



NEW COUNCIL ELECTED

On March 30, 1994, the first elections to Council for the newly proclaimed College of Psychologists of Ontario were held. A full list of candidates was presented to members who returned a 59% voter response.

The new Council held its first meeting on April 29th and 30th. The first day of the meeting consisted of an orientation and information session, attended by the newly elected members, newly appointed public members and by members of the outgoing transitional Council. The transition to the College of Psychologists was a challenging task and the College wishes to express its gratitude to the previous Council members for their commitment and tireless contribution to the process.

The Regulated Health Professions Act allows for the appointment of up to 7 public members to the College Council for terms of two years each. Two members continue from previous appointments, Mme. Huguette Boisvert and M. Gilles Gagnon and welcomed are the new public members - Ms. Marilyn Norman and Ms. Carolyn Roeser. Welcomed as well is Clifford Morris, replacing Dr. David Lumsden who has stepped down. A brief biography follows for the new public members:

Marilyn J. Norman completed her B.A. at the University of Toronto and received a B.Ed. from Queen's University. She is currently an administrator of Kincole Homes Incorporated in Kingston.

Carolyn Roeser works in the accounting field and lives in Orangeville.

Clifford R. Morris is currently a partner in Edventures, a firm offering specialty services to writers and publishers. He also works out of Barrie as a free-lance editor and writer.

Mr. Laurie Edinboro served as a public member from April 1, 1994 to August 4, 1994. Mr. Edinboro served in the Complaints Committee and the Client Relations Committee. The College would like to thank Mr. Edinboro for his contributions.

Among the business attended to, the council elected its executive and committee members. Elected to the position of President was Dr. Maggie Mamen and to the position of Vice President, Dr. Henry Edwards.

The elections regulation stipulates that the terms of office for the newly elected Council members would be determined at the first meeting. These were established as follows:

Dr. Paul King	1 year term
<i>District 1 - North</i>	
Dr. Margaret Hearn	2 year term
<i>District 2 - South West</i>	
Dr. Reg Reynolds	1 year term
<i>District 3 - Central West</i>	
Dr. Maggie Mamen	1 year term
<i>District 4 - East</i>	
Dr. Eugene Stasiak	3 year term
<i>District 5 - Central East</i>	
Dr. Nina Josewitz	3 year term
<i>District 6 - Metro Toronto</i>	
Dr. Ronald Myhr	2 year term
<i>District 6 - Metro Toronto</i>	
Dr. Henry Edwards	2 year term
<i>District 7 - Academic</i>	
Dr. Janet Polivy	3 year term
<i>District 7 - Academic</i>	
Ms. Elaine Moroney	3 year term
<i>Ex-Officio</i>	

In This Issue:	
New Council	1
Biting the Bullet	2
Standards	3
Associate Registrar Position	5
Discipline	7
Additions to the Register	11
Notices	12
Regulations	13
College Highlights	16

Biting the Bullet

As most of us know - though few may accept - early in a new mandate is the time for governments to make unpopular decisions, especially those involving new taxation. Those who faithfully read The Bulletin will already have noted that the likelihood of a fee increase or special levy has loomed on the horizon in order to cover the considerable costs incurred by the College during the transition to RHPA, the mandatory increases in Council and committee sizes resulting in a corresponding rise in expenditures, and - most significantly - the burgeoning legal costs associated with increased reporting of misconduct issues, including the sexual abuse of clients by members of the profession. For example, the College's legal bills have risen from under \$100,000 in 1992-93 to over \$300,000 in 1993-94.

These various financial obligations, along with the fixed and more predictable costs of administering the College's daily business, have escalated our expenses to the point where

we are predicting a \$230,000 deficit for the current fiscal year 1993-94. In order to cover this deficit, to place us in a position to reduce the deficit for 94-95 and to eliminate the deficit by the end of fiscal 1995-96, the College is instituting a number of measures as follows:

- (a) holding the staff salary budget at its present level
- (b) placing a fixed ceiling on legal expenses
- (c) exploring and implementing alternate dispute resolution strategies for some forms of complaint
- (d) instituting a cost recovery program for printed materials
- (e) increasing fees for the Barbara Wand Symposium
- (f) freezing all discretionary budget expense items

While these measures will help to predict expenses, they are not sufficient to place us in a viable financial situation. Therefore, the Council is proposing the following additional measures:

- (a) a one-time levy of \$100 per member in the fall of 1994; and
- (b) subject to government approval of an amendment to the fees regulation, a fee increase of \$125 as of June 1, 1995, bring the annual renewal fee to \$625.

Staff have been asked to explore alternative means for payment of the annual renewal fee in order to attempt to reduce the impact of one single lump sum payment.

The College, as usual, will be seeking formal input from the membership by circulating the proposed amendment to the regulation. In the meantime, however, we are interested in receiving your input in the form of comments, questions or suggestions, and always are looking for any possible creative solutions to our financial difficulties. Please feel free to direct any such communications to the President of the College, Dr. Maggie Mamen at the College address. ■

STANDARDS

The RHPA designates controlled acts for the various professions and provides Colleges with the authority to write regulations respecting delegation of the controlled act. (The Council approved Regulation is reprinted on page 14 of this issue.) The controlled act assigned to psychology is defined in the Psychology Act, 1991 section 4:

In the course of engaging in the practice of psychology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to communicate a diagnosis identifying, as the cause of a person's symptoms, a neuropsychological disorder or a psychologically based psychotic, neurotic or personality disorder.

The controlled act may be performed by psychologists competent to do so. Psychological associates may not perform the controlled act unless it has been delegated to them. In order to create the potential for delegation of the controlled act to competent psychological associates, the Council has passed standards prescribing the conditions which must be met for delegation to occur. Council has also established a standard prohibiting delegation to an unregulated provider. These standards are reprinted here for the reference of members of the College.

Additions to Standards: Delegating

Subject to the Regulations, a Psychologist may transfer the authority to perform the Controlled Act of Diagnosis to a Psychological Associate. In order to delegate, the following conditions shall be met:

1. The Psychologist is competent to perform the Controlled Act as specified in the Delegation Agreement, described in Principles 3 and 4.
2. The Psychologist has reasonable grounds to believe that the Psychological Associate is competent to perform the Controlled Act as specified in the Delegation Agreement.
3. A written contract, between the Psychologist and the Psychological Associate, has been completed which clearly specifies the terms of the Delegation Agreement.
4. The Delegation Agreement shall address the following:
 - A. The types of clinical diagnoses to be undertaken
 - B. The client population to be served
 - C. The setting(s) in which the controlled act will be undertaken
 - D. The nature and timing of review, as prescribed in Principle 5, of the Delegation Agreement and of the delegate's competence to perform the Controlled Act as specified in the Delegation Agreement. A record of each review should be appended to the Delegation Agreement.
5. The Psychologist shall conduct a review, at least annually, of the Delegation Agreement, and of the delegate's competence to perform the Controlled Act as specified in the Delegation Agreement.
6. In the event that the Psychologist has reasonable grounds

to believe that the delegation is no longer appropriate, the Psychologist will terminate the Delegation Agreement in writing.

Additions to Standards: Conditions for Accepting Delegation.

The Psychological Associate may accept the delegation of the authority to undertake the Controlled Act only when the following conditions are met:

7. The Psychological Associate is competent to perform the Controlled Act as specified within the Delegation Agreement.
8. A written contract has been completed which clearly specifies the terms of the Delegation Agreement according to Principle 4.
9. The Psychological Associate will participate, at least annually, in a review, conducted by the delegating Psychologist, of the Delegation Agreement and of the delegate's competence to perform the Controlled Act as specified in the Delegation Agreement.
10. In the event that the Psychological Associate knows or ought to know that the delegation is no longer appropriate, the Psychological Associate will terminate the contract in writing.

Addition to Standards: Additional Provisions

11. Each party shall retain a signed copy of the Delegation Agreement and of each review.
12. A member of the College shall not accept or provide remuneration of any type in connection with the act of delegation.

13. Professional judgement shall supersede employer's expectations/ employment requirements.

Approved by Council, January 14, 1994

Additional Standard: Delegation

14. A member of the College shall not delegate performance of the controlled act to anyone who is not a member of the College.

Approved by Council, March 25 and 26, 1994

Guidelines: Delegation

Preamble: It is understood from the Standards that the particulars of the delegation being contemplated falls within the areas of competence established at registration, subject to any changes imposed or authorized by the College subsequent to registration. The parties involved are ultimately responsible

for the decision to delegate or to accept delegation. The following Guidelines are provided to assist in the process:

1. Either a Psychologist or a Psychological Associate may initiate a request for delegation.
2. In establishing the competence of the Psychological Associate to perform the Controlled Act, factors to be considered include the ability to formulate and communicate clinical diagnoses to recipients of psychological services. This may be demonstrated through such means as: discussion of actual or hypothetical cases, review of reports, and discussion of considerations involved in providing feedback to recipients of psychological services, their agents, or other professionals involved in providing services.
3. In the Agreement, the parties may describe what factors were considered in establishing competence to perform the Controlled Act.

Approved by Council, January 14, 1994

**STANDARD ON
POST-TERMINATION RELATIONSHIPS**

"A member shall not engage in a sexual relationship with a former client to whom the member has, within the previous two years, rendered assessment, counselling, psychotherapeutic or other professional services as described within psychology's scope of practice."

"A member shall not use information obtained during the provision of psychological services and/or use a power relationship associated with the provision of psychological services to abuse or exploit either a client or a former client."

(To be reviewed at the end of 1994 by Council)

Approved by Council, October 30, 1993



COLLEGE NOTICES

THE • COLLEGE • OF • PSYCHOLOGISTS • OF • ONTARIO

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO

is seeking an ASSOCIATE REGISTRAR



Reporting to the Registrar, the successful candidate will assist in the education and communication activities of the College; in the development and implementation of programs for Quality Assurance and Client Relations; and, as needed, in the review of matters referred to Registration, Complaints, Discipline, and Fitness to Practice.

Duties will include responding to inquiries from registrants and members of the public, assisting in professional education programs and collaborating with the Registrar in the preparation of pertinent articles for publication in the Bulletin. As needed, the Associate Registrar will provide consultation to the Assistant Registrar: Registration, the Assistant Registrar: Complaints and Discipline, the Investigator and other investigators and assessors appointed by the Registrar and by the Quality Assurance Committee.

Qualified applicants will have been registered as psychologists for at least five years; have had relevant professional experience; possess excellent interpersonal skills, oral and written communication skills and analytical skills; and demonstrate an appreciation of the mandate of the College.

French language skills an asset.

The position is a four-day per week staff position.

Salary \$55 to 60k. Excellent benefit package. Reply by September 15, 1994, enclosing a Curriculum Vitae to:

Associate Registrar Position
The College of Psychologists of Ontario
1246 Yonge Street, Suite 201
Toronto, Ontario
M4T 1W5

COLLEGE OF PSYCHOLOGISTS OF ONTARIO

POSITION SUMMARY - ASSOCIATE REGISTRAR

REPORTS TO: THE REGISTRAR

ROLE: To assist the Registrar in administering the Regulated Health Professions Act(1991), the Psychology Act(1991) and the Regulations under the Act and in enacting Council policy.

KEY RESPONSIBILITIES:

To assist in the education and communication activities of the College by:

- responding to inquiries, from registrants and from members of the public, respecting legislation and standards relevant to the practice of psychology
- collaborating with the Registrar in identifying and preparing pertinent articles for publication in the Bulletin

To assist in the development and implementation of a quality assurance program by:

- consulting with the Quality Assurance Committee in the development of Regulations
- providing consultation to assessors appointed by the Committee

To assist in the development and implementation of a client relations program by:

- advising the Client Relations Committee respecting the requirements of the sexual abuse prevention plan
- consulting with the Committee on other responsibilities arising from the Act

As needed, to provide consultation or advice to the Statutory Committees on Registration, Complaints, Discipline and Fitness to Practice by:

- providing consultation, to the Assistant Registrar: Complaints and Discipline, the Investigator and any other individual designated as an investigator by the Registrar under the Act
- advising on the application of the standards to matters referred for investigation or to the Committees
- providing consultation to the Assistant Registrar: Registration

- consulting on correspondence and responding to inquiries from individuals who are the subject of an investigation or referral to a Committee

To perform other duties as assigned by the Registrar

KEY RELATIONSHIPS WITH:

- the Registrar
- members of the College
- members of the public
- Committees on Quality Assurance, Client Relations, Registration, Complaints, Discipline and Fitness to Practice
- the Assistant Registrar: Registration; the Assistant Registrar: Complaints and Discipline; the Investigator
- appointed investigators and assessors

PERFORMANCE CRITERIA:

- the judgement exercised in responding to enquiries
- the quality of advice respecting regulations
- the salience and quality of recommendations respecting Bulletin articles
- the judgement exercised in the consultation on matters respecting investigations
- the judgement exercised in the consultation on registration matters

MINIMUM POSITION SPECIFICATION;

- registration as a psychologist for at least five years
- relevant professional experience
- excellent interpersonal skills
- excellent oral and written communication skills
- understanding of the mandate of the College
- excellent analytical skills

DISCIPLINARY HEARING

A Hearing of the Discipline Tribunal of the Ontario Board of Examiners in Psychology convened to hear allegations against Dr. Hemendra Shah on June 15, 1993 and reconvened on September 21, 22, 23 and 24, 1993.

The Notice of Hearing alleged that Dr. Shah was guilty of professional misconduct, conduct unbecoming a psychologist and malpractice in connection with the services he provided to the X family.

The Plea Dr. Shah pleaded not guilty.

Background Mr. X had custody of his two children Y and Z, and his ex-wife Ms. BX had access. Mr. X's current wife, Mrs. X had sole custody of D., her child from a previous marriage.

Both Y and Z had been diagnosed as having attention deficit hyperactivity disorder. Z was treated with medication. Y's school recommended referral to a school which provided treatment for teenagers with behavioural problems.

Y and Z appeared anxious prior to visits with their mother, Mrs. BX. Following an investigation, Ms. K of the Children's Aid Society advised Mr. and Mrs. X that Y should not be sent to visit Ms. BX as she was an unfit mother. Mr. and Mrs. X took the advice of Ms. K to see Dr. Shah for family therapy, commencing in January, 1992.

The Decision At the conclusion of the evidence, after the submissions of counsel and following a period of deliberation, the Tribunal found Dr. Shah guilty of professional misconduct under the Psychologists Registration Act and under Regulation 825 in that he failed to maintain the standards of practice of the profession as alleged in particulars 1, 7, 8, 9, 11, 13, 16, 17, 18, 19, 20, 25, and 27.

In assessing the evidence the Tribunal was generally impressed with the evidence given by Mr. and Mrs. X and was prepared to accept it in respect of the particular allegations where guilt is found. The evidence of Dr. Shah was not always apposite to the issues and from time to time lacked a desirable precision. The Tribunal was greatly assisted by two expert witnesses who testified on behalf of the Board, who concluded that Dr. Shah's conduct fell below the standards of practice of the profession and related the standards of the profession to much of the evidence in the case. The Tribunal accepted the evidence of these

two witnesses and agreed with their conclusions as to the standards of practice.

The Evidence The particular allegations in respect of which the Tribunal found Dr. Shah guilty were as follows:

1. He advised Mr. and Mrs. X to lock their son Y in his bedroom, to refuse to speak to him and to only let him out to use the bathroom.

The Tribunal found that the first part of this allegation, that is, to lock Y in his bedroom, was in part supported by the testimony of Dr. Shah himself who admitted that "it is possible" he may have said to Mrs. X that if Mr. X is late, "put the lock on until Mr. X gets home". The expert testified that "a psychologist should not be recommending punitive or potentially negligent parenting practices that would fall below a standard of care set out in the Child and Family Services Act..."

The Tribunal found that Dr. Shah's testimony on this issue otherwise lacked credibility. He says that he suggested a "latch" to protect Mrs. X from Y. However, his clinical notes imply that the protection was for Y's brother Z and step-brother A.

7. He used duress to obtain agreement from Mr. and Mrs. X to allow him to conduct a custody assessment regarding Y and Z.

Dr. Shah admitted to the Tribunal that in his initial letter of response to the Board he told Mr. and Mrs. X that failure to cooperate would be held against them in any court proceeding. The expert, in her testimony, reported that "such duress is clearly improper professional practice".

8. He advised Mr. X that he should contact his lawyer after the custody assessment was completed although he should have advised him that he was entitled to obtain legal advice prior to agreeing to participate in the assessment.

Dr. Shah admitted to the Tribunal that he did not advise Mr. and Mrs. X at any time during the assessment to consult a solicitor. As the expert testified, "in conducting a custody/access assessment... the parents should have independent legal advice".

9. He became involved in dual relationships which led to conflicting interests in that he was providing therapy to

Mr. and Mrs. X, while he was conducting a custody assessment regarding Y and Z.

The Tribunal accepted the evidence from the expert that Dr. Shah was in a conflict of interest. The expert testified that "...family therapy and custody/access assessments are two distinctive areas of psychological practice and have very different goals and procedures...the two different areas of psychological practice should never be carried out by the same individual". Defence counsel argued that Dr. Shah was not involved in a custody and access assessment and that the documents of April 3, and June 13 were merely recommendations or discussion papers. However, according to Dr. Shah in his response to the Board, he "proposed that an assessment be conducted involving" Y's natural mother, BX, and her partner and indicated "that this assessment would be similar to the assessment normally conducted upon Court referral..."

The Tribunal concluded that Dr. Shah conducted a custody and access assessment while providing therapy to Mr. and Mrs. X. The Tribunal found Dr. Shah to be involved in a dual or conflictual relationship.

11. He reached the conclusion that Z should live with BX prior to completing his assessment.

The Tribunal agreed that the "temporary access document" of April 13, 1992, failed to meet custody and access standards as outlined by the expert. As indicated in her testimony, there was no evidence that an appropriate assessment of BX's parenting ability was completed before the change in custody was arranged.

13. He made recommendations about custody and access in his report with no explanations as to why these recommendations were in the best interest of Y and Z.

The Tribunal accepted the expert's testimony that, "Specific recommendations are essentially all that is provided in the report and since no information or rationale is given...it could be difficult for any family member to understand the rationale behind Dr. Shah's recommendations", and that "it is not clear on what basis Dr. Shah made his recommendations with respect to access."

16. In determining the best interests of the children, he failed to investigate allegations of child abuse against BX as he was required to do under section 24(3) of the Children's Law Reform Act and he recommended custody to BX in the absence of such investigation.
17. In determining the best interests of the children, he failed to obtain information from the Children's Aid Society about the involvement of the Children's Aid Society with the X family.

The Tribunal accepted the evidence presented by the prosecution and supported by the expert's report. Dr. Shah admitted to the Tribunal that he failed to communicate with the Children's Aid Society.

18. In his custody and access report he made recommendations that went beyond the competence and expertise of a psychologist, including but not limited to, making recommendations about support payments and making recommendations about the medication that had been prescribed for Y and Z.

The Tribunal reviewed the evidence and agreed with the conclusions reached by the expert. Specifically, "...Dr. Shah recommended that Y cease medication... It is not clear on what basis Dr. Shah made this recommendation... It is not acceptable practice for a psychologist to recommend that the medication be changed or withdrawn without consultation with the doctor and parents".

19. In his custody and access report, he made recommendations that put him in the position of having a conflict of interest, including but not limited to, making recommendations that BX, Z and Y should receive therapy from him and also making recommendations that he should have the authority to determine when such therapy would cease.

The Tribunal reviewed the evidence and accepted the conclusion reached by the expert. The expert stated that "...Dr. Shah appears to have created a conflict of interest when he recommended that he control when the various parties cease therapy with him".

20. In his custody and access report, he made recommendations that were not based on any generally accepted psychological theory, including but not limited to, making recommendations that:
 - i) visits with his father, Mr. X, should be arranged at Y's expressed desire, location and frequency.
 - ii) the nature of visitations by his father be at the discretion of Y.
 - iii) there be certain dates by which Y could decide to return to the home of Mr. X, and that if he decided to do so he must remain a minimum of two weeks.
 - iv) Y should be allowed to contact Dr. Shah or Dr. Shah's assistant C at any time for any reason.

The Tribunal reviewed the evidence and agreed with the conclusion reached by the expert. She stated in her report "...he (Dr. Shah) left the decision as to whether or not visits occurred, and the location and frequency of these visits to the children who were seven and twelve at the time of the assessment. While the Children's Law Reform Act envisions taking children's views into account in for-

mulating parenting arrangements, it is not usual practice and would not be supported by psychological theory, to leave the decision making in the hands of children of this age”.

25. He billed Mr. X for services that were not requested or agreed to.
27. He failed to provide adequate supervision to his assistant, C, thus leading to violations of professional standards by C, including but not limited to the following:
 - a) He allowed C to assess Mrs. X's daughter D without consent of Mrs. X.
 - b) He allowed C to hold therapy sessions with Y in his bedroom, in the evening and with no light in the room.
 - c) He allowed C to purchase shoes and clothing for Y and to offer Y money for good behaviour.
 - d) He allowed C to take Y to visit her parents for the weekend.
 - e) He allowed C to remove Y from his school on June 5, 1992 without permission of Mr. X who was the custodial parent.

The Tribunal reviewed the evidence on the allegations outlined above (25,27,a.b.c.d.e.) and agreed with the conclusions of the experts. These witnesses testified that Dr. Shah should have provided closer supervision of C. The expert testified that...”Dr. Shah had an obligation to ensure the quality of services provided by C and to assume accountability and responsibility for them”. The expert also testified that...”no evidence as to the nature and extent of that supervision is presented. It is clear that the work of C...was in violation of numerous ethical provisions, standards of professional practice, guidelines...”

The Tribunal agreed with the expert's conclusion.

The Decision and Reasons for the Decision Respecting Penalty

The Tribunal reconvened on December 16, 1993 for the purpose of hearing submissions respecting penalty.

Counsel for the Board emphasized that public interest and deterrence would best be served by a two year suspension of license which might itself be suspended on certain conditions. Counsel for the defence emphasized that Dr. Shah had already suffered personal and professional consequences of significance and proposed instead a one year period of supervision which would permit Dr. Shah to continue his correspondence course in Family Therapy from Brigham Young University.

After giving the matter thorough consideration the Tribunal decided that:

1. The license to practise of Dr. Hemendra Shah should be suspended for a period of two years commencing December 22, 1993.
2. The suspension set out in paragraph 1 hereof will itself be suspended provided that Dr. Hemendra Shah agrees to and completes the following undertakings and meets the following conditions:
 - (a) Beginning December 22, 1993 or so soon thereafter as the Board and Dr. Shah can agree on the arrangements hereinafter set out, Dr. Shah's professional activity will be submitted to a year of supervision by a registered psychologist acceptable to the Registrar of the Board (hereinafter referred to as the "Supervisor").
 - (b) The Supervisor will review the charges of which the Board has found Dr. Shah guilty, the specific findings of the Tribunal and the Reasons for those findings in order to determine more precisely the areas in which detailed supervision of Dr. Shah's practice should be provided.
 - (c) The Supervisor will provide quarterly reports to the Registrar on the activities and progress of supervision and will report promptly to the Registrar if for any reason supervision becomes impossible, if Dr. Shah fails to co-operate with the Supervisor or conducts himself in any fashion inconsistent with the supervision as herein contemplated.
 - (d) The supervision will consist of a minimum of four hours per month and will include a discussion of the issues arising from the decision of the Tribunal herein and re-training in any areas that the supervisor in the light of that decision may regard as necessary or otherwise.
 - (e) Any costs associated with the supervision, recommendations arising from it or otherwise will be borne entirely by Dr. Shah.
3. Dr. Shah will provide to the Registrar a written undertaking not to practise in the area of Custody and Access Assessments for two years commencing December 22, 1993 and will further undertake to apply to the Registrar thereafter for a permission to resume Custody and Access Assessments. His application to the Registrar for such permission will include a plan for training and supervision.
4. The Decision and Reasons for the Decision of the Discipline Tribunal in respect of Dr. Hemendra Shah will be published (together with his name) in the Bulletin of the Board. ■

RESOLUTION OF DISCIPLINARY MATTER - DR. X

On August 10, 1993, Dr. X, a registered psychologist, was charged with professional misconduct, in that he failed to maintain the standards of practice of the profession in connection with his assessment of A, the son of Mr. and Mrs. B and in connection with the reports that he prepared on A.

The particulars of the allegations were as follows:

- 1) He did not provide an adequate explanation to Mrs. B of the time it would take him to provide a report.
- 2) He did not provide an adequate explanation to Mrs. B of the fees that would be charged for his services.
- 3) He did not provide an adequate explanation to Mrs. B of the procedures that would be followed in conducting the assessment.
- 4) He did not provide Mrs. B with the type of report that she had requested, namely, a summary report highlighting A's intellectual, cognitive and academic abilities, as well as recommended remedial and compensatory strategies.
- 5) He did not provide Mr. and Mrs. B with a report that was appropriate for school personnel or for inclusion in A's Ontario School Record.
- 6) He drew conclusions in his report about A's learning difficulties and about whether or not A was suffering from an attentional deficit without providing adequate data to support his conclusions.
- 7) He failed to obtain data that was pertinent to the issue of A's learning difficulties and in particular, the issue of whether or not A was suffering from an attentional deficit, including but not limited to failing to:
 - a) obtain the results of the assessment by school board personnel that indicated concerns about A's academic functioning;
 - b) interview the classroom teacher and resource personnel concerning A's behaviour in class;
 - c) discuss with A's teacher her perspective on his areas of academic difficulty, as well as the range of interventions that had been implemented to assist A's progress and their effectiveness;
 - d) review samples of A's work;
 - e) request that A's teacher complete a standardized questionnaire regarding A's attentional skills;
 - f) observe A in the classroom;
 - g) personally observe A working, in a one to one situation;
 - h) interview both parents regarding A's behaviour at home and in the community, and regarding their perceptions of his school experience to date;
 - i) obtain more specific measures of A's reading an

- written language skills;
 - j) obtain information regarding A's birth parents and in particular, whether or not there were attention or learning difficulties on the part of either parent.
- 8) He failed to comment in his report on factors that are pertinent to the assessment of attention deficit disorder including but not limited to:
 - a) A's attention/concentration skills;
 - b) A's tendency to be impulsive;
 - c) A's need for breaks and his attention span;
 - d) A's tolerance for and reaction to frustration;
 - e) A's responses during structured versus more open-ended tasks.
- 9) He did not recommend specific remedial techniques and strategies to assist A with his academic difficulties.
- 10) He drew conclusions and inferences in his report regarding A's social and emotional functioning without providing adequate data to support his conclusions and inferences.
- 11) He presented opinions and conclusions in his report in a manner that was judgmental and that was not conducive to promoting a therapeutic alliance with the B family.
- 12) He did not make it clear in his report that he had not interviewed A.
- 13) He did not explain in his report which procedures had been carried out by him and which had been carried out by his psychometrist.
- 14) He charged an excessive fee for his services.

On December 16, 1993, the charges against Dr. X were withdrawn by the Ontario Board of Examiners in Psychology upon the following undertaking and agreement being provided to the Board by Dr. X:

1. Dr. X agreed to attend at his own expense two seminars, workshops, or lectures offered by a registered psychologist focused on psycho-educational assessments within one year from the date the charges were withdrawn. Dr. X agreed that proof of his attendance would be forwarded to the Board with regard to same.
2. Dr. X agreed to waive the balance owing as to all fees relating to this matter.
3. Dr. X agreed that the complainants in this matter would be advised by the Board of the nature of the herein disposition.
4. Dr. X agreed that any breach of the terms and conditions of the disposition would be grounds for further disciplinary action.

ADDITIONS TO THE REGISTER

Placed on the Permanent Register Following December 1993 Oral Examinations - Psychologists

Mohamed Bekkari	Eleni Hapidou	Wagdy Loza	Andrea Porter
Clifford Berish	Allyson Harrison	Lynda Mainwaring	Joanne Rinholm
Patricia Bolla	Heather Higgins	Lise Mercier	Mariela Shirley
Bryan Cassells	Susan Hyde	Marlene Mills	Ruth Slater
Gary Challis	Patricia Irwin	Paula Moncion	Jeffrey St. Pierre
Francine Chappus	Edward Johnson	Mary Ann Mountain	Ross Stockwell
Lee Charlton-Case	Marjory Kerr	George O'Connor	Alexandra Urbanowicz
John Cole	Cynthia Kubu	Marlene Oleniuk	Ali Uzunoz
Charolotte Copas	Sally Kuehn	Louise Patrick	Alex Weinberger
Owen Garrett	Marlene Levene	Marjory Phillips	Janis Williams
Glenda Gilliland	Roberta Linden	Helen Pigeon-Reesor	Marna Zinatelli

Placed on the Permanent Register Following December 1993 Oral Examinations - Psychological Associates

Deborah Azoulay	Carol Doutriaux	Elizabeth Milne	John Sullivan
Jean-Martin Bouchard	Robert Faust	Elaine Moroney	Elizabeth Sutherland
Yvan Bouchard	Karl Furr	Jean Nicholas	Lori Szwarc
Joanne Bourque Nice	Benny Green	Patricia Oertel	Robert Wadeson
Clare Bowles	Joan Hart	Céline Paris	Donald Wale
Lois Campbell	Gary Landrus	Monique Pressé	Cynthia Wilkinson
Jocelyn Chernets	Marcelle Lapointe	Janet Quintal	Marvin Zuchowski
Daniel Coderre	Sylvie Leblanc-Wong	Rosemarie Schmidt	
Lloy Cook	Charles Meister	Susan Shaw	

Placed on the Permanent Register Following June 1994 Oral Examinations - Psychologists

Sandy Ages	Paula Gardner	Daniel Lavoie	Silvia Rizwan
William Ammons	Terry Garling	Deborah Leonoff	Susan Ruscher
Marian Belciug	Julie Hakim-Larson	Margaret Liswood	David Schwartzbein
Lillian Burke	Susan Irving	Alison Longhorn	Bonnie Seidman
Mary Caravias	Colin Jones	Lorraine McFadden	Suzanne Simond
Joseph Casey	Betty Kershner	Anne McHugh	Sandra Ulch
Pierre Côté	Naomi Kestenbaum	Danielle Nahon	Stacey Whyne Berman
Brian Cox	Christopher Lane	Ian Nicholson	
Alison Day	Denis Lapalme	Terryl Portigal	
Brenda Doyle	David Latour	Judith Pilowsky	

Placed on the Permanent Register Following June 1994 Oral Examinations - Psychological Associates

Paula Baasner	Sharon Colman	Linda Kitawaga	Karen McCallum
Melissa Cait	Elizabeth deGrace	Rhona Mackintosh Ferguson	Neil Nauman
Paul Carlisi	Judith Fair	Josie Marino	Mary Rossi-Conforti
Anne Caron	Helen Hamilton	Denis Martel	Cindy Stulberg

Additions to the Temporary Register Since December 1993 - Psychologists

Mary Ellen Beatty Leask
Diane Bernard
Brenda Bettridge
Patricia Bourdeau
Diana Brecher
Curtis Breslin
Rochelle Cole
Lynn Crawford
Alison Crocker
Larry Danilewitz
Annette Dufresne
Marion Eals
David Erikson

Jean Folsom
Dianne Fraser
Dorothea Gaither
Esther Geva
Jan Gordon Walker
Tracey Halpen
Michael Harnadek
Carole Harris
Shara Highgate
David Hoath
Susan Irving
Brenda Kenyon
Keith Klassen

Nancy Lands
Louis-Marc Lauzon
Yvette Legrand
Giampaolo Moraglia
Andrea Moser
Harry Potasznik
Michael Ray
Donna Scher
Renate Schober
Andrew Shaul
Wendy Stewart
Shannon Stewart
Jane Storrie-Baker

Jane Summers
Elizabeth Thompson
Deborah Thompson
Michael Tsang
David Villeneuve
Ellen Vriezen
Tifrah Warner
Michael White
Susan Wilson
Helena Zajdeman

Additions to the Temporary Register Since December 1993 - Psychological Associates

Barry Cull

Suzanne Patry

The Examination for Professional Practice in Psychology was administered on April 13, 1994 in London, Ottawa, Thunder Bay, Sudbury and Toronto. The College appreciates the assistance of Ms. Carole Aubult, Dr. David Evans, Ms. Connie Learn, Dr. Jane Ledingham, Dr. William Melnyk, Dr. Rod Martin, Dr. Shawn Steggle, Ms. Dana Wilson and Dr. Alastair Younger.

The Council of the College of Psychologists of Ontario has set the following dates for Council Meetings:

September 16 and 17, 1994
December 9 and 10, 1994
March 3 and 4, 1995

The College requests advance notice of intention to attend.

Notice of Appointment

Effective January 14, 1994, Dr. Catherine Yarrow was appointed Registrar of the College of Psychologists of Ontario

(continued pg. 16)

REGULATIONS

In this issue of the Bulletin, members will find reproduced the text of several regulations.

Approved by the Ministry and now in force is the regulation on the appointment of non-Council members to Committees.

Already approved by Council after circulation to the membership last year are the regulations on advertising and on records. The ministry is currently reviewing these regulations and will be advising the College shortly of their final wording. Members will be provided with the final text once they have been approved by the Lieutenant-Governor-in-Council.

Amendments to the regulations on elections and on registration have been approved by Council and submitted to the Ministry. These are currently under review by the Ministry and final wording will be provided shortly.

Most recent is the proposed regulation on insurance. This regulation was recently approved by Council for circulation to the members and for submission to the Ministry. Legal Counsel has already reviewed the draft. Members are asked to provide their comments on this proposed regulation by September 7, 1994 to permit Council to consider whether any revisions should be made and to advise the Ministry in this respect.

You will note that the provision for insurance to cover the program for funding therapy satisfies the government's requirement that Colleges now provide these funds in cases where there has been a finding of sexual abuse and the client seeks therapy to deal with the consequences of the abuse.

Members are encouraged to refer to the RHPA for further information respecting these requirements. ■

NEW REGULATION:

REGULATION MADE UNDER THE PSYCHOLOGY ACT, 1991

GENERAL

Appointment of Non-Council Members to Committees of the College

1. This Regulation applies with respect to the appointment of members who are not members of the Council to a committee of the College.
2. The term of office of a committee member is one year.
3. A member is eligible for appointment to a committee if, on the date of the appointment,
 - a) the member practises psychology in Ontario or resides in Ontario;
 - b) the member is not in default of payment of any prescribed fees;
 - c) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment; and
 - d) the member's certificate of registration has not been subject to a term, condition or limitation as a result of a disciplinary action in the two years preceding the date of the appointment.
4. -(1) The Council shall disqualify a member appointed to a committee 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 Practise Committee;
 - (c) fails, without cause, to attend two 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) neither practises nor resides in Ontario.
 - (2) A member who is disqualified under subsection (1) from sitting on a committee ceases to be a member of the committee and the Council shall appoint a successor as soon after the disqualification as feasible.
 - (3) The Term of office of a person who is appointed as a successor under subsection (2) expires when the term of office of the person being replaced would have expired.

Note: Approved by the Lieutenant Governor in Council; now in force. ■

PROPOSED REGULATION:
Professional Liability Insurance

Under the authority of the Regulated Health Professions Code, Section 95(1) subsections 31.2 and 31.3; and 34, the following is proposed as a regulation respecting participation in a program designated by the College to provide funding for therapy or counselling as required under section 85.7 and respecting the purchase of professional liability insurance by the member:

1. It is a condition of the renewal of a certificate of registration that the member furnish proof of insurance coverage for:
 - (1) professional liability;
 - (2) funding for therapy or counselling, for any client found by a discipline panel to have been sexually abused by the member, to the equivalent fee for 100 hours of psychotherapy as set out in the current fee schedule of the Ontario Health Insurance Plan; and
 - (3) matters relating to subsections (1) and (2) which arise after the member ceases to be registered with the College but relating to conduct which occurred while the member was still registered with the College.

Note: Council approved Mar 26/94 Undergoing review by the ministry College seeking registrants comment by September 7, 1994

PROPOSED REGULATION:
Delegation

1. Any member of the college authorised, 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 other members of the College, subject to the terms, conditions and limitations imposed on the certificate of registration of the members to whom the performance of the Controlled Act is delegated.

NOTE: Approved by Council, June 1993 following publication in the Bulletin, December, 1992 Undergoing ministry review

Proposed amendment to Elections Regulation:

Ontario Regulation 919/93 is amended to add the following sections:

5. -(1) (e) the member, if elected, resigns from any position held as an officer or board member of a professional psychology association.
- (2) (e) the member, if elected, resigns from any position held as an officer or board member of a professional psychology association.

Ontario Regulation 919/93 is amended in the following manner:

1. -(1) 3 is amended with the addition of the county of Wellington to the counties and regional municipalities named in Electoral District 3.

Proposed amendment to Registration Regulation:

Ontario Regulation 878/93 is amended in the following manner:

1. Sections 6. and 7. are renumbered as sections 7. and 8.
2. The following section is added:
6. The following is a condition of the certificate of registration for psychological associates:
 - (1) A psychological associate may not perform the controlled act unless performance of the controlled act has been delegated to the psychological associate in accordance with the regulations.

Note: Approved by Council, March 1994 Undergoing ministry review

STATUTORY COMMITTEES

Registration Committee:

Dr. Henry Edwards (Chair)
M. Gilles Gagnon
Dr. William Melnyk
Ms. Elaine Moroney
Dr. Ronald Myhr
Dr. Janet Polivy
Ms. Carolyn Roeser

Complaints Committee:

Mme. Huguette Boisvert
Ms. Carol Doutriaux
Dr. Margaret Hearn (Chair)
Dr. Nina Josefowitz
Ms. Marilyn Norman
Dr. Brian Ridgley

Discipline:

Mme. Huguette Boisvert
Dr. Henry Edwards
M. Gilles Gagnon (Chair)
Dr. Paul King
Mr. Gary Landrus
Dr. Maggie Mamen
Mr. Clifford Morris
Dr. Ronald Myhr
Dr. George Phills
Dr. Reg Reynolds
Ms. Carolyn Roeser
Dr. Eugene Stasiak

Quality Assurance:

Ms. Marilyn Norman
Dr. Reg Reynolds
Dr. Eugene Stasiak (Chair)
Dr. Christel Woodward
Ms. Melissa Cait

Client Relations:

Mme. Huguette Boisvert (Chair)
Ms. Claire Bowles
Dr. Nina Josefowitz
Dr. Paul King

Fitness to Practice:

Ms. Marilyn Norman
Dr. Janet Polivy (Chair)
Dr. Eugene Stasiak

Executive:

Dr. Maggie Mamen - President
Dr. Henry Edwards - Vice-President
M. Gilles Gagnon
Dr. Margaret Hearn
Ms. Elaine Moroney
Ms. Carolyn Roeser

COLLEGE HIGHLIGHTS

The job of implementing the Regulated Health Professions Act and the Psychology Act is proceeding.

Registration.

To date 50 Psychological Associates have been registered. For the first time, the College now has the authority to issue certificates of registration with limitations, terms or conditions and the registration process focuses more explicitly on areas of competence in determining readiness for independent practice for both registration titles.

Elections.

A new Council was elected in March and met for the first time at the end of April. A further Council meeting was held in June. Members of the Council and of the College have been appointed to the seven statutory committees. Dr. Maggie Mamen was elected President of the College and Dr. Henry Edwards was elected Vice-president.

Regulations.

The College has continued to develop regulations under the new legislation. Work has begun on the development of a quality assurance program. Awaiting government approval now are proposed regulations on advertising and on records.

Insurance. In keeping with the Bill 100 amendments to the RHPA, Council has decided to require members to carry insurance to meet the requirement for a program to fund counselling for clients sexually abused by members. Council has also passed a proposed regulation requiring all members to carry professional liability insurance. These regulations have been reviewed by legal counsel and will be submitted to the Ministry of Health and to the membership over the summer.

Policy.

The College is developing new policy with respect to the Complaints and Discipline process and expects to explore alternative dispute resolution for appropriate cases.

Staffing.

The College is currently seeking an Associate Registrar and invites applications from qualified psychologists who have been registered for at least five years and are currently registered in Ontario. ■

The Bulletin is a publication of the College of Psychologists of Ontario

PRESIDENT

Maggie Mamen, Ph.D., C. Psych

VICE-PRESIDENT

Henry Edwards, Ph.D., C. Psych

COUNCIL MEMBERS

Huguette Boisvert

Gilles Gagnon

Margaret Heurn, Ph.D., C. Psych

Nina Josefowitz, Ph.D., C. Psych

Paul King, Ph.D., C. Psych

Elaine Moroney, M.A., C. Psych Assoc. Ex Officio

Ronald Myhr, Ph.D., C. Psych

Marilyn Norman

Janet Polivy, Ph.D., C. Psych

Reg Reynolds, Ph.D., C. Psych

Carolyn Roesser

Eugene Stasiak, Ph.D., C. Psych

REGISTRAR

Catherine Yarrow, Ph.D., C. Psych

STAFF

Claire Barcik

Susan Brooks

Debbie Kemp

Connie Learn

Stephanie Morton

Dana Wilson

Laura Worosz

CONSULTANTS

Barbara Wand, Ph.D., C. Psych

Bruce Quarrington, Ph.D., C. Psych

The Bulletin is published quarterly. Subscriptions for Ontario psychologists are included in their registration fee. Other 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.

College Notices Continued

DISCIPLINARY UPDATES

Dr. Robert Haymond

Dr. Robert Haymond has undertaken in accordance with a Direction from the Discipline Committee of the College to restrict his practice in that he will not conduct any Custody and Access Assessments.

Dr. George Matheson

It was reported in the September 1993 issue of *The Bulletin* that on May 7, 1993 a Discipline Tribunal found Dr. George Matheson guilty of professional misconduct, malpractice and conduct unbecoming a psychologist and that Dr. Matheson's certificate of registration was cancelled.

It was reported in the December 1993 issue of *The Bulletin* that on August 6, 1993 the Board's legal council received a copy of a Notice of Appeal filed by Dr. Matheson.

Dr. Matheson abandoned his appeal on December 14, 1993 and the cancellation of his certificate of registration became effective as of that date.