previous knowledge of the case. The Board's solicitor acts as prosecutor and must prove the psychologist to be guilty of conduct unbecoming a psychologist or of professional misconduct.

The psychologist is advised to be represented by legal counsel. The psychologist or counsel representing the psychologist cross examines the board's witnesses, as well as presenting the psychologist's own case.

There are complaints giving rise to concern which nevertheless are not clearly instances of professional misconduct or conduct unbecoming a psychologist and which therefore do not warrant a hearing. In such cases, the psychologist will be issued an Invitation to discuss with two Board members the complaint and areas of concern. Although no penalties will follow as a result of the discussions, the psychologist may be asked to sign an Undertaking which will list those activities which, in the future, the psychologist will or will not engage in. The Undertaking is based on the particular concerns arising from the complaint. For example, the psychologist may be asked to obtain written consents to testing and treatment in all his or her future work.



In some cases discussion of the Board's concerns is sufficient to satisfy the Board's concerns and no Undertaking is necessary. The goal of the discussion is to lead to improved practice and better service to the public.

The attached tables show how seldom psychologists have complaints lodged against them. To date for the year 1984, complaints have been lodged against twenty-six psychologists. While few are involved, the mechanisms to deal with the complaints lodged are necessary for the Board to fulfill its responsibility to protect the public.

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### DISCIPLINARY HEARING

On August 27, 1984, the Divisional Court of Ontario heard the appeal of Dr. Peter Moon and the Ontario Board of Examiners in Psychology. Dr. Moon had been appealing the decision of a disciplinary tribunal of the Board. The appeal was dismissed. The following is a report of the history of the proceedings and the decisions of the Tribunals.

On September 24th and 25th, 1981, and May 28th, 1982, the Ontario Board of Examiners in Psychology held a hearing into charges alleging Dr. Peter Moon to be guilty of professional misconduct and conduct unbecoming a psychologist in that he offered for sale and sold certain materials, namely Early Identification Screening Inventory, Motor Perceptual Diagnostic Inventory, Fine Visual Motor Screening Inventory and Perceptual Organization Screening Inventory together with associated manuals being psychological tests not meeting the minimum standards for such materials, namely the American Psychological Association Standards for Educational and Psychological Tests and Manuals. Dr. Moon was further alleged to be guilty of malpractice in that he recommended and endorsed the use of said materials.

This hearing was a rehearing of a hearing originally conducted in 1976 for the same allegations. As a result of the first hearing, Dr. Moon received and served a six month suspension of registration. Dr. Moon appealed the results of the first hearing to the Supreme Court of Ontario. As this appeal was about to proceed, it was found that, due to circumstances beyond the control of the parties to the appeal, the transcript of the original hearing was unavailable. The Court therefore ordered a rehearing of the charges.

In the rehearing being reported here, the Board found that the facts did not sustain the allegation that Dr. Moon sold the Early Identification materials, and it therefore found him not guilty of professional misconduct and conduct unbecoming a psychologist in connection with this allegation. The Board found that the facts sustained the allegation that Dr. Moon recommended and endorsed these materials. In this connection, the Board found Dr. Moon guilty of conduct unbecoming a psychologist. In its written decision the Board noted that its findings were in response to the manner in which it found the Early Identification materials to be represented, and not on their technical adequacy per se.

From the evidence and argument that it heard, the Board found that a public reprimand would have been the appropriate penalty in the result. However, in view of the previously served suspension, the Board ordered that the sentence not be administered.

### DIRECTORY - 1985

The Directory of Psychologists registered in the province of Ontario - 1985 is presently being made ready for publication. Any requests for changes from the 1984 Directory should reach the Board offices by December 14, 1984.

TABLE 1

## The Ontario Board of Examiners in Psychology

Number and origin of Written Complaints<sup>1</sup> against Psychologists:  
By year over a five-year period

Origin of Complaint	Year					Total
	1980	1981	1982	1983	1984	
Clients/families	7	8	8	18	18	59
Psychologists	12	5	10	6	7	40
Other professionals	1	1	1	1	1	5
Other <sup>2</sup>	0	0	0	0	0	0
Total	20	14	19	25	26	104

<sup>1</sup>Complaints are defined as those submitted in writing to the Board.

<sup>2</sup>No complaints were received during this period from health care administrators or from the Ministry of Health.

TABLE 2

## The Ontario Board of Examiners in Psychology

Number and Disposition of Complaints against Psychologists:  
By year over a five-year period

Disposition of Complaint	Year					Total
	1980	1981	1982	1983	1984	
No action: insufficient grounds <sup>1</sup>	17	14	17	18	19	85
Mediation				1	1	2
Formal "Invitation"	2				3	5
Hearing: not guilty						
Hearing: reprimand			1	2		3
Hearing: suspension	1		1	2		4
Hearing: revocation						
Total	20	14	19	23 <sup>2</sup>	23 <sup>3</sup>	99

<sup>1</sup>Insufficient grounds includes those cases in which complainants refused to testify; the evidence found did not support the complaint; or there had been no violation of the standards of practice.

<sup>2</sup>The total for 1983 given here does not correspond to the total in Table 1 since, in the case of two of the hearings, two separate complaints led to one hearing.

<sup>3</sup>The total for 1984 given here does not correspond to the total in Table 1 since two hearings have yet to be held, and one invitation will be issued.



## STANDARD ON PREPAYMENT OF FEES

At its October meeting, the members of the Board considered the issue of prepayment of fees. The following principle was added to the Standards of Professional Conduct.

6.12 A psychologist may not ask a client to prepay for services.

It was agreed that a psychologist may ask for a retainer. A retainer may be defined as a sum of money given to the psychologist by the client for services to be rendered. The money is placed in escrow. The psychologist will withdraw money from the account for specific items. For example, money may be withdrawn from the account for photocopying of reports or after an interim bill for services is sent. In cases of training programs such as a workshop, prepayment of fees is permissible. Where reasonable provision for refunds of fee in the event of cancellation by either psychologist or student is made, prepayment of fees is acceptable.

## HEALTH PROFESSIONS LEGISLATION REVIEW - AN UPDATE

We had previously reported that the Health Professions Legislation Review Team would have recommendations ready for the Minister's consideration by the end of September. The recommendations would contain the names of those professions which should be considered for legislation. Thus, the numbers involved in the next stages of the review process would diminish. To date, such recommendations have not been received. It appears that delays due to the numbers of submissions received and intervening political events will change the timetable originally proposed. At present, the recommendations with respect to the groups to be considered for legislation will not be made public until late this year or early next year.

## THE ANNUAL AASPB MEETING

In August of this year, the American Association of State Psychology Boards held its annual meeting at the Harbour Castle Hilton in Toronto. As the association to which provincial and state bodies governing the licensing and certification of psychologists belong, the discussions focussed on issues such as the oral examination, the EPPP, and standards for computerized testing. The updates on matters such as court decisions in the professions and occupations proved useful. There was also ample opportunity for discussion of common problems faced by various boards - evaluation of foreign degrees and designating programs in psychology. The delegates, alternates and guests had praise for the facilities, the city of Toronto, and for the (now past) President of AASPB, Barbara Wand, the Registrar of this Board.

## WRITTEN EXAMINATION

On October 26 the written Examination for Professional Practice in Psychology was held in Toronto, Ottawa and Windsor. The Board is grateful to Prof. Gilles Chagnon, Dr. G. Ron Frisch and Mrs. Naomi Jeffs who served as proctors.

## TOPICS OF INTEREST OR CONCERN?

Psychologists often call the Board offices requesting information on a specific issue or for clarification of a standard. These requests often lead to Bulletin articles. If you have any suggestions for future articles we would like to hear about them. Alternatively, if you have a question of general interest to psychologists, you could write and the topic could be discussed in a future issue of the Bulletin.

## NEW TEMPORARY REGISTRANTS SINCE JULY, 1984

Dyane Adam	Kathryn Greenaway
Neil Applebaum	Gregory Hamovitch
Sergio Bacal	Janice Howes
Daniela Bonato	Richard Kaley
Kathryn Boschen	Rosemary Keogh
Shirley Bryntwick	Reena Kronitz
Mireille Champagne	Sarah Landy
Salvatore Colletta	Richard Marlin
Joy Davey	Patricia Minnes
Clinton Davis	Kathleen Nitsch
Joyce D'Eon	David Nussbaum
Shelagh Emmott	Robert Rodensky
Nancy Friesen	Karen Steele
Gary Gerber	Nalini Stiernerling
Patricia Gervaise	Clare Stoddart
Catherine Gildiner	Christine Stoughton
Joel Goldberg	Christoph Wuerscher
	Deborah Zweig

## PERSONS WHOSE REGISTRATIONS HAVE LAPSED AND ARE WITHDRAWN FROM THE REGISTER

David Andrews	Jack Kaplan
Jesse Batt	Victor Koop
Horace Beach	Robert Laxer
Laraine Birnie	Herbert Lefcourt
Clarence Brawn	Miri Peer
Bradley Bucher	Michael Peters
Frederick Burd	Wendy Potter
Stanley Cook	Barbara Roback
Maurice Dionne	Kjell Rudestam
Jeffery Earle	Howard Rudner
Alan Ferguson	Keith Walker
Marilyn Hayman	Lewis Yates
Sidney Hellyer	David Yule
Barbara Hodkin	Edward Zamble

The OBEP Bulletin is a publication of the Ontario Board of Examiners in Psychology.

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## AUDITORS' REPORT

We have examined the Balance Sheet of The Ontario Board of Examiners in Psychology as at May 31, 1984 and the Statement of Revenue, Expenses and Accumulated Surplus and Statement of Changes in Financial Position for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as we considered necessary in the circumstances.

In our opinion, these Financial Statements present fairly the financial position of the Board as at May 31, 1984 and the results of its activities and the changes in its financial position for the year then ended in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Pal & Gould  
Chartered Accountants  
Toronto, Ontario  
September 6, 1984

BALANCE SHEET  
As at May 31, 1984  
(With Comparative Figures for 1983)

ASSETS	1984	1983
	Cash	\$156,418
Term Bank Deposits	167,474	179,604
Prepaid Expenses and Sundry Receivables	5,998	5,907
<b>TOTAL ASSETS</b>	<b>329,890</b>	<b>257,672</b>
<b>LIABILITIES</b>		
Accounts Payable and Accrued Liabilities	24,175	22,152
Registration Fees Received in Advance	230,060	166,495
	254,235	188,647
<b>ACCUMULATED SURPLUS</b>		
Surplus End of Year	75,655	69,025
<b>TOTAL LIABILITIES AND ACCUMULATED SURPLUS</b>	<b>\$329,890</b>	<b>\$257,672</b>

STATEMENT OF REVENUE, EXPENSES AND ACCUMULATED SURPLUS  
For the Year Ended May 31, 1984  
(With Comparative Figures for 1983)

	1984	1983
<b>REVENUE:</b>		
Registration Fees	\$307,767	\$234,848
Examination Fees	21,385	28,150
Interest and Other Income	18,479	22,483
	<u>347,631</u>	<u>285,481</u>
<b>EXPENSES:</b>		
Salaries	143,181	125,678
Examination Costs	18,861	23,813
Travel and Meetings		
Board Members	29,703	22,031
Audit	2,170	2,665
Legal and Investigation Fees	23,547	13,677
Directory, Printing and Distribution Costs	27,629	28,354
General and Office Expenses	20,115	16,227
Telephone	4,858	4,081
Directory Advertising	9,964	4,969
Employee Benefit Costs	18,336	15,152
Rent and Occupancy Costs	28,124	29,007
Office Furniture and Equipment	14,513	4,825
	<u>341,001</u>	<u>290,479</u>
Surplus (Deficit) of Revenue over Expenses	6,630	(4,998)
Accumulated Surplus - At Beginning of Year	69,025	74,023
<b>ACCUMULATED SURPLUS - At End of Year</b>	<b>\$ 75,655</b>	<b>\$ 69,025</b>



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**STATEMENT OF CHANGES IN FINANCIAL POSITION**  
For the Year Ended May 31, 1984  
(With Comparative Figures for 1983)

	<u>1984</u>	<u>1983</u>
CASH - Beginning of Year	\$ 72,161	\$ 89,496
CASH WAS PROVIDED FROM:		
Operations -		
Surplus (Deficit) of Revenue over Expenses	6,630	(4,998)
Increase in Registration Fees Received in Advance	63,230	10,033
Increase in Accounts Payable and Accrued Liabilities	2,023	3,832
Decrease in Term Deposits	12,130	--
Decrease in Prepaid Expenses	244	1,089
<b>TOTAL CASH PROVIDED</b>	<b>84,257</b>	<b>9,956</b>
CASH WAS APPLIED TO:		
Increase in Term Deposits	--	27,291
<b>TOTAL CASH APPLIED</b>	<b>--</b>	<b>27,291</b>
<b>NET INCREASE (DECREASE) IN CASH</b>	<b>84,257</b>	<b>(17,335)</b>
<b>Cash - End of Year</b>	<b>\$156,418</b>	<b>\$ 72,161</b>

**NOTES TO THE FINANCIAL STATEMENTS**

**1. SIGNIFICANT ACCOUNTING POLICIES:**

The Board follows generally accepted accounting principles in the preparation of its Financial Statements except as outlined below where the disclosed basis of accounting is considered to be appropriate.

**Fixed Assets:**

Purchases of Fixed Assets consisting of Office Furniture and Equipment, are fully expensed in the year of acquisition.

**2. The Board leases office space under an agreement expiring in 1985. Minimum annual rental is as follows:**

1984 - 85 \$22,095

In addition, a proportionate share of Realty Taxes and Operating Costs is payable under the terms of this Lease.