



No RHPA Funds From the Ministry of Health

As you will all undoubtedly recall, your wallets and purses were lightened considerably when your annual dues notice was received earlier this year. Over 60 letters were received at the office, reflecting a range of concerns about such a large increase at a time when the profession is under considerable restraint, and these have generated serious discussion around the Board table. It is felt to be important that the following information be emphasized

1. The costs of transition from the Board of Examiners to the College of Psychologists have been extremely high due to the provincial government's requirements for new regulations to accompany the Regulated Health Professions legislation which is to be proclaimed in December 1993. The Board of Examiners has been functioning in a dual role as the Transition Council of the College, and there have been a number of working parties assigned to different tasks that are mandatory in order to prepare for proclamation. Costs associated with these tasks alone are approaching \$150,000 and a concerted effort is being made by the Board to recover these costs from the Ministry of Health. A copy of the response from the Ministry is shown below.

2. The number of complaints against members of the profession has doubled over the past year. This is felt to be due primarily to the publicity surrounding several high-profile cases, as well as to the generally increased sensitivity of the public to the process by which they have recourse. As usual, the primary areas for disciplinary action are those of sexual misconduct or impropriety, and custody and access issues.

The Complaints Committee has been

able to resolve an increasing number of these situations without the need for tribunals, and it will be possible under the new legislation to attempt to recover the Board's costs from those individuals who are found guilty. Nonetheless, it has been necessary to hire an additional investigator to assist with the burgeoning workload associated with complaints and discipline, not only to handle current cases, many of which require extensive investigations due to their seriousness and complexity, but in anticipation of a continued increase under Bill 100 which will require mandatory reporting of many misconduct situations and which will impose a 120 day time limit for the resolution of each complaint submitted to the Board. In addition, the size of tribunals will increase under the new legislation from three members to five members and the Council and various standing com-

mittees will also be greatly increased in size - all of which contributes to considerable expense.

3. The cash flow situation of the Board is such that virtually all of the income is received at the beginning of the fiscal year and in the past we have counted on interest from that money to produce additional income. With current interest rates, much of this income is lost.

4. The Board has decided not to increase annual fees at proclamation but instead will continue to work hard to contain expenditure and explore alternative means for managing the budget.

If you have any comments or suggestions, please feel free to contact Dr. Maggie Mamen, Secretary-Treasurer, through the Board office. ■

The following is the text of a letter to Dr. Maggie Mamen, Secretary-Treasurer from Ruth Grier, Minister of Health:

August 3, 1993

Dear Dr. Mamen:

Thank you for your letter requesting a meeting to discuss the Board's request for the Ministry to assist the Ontario Board of Examiners in Psychology in funding the cost of implementing the new legislation, the Regulated Health Professions Act, 1991 (RHPA), which is expected to be proclaimed at the end of this year. I apologize for the delay in responding to your letter.

Although I can appreciate the demands and costs that all regulated bodies will incur during this transition period before proclamation of the RHPA, the Ministry is not in a position to provide funding to currently regulated professions to offset the additional financial requirements for RHPA. Furthermore, the principle of self-financing is part of the responsibility of self-governance.

As you are aware, under the current legislation regulatory provisions enable self-governing health professions to establish fees for their members. I understand that each profession is largely dependent on membership fees to carry out its mandated

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activities. Proposed amendments to regulations are submitted to the Ministry by the Board or College Council, are reviewed by the Cabinet Committee on Regulations and approved by Cabinet.

Also, under the RHPA, Section 13 of the Psychology Act, 1991 provides extensive powers to the Transitional Council (Ontario Board of Examiners in Psychology) to accept and process applications for issuing certificates of registration and charging application fees under the provisions of clause (3) of Section 13 before the proclamation of the entire Act. These provisions would include the application for registration under the new title of "psychological associate".

With the new professions becoming regulated under RHPA, the Transitional Councils for five of the newly regulated profession initially face a different situation, since they have not established an organizational structure nor a body of registrants. For this reason, the Ministry is

giving them loans to set up operations. Because of the anticipated small size of the midwifery profession (less than 100 registrants), the Midwifery Transitional Council will receive a grant until such time that the College can realistically become self-supporting.

The need for health reform is urgent and I hope that the health professions will continue to participate in this Government's initiative to implement cost effective measures in this time of difficult fiscal management.

Thank you very much for your continuing cooperation and your support in our health care reform.

Yours sincerely,

Ruth Grier, Minister

Core Regulations Required For Proclamation Of RHPA

Under the Regulated Health Professions Act, Colleges have the authority to write Regulations governing such matters as registration, professional misconduct, advertising and so forth.

In order to have a minimum complement of Regulations ready for proclamation with the RHPA, the Ministry surveyed the Colleges and identified six "core" regulations as essential: entry to practice/registration; professional misconduct; fees; elections; composition of statutory committees and examinations.

The Transitional Council of the College of Psychologists met twice in June to prepare regulations for submission to the Ministry by the June 30 deadline. Previous drafts of three regulations (professional misconduct; elections and composition of statutory committees) were revised after consideration by the respective working parties of feedback received from the registrants, following publication of the earlier drafts in the December, 1992 Bulletin. The Ministry had provided templates for two new regulations, entry to practice/registration and fees. The Council reviewed and revised drafts prepared by the Chair of the Registration Committee and of the Working Party, the Board Chair, the Associate Registrar and the Board Executive. The Council agreed that

no regulation would be submitted for examinations as these provisions exist in the information prepared for applicants for registration.

In addition to the five "core" regulations, the Council also approved for submission Regulations respecting assignment and delegation of the controlled act. A draft of this regulation was also published in the December, 1992 Bulletin.

Once approved by Council copies of the proposed regulations together with the rationales for profession-specific provisions, which departed from the MOH template, were forwarded to the Ministry of Health, Professional Relations Branch, and to the Health Professions Regulatory Advisory Council. They have also been submitted to the Board's legal Council and are here published in the Bulletin for review by members of the profession.

The Ministry has sent the Council-approved regulations to its own legal advisors and legislative draftspeople, who have sought clarification on some items. The Ministry has committed to providing College Councils with revised versions of the core regulations by the end of September. ■

The Ontario Board of Examiners in Psychology Regulations Diagnosis and Delegation

Regulation made under the authority of RHPA, 1991, s.28(1) & (2):
Delegation of the Controlled Act.

1. Any member of the College authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the controlled act defined by the Regulated Health Professions Act, 1991, section 27(2)1, and by the Psychology Act, 1991, section 4 may delegate the controlled act to any other member of the College, subject to the terms, conditions and limitations imposed on the certificate of

registration of the member to whom the performance of the controlled act is delegated.

Regulation made under the authority of RHPA, 1991, s.95(1)8:
Assignment of the Controlled Act.

2. The controlled act defined by the Regulated Health Professions Act, 1991, section 27(2)1, and by the Psychology Act, 1991, section 4 is assigned to those members authorized to use the regulated title: "psychologist". ■

The Ontario Board of Examiners in Psychology

Proposed regulation made under the authority of section 95(1): Election of Council Members

Electoral Districts

- 1 (1) The following electoral districts are established for the purpose of the election of members to the Council:
- 1 Electoral District 1 (North) to be composed of the districts and counties of Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Manitoulin, Nipissing, Sudbury (municipal), Sudbury (District), Timiskaming, Parry Sound, Muskoka;
 - 2 Electoral District 2 (South West) to be composed of the counties of Bruce, Elgin, Essex, Grey, Huron, Kent, Lambton, Middlesex, Oxford, Perth;
 - 3 Electoral District 3 (Central West) to be composed of the counties of Brant, Dufferin, Haldimand and Norfolk, Halton, Hamilton-Wentworth, Niagara, Waterloo, Wellington;
 - 4 Electoral District 4 (East) to be composed of the counties of Frontenac, Hastings, Lanark, Leeds and Grenville, Lennox and Addington, Ottawa-Carleton, Prescott and Russell, Prince Edward, Renfrew, Stormont, Dundas, and Glengarry;
 - 5 Electoral District 5 (Central East) to be composed of the counties of Durham, Haliburton, Northumberland, Peel, Peterborough, Simcoe, Victoria, York;
 - 6 Electoral District 6 (Metro Toronto) to be composed of Metropolitan Toronto.
 - 7 Electoral District 7 (ACADEMIC) to be composed of Post Secondary Educational Institutions in Ontario granting Graduate Level Degrees in Psychology.
- (2) The electoral district in which a member is eligible to vote is the district in which, on 1st January, the member principally practices, or if the member is not engaged in the practice of psychology in Ontario, the district in which, on that day, the member principally resides. A member may vote in only one electoral district.

Number of members elected

- 2 The number of members to be elected in each of electoral district 1,2,3,4, and 5 is one.
The number of members to be elected in electoral district 6 and 7 is two.

Terms of office

- 3(1) The term of office of a member elected to the Council is three years.

- (2) At the first meeting of the Council following proclamation, a member of the Council appointed by the Lieutenant Governor in Council shall draw lots to assign electoral districts to the election years specified in 4(1) to (4) below.

Election date

- 4(1) An election of members to the Council shall be held in the month of March 1994, and in every third year after that for electoral districts [enter numbers after draw].
- (2) An election of members to the Council shall be held in the month of March 1994; March 1995, and in every third year after that for electoral districts [enter numbers after draw].
 - (3) An election of members to the Council shall be held in the month of March 1994; March 1996, and in every third year after that for electoral districts [enter numbers after draw].
 - (4) An election of one member to the Council shall be held in the month of March 1994; and in every third year after that for electoral districts 6 and 7.
 - (5) An election of one member to the Council shall be held in the month of March 1994; March 1996, and in every third year after that for electoral districts 6 and 7.
 - (6) The Council shall set the date in the month for each election of members to the Council.

Eligibility for election

- 5 (1) A member is eligible for election to the Council in electoral districts 1-6 if, on the date of the election,
- (a) the member is engaged in the practice of psychology in the electoral district for which he or she is nominated, or, if the member is not engaged in the practice of psychology in the electoral district, is resident in the electoral district for which he or she is nominated;
 - (b) the member is not in default of payment of any fees prescribed in this regulation;
 - (c) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of election;
 - (d) the member's certificate of registration has not been subject to a term, condition or limitation as a result

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of a disciplinary action within the last two years.

5 (2) A member is eligible for election to the Council in electoral district 7 if on the date of the elections,

- (a) the member holds a full-time appointment in a prescribed university in Ontario;
- (b) the member is not in default of payment of any fees prescribed in this regulation;
- (c) the member's certificate of registration has not been revoked or suspended in the six years proceeding the date of election;
- (d) the member's certificate of registration has not been subject to a term, condition or limitation as a result of a disciplinary action within the last two years.

Registrar to supervise nominations

6 The Registrar shall supervise the nomination of candidates.

Notice of election and nominations

7 No later than 90 days before the date of an election, the Registrar shall notify every member who is eligible to vote of the date, time and place of the election and of the nomination procedure.

Nomination Procedure

- 8 (1) The member may stand for election in only one electoral district in which he or she is an eligible voter.
- (2) The nomination of a candidate for election as a member of the Council shall be in writing and shall be given to the Registrar at least 45 days before the date of the election.
 - (3) The nomination shall be signed by the candidate and by at least 5 members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.
 - (4) A candidate may withdraw his or her nomination for election to the Council by giving notice to the Registrar in writing. Such notice shall be given not less than 15 days before the date of the election.
 - (5) The Registrar shall, at least 30 days before the date of the election, notify every member who is eligible to vote of the nominations received, and shall notify every member that further nominations will be received for the vacancy until 15 days before the date of the election.

Acclamation

9 If the number of candidates nominated for an electoral district is less than or equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

Registrar's electoral duties

10 (1) The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty the Registrar may, subject to the by-laws,

- (a) appoint returning officers and scrutineers;
- (b) establish a deadline for the receiving of ballots;
- (c) establish procedures for the opening and counting of ballots;
- (d) provide for the notification of all candidates and members of the results of the election; and
- (e) provide for the destruction of ballots following an election.

(2) No later than 10 days before the date of an election, the Registrar shall send to every member eligible to vote in an electoral district in which an election is to take place, a list of the candidates in the electoral district, a ballot and an explanation of the voting procedure as set out in the by-laws.

Number of votes to be cast

- 11 (1) A member may cast as many votes on a ballot in an election of members to the Council as there are members to be elected to the Council from the electoral district in which the member is eligible to vote.
- (2) A member shall not cast more than one vote for any one candidate.

Tie votes

12 If there is a tie in an election of members to the Council, the Registrar shall break the tie, by lot.

Recounts

- 13 (1) A candidate may require a recount by giving a written request to the Registrar no more than 30 days after the date of an election.
- (2) The Registrar shall hold the recount no more than 15 days after receiving the request.

Interruption of Mail Service

14 Where there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of the nomination or election for such period of time as the Registrar considers necessary to compensate for the interruption.

Disqualification of elected members

- 15 (1) The Council shall disqualify an elected member from sitting on the Council if the elected member,
- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
 - (b) is found to be an incapacitated member by a panel of

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BOARD NOTICES

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

Disciplinary Hearing

A hearing of a Discipline Tribunal of The Ontario Board of Examiners in Psychology convened on June 17, 1992 to hear allegations against Dr. X, a registered psychologist.

The Allegations It was alleged that Dr. X was guilty of professional misconduct in that he failed to maintain the standards of practice of the profession in connection with a report he prepared dated October 15, 1990 regarding custody of C, D, and E, the children of A and B.

The Particulars The particulars of the allegations were as follows:

1. Dr. X's report dated October 15, 1990 failed to maintain professional standards in that:

a) he did not obtain adequate clinical histories or adequate background information including relevant developmental history data concerning A, B, C, D or E, or did not report such histories,

b) he did not obtain adequate information about the day to day parenting responsibilities that had been assumed by A and B prior to the marital difficulties, or did not report such information,

c) he did not explore and report adequately on the strengths of A and B in his reporting of both the test data and the observation data,

d) he did not explain adequately how the personality traits of A and B, as set out in his report, would affect their ability to parent,

e) he did not obtain sufficient external evidence to confirm his opinions, or did not report such evidence, in particular the following:

(i) he did not communicate with other professionals who may have had relevant information concerning the family or the children including but not limited to the marriage counsellor and the children's teachers,

(ii) he did not communicate with members of A's extended family, although he referred in his report to the support or lack of support from the extended family as an important factor in his recommendations,

f) he drew conclusions about the parenting ability of A and B based on an inadequate amount of time spent interviewing the family members and an inadequate observation of the interactions between the adults and the children,

g) he did not conduct the custody assessment in a fair and even-handed manner in that:

(i) he interviewed A together with the children but he did not interview B together with the children,

(ii) he interviewed A alone for 2.5 hours while he interviewed B alone for 8 hours,

h) he did not report considerations as to the validity of the test data which he used in part in determining parenting ability,

i) he did not present sufficient data to support the conclusions drawn by him from the data of the psychological tests that he used,

j) he drew conclusions about the parenting ability of A and B without presenting sufficient data to support

those conclusions,

k) he drew conclusions about the ability of A and B to provide financially for their children without presenting sufficient data to support those conclusions,

l) he drew conclusions about the ability of A to find a good male role model for the children without presenting sufficient data to support those conclusions,

m) he drew conclusion about the support system that A would have in the City of Y and the support system that B would have in the city of Z without presenting sufficient data to support those conclusions,

n) he drew conclusions about possible consequences for the children's relationship with B if A was awarded custody without presenting sufficient data to support those conclusions,

o) he did not have regard to pertinent psychological factors and considerations in purporting to determine the best interests of the children, including but not limited to the intellectual, emotional and developmental needs of the children,

p) he did not have regard to the factors set out in the Children's law Reform Act in purporting to determine the best interests of the children, including but not limited to:

(i) the love, affection and emotional ties between the children, the persons applying for custody, the other family members and other persons involved in the children's care and upbringing,

(ii) the views and preferences of the children, and

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(iii) the ability and willingness of the persons applying for custody to provide the children with guidance and education and to meet any special needs of the children.

q) he made recommendations as to custody and access in his report that were not based on or supported by psychological data or evidence,

r) he made recommendations as to custody arrangements which were based in part on assumptions and conclusion in areas in which he as a psychologist had no professional expertise,

s) he did not follow generally accepted procedures for conducting and reporting on custody and access assessments as described in:

(i) the Custody / Access Assessment Guidelines published by the Ontario Psychological Foundation, and referred to in the December, 1988 and July 1989 issues of The Bulletin,

(ii) the current psychological literature,

(iii) an article that appeared in the April, 1988 issue of The Bulletin entitled "Custody and Access Assessments", and

(iv) an article that appeared in the July, 1990 issue of The Bulletin entitled "Conducting Custody and Access Assessments: Supplementary Comments".

2. Dr. X obtained A's consent to provide his report to the court although he knew or ought to have known that she had not had an opportunity to read the report and she had not had an opportunity to obtain advice from her legal counsel as to whether the report should be submitted to the court.

Procedural Matters Counsel for Dr. X requested that the proceedings be held in camera as there was information regarding young children detailed in the various submissions. The Board's counsel indicated that intimate details of a family were part of the evidence, that she had no objection to the proceedings being held in camera, and that the proposed disposition of the case provided support for holding proceedings in camera.

The Tribunal decided to conduct the proceedings in camera.

The Plea Dr. X entered a plea of guilty to the charge of professional misconduct under the Psychologists Registration Act, R.S.O., 1980, Chapter 404.

The Decision It was the decision of the Tribunal that Dr. X was guilty of professional misconduct under the Psychologists Registration Act, R.S.O., 1980, Chapter 404.

Reasons for the Decision The Board's counsel entered into evidence a document brief which contained the following:

1. Notice of Hearing, dated December 12, 1991.

2. The complaint of A, dated February 26, 1991, with supporting documentation.

3. Dr. X's response to the complaint, dated April 8, 1991, and a letter to Dr. X from the Assistant Registrar of the Ontario Board of Examiners in Psychology, dated May 14, 1991.

4. A response of A to Dr. X's response to the complaint.

5. Dr. X's letter, dated September 18, 1991, in response to a letter from the Assistant Registrar dated June 21, 1992.

6. A copy of the custody and access report on the family, dated October 15,

1990.

7. An evaluation of the custody and access report of Dr. X, prepared by Dr. S, an expert in the area of custody and access, dated September 16, 1991.

The Board's counsel also entered into evidence an Agreed Statement of Facts.

The Board's counsel submitted that Dr. X's report did not provide sufficient data to justify his conclusions, and that this matter was serious in any psychological endeavour, but especially serious in custody and access work.

Based on the information contained in the document brief, and the Agreed Statement of Facts, the Tribunal found Dr. X guilty of the charges outlined in the Notice of Hearing, and accepted his plea of guilty.

The Penalty The Tribunal ordered that the penalty awarded to Dr. X would be as follows:

1. The Tribunal would administer a reprimand to Dr. X.

2. The facts and decision of the Tribunal in this matter would be published in The Bulletin of The Ontario Board of Examiners in Psychology together with Dr. X's name.

3. Dr. X's Certificate of Registration would be suspended for a period of three months.

4. The penalties described in paragraphs 1, 2 and 3 above would be suspended conditional upon the agreement of Dr. X to undergo an assessment of his assessment and report-writing skills by an appropriate individual to be selected by The Ontario Board of Examiners in Psychology and to carry out any refresher training recommended by the assessor. The services of the assessor and any refresher training directed by the assessor to be carried out by Dr. X would be paid

for by Dr. X. Following the assessment and the completion of refresher training, if any, a report would be prepared by the assessor and the within hearing would be reconvened. Dr. X would be at liberty to request the hearing to be reconvened no sooner than six months following June 17, 1992 but the hearing must be reconvened no later than June 17, 1993. If the report provided by the assessor was favourable and acceptable to the Discipline Committee, the penalties referred to in Paragraphs 1, 2, and 3 above would not be entered or be made effective. However, a summary of the facts of this case without Dr. X's name or the names of those involved would be included in The Bulletin for the educational and informational purposes of the profession.

5. Dr. X must undertake not to carry out any assessment in the area of custody and access until and unless he can furnish proof satisfactory to The Ontario Board of Examiners in Psychology that he is competent to do so.

6. Dr. X must recognize and agree that any breach of the terms and conditions of this disposition would be grounds for further disciplinary action.

7. Dr. X and the assessor to be chosen by the Board must agree to be bound by the Board's "Guidelines for Evaluation of Psychologists Who Have Been Disciplined".

Dr. X was ordered by the Tribunal to provide the assessor with access to any confidential documents necessary to fulfil the obligations of the assessor.

Reasons for the Penalty The Board's counsel entered into evidence a Joint Submission as to penalty, and an undertaking signed by Dr. X. She submitted that the penalty was severe enough and in keeping with the charges while reflecting Dr. X's continuing cooperation. She indicated that the Joint Submission as to

penalty protected the interests of the public and that Items 1, 2 and 3 reflect the seriousness of the charges but that these are balanced by paragraphs 4, 5, 6, and 7. Dr. X's counsel indicated that Dr. X regretted the shortcomings in his report, that he considered it to be a serious matter, and that Dr. X had every intention of meeting the standards of practice.

The Tribunal accepted the Joint Submission as to penalty and the signed undertaking as adequately serving the public.

Temporary Adjournment The hearing was adjourned in accordance with paragraph 4, in the Joint Submission as to Penalty.

Reconvening of the Hearing The hearing reconvened on June 8, 1993 to consider the matter of the penalty.

Final Decision The Tribunal reviewed the original document brief, the original Agreed Statement of Facts, and Dr. X's undertaking.

Dr. R had been appointed by The Ontario Board of Examiners in Psychology to conduct the assessment of Dr. X's assessment and report-writing skills, in accordance with paragraphs 4 and 7 of the penalty as set out in the Interim Decision of the Tribunal.

At the hearing on June 8, 1993, the Tribunal received the following documents in evidence:

- a) a letter from Dr. R to the Associate Registrar of The Ontario Board of Examiners in Psychology, dated December 16, 1992,
- b) a letter from Dr. X to Dr. R dated May 17, 1993, and
- c) a letter from Dr. R to the Associate Registrar, dated May 31, 1993.

The Tribunal reviewed these documents, and the Tribunal was informed that the Associate Registrar was satisfied that the conditions set out in the Interim Decision with respect to Dr. X's undertakings and responsibilities had been fulfilled. The Tribunal was also informed by counsel for the Board that the Board was satisfied that Dr. X had cooperated with the Board and that he had submitted to a review of his assessment and report writing skills. In this context, counsel for Dr. X indicated, on behalf of Dr. X that Dr. X appreciated Dr. R's assistance.

In light of the reports submitted by Dr. R, neither counsel nor any of the Tribunal members found it necessary to question Dr. R.

Upon a full review of the documents filed, and the submission made by counsel on behalf of the Board and Dr. X, the Tribunal decided that Dr. X had fulfilled the requirements outlined in paragraph 4 of the penalty as set out in the Interim Decision.

In the circumstances, the Tribunal ordered that paragraphs 1, 2, and 3 of the Penalty portion of the Interim Decision would not apply, as Dr. X had met the conditions set out in paragraph 4.

Counsel for the Board submitted that paragraphs 5 and 6 of the Penalty portion of the Interim Decision continue to apply. Upon a review of all of the material the Tribunal agreed. Counsel for Dr. X, on behalf of his client, concurred and agreed that Dr. X should be required to adhere to paragraph 5 of the Interim Decision. That is, Dr. X must not carry out any assessment in the area of custody and access until and unless he furnishes proof satisfactory to The Ontario Board of Examiners in Psychology that he is competent to do so. Through his counsel, Dr. X also concurred and agreed that any breach of these terms and conditions on his registration would constitute grounds for further disciplinary action. ■

Dr. Donald Proud

On January 12, 1993, Dr. Donald Proud was charged with professional misconduct and conduct unbecoming a psychologist.

The particulars of the allegations were as follows:

- a) He purchased marijuana from Ms. X while she was his client.
- b) He requested that Ms. X sell marijuana to him while she was his client although he knew or should have known that Ms. X has a background of substance abuse.
- c) He used confidential information that he had obtained in the context of the therapeutic relationship with Ms. X to attempt

to obtain an advantage for himself in his personal relationship with Ms. X.

- d) He used confidential information that he had obtained in the context of the therapeutic relationship with Ms. X in a manner which he knew or ought to have known would not be in the best interest of Ms. X.
- e) He consumed alcohol with Ms. X although he knew or should have known that Ms. X had a background of alcohol addiction.

A hearing was scheduled to take place on May 18, 19 and 20, 1993. However, in a letter to the Registrar dated May 10, 1993 Dr. Proud indicated that he intended to

retire and that he intended to resign his registration as a psychologist as of May 15, 1993.

The hearing did not proceed as the Board lost its jurisdiction over Dr. Proud when he resigned his registration. However, Dr. Proud was informed that if he should apply for registration as a psychologist in the province of Ontario, the charges would be re-activated and the hearing would proceed.

Dr. Proud was also informed that he may no longer represent himself to the public using the terms "psychologist", "psychology" or "psychological" as these are protected terms under the Psychologists Registration Act. ■

Dr. George Matheson

A Discipline Tribunal of the Ontario Board of Examiners in Psychology convened on May 7, 1993 to hear charges against Dr. George Matheson, a registered psychologist. The Tribunal found Dr. George Matheson guilty of professional misconduct, malpractice and conduct unbecoming a psychologist in his treatment of and his relationship with his client Ms. X. The following Agreed Statement of Facts was submitted to the Tribunal and Dr. Matheson submitted a guilty plea based on the following facts:

- 1. Dr. George Matheson began providing services to Ms. X on or about March 16, 1992 and she continued to be his client until in or about September of 1992. In or about May of 1992 Dr. Matheson began to touch Ms. X inappropriately during therapy sessions.
- 2. Dr. Matheson began a sexual relationship with Ms. X in or about June of 1992 and this relationship continued in or about August of 1992

3. Dr. Matheson used information that Ms. X had provided to him in the therapeutic relationship to manipulate her into having a sexual relationship with him.

4. Dr. Matheson used information that Ms. X had provided to him in the therapeutic relationship to manipulate her into continuing the sexual relationship.

5. Dr. Matheson persuaded Ms. X to continue her relationship with him although she advised him on a number of occasions that she felt it was harmful to her, that she was distressed by the relationship, and that she was having other difficulties as a result of her distress.

6. Dr. Matheson did not provide Ms. X with the therapy that she required once the sexual relationship began.

7. Dr. Matheson issued statements of account purporting to be for therapy for sessions in the month of July and August 1992 for dates on which he had sex with Ms. X but where no therapy occurred.

8. Dr. Matheson issued statements of account purporting to be for therapy for sessions on September 18 and 25, 1992 although on those dates he did not see Ms. X at all.

9. Dr. Matheson repaid to Ms. X before being charged with professional misconduct on January 19, 1993, the full amount improperly billed her as set out in paragraphs 7 and 8 herein.

The Tribunal accepted the facts as set out in the Agreed Statement of Facts and made its finding of guilt based upon the Agreed Statement of Facts filed upon the consent of counsel for the Board and for Dr. Matheson. The Tribunal ordered as a penalty in this matter that the certificate of registration of Dr. George Matheson be cancelled.

On August 6, 1993, the Board's legal council received a copy of a Notice of Appeal filed by Dr. Matheson ■

Dr. Clyde Lansdell

On March 22, 1993 Dr. Lansdell was charged with professional misconduct, malpractice and conduct unbecoming a psychologist with respect to his treatment of and his relationship with his client, Ms. X.

The particulars of the allegations were as follows:

1) Dr. Lansdell began providing services to Ms. X in or about September 1987 and she continued to be his client until in or about August 1991. In or about May 1988 he began to touch Ms. X inappropriately during therapy sessions.

2) Dr. Lansdell began a sexual relationship with Ms. X in or about November 1988 and this relationship continued until in or about August 1991.

3) Dr. Lansdell exploited and violated the trust and dependency placed on him by Ms. X in that he used information that Ms. X provided to him in her therapeutic relationship with him to manipulate Ms. X into engaging in sexual practices with him.

4) Dr. Lansdell used information that Ms. X provided to him in her therapeutic relationship with him for his own personal advantage in a manner that he knew or should have known would be harmful to Ms. X.

5) Dr. Lansdell coerced Ms. X into having sexual contact with him and engaging in sexual practices with him although she advised him on a number of occasions that she did not wish to do so.

6) Dr. Lansdell used his position of authority as a court-ordered therapist for Ms. X's husband Mr. X to manip-

ulate Ms. X and to pressure her into engaging in sexual practices with Dr. Lansdell.

7) Dr. Lansdell became involved in a dual relationship with Ms. X by assisting Ms. X in obtaining employment at his place of employment while she and her husband were his clients.

8) Dr. Lansdell used his position of authority at Ms. X's place of employment to manipulate Ms. X and to pressure her into engaging in sexual practices with him.

9) Dr. Lansdell acted in a manner evidencing a blatant disregard for the welfare and psychological well-being of his client, Ms. X in that once the sexual relationship began he ceased to provide Ms. X with the therapy that she required.

10) After his sexual relationship with Ms. X began Dr. Lansdell continued to charge fees to Ms. X for his professional services although he ceased to provide the services that she required.

11) Dr. Lansdell violated the confidentiality of Ms. X and her husband Mr. X by providing to Ms. X information that he received from her husband, Mr. X in the course of Dr. Lansdell's therapeutic relationship with Mr. X.

12) Dr. Lansdell placed his own interests ahead of the interests of his client Ms. X in that he used counselling sessions with Ms. X to discuss his own personal problems.

On March 22, 1993 Dr. Clyde Lansdell was also charged with professional misconduct, malpractice

and conduct unbecoming a psychologist with respect to his treatment of and his relationship with his client, Mr. X.

The particulars of the allegations were as follows:

1) Dr. Lansdell began providing psychological services to Mr. X and to Mr. X's wife, Ms. X, in or about September 1987. Ms. X continued to be his client until in or about August 1991 and Mr. X continued to be his client until in or about 1991. While Dr. Lansdell was providing psychological services to Mr. X and to his wife, Ms. X, Dr. Lansdell engaged in a sexual relationship with Ms. X. The sexual relationship began in or about November 1988 and it continued until in or about August 1991.

2) Dr. Lansdell used information that Mr. X provided to him in his therapeutic relationship with Mr. X to manipulate Mr. X's wife, Ms. X, into having a sexual relationship with Dr. Lansdell.

3) Dr. Lansdell exploited and violated the trust and dependency placed on him by Mr. X in that he used information that Mr. X provided to him in his therapeutic relationship with Mr. X for his own personal advantage in a manner that he knew or should have known would be harmful to Mr. X.

4) Dr. Lansdell used his professional knowledge of Mr. X's problems and vulnerabilities to manipulate Mr. X's wife, Ms. X, into engaging in sexual practices with Dr. Lansdell.

5) Dr. Lansdell used his position of authority as a court-ordered therapist

Continued on next page

Continued from page 9

for Mr. X to manipulate Mr. X's wife, Ms. X, and to pressure Ms. X into having a sexual relationship with Dr. Lansdell.

6) Dr. Lansdell deceived and exploited Mr. X in that he led Mr. X to believe that he was acting in Mr. X's best interest as Mr. X's therapist while he was instead putting his interests ahead of Mr. X's interests by carrying on a sexual relationship with Mr. X's wife without Mr. X's knowledge.

7) Dr. Lansdell acted in a manner evidencing a blatant disregard for the welfare and psychological well-being of his client Mr. X in that once he began a sexual relationship with Mr. X's wife, Ms. X, he ceased to provide Mr. X with the therapy that Mr. X required.

8) After Dr. Lansdell's sexual relationship with Ms. X began he continued to charge fees to Mr. X for his professional services although Dr. Lansdell ceased to provide the services that Mr. X required.

9) Dr. Lansdell failed to carry out his court-ordered duty to provide Mr. X with the therapy that he required.

10) Dr. Lansdell violated the confidentiality of Mr. X by providing to Mr. X's wife, Ms. X, information that he received from Mr. X in the course of his therapeutic relationship with Mr. X.

On April 23, 1993 a Tribunal convened to hear the charges against Dr. Lansdell. Counsel for the Board and counsel for Dr. Lansdell appeared before the Tribunal. Through his counsel Dr. Lansdell admitted that

the sexual relationship with Ms. X alleged in the Notice of Hearing had taken place and he entered a plea of guilty to those particulars of professional misconduct.

Dr. Lansdell's counsel indicated that Dr. Lansdell disputed the other particulars of professional misconduct with regard to Ms. X and with regard to Mr. X and that accordingly a further hearing with respect to the disputed facts would be required.

It was agreed that the Tribunal would reconvene on August 25, 26 and 27, 1993 to hear evidence relevant to the penalty and to decide on the penalty to be imposed on Dr. Lansdell. It was also agreed that the Tribunal would consider the allegations that were in dispute at that time.

Dr. Lansdell agreed to an immediate suspension of his certificate of registration effective April 23, 1993 pending the resolution of the discipline hearing. The Tribunal indicated that while under suspension Dr. Lansdell could not practice as a psychologist, or conduct any kind of practice involving counselling without making it entirely clear to members of the public that he is not a psychologist.

Dr. Lansdell did not pay his registration fee as of May 31, 1993 and the Board therefore lost its jurisdiction over Dr. Lansdell. Dr. Lansdell's counsel was advised by counsel for the Board that the Tribunal would be unable to reconvene on August 25, 1993 unless Dr. Lansdell paid his registration fee. Dr. Lansdell's counsel indicated that Dr. Lansdell did not intend to pay his registration fee. The hearing that had been scheduled for August 25, 26 and 27, 1993 was

therefore cancelled.

Dr. Lansdell was informed that in the event he ever sought to renew his certificate of registration as a psychologist, a hearing would be convened to impose a penalty upon him in relation to this matter. He was informed that the Board would also proceed to a hearing in relation to the allegations that had been disputed by him.

Dr. Lansdell was also informed that he may no longer represent himself to the public using the terms "psychologist", "psychology" or "psychological" as these are protected terms under the Psychologists Registration Act.

Ψ BULLETIN

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

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The Bulletin is published quarterly. Subscriptions for Ontario psychologists are included in their registration fee. Others may subscribe at \$10.00 per year, or \$2.50 per single issue. We will also attempt to satisfy requests for back issues of the Bulletin at the same price.

Chart 1
**COMPLAINTS AGAINST PSYCHOLOGISTS IN ONTARIO:
BY SUBJECT OF COMPLAINT***
JUNE 1, 1992 TO MAY 31, 1993

SUBJECT OF COMPLAINT	NUMBER
PERSONAL CONDUCT	
Sexual impropriety **	17
Dual relationship, conflict of interest	2
PROVISION OF SERVICES	
Inadequate handling of termination	1
Assessment for:	
Custody & Access	20
Sexual abuse	2
Employment	1
Other	7
Confidentiality	2
Practising outside the area of competence	4
Insensitive treatment of clients	5
Fitness to practice, competence	3
Failure to respond to a request in a timely manner	3
Failure to obtain informed consent	0
Failure to provide services sought	4
CONDUCT IN PROFESSIONAL RELATIONS	
Supervision of personnel	4
Conduct toward a colleague	4
Conduct toward an employee	1
MANAGEMENT OF PRIVATE PRACTICE	
Advertising & announcements, public statements	3
Fees & billing	3
COMPLAINT UNCLEAR	0
TOTAL	86

*6 of the 86 complaints concerned Temporary Registrants or persons who had applied for admission to the Temporary Register. These were referred to the Registration Committee of the Board.

**These 17 complaints concerned 9 psychologists

Chart 3
**SUMMARY OF HEARINGS HELD BETWEEN JUNE 1, 1992
AND MAY 31, 1993 AND HEARINGS TO BE HELD BETWEEN
JUNE 1, 1993 AND MAY 31, 1994**

Charges laid between June 1, 1992 and May 31, 1993	7
resulting in hearings held between June 1, 1992 and May 31, 1993	4
resulting in hearing to be held between June 1, 1993 and May 31, 1994	2
resulting in hearing scheduled to take place between June 1, 1992 and May 31, 1993, but cancelled due to loss of jurisdiction	1
Charges laid prior to June 1, 1992 and May 31, 1993	1
resulting in hearing held between June 1, 1992 and May 31, 1992	1

Chart 2
**DISPOSITION OF COMPLAINTS RECEIVED AGAINST
PSYCHOLOGISTS OR VIOLATIONS NOTED**
JUNE 1, 1992 TO MAY 31, 1993

DISPOSITION OF COMPLAINT	NUMBER
MATTER CLOSED	
Complaint withdrawn	9
Complaint dismissed	6
Letter of concern	1
Invitation held or recommended	3
No jurisdiction*	13
Charges laid or recommended**	3
Hearing held***	8
Registration or renewal refused	0
Additional requirements imposed by Registration Committee	2
CASE ACTIVE	
In progress of investigation	41
TOTAL	86

*Lack of jurisdiction may be due to various factors i.e. resignation of psychologist, revocation of psychologist or subject matter of complaint.

**In one case the Board lost jurisdiction after charges were laid.

***Although 8 complaints resulted in a hearing, in one case there was more than one complaint against the same psychologist resulting in one hearing. See chart 3 for the actual number of hearings.

Chart 4
**DISPOSITION OF COMPLAINTS RECEIVED AGAINST
PSYCHOLOGISTS OR VIOLATIONS NOTED JUNE 1, 1991 TO
MAY 31, 1992**

DISPOSITION OF COMPLAINT	NUMBER
MATTER CLOSED	
Complaint withdrawn	9
Complaint dismissed	6
Letter of concern	11
Invitation held or recommended	7
No jurisdiction	8
Charges laid or recommended	0
Hearing held	0
Registration or renewal refused	0
CASE ACTIVE	
In progress of investigation	0
TOTAL	41

Additions to the Temporary Register since January, 1993

William Ammons	Brigitte Matthies
Marian Belciug	Lorraine McFadden
Rafael Bergamasco	Anne McHugh
Clifford Berish	Lisa Medlock
Lillian Burke	Lise Mercier
Alessandra	Paula Moncion
Capodilupo	Mary Ann Mountain
Mary Caravias	Carol Musselman
Joseph E. Casey	Danielle Nahon
Michael Chown	Gjylena Nexhipi
Diane Claude	Ian Nicholson
John Cole	George O'Connor
Lucien Cortis	Judith Pilowsky
Brian Cox	Terryl Portigal
Alison Day	Paul Ritvo
Paula Gardner	Sylvia Rizwan
Terry Garling	Patricia Roberts
Deborah Hall	Susan Ruscher
James Horley	David Schwartzbein
Suzanne Jamail	Bonnie Seidman
Elisabeth Joly	Adrian Sibian
Colin Jones	Sheldene Simola
Richard Kercz	Irit Sterner
Betty Kershner	Paul Szabo
Naomi Kesrenbaum	Martin Tatz
Sally Kuehn	Sandra Ulch
Myra Kuksis	Alexandra Urbanowicz
Christopher Lane	Jeanne Watson
Denis A. LaPalme	Alex Weinberger
Deborah Leonoff	Stacey Whyne Berman
Peggi Liswood	Paraskevoulia Xinaris
Alison Longhorn	Trudi Yeager

Additions to the Permanent Register since January, 1993

Emanuel Alkalay	Christine Morel
Timothy Aubry	Vuyo Mpuhlwana
Ross Beauchamp	Heather Nogrady
Pamela Beharry	Gisèle Pharand
Cynthia Brooks	Marie Piskopos
Andrée Cazabon	Maria Ramsay
Valerie Daigen	Christine Rattenbury
Lori Della Malva	Paul Ritvo
Ruth Donnelly	Anne Robinson
Anthony Glover	Lois Rosine
Carol Harris	Renée Sananes-Spiegel
Terri-Ann Hewitt	Jennifer Shillingford
Laurence Hunt	David Simourd
Naresh Issar	Moira Somers
Linda Johnston	Robert Stevens
Jeffrey Jutai	Mary Stewart
Krishna Khalsa	Josephine Tan
Catherine Koverola	Kim Wamsley
Elizabeth Levin	Molly Weaver
Elizabeth Lynett	Suzanne Weld
Lott Mamabolo	Martha Wright
Margaret Matthews	Percy Wright
Jane McCully	Sharon Zeitlin
Gerald McFadden	
Lora Moller	

The Examination for Professional Practice in Psychology was administered on April 14, 1993 in London, Ottawa, Thunder Bay and Toronto. The Board appreciates the assistance of Dr. David Evans, Ms. Connie Learn, Dr. Jane Ledingham, Dr. Rod Martin, Ms. Stephanie Morton, and Dr. Alastair Younger.

OBITUARIES

The Board has learned with regret of the death of three registrants, and extends its condolences to their families, friends and professional colleagues.

Dr. Gerald Carpenter was registered in 1973 with certificate #862, following undergraduate work at the University of Ottawa and graduate work at York University. Dr. Carpenter's expertise lay in the field of personnel, industrial and organizational psychology.

Mr. James Spence was registered in 1964 with certificate #264, following undergraduate work at the University of Western Ontario and graduate work at the University of Toronto. He worked for a number of years at the North York Board of Education.

Dr. Stephen Klaiman was registered in 1980 with certificate #1378, following undergraduate work at McGill University and graduate work at the University of Waterloo and the University of Ottawa. Dr. Klaiman was employed by the Children's Hospital of Eastern Ontario and later was in private practice.

NEW BOARD MEMBER

The Board is pleased to announce that the Lieutenant Governor in Council has appointed Mr. Gilles Gagnon of Hearst as a new public Board member to replace Ms. Deborah Brooks of Sauff Ste. Marie, whose term expired January of this year.

Mr. Gagnon brings with him extensive experience in health administration including his progressing to the position of Executive Director of Notre Dame Hospital in Hearst.

Among many public activities, he continues to serve as mayor of Hearst. ■

Oral exams were held in Toronto on June 3 and 4, 1993. The Board would like to thank the following psychologists for assisting the Board in conducting these examinations:

- JANICE BAKER, Ph.D., Senior Psychologist, Halton Board of Education
- ELSPETH BAUGH, Ph.D., Dean of Women, Queen's University
- ELIZABETH CALDER, Ph.D., Psychoeducational Consultant, Peel Board of Education / Private Practice
- DARLA DRADER, Ph.D., Psychologist, Private Practice
- HENRY EDWARDS, Ph.D., Dean, Faculty of Social Sciences, University of Ottawa
- RON FRISCH, Ph.D., Associate Professor, Psychology Dept, University of Windsor
- MARGARET HEARN, Ph.D., Manager, Department of Psychological Services, University Hospital
- BRIAN JONES, Ph.D., Kingston Psychiatric Hospital; Director - Regional Forensic Service Assoc. Assistant Professor Psychiatry and Psychology, Queens University;
- NINA JOSEFOWITZ, Ph.D., Consultant, Atkinson Counselling Centre, York University; Private Practice
- JOEL KANIGSBERG, ED.D., Acting Director of Psychology, Royal Ottawa Hospital
- FAITH KAPLAN, Ph.D., Psychologist, Private Practice
- LOUISE LAROSE, Ph.D., Consulting Psychologist, London Board of Education
- RITA SIMON-EAGLE, Ph.D., Psychologist, Private Practice; Consultation to Jewish Family and Child Services
- GARY SNOW, Ph.D., Psychologist, Consultant in Neuropsychology; Sunnybrook Health Science Centre
- LAWRENCE SPRENG, Ph.D., Director of Psychology; Department of Psychology, Cornwall General Hospital
- BRUCE QUARRINGTON, Ph.D., Professor Emeritus, Department of Psychology, York University
- SUE WEINSTEIN, Ph.D., Independent Consultant, Research and Evaluation

Continued from page 4

the Fitness to Practice Committee;

- (c) fails, without cause, to attend two consecutive regular meetings of the Council;
 - (d) fails, without cause, to attend two consecutive meetings of a committee of which he or she is a member; or
 - (e) ceases either to practice or reside in the electoral district for which the member was elected.
- (2) An elected member who is disqualified from sitting on the Council ceases to be a member of the Council.

Filling of vacancies

- 16(1) If the seat of an elected Council member becomes vacant in an electoral district not more than 12 months before the expiry of the member's term of office, the Council may,
- (a) leave the seat vacant;
 - (b) appoint as an elected member, the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district; or
 - (c) direct the Registrar to hold an election in accordance with this Regulation for that electoral district.
- (2) If the seat of an elected Council member becomes vacant in an electoral district more than 12 months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election in accordance with this Regulation for that electoral district.
- (3) The term of a member appointed under clause (1)(b) or elected in an election under clause (1)(c) or subsection (2) shall continue until the time the former Council member's term would have expired.

The Ontario Board of Examiners in Psychology Proposed regulation made under the authority of section 95(1)7: Committee composition

- 1 (1) The Executive Committee shall be composed of,
- (a) the President and Vice-President of the Council;
 - (b) 1 member of the Council who is a member of the College; and
 - (c) 2 members of the Council appointed to the Council by the Lieutenant Governor in Council.
- (2) The President of the Council shall be the chair of the Executive Committee.
- 2 The Registration Committee shall be composed of,
- (a) 3 members of the Council who are members of the College;
 - (b) 2 members of the Council appointed to the Council by the Lieutenant Governor in Council; and

- (c) 2 members of the College.
- 3 The Complaints Committee shall be composed of,
- (a) 2 members of the Council who are members of the College;
 - (b) 3 members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) 2 members of the College.
- 4 The Discipline Committee shall be composed of,
- (a) 6 members of the Council who are members of the College;
 - (b) 4 members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) 2 members of the College.
- 5 The Fitness to Practice Committee shall be composed of,
- (a) 2 members of the Council who are members of the College;
 - (b) 1 member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) 2 members of the College.
- 6 The Quality Assurance Committee shall be composed of,
- (a) 2 members of the Council who are members of the College;
 - (b) 1 member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) 2 members of the College.
- 7 The Client Relations Committee shall be composed of,
- (a) 2 members of the Council who are members of the College;
 - (b) 2 members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - (c) 1 member of the College.

The Ontario Board of Examiners in Psychology Proposed regulation made under the authority of sec- tions 95(4), 95(5), and 95(6): Members of the College on committees

- (1) This section applies with respect to members of a committee of the College who are members of the College but who are not members of the Council.
- (2) The term of office of a committee member is 1 year.
- (3) A member is eligible for appointment to a committee if, on the date of the appointment,
- (a) the member is engaged in the practice of psychology in Ontario, or if the member is not engaged in the practice of psychology, is resident in Ontario;

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- (b) the member is not in default of payment of any fees prescribed in this regulation;
 - (c) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment;
 - (d) the member's certificate of registration has not been subject to a term, condition or limitation as a result of a disciplinary action within the past two years
- (4) The Council shall disqualify a member appointed to a committee under subsection (3) from sitting on the committee if the member,
- (a) is found to have committed an act of professional

- misconduct or is found to be incompetent by a panel of the Discipline Committee;
 - (b) is found to be an incapacitated member by a panel of the Fitness to Practice Committee;
 - (c) fails, without cause, to attend 2 consecutive meetings of the committee or of a subcommittee of which he or she is a member;
 - (d) fails, without cause, to attend a hearing or review of a panel for which he or she has been selected; or
 - (e) ceases to either practice or reside in Ontario.
- (5) A member who is disqualified under subsection (4) from sitting on a committee ceases to be a member of the committee. ■

The Ontario Board of Examiners in Psychology Regulations: Registration/Entry to Practice

- 1 The College shall grant two types of certificate of registration, one bearing the title "Psychologist" and one bearing the title "Psychological Associate."
- 2(1) A person may apply for the issue of a certificate of registration by submitting an application to the Registrar together with the application fee.
- (2) The application fee is \$230.00.
- 3(1) The following are registration requirements for a certificate of registration.
1. The applicant must provide details of any of the following that relate to the applicant:
- (i) a conviction for a criminal offence or an offence related to the regulation of the practice of the profession;
 - (ii) a finding of professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession;
 - (iii) a current proceeding for professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession.
- (2) The following are conditions of a certificate of registration.
1. The member shall provide the College with details of any of the following that relate to the member and that occur or arise after the registration of the member:
- (i) a conviction for a criminal offence or an offence related to the regulation of the practice of the profession;
 - (ii) a finding of professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession;
 - (iii) a proceeding for professional misconduct, incompetency or incapacity, in Ontario in relation to another pro-

- profession or in another jurisdiction in relation to the profession or another health profession.
- 4(1) The following are non-exemptible registration requirements:
- (i) The applicant for registration as a Psychologist;
 - (a) must present evidence of a doctoral degree with content that is primarily psychological in nature from a program of study acceptable to the College,
 - (b) must present evidence of completing a period of postdoctoral supervised practice acceptable to the College,
 - (c) will have passed such written and oral examinations as may be prescribed by the College,
 - (d) must be able with reasonable fluency to speak/sign and write either English or French,
 - (e) will have fulfilled such other requirements as may be deemed necessary by the College.
 - (ii) The applicant for registration as a Psychological Associate;
 - (a) must present evidence of a masters degree with content primarily psychological in nature from a program of study acceptable to the College,
 - (b) must present evidence of four or more years of experience acceptable to the College,
 - (c) must have completed a period of supervised practice approved by the College,
 - (d) will have passed such written and oral examinations as may be prescribed by the College,
 - (e) must be able with reasonable fluency to speak/sign and write either English or French,
 - (f) will have fulfilled such other requirements as may be deemed necessary by the College.

(iii) for the first five years from the date of proclamation of the Regulated Health Professions Act the applicant for registration as a Psychological Associate:

- (a) must present evidence of a masters degree with content primarily psychological in nature or the completion of equivalent, relevant graduate training and education acceptable to the College;
- (b) must present evidence of five or more years of experience acceptable to the College;
- (c) must, if required by the College, complete a period of supervised practice approved by the College;
- (d) will have passed such written and oral examinations as may be prescribed by the College;
- (e) must be able with reasonable fluency to speak/sign and write either English or French;
- (f) will have fulfilled such other requirements as may be deemed necessary by the College.

- (2) The following are conditions of all certificates of registration:
- (i) the member shall practise the profession only within those areas of the member's competency approved by the College,
 - (ii) the member shall practise the profession only if, at the time of registration renewal, the member presents evidence of annual continuing education activities as required by the College.

Additional section relating to lifting of suspension for non-payment of fees

- 1 If the Registrar suspends a member's certificate of registration for failure to pay a prescribed fee, the Registrar may lift the suspension within two years of the failure to pay on the payment of:
- (a) the fee the member failed to pay;
 - (b) the fees that would have been payable had the member's certificate not been suspended; and
 - (c) any applicable penalties. ■

The Ontario Board of Examiners in Psychology Proposed Model Regulation 95(24): Defining Professional Misconduct

The following are acts of professional misconduct for the purposes of clause 51(1)(c) of the Health Professions Procedural Code:

The practice of the profession and the care of, and relationship with, clients

1. Contravening a term, condition or limitation imposed on the member's certificate of registration.
2. Failure to maintain the standards of the profession.
3. Doing anything to a client for the purpose of prevention, assessment, diagnosis, intervention or other purpose in a situation in which a consent is required by law, without such a consent.
4. Delegating a controlled act set out in subsection 27(2) of the Regulated Health Professions Act, 1991 in contravention of section _____.
5. Failing to supervise adequately a person who is under the professional responsibility of the member and who is providing a psychological service.
6. Abusing a client.
7. Practising the profession while under the influence of any substance, illness or other dysfunction which the member knows or ought to know impairs the member's ability to practise.
8. Discontinuing professional services that are needed unless,
 - (i) the client chooses to discontinue or withdraw from the service agreement,
 - (ii) reasonable efforts are made to arrange alternative services,
 - (iii) the client is given a reasonable opportunity to arrange alternative services or,
 - (iv) continuing to provide the service would place the member at serious personal risk.
9. Providing a service that the member knows or ought to know is not likely to benefit the client.
10. Practising the profession while the member is in a conflict of interest in contravention of section _____.
11. Giving information about a client to a person other than the client or his or her authorized representative except with the consent of the client or his or her authorized representative or as required or allowed by law.
12. Breaching a significant term of an agreement with a client, relating either to professional services for the client (unless necessitated by serious and/or unexpected circumstances) or to the fees for such services.
13. Failing to provide a truthful, understandable and appropriate explanation of the nature of an assessment, intervention, or other service following a client's request for an explanation.

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Representations about members and their qualifications

14. Using a term, title or designation in respect of the member's practice, in contravention of section _____.
15. Using a term, title or designation indicating a specialization in the profession in contravention of section 95(18).
16. Failing to identify oneself appropriately, as either a psychologist or psychological associate, to a client or employer when providing psychological services.
17. Failing to advise the College promptly of a change in the name used by the member in providing or offering to provide psychological services.
18. Permitting, counselling, or assisting any person who is not a member to represent himself or herself as a member of the College.

Record keeping and reports

19. Failing to keep records as required by section 95(19).
20. Making a record, or issuing or signing a certificate, report, or similar document that the member knows or ought to know is false, misleading or otherwise improper.
21. Failing, without reasonable cause, to provide a report or certificate relating to a service performed by the member, within a reasonable time, to the client or his or her authorized representative after a client or his or her or authorized representative has requested such a report or certificate.

Business practices

22. Failing to inform the client, prior to or at the commencement of a service of the fees and charges to be levied for the service, and for late cancellations or missed appointments.
23. Submitting an account or charge for services that the member knows is false or misleading.

24. Charging a fee that is excessive in relation to the service performed.
25. Charging a fee for a service that exceeds the fee set out in the schedule of fees currently published for the profession without informing the client, prior to or at the commencement of service, of the additional amount that will be charged.
26. Receiving or conferring a rebate, fee or other benefit by reason of the referral of a client from or to another person.
27. Charging a fee for an undertaking to provide an on-call service to a client unless the client is an organization.
28. Offering or giving a reduction for prompt payment of an account.
29. Failing to provide an itemized account for professional services, within a reasonable time if requested to do so by the client or the person or agency who is to pay, in whole or in part, for the services.
30. Selling any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services.

Miscellaneous matters

31. Contravening the Psychology Act, 1991, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts.
32. Contravening a federal, provincial or territorial law, or a municipal by-law, if (i) the purpose of the law, or by-law is to protect public health, or (ii) the contravention is relevant to the member's suitability to practise.
33. Influencing a client to change his or her will or other testamentary instrument.
34. Engaging in conduct or performing an act, in the course of practising the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. ■

The Ontario Board of Examiners in Psychology Annual Fees Fixed date

- (1) Every member shall pay an annual fee
- (2) The annual fee for Ontario registrants is \$500.00.
- (3) The annual fee for out-of-province registrants who do not practise in Ontario is \$150.00.
- (4) The annual fee must be paid on or before the 1st day of June, the beginning of the fiscal year.

- No later than 30 days before an annual fee is due, the Registrar shall notify the member of the amount of the fee, and the day on which the fee is due.
- (1) If a member fails to pay an annual fee on or before the day on which the fee is due, the member shall pay a penalty in addition to the annual fee.
- (2) The penalty is 10% of the annual fee. ■