

TWENTY-FIVE YEARS IN THE REGULATION OF PSYCHOLOGY IN ONTARIO A Dinner to Mark the Occasion

During the annual meeting of the Ontario Psychological Association in February, two hundred psychologists and their guests gathered in Toronto for a reception and dinner to celebrate twenty-five years in the regulation of psychology under the Psychologists Registration Act of 1960.

Eighteen present and former members of the Ontario Board of Examiners in Psychology, two Registrars and two Assistant Registrars were in attendance, sporting white carnations. Particularly noteworthy among the former Board members were John Boyd and Harley Wideman, members of the first provisional Board during 1960 and 1961, and Mary Wright, the first woman to be appointed to the Board.

A festive air was created by a flute-guitar duo playing light classical music during dinner. Aably introduced by OPA President-elect, Pierre Ritchie, greetings and tributes to the Board in its work were presented in person by representatives of psychological organizations across Canada: by Robert Wilson from the British Columbia Psychological Association, Charles Banner from the Psychologists Association of Alberta, Jocelyne Taillon from the Corporation professionnelle des psychologues du Quebec, David Jackson from the Ontario Psychological Foundation and Timothy Hogan from the Canadian Psychological Association. Dr. Ritchie

read telegrams sent to the Ontario Board from the psychological organizations in the Northwest Territories, Saskatchewan, Manitoba, New Brunswick, Prince Edward Island and Nova Scotia. John McGrory, as Chair, responded on behalf of the Board.

The highlight of the evening was an address by the Honourable Murray Elston, Ontario's Minister of Health, who outlined the work of his Ministry in reviewing the legislation respecting the regulation of the health professions in Ontario. ■

Greetings from the Premier

A letter addressed to Dr. McGrory was received from the Honourable David Peterson and is reproduced below.

Dear Dr. McGrory:

Thank you for your kind invitation to join you for a dinner to mark the 25th anniversary of the founding of the Ontario Board of Examiners in Psychology. I regret that I am unable to be with you on this occasion. Nevertheless, I would like to extend through my colleague, the Honourable Murray Elston, the warm greetings and best wishes of the people and the Government of Ontario to you and to all those in attendance.

Some two and a half decades ago, the Ontario Board of Examiners in Psychology was formed and became the first such regulatory agency in Canada. Over the years, the Board has promoted high ethical and professional standards among the province's psychologists and has made a significant contribution to the provision of quality health care in Ontario. I commend all those who have supported the goals and objectives of the Board and, in so doing, have ensured its outstanding success.

As the members of the Ontario Board of Examiners in Psychology and those of the Ontario Psychological Association meet together for this event, it is my sincere hope that it will be most enjoyable and rewarding for all. Planned to coincide with the annual meeting of the Association, I have every confidence that the dinner will foster greater understanding and cooperation between your two organizations.

Best wishes to all for a most memorable evening.

Sincerely,

David Peterson

HEALTH PROFESSIONS LEGISLATION REVIEW

In a statement released on April 3, 1986 the Minister of Health announced further developments in the regulatory reform of the health care professions.

Mr. Elston indicated that, in addition to the 19 professions currently being regulated in Ontario, seven other groups would be included in the "new regulatory system — a system which will modernize and replace the current patchwork of legislation." The seven professions — audiologists, dieticians, medical laboratory technologists, midwives, occupational therapists, respiratory technologists and speech-language pathologists — "will become subject to statutory regulation under a professional governing body for the first time." As Mr. Elston stated, "the fundamental issue has been to determine which health care professions require statutory regulation in order to protect

the public interest." The new list of 25 professions to be regulated will exclude one currently regulated group, the naturopaths, principally on the grounds that it is difficult to define standards for practice based on a philosophy of natural healing.

Mr. Elston indicated that the next step in the review process will be "to define the scope of practice of the various health professions and the specific powers each regulatory body requires". He went on to say:

In addressing scope of practice, the review will take into account the team approach which is often essential for the smooth functioning of hospitals and other health care institutions.

This phase will also develop procedural and legal reforms for the operation of the governing bodies. I am determined to see

that the accountability of governing bodies to their own members, the legislature and the public is improved.

We must also equip these regulatory agencies with the statutory tools to do an effective job of protecting health care professionals. Only if they are seen to be fulfilling their role fairly and effectively can the professional governing bodies sustain the confidence of the professions, the public and the legislature...

In the year ahead, we will begin the process of drafting legislation to translate policy and procedural decisions into law. When the legislation is introduced, it will be one of the most important measures to be presented to the Ontario legislature. Every opportunity will be given for careful scrutiny of the legislation both by the

legislature and by the participating groups. The Board, presently handicapped in fulfill-

ing its regulatory responsibilities by its small size, eagerly awaits further developments in the

review process, and a response to its legislative proposal of June, 1982. ■

1985 SURVEY OF ONTARIO PSYCHOLOGISTS

For approximately twelve years the Board has circulated a questionnaire to psychologists along with their annual fee statement. The information obtained has provided information useful in a variety of ways to governments and to the Ontario Psychological Association; in answering questions, for example, about the availability of psychologists in the north, the distribution of psychologists who can offer services in French, or the number and distribution of psychologists in independent practice. This has been helpful to the Association in preparing briefs to third-party purchasers of psychological services and to governments in formulating policy affecting the provision of psychological services.

Response to the questionnaire has been voluntary, and for the most part good, with a 93.9 percent return in 1980 and 82.6 percent in 1985. The accumulated data from the surveys permit us to examine trends in the growth of the profession, the participation of women, and the steady move toward independent practice.

GROWTH IN THE SIZE OF THE PROFESSION

The profession in Ontario has grown steadily in the ten-year period ending in 1985, with the Board registering on the average 86 psychologists each year. The net gain is smaller, averaging about 63, due to death, retirement, or migration. Ontario psychologists moving to other provinces or countries tend to maintain their registration in Ontario for a few years but eventually lapse as they reach the conclusion that a return to Ontario is unlikely. The number of psychologists registered in Ontario who were living and practising elsewhere at the beginning of 1985 was 162, representing 11.5 percent of the total number of registrants. Early in 1986 the figure had dropped to 150, or 10.3 percent of the present total of 1454.

The impact psychologists' mobility may have on the rate of growth of the profession in Ontario is presently unknown, although significant numbers of Ontario psychologists move to work in other provinces and the United States.

WOMEN IN THE PROFESSION

Two factors appear to have influenced the entry of women into the profession. Prior to 1966, during a period in which women were less likely than men to undertake doctoral studies, entry was possible for applicants holding a master's degree. Of psychologists registered before the end of 1966, women represented 37 percent of the total. However, of psychologists

registered later, between 1967 and 1976, a period during which the doctorate was required, only 21.3 percent of the new registrants were women. In recent years, however, with more women continuing to the doctorate, the proportion of women becoming registered is increasing. Eighty-one, or fifty percent, of the 160 psychologists registered in the two-year period ending in December, 1985 are women.

Available data suggest that women psychologists continue to distribute themselves in specialty areas, job settings, and in work with client populations somewhat differently from men. They also display different patterns in selecting independent practice, as noted below.

Women are more likely than men to identify as their main area of expertise, developmental, educational, or school psychology and less likely than men to indicate experimental or industrial/organizational psychology.

Women are also more likely than men to be working in primary or secondary educational systems or in children's hospitals and less likely to be working in post-secondary educational institutions, psychiatric hospitals, industrial or commercial firms, or departments of government. That they are also more likely than men to be working in private offices is discussed in greater detail below.

It may be inferred that the greater tendency of women psychologists to cite developmental,

educational or school psychology as their main area of expertise explains, at least in part, their greater frequency of employment in organizations serving the needs of children and youth. These data do not enable us, however, to assess the degree to which hiring practices rather than personal preference may influence employment patterns. That 53 percent of the women in private offices, but only 30 percent of the men, have other work suggests the possibility that women are underemployed in their private offices.

SELECTION OF WORK SETTING

In 1985 psychologists were asked to indicate the setting of their principal place of work. Responses were provided by 1103, representing roughly 79 percent of the psychologists registered, and are summarized in Table 1.

The largest single group shown in Table 1 consists of psychologists employed in universities or other institutions of higher learning. Taken together, however, roughly one-third of psychologists are employed in health service settings (hospitals, clinics and other treatment settings). A smaller proportion (13.4 percent) are employed in school systems, and a similar proportion work in a private practice setting. Psychologists who are self-employed in their principal area of work include 13 percent of the men and 21.7 percent of the women. ▶

TABLE 1

PRINCIPAL PLACE OF WORK	NUMBER	PERCENT
Educational facility		
Primary/secondary	148	13.4
Post-secondary	227	20.6
Psychiatric hospital	87	7.9
Mental health clinic	25	2.3
General hospital	148	13.4
Children's hospital	25	2.3
Children's mental health centre	70	6.3
Children's treatment centre	15	1.4
Addiction treatment centre	21	1.9
Correctional facility	26	2.4
Retardation centre	32	2.9
Rehabilitation facility	26	2.4
Industrial/commercial firm	39	3.5
Government department	25	2.3
Social agency	25	2.3
Private office	148	13.4
Other	16	1.5
TOTAL	1103	100.00

The observation that women are involved to a greater extent than men in independent practice was first revealed by the survey in 1983. From the results of the 1985 survey it is also apparent that, among psychologists, women have increased their independent practice activities in their secondary area of work, as well: 54 percent of the men and 43 percent of the women are self-employed in a secondary area of work. However, 46 percent of women psychologists in contrast to 33 percent of the men do not have a secondary area of work of any

kind. It can be noted, that for 70 percent of the psychologists so engaged, this secondary work occupies less than ten hours a week.

Psychologists' involvement in a secondary area of work occurs most frequently when the principal work setting is a social agency, a children's mental health or treatment centre, a general hospital, or a university. It is least likely to occur when the psychologist has a private office, works in a government office or with an industrial firm. This may in part be a reflection of contractual agreements with the employer as

well as the psychologist's involvement in his or her own business. Some differences between men and women in this respect invite speculation; for example, 80 percent of the men, but only 20 percent of the women employed in rehabilitation facilities have other employment.

Ability to provide services in languages other than English has not varied appreciably over the years; 13 percent of Ontario's psychologists are able to practise in French, and 12 percent in other languages. ■

PRACTICE ISSUES

A Psychologist's Obligation to Report Unethical Behaviour

Any psychologist who is aware of unethical behaviour on the part of another psychologist has a strict obligation to bring such unethical behaviour promptly to the attention of the Board.

The Guidelines for Submitting Complaints, appearing on page 131 of the 1986 Directory, set out the procedure which should be followed by a psychologist who is aware of such unethical behaviour. This procedure is as follows:

1. It is the clear responsibility of all members of a profession to take action if they become aware of what they believe to be improper behaviour on the part of another member of their profession, or on the part of any person illegally infringing on the rights of their profession.
2. It may be that if the complaint is about another psychologist an appropriate first step will be to approach the person believed to be behaving improperly and in confidence discuss the reasons for your belief.
3. If the personal approach appears inappropriate or is unsatisfactory, the complaint should be sent in writing to the Registrar. The complaint should not be sent to, or discussed with, any member of the Board. (See paragraph 7 below.)
4. In the case of minor complaints, the Registrar will attempt to deal with the problem by direct communication with the person complained against.
5. In the event that this effort is unsuccessful, and always in the case of more serious complaints, the Registrar will take the necessary steps to see that the matter is thoroughly investigated, usually in conjunction with one member of the Board who does not participate in any formal hearing that may subsequently be held.
6. Should such investigation reveal that a formal hearing is warranted, the person com-

plained against will be served with a Notice setting out the charge or charges being brought against that person and affording him or her the opportunity to be present and make submissions at the formal hearing.

7. Registered Psychologists need to be aware of the fact that, in the event of a hearing the members of the Board of Examiners must sit in judgment and decide on the evidence then presented without prior bias or prejudice. This is the reason why complaints, whether oral or written, should not be directed to them, but must always be sent to the Registrar who has no share in the Board's decision.
8. There is a natural reluctance to complain especially about the behaviour of a professional colleague. Yet, if we do not discipline ourselves, we will not have a mature and responsible profession, and the task of discipline may be given to others outside the profession. ■

...

Complainants are Protected

We are aware that many psychologists, as well as members of the public, are reluctant to complain for fear that the psychologist who is the subject of the complaint will take legal action against them. It is therefore important for the public and the profession to be aware of the fact they are protected when they complain to the Board about the conduct of a psychologist.

In the case of *Sussman v. Eales* which was decided in the Supreme Court of Ontario on May 16, 1985, a dentist who had a complaint lodged against him sued the complainant for libel. The court held that there is an absolute privilege attached to a letter of complaint and dismissed the action. This means that those persons making a complaint to a professional regulatory body are immune from a lawsuit. The court will not hear an action for libel

initiated against the complainant by the person complained about.

The judge in *Sussman v. Eales* stated that it is a question of balancing two interests and that the public interest should outweigh that of the individual for the following reasons:

Firstly, the immunity will only be conferred upon a citizen complaining in a confidential way to a body created by statute. A communication of that kind can hardly be said to be a publication of the kind that is apt to harm one's reputation in the community to a degree sufficient to attract an award of compensation.

Secondly, the right to engage in professional activities must be the subject of rules governing them. These rules cannot be enforced without a corresponding right in the members of the public to complain uninhibited and without fear of being found wrong and as a result being subject to actions in defamation. Surely it is a small price for a professional person to pay. ■

...

ERRORS AND OMISSIONS

The names of psychologists who had provided supervision for candidates admitted to the permanent register during 1985 were published in the last issue of *The Bulletin*. It has since come to our attention that we inadvertently failed to list the four psychologists named below. We apologize for this oversight and take pleasure in thanking:

Leonard Harris
Ronald Hine
George Matheson
Arjun Purohoit

...

The Proper Response to a Request for a Rebate

A psychologist in private practice informed the Board that on occasion he has received referrals from an employee assistance program (EAP). This particular EAP service is limited to interviewing employees and arranging referrals to appropriate professionals. In the case of referrals to psychologists, the employer pays for the first four sessions.

Recently, the operator of the employee assistance program, who is not a psychologist, has requested payment from the psychologist of an amount equal to ten percent of the psy-

chologist's fee for any sessions beyond the first four paid for by the employer. The psychologist approached the Board for an opinion on the propriety of complying with this request.

The Board agreed with the psychologist that, quite apart from any assessment of the propriety of the request, a psychologist who granted the request would be in violation of the *Standards of Professional Conduct* which, in Principle 8.5, state:

A psychologist shall not receive or confer a rebate or other benefit by reason of refer-

ral or transfer of a client from or to another person.

Psychologists are prohibited from seeking special advantage in relations with a client. And in consideration of the client's welfare, financial reward should play no part in the selection of a suitable referral. Further, in fulfilling his or her obligation to respect the privacy of a client, a psychologist would require the client's permission before revealing the nature or frequency of professional contacts to a third party, including the referring agent. ■

Psychologists' Test Data

Requests for access to psychologists' test data by persons with no training in statistics or psychological testing is a matter of continuing concern to the Board. Recently a psychologist received a request from a medical records department in another hospital for the release of neuropsychological test data on a patient to this hospital's "psychometric assessment service", staffed by masters-level personnel and supervised by a physician. The psychologist,

concerned to act in the best interest of the patient but aware that this service was being offered without evidence of adequate training or appropriate supervision, requested the advice of the Board.

The Board's reply may be useful to other psychologists in similar situations. It was as follows:

The *Standards of Professional Conduct* require that psychologists ensure that their findings are not misinterpreted. Therefore, you have an obligation, if requested by the patient

or the patient's agent, to provide a report interpreting your findings and giving your professional opinion, but no obligation to provide your data*. What you have to offer is a professional opinion. If the other hospital wishes to have another opinion they could consult another psychologist. Occasionally psychologists choose to show their data to certain physicians, but voluntarily and not on the instruction of medical records departments.

*except to another psychologist as indicated in Principle 7.9, or as required by law. ■

REGISTRATION

REINSTATEMENTS SINCE AUGUST, 1985

Jeffrey Goldman	Paul Nesbitt
Graham Haley	Warren Shepell
James Hickling	John Theis
Bo Kyung Kim	Evelyn Vingilis
Colin Miles	Nina Wouloff

ADDITIONS TO THE TEMPORARY REGISTER SINCE JANUARY, 1986

Ruth Berman	Thomas Haubenreisser
Jane Blouin	Larry Kopman Nancy Schmidt
Gary Burkhart	Christine Littlefield Lee Smith
Dorothy Cotton	Colleen McMullin Brenda Spiegler
Ronald Davis	Brian MacLean Avrom Steinman
Marie-France Dionne	Marlene Moretti Catherine Thompson
Barbara Fulford	Frances Newman Richard Walsh
Sylvia Geist	Mel Perlmutter Donald Young

Fees for Verifying Registration Status

The mobility of Ontario's psychologists and their requests to the Board for verification of their status on the register in Ontario have generated a significant expense for the Board. As a result, in January, 1986 the Board introduced a fee for forwarding registration information to other jurisdictions on behalf of a psychologist. A fee of \$10.00 will be charged if the request is limited to a letter to confirm registration status. A fee of \$25.00 will be charged for providing the full set of the particulars of registration in Ontario, such as the date of registration, written and oral examination results, nature and extent of supervised experience, supervisors' reports, as well as confirmation of the psychologist's present status in Ontario. ■

CANADIAN REGISTER OF HEALTH SERVICE PROVIDERS

The Register has requested publication in *The Bulletin* of an announcement to psychologists who have applied for listing in the Register. The announcement, slightly amended, is as follows:

Register staff have been working arduously in order to mail out eligibility notices to psychologists throughout Canada. This task has been complex and laborious because of the numerous procedures and newly-created office systems which had to be implemented ...

Applicants are being notified in chronological order: those who applied in June, 1985 are being notified first. We estimate that notification of eligibility by mail will be completed or close to completion by the end of April, 1986. Candidates who applied after October 15, 1985 will be notified last.

From a preliminary analysis it would seem that about 90 percent of applicants are eligible. To date the Register has received close to 1400 applications.

All candidates applying after October 15, 1985 must make arrangements for the completion of the necessary number of Supervisory Confirmation Forms.

We hope to publish the Register in the Summer of 1986. Deadlines for the return of the 1986 listing fee for eligible psychologists will be May 1, 1986.

J. Gilles Boulais, Ph.D., C. Psych.
Executive Director ■

Annual Renewal Fee

The annual renewal fee is payable on or before May 31, 1986. Renewal notices were mailed to all psychologists in early March. To avoid a late-payment penalty, please be sure that your cheque is post-marked no later than May 31, 1986. ■

The BULLETIN

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

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THE BULLETIN

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