

# The BULLETIN

THE • ONTARIO • BOARD • OF • EXAMINERS • IN • PSYCHOLOGY

## ENLARGEMENT OF THE BOARD

The Board is pleased to announce that an amendment to the Psychologists Registration Act to enlarge the Board received Royal Assent in December, 1988. Recognizing the Board's urgent need for additional members to assist in carrying out its disciplinary function, the Minister moved quickly to appoint the five additional members specified by the amendment. For the first time in the history of the Act, the public is now represented on the Board. Two public members were welcomed to their first meeting in January and the third in February, 1989:

Ms. Huguette Boisvert, Ottawa  
Ms. Deborah Brooks, CGA, Sault Ste. Marie  
Ms. Muriel Rothschild, Toronto

The public members have willingly shouldered the task of acquainting themselves with the responsibilities the Board carries, the Board's history and its procedures. They are represented on all Board committees and already have served on two disciplinary tribunals. The public members bring a fresh viewpoint and sound judgment to the work the Board does, and the other members are finding their contributions of value.

Professional membership on the Board was also increased by the addition of two psychologists:

Dr. Mario Faveri, Director  
Community Programs Evaluation Centre  
Addiction Research Foundation, London  
Dr. William T. Melnyk, Professor  
Department of Psychology, Lakehead University Thunder Bay

Dr. Faveri has acted as an oral examiner for the Board on previous occasions. Dr. Melnyk, who served as a member of the Board from 1975 to 1980, has accepted a second appointment to the Board.

Now that its numbers have been augmented, the Board can meet its statutory obligations with increased confidence. With ten members it has been possible to create standing subcommittees to deal with registration, complaints and discipline. ■

## DISCIPLINARY HEARING

At a hearing held on June 14, 1989, Dr. David Garner entered a plea of guilty to a charge of professional misconduct in that he had sexual intercourse with a client in 1979. This hearing was Dr. Garner's second appearance before the

Ontario Board of Examiners in Psychology on a charge of this nature. On consent his Certificate of Registration was revoked at the hearing. ■

## LEGAL AID FEES FOR CUSTODY AND ACCESS ASSESSMENTS

It appears that some psychologists are billing their Legal Aid clients for the difference between the coverage provided by the Legal Aid Plan and their usual fee. The Board was informed of this developing practice in a recent meeting with Mr. George Biggar, Deputy Director, Legal, of the Ontario Legal Aid Plan. Mr. Biggar informed the Board that this practice appears to be used by some psychologists who perform custody and access assessments for legally aided clients.

The Board shared Mr. Biggar's concern that this practice is inconsistent with the spirit of the

Legal Aid Plan and, in particular, throws into doubt the utility of the Plan's financial eligibility and contribution assessment process. The Board believes that a psychologist should not accept a legal aid case if the psychologist is not prepared to accept the legal aid fee, currently set at \$80 an hour. Furthermore, the Board wishes to remind psychologists of Principle 6 (d) of the *Ethical Standards of Psychologists* (1977 revision) which states:

Financial arrangements in professional practice are in accord with professional standards that safeguard the best interests

of the client and that are clearly understood by the client in advance of billing. Psychologists willingly contribute a portion of their services to work for which they receive little or no financial return.

During the discussion, the Board offered practical suggestions to assist in the resolution of the problem. The Board suggested that a form could be developed setting out the policy of Legal Aid that service providers, in accepting a client, will accept the fee provided by the Legal Aid Plan. This form could be circulated to lawyers who would be advised not to retain psychologists who were unwilling to give their signed agreement to this policy. Moreover, the Board suggested that psychologists should be asked to provide a written estimate of the number of hours required to complete the assessment. The Legal Aid Plan could then estimate the total cost of the service and any concerns could be resolved before the psychologist begins the assessment. Finally, the Board suggested that it would be useful for the Legal Aid Plan to provide information to a lawyer who retains a psychologist as to the method to be used in calculating the fees paid to the psychologist.

Mr. Biggar has informed the Board that the Legal Aid Plan intends to implement the Board's suggestions. However, in the interim, psychologists may find it beneficial to provide a written estimate to the Legal Aid Plan, even if one is not requested. Mr. Biggar has advised the Board that he thinks this would be a useful practice. Psychologists may also contact The Ontario Legal Aid Plan directly if they have questions about the working of the Plan. The address and telephone number are:

The Ontario Legal Aid Plan  
481 University Avenue, Suite 200  
Toronto, Ontario M5G 2G1  
(416) 979-1446 ■

## COMPLAINTS

Forty complaints were received against psychologists in the fiscal year ending May 31, 1989. Although the number of complaints has declined somewhat since last year, roughly 2.5 percent of the psychologists registered in the province were nevertheless the subject of a complaint. It may be of assistance to psychologists to note (see Table 1) that 20 percent of these complaints arose from custody and access assessments but work in this area generated only 2 percent of the questions that psychologists directed to the Board (see Table 2). ▶

Any service provided in the context of litigation is particularly susceptible to a complaint. Registrants are referred to the *Custody/Access Assessment Guidelines: Report of the Interdisciplinary Committee for Custody/Access Assessments*, approved by the Board and available from the publisher, the Ontario Psychological Foundation, 1 Wax Myrtle Way, Don Mills, Ontario M3B 3K6, Tel: (416) 441-1692. Also helpful in detecting potential sources of bias in doing this difficult work is the article by Bruce Quarrington, *Custody and Access Assessments*, *The Bulletin*, Vol. 14, April, 1988.

Fees and billing appear to have been another problem area, having led to 25 percent of the complaints and concerned not only the manner in which billing was done but the amount that was billed, as well. The relevant source for standards in this area is the Board's *Standards of Professional Conduct*, distributed to all psychologists in Ontario and available from the Board office. ■

## QUESTIONS DIRECTED TO THE BOARD

Over 300 requests for assistance are received each year from psychologists who are concerned about ethical and professional issues, and another 150 to 175 from others (see Table 2).

Roughly 24 percent of psychologists' questions are concerned with aspects of the conduct of a private practice, including advertising and billing. The frequency of questions related to the problem of being an

employee in an organization whose aims conflict with professional standards has declined, at least for the present. The bulk of psychologists' questions continue to centre around the interpretation of standards, including the requirements for adequate supervision of non-registered personnel, the appropriateness of releasing raw data, confidentiality, informed consent, and record keeping. ▶

**TABLE 2**  
**Questions Directed to**  
**The Ontario Board of**  
**Examiners in Psychology**  
**June 1, 1988 to**  
**May 31, 1989**

SUBJECT OF QUESTIONS	Questions Raised by			
	Psychologists		Others	
	N	%	N	%
<b>PROBLEMS IN ORGANIZATIONS</b>				
Professional conflict	6	1.8	1	0.6
Protection of records and confidentiality	2	0.6	—	—
TOTAL	8	2.4	1	0.6
<b>PROBLEMS IN PRIVATE PRACTICE</b>				
Advertising and announcements	38	11.6	2	1.2
Partnerships & incorporations	7	2.1	9	5.3
Billing and collection	23	7.0	7	4.1
Referrals	1	0.3	—	—
Title of a practice	—	—	—	—
Individual vocational designation	10	3.0	—	—
Subtotal	79	24.0	18	10.7
<b>INTERPRETATION OF STANDARDS</b>				
General	17	5.2	9	5.3
Right of client to see report	3	0.9	—	—
Records and confidentiality	16	4.9	5	3.0
Consent, release of information	18	5.5	3	1.8
Retention of files	17	5.2	2	1.2
Obligation to provide raw data	28	8.5	6	3.6
Complaints and discipline	1	0.3	38	22.5
Expert testimony	3	0.9	1	0.6
Supervision	33	10.1	3	1.8
Close of a practice	3	0.3	1	0.6
Testing	10	3.0	—	—
Dual relationships	5	1.5	2	1.2
Obligations to parents	7	2.1	—	—
Duty to warn	2	0.6	1	0.6
Research	—	—	2	1.2
Custody & access assessments	7	2.1	8	4.7
Sexual impropriety	1	0.3	3	1.8
Subtotal	71	21.6	84	49.7
<b>LEGAL QUESTIONS</b>				
Interpretation of the Act	5	1.5	5	3.0
Section 11	12	3.7	32	18.9
Malpractice insurance	—	—	—	—
Freedom of Information Act	1	0.3	—	—
Obligation to report child abuse	7	2.1	1	0.6
Subtotal	25	7.6	38	22.5
<b>QUESTIONS REFERRED TO ANOTHER RESOURCE (i.e., OPA, CPSO)</b>				
	45	13.7	28	16.6
<b>TOTAL</b>	<b>328</b>	<b>99.1</b>	<b>169</b>	<b>100.2</b>

**TABLE 1**  
**Complaints Against Psychologists in Ontario: By Subject of Complaint**  
**June 1, 1988 to May 31, 1989:**

Subject of Complaint	Number	Percent
<b>PERSONAL CONDUCT</b>		
Substance abuse	—	—
Sexual impropriety	3	7.5
<b>PROVISION OF SERVICES</b>		
Custody & access assessment	8	20.5
Sexual abuse assessment	2	5.0
Confidentiality	3	7.5
Practising outside the area of competence	—	—
Insensitive treatment of clients	—	—
Fitness to practice, competence	—	—
Failure to respond to a request in a timely manner	1	2.5
Testing for the purpose of job promotion or selection, or academic placement	3	7.5
<b>CONDUCT IN PROFESSIONAL RELATIONS</b>		
Supervision of personnel	1	2.5
Conduct toward a colleague	1	2.5
Failure to report suspected misconduct of a colleague	—	—
Representing non-registered persons as psychologists	—	—
<b>MANAGEMENT OF PRIVATE PRACTICE</b>		
Public statements	1	2.5
Advertising and announcements	—	—
Fees and billing	10	25.0
Vocational designation	—	—
Title for a practice	1	2.5
<b>RESEARCH</b>		
	2	5.0
<b>BASIS FOR COMPLAINT UNCLEAR</b>		
	4	10.0
Total Number of Complaints	40	100.0

Note: The Board received 27 complaints related to violations of Section 11(3) of the *Psychologists Registration Act* by persons not registered as psychologists.

The general public, on the other hand, more frequently raises questions about the process the Board uses in handling complaints and disciplining psychologists. In addition, many questions are received concerning Section 11, the enforcement clause, in the Psychologists Registration Act.

Of the many questions the Board receives, some are of sufficiently general interest or concern to warrant separate treatment in *The Bulletin*. In this issue, separate items have been included on incorporation and supervision of non-registered personnel.

While the Board staff is available to advise

psychologists on difficult issues and to provide an interpretation of the standards, it is psychologists' responsibility to be familiar with professional standards. The Board publishes the *Standards of Professional Conduct* (Revised December, 1986) and the *Guidelines for Supervision of Non-Registered Personnel* (revised April, 1989), and has adopted the *Ethical Standards of Psychologists* (1977 Revision) and the *Standards for Providers of Psychological Services* (January, 1977), published by the American Psychological Association. Copies of these Standards are provided to all persons who become registered

as psychologists in Ontario. In addition, the Board makes use of the *Ethical Principles in the Conduct of Research with Human Participants* and the *Standards for Educational and Psychological Testing* both of which are published by the American Psychological Association as well as the *Custody/Access Assessment Guidelines* which are published by the Ontario Psychological Foundation. Psychologists should refer to these Standards when an ethical issue arises. If they require further assistance, they may then contact the Board office. ■

## **GUIDELINES FOR SUPERVISION OF NON-REGISTERED PERSONNEL**

Many psychologists supervise the work of non-registered personnel and this may take several forms: For instance, they may hire assistants in their private practices or they may supervise them as members of psychology departments within organizations and institutions. Psychologists are aware that, in doing so, they assume professional responsibility for the work they supervise.

It has been nearly ten years since the Ontario Board of Examiners in Psychology issued guidelines related to the supervision of non-registered persons. These have been reproduced, with some clarifying revisions, in order to remind psychologists that if they do not believe they can adhere to them, then they should consider themselves at risk in their role as supervisors.

A. *Qualifications.* Supervising psychologists will have adequate training, knowledge, and skill to render competently any psychological service which their supervisee undertakes. They will not supervise, or permit their supervisee to engage in, any psychological practice which they cannot perform competently themselves.

B. *Qualifications of Unregistered Persons Providing Psychological Services.* Supervising psychologists will ensure that the unregistered service provider has the background, training and experience appropriate to the functions performed. The supervising psychologist will determine the adequacy of preparation of the supervisee. The designation or title will be appropriate to the role and not misleading to the public.

C. *Utilization of Unregistered Persons Providing Psychological Services.*

1. The supervising psychologist will have such face-to-face contact with the clients of the supervisee that there will be adequate planning for the effective delivery of services. Which clients will be seen, and the extent of such contacts, will take into account both the competencies of the supervisee and the complexity and urgency of the client's problem.

The progress of the work will be monitored through such means as will ensure that the professional responsibility assumed by the supervisor can be carried out for all services rendered. Supervisors will also be available for emergency consultation and intervention in work settings where emergencies arise.

2. Work assignments will be commensurate with the skills of the assistant. All procedures to be carried out by the supervisee will be planned in consultation with the supervisor.

3. Supervising psychologists will work in the same physical setting as the supervisee. A rationale will be provided and arrangements will be made for any exceptions.

4. Public announcements of services and fees, and contact with the lay or professional community, will be offered only by or in the name of the supervising psychologist.

5. Users of the supervisee's services will be informed as to his/her status, and will be given specific information as to his/her qualifications and functions.

6. Clients will be informed of the possibility of periodic meetings with the supervising psychologist at their request, or at the supervisee's or the supervisor's request.

7. In any fee-for-service arrangement, setting and receipt of payment will remain the function of the supervising psychologist or of the employing agency.

D. *Conduct of Supervision.* It is recognized that the variability in the preparation for practice of assisting personnel will require individually tailored supervision. The range and content of supervision will be worked out between the individual supervisor and the supervisee. A detailed job description in which functions are designated at varying levels of difficulty, requiring increasing levels of training, skill and experience, should be available. This job description will be made available to sanctioners and service recipients upon request.

1. Psychologists will not receive payment from or otherwise be in the employ of someone they supervise.

2. An ongoing record of supervision will be maintained which details the types of activities in which the supervisee is engaged, the level of competence in each, and the type and outcome of all procedures.

3. All written reports and communications will be counter-signed as "Approved" by the supervising psychologist.

The Board wishes to emphasize its position that, as psychologists bear the professional responsibility for the work they supervise, they must exercise their own judgment as to the manner in which it is carried out. The Guidelines are intended to assist in this process. They set out ways in which supervision *can* be responsible and *can* be seen by others to be responsible.

Situations may arise in which psychologists will be forced to account for the methods they have used and it is therefore important that they consider the Guidelines carefully. The Board acknowledges that variations in supervision can be devised to fit variations in the service setting and working conditions; nevertheless, the Board considers such variations should be accompanied by a rationale setting out the reasons and justification for the particular methods of supervision adopted. ■

## **AMENDMENTS TO THE STANDARDS OF PROFESSIONAL CONDUCT**

### **BROCHURES**

The Board has been asked if it is permissible for a psychologist to send out brochures. The *Standards of Professional Conduct* deal with advertising and announcements in Principle 4 and Appendices A and B, but make no specific reference to brochures.

Consequently, at a recent meeting the Board decided that Principle 4.12, dealing with brochures, should be added to the *Standards of Professional Conduct*. It will read as follows:

4.12 Brochures may be mailed to other professionals but must not be mailed to members of the general public unless requested. Brochures may be displayed in a psychologist's office and may be given to clients.

#### FEES

Principle 6 of the *Standards of Professional Conduct* deals with fees and billing. Principle 6.2 previously read:

Where the services to be rendered are ones which are included in the current schedule of fees published by the Ontario Psychological Association, the user must be advised prior to commencement of services as to any excess fee which will be charged.

The Board decided that Principle 6.2 should be amended to read:

The user must be advised prior to the commencement of services as to what fees will be charged.

The Board's reason is that by advising their clients of their fees in advance, psychologists reduce the likelihood of complaints to the Board. ■

### ORAL EXAMINATIONS

The oral examinations were held in Toronto on May 31, and June 1. Assisting the Board in conducting these examinations were:

*Glenn Bauberger, Ph.D.*, Chief Psychologist, Millbrook Correctional Centre;

*J. Carson Bock, M.A.*, Private Practice, Toronto;

*Henry P. Edwards, Ph.D.*, Dean, Faculty of Social Sciences, University of Ottawa;

*David R. Evans, Ph.D.*, Professor, University of Western Ontario;

*Gail Golden, Ph.D.*, Private Practice, London;

*Bernard S. Grzyb, Ed.D.*, Private Practice, London;

*Margaret Hearn, Ph.D.*, Manager, Department of Psychological Services, University Hospital, London;

*Alan Lawrence, Ph.D.*, Consulting Psychologist,

### INCORPORATION

Guidelines respecting incorporation were published in the February 1988 issue of *The Bulletin* in order to assist psychologists in complying with the Ontario Business Corporations Act. This Act prohibits psychologists and most other professionals from incorporating their practices. The purpose of the prohibition is to prevent professionals from attempting to limit their liability to their clients.

It is the obligation of psychologists in Ontario to ensure that they obey all federal and provincial laws, including the Ontario Business Corporations Act. If psychologists require further assistance to be certain that they are not contravening the law they should obtain a legal opinion. The Board is not equipped to provide this service.

It is the Board's position that the responsibility for enforcing the Ontario Business Corporations Act rests with the Ministry of Consumer and Commercial Relations as the Act falls under its jurisdiction. The Board has attempted to assist psychologists by drafting guidelines; it will not be responsible for monitoring compliance. ■

Board of Education for the City of London;

*Joan McAndrew, Ph.D.*, Private Practice, Toronto;

*John McGrory, Ph.D.*, Chief, Department of Psychology, Windsor Western Hospital Centre;

*Patricia M. Minnes, Ph.D.*, Assistant Professor and Coordinator of Clinical Training, Queen's University, Kingston;

*Norman E. Morris, Ph.D.*, Director, Psychological Services, Centenary Hospital, Scarborough;

*Laura N. Rice, Ph.D.*, Professor (retired), Department of Psychology, York University, Toronto.

*Lynn Wells, Ph.D.*, Senior Psychologist, Toronto Board of Education; Private Practice, Toronto;

*Richard Wood, Ph.D.*, Private Practice, Toronto.

### NEW PERMANENT REGISTRANTS

The following candidates for registration in Ontario were admitted to the Permanent

Register at a meeting of the Board held on June 1 and 2, 1989.

Cheryl Ackerman	Kenneth Ekstrand	Garry Hawryluk	Rich Lash	Joanne Quinn
Alan Bardikoff	Cynthia Fekken	Roberta Heaven	John Lawrence	Frances Rauenbusch
Clare Brandys	Garry Fisher	Paul Hewitt	Andree Liddell	Gwendolen Richardson
Joan Clayton	Terrence Fiss	Joan Hulbert	Bonnie MacDonald	Patrick Ryan
Pamela Cooper	Gary Freeman	John Hunsley	Kathleen McDermott	Shawn Stegges
Juliet Darke	Walter Friesen	Tony Hunt	Samuel Mikail	Maria Sudermann
Kathleen Davey	Michael Gadon	Randy Katz	Seymour Opochinsky	Michael Sullivan
Karen Davies	Marsha Harling	Ginette Lafleche	Jonathan Quek	Carolle Trembley

### WRITTEN EXAMINATION

The Examination for Professional Practice in Psychology was administered on April 14, 1989 in London, Ottawa and Toronto. The Board appreciates the assistance of *David Bernhardt, M.A.*, *Anisa Janmohamed*, *Connie Learn*, and *Roderick Martin, Ph.D.* who served as proctors. ■

### ADDITIONS TO THE TEMPORARY REGISTER SINCE JANUARY, 1989

Marcia Barnes	Louise LaPlante
Al Bosma	Iryna Lawriw
Linda Bream	Shirley Mason
Judith Coldoff	Polly Pechstedt
Joanne Coutts	Frederick Pelletier
Gerald Dancyger	Mark Potashner
Michela David	Sheila Purcell
Monica Dykeman	Graham Saayman
Nancy Eames	Abderrahmane Sahouli
Lorraine Ferris	Wendy Saleh
Heather Fiske	Susan Saravis
Virginia Frisk	Brian Scott
William Fulton	Katherine Sdao-Jarvie
Edward Glassman	Ralph Serin
Garry Hawryluk	Donald Shattuck
Janet Hinchley	Dalia Slonim
Julia Holt	John Steele
Joyce Isbitsky	Henry Svec
Birgitta Jansen	Elizabeth Werth
Joel Klein	Stephen Wigmore
Ricki Ladowsky	Beverly Wirsching
	Robert Woods

### The BULLETIN

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