



The

BULLETIN

THE • COLLEGE • OF • PSYCHOLOGISTS • OF • ONTARIO

NEW COUNCIL ELECTED

The 1995 Election to Council was held in March. Ballots were sent to eligible voters in Districts 1 (North), District 3 (Central West) and District 4 (East). Elected to Council for a three year term were: Dr. Anthony Miller, Dr. Judith Van Evra and Dr. John Goodman.

Dr. Miller, representing the North District, was trained in Washington and Tacoma before teaching developmental and abnormal psychology at Lethbridge. He left that position to head up a psychology department at Goderich Hospital before becoming interested in rural mental health systems, and moving to Sudbury Algoma Hospital's Community Clinic System. He has now been in full time private practice for twelve years.

Dr. Van Evra represents Central West. She balances an academic career at St. Jerome's College at the University of Waterloo where she is a Professor of Psychology and a part-time clinical practice, as well as doing varied consulting work. Her research interests lie in media effects on children's development and behaviour, and in the area of learning disabilities and other childhood disorders. Dr. Van Evra has published two books relating to these issues.

Dr. Goodman is currently a Clinical Professor of Paediatrics at the University of Ottawa and represents District 4 - East. Trained in Michigan and Colorado, he held teaching positions at Yale and McMaster before moving to the Children's Hospital of Eastern Ontario and the University of Ottawa as well as holding an adjunct Research Professorship at Carleton University. Dr. Goodman is involved with CPA and APA and is currently serving on the Practice Analysis Task Force established by

ASPPB to guide the Professional Examination Service in its review of the psychology licensing exam.

The Council welcomes the extensive experience and expertise brought by the three new members as we look forward to the challenges of the upcoming year and would like to thank the former council members, Dr. Maggie Mamen, former President, Dr. Paul King and Dr. Reg Reynolds for invaluable work during their terms.

The next elections will be held in March, 1996 in Districts 2 - South West, 6 - Metro Toronto and 7 - Academic. ■

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Agreement on Internal Trade: An Informal Update

by Henry P. Edwards, Ph.D., C.Psych.

Note: The following article represents the author's interpretation of AIT to assist the College in any policy development respecting AIT.

INTRODUCTION

The Canadian trade ministers (federal, provincial, territorial) began work in 1987, with the establishment of the **Committee of Ministers on Internal Trade**, toward an agreement that would facilitate the free movement of persons, goods, services and investments across the country. In 1992, the First Ministers set a deadline of June 1995 for dealing with interprovincial barriers to trade. The **Agreement on Internal Trade (AIT)** was signed on July 18, 1994, to be ratified and implemented by July 1, 1995.

PREAMBLE

The *AIT* is a complex document, in six parts. It is an agreement among the Canadian governments (federal, provincial, territorial) for free trade in goods and services, including professional services. The spirit of the agreement is to remove artificial barriers, harmonize standards and facilitate mobility.

PART I – GENERAL

There are four guiding principles in the *AIT*:

- a. not to establish new barriers to internal trade, and to facilitate cross-boundary movement within Canada;
- b. to treat persons, goods, services and investments equally, irrespective of where they originate in Canada;
- c. to reconcile relevant standards and regulations in order to provide for free movement within Canada; and
- d. to ensure that administrative policies provide for free movement within Canada.

In applying the above principles, the need for exceptions and transition periods is recognized in the agreement.

Each government that signs the agreement is responsible for ensuring compliance by governmental and non-governmental bodies that exercise authority delegated by law.

PART II – CONSTITUTIONAL AUTHORITIES

This part confirms that the *AIT* does not alter the Constitution of Canada.

PART III – GENERAL RULES

This part redefines more specifically the principles from Part I. It does **not** apply to labour mobility, which is the object of chapter 7, with two exceptions:

Application. If there is an inconsistency between Parts III and IV, it is the specific rules in Parts IV that prevail.

Transparency. Laws, regulations, procedures, guidelines, and general administrative rulings must be readily accessible. When adopting or modifying anything that might materially affect the operation of the agreement, one must notify all other parties. Reasonable enquiries must be answered, and documents requested must be supplied. Any fees charged must be reasonable.

PART IV – SPECIFIC RULES

For providers of psychological services, the key chapter is chapter 7, *Labour Mobility*. The most important provisions of this chapter may be summarized as follows:

Scope and coverage. This applies to provincial occupational standards; requirements, for licensing, certification or registration of workers including professions; and residency requirements that may create barriers to interprovincial mobility. The purpose of this chapter is to enable a person qualified for an occupation (e.g. provision of psychological services) in one jurisdiction within Canada to have access to employment opportunities in that occupation in any other jurisdiction within Canada.

POSSIBLE INTERPRETATION: A person is declared qualified for the practice of psychology by obtaining licensure or registration from a psychology regulatory board in a Canadian province or territory. Therefore, this chapter applies to the mobility of registered providers of psychology services, and not to those seeking registration for the first time.

Extent of obligations. The Government of Ontario must seek and ensure compliance with this chapter, within a reasonable period, from non-governmental bodies that exercise authority delegated by law.

Non-governmental bodies that exercise authority delegated by law. These are bodies that have received delegated authority by federal or provincial statute. In Ontario, for the practice of

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psychology. the *College of Psychologists of Ontario* is the entity that has received this delegated authority from the Government of Ontario to set or implement policies, regulations, procedures and measures related to:

- a. the definition of occupation standards and of requirements for licensing, certification and registration;
- b. the assessment of the qualifications of workers against these standards and requirements; and
- c. the official recognition that an individual meets the established occupational standards.

Relationship to other agreements. This implies that, if we establish agreements with some other provinces, the agreement that most facilitates the free movement of individual professionals will prevail, but only in the provinces that signed the reciprocity agreement.

Right to establish occupational standards and requirements. For psychologists, the College has the right to adopt or maintain standards and requirements for the registration of members. Other psychology regulatory boards across Canada have similar power. This may result in different requirements between jurisdictions, "for legitimate objectives."

A legitimate objective is one of the reasons that may justify inconsistent registration requirements across provinces. Among the acceptable legitimate objectives, the following three may be relevant to providers of psychological services: consumer protection; provision of adequate social and health services to all geographic regions of a jurisdiction; and cost containment in the health sector.

Residency requirements. Residency in the province or territory cannot be required as a condition for access to employment opportunities or registration as a professional. However, a financial bond, specific insurance, and guaranteed access to records may be required where necessary for "legitimate objectives." The treatment accorded to those seeking professional registration from another province shall be no less favourable than the treatment accorded to those seeking registration from one's own province.

COMMENT: Under the *AIT*, persons resident in Canada may become members of the College and provide psychological services in Ontario without residing in Ontario. I will propose that the College reserve, as an "inconsistent measure" for a "legitimate objective" (protection of the public), its right to require a financial bond, specific insurance, and guaranteed access to professional records as a condition for registration of

such persons.

Licensing, certification and registration. Measures (for the College, this means its requirements for registration of members as spelled out in regulation and guidelines) adopted or maintained for this purpose must not constitute obstacles to movement across provincial boundaries. The provincial governments must ensure that any such measure:

- a. is related principally to competence;
- b. is published or otherwise readily accessible;
- c. does not result in unnecessary delays; and
- d. is not more burdensome than the requirements applicable within the province.

COMMENT: Sub-section a. reflects a move to a competency based model. There will likely be pressures for the professional regulatory bodies, such as the College, to develop more complete competency profiles for the registration of members.

COMMENT: If any of the College's requirements for registration do not meet this four-fold test, they would be an "inconsistent measure." To maintain them, the College will need to comply with the following provision:

Recognition of occupational qualifications and reconciliation of occupation standards. This key Article (707) reads as follows: "Each Party agrees to recognize the occupational qualifications required of workers in another party's jurisdiction and to reconcile differences in occupational standards with those of other Parties in the manner specified in Annex 707".

COMMENT: This provision and Annex 707 encourage uniform requirements, and/or the recognition of equivalencies, for the licensing or registration of professionals across Canada. It is possible for the College to adopt or maintain registration requirements that are inconsistent with this Article and its Annex, provided that it does so explicitly, in accordance with Article 709 (discussed below). However, in such a case, the Forum of Labour Market Ministers is required to list the allowable "inconsistent measures", with their justifications and anticipated duration, in their annual reports.

Annex 707 - This Annex covers four points, as follows:

1. Reconciliation of occupational standards should be achieved as follows:
 - a. The regulatory bodies are invited to assess the occupations that they regulate, and identify what level of

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commonality exists in standards required for practice (that is, for registration in each jurisdiction)

h. Where a high level of commonality exists between two or more Parties (that is, two or more provincial regulatory boards have comparable requirements for registration), then their standards shall "as between the Parties concerned, be considered mutually acceptable without further examination for the licensing, certification or registration of workers who meet those standards".

COMMENT: In my view, this is an encouragement for the establishment of reciprocity agreements within Canada, wherever our requirements for registration are demonstrably comparable.

c. If comparability cannot be established due to insufficient information, or the information suggests significant differences across jurisdictions, "the parties agree, as the next step, to undertake an occupational analysis to determine the extent to which the occupational standards for that occupation differ between the territories of the Parties".

d. The above analysis is to be carried out by experts representing "interested bodies and relevant regulatory bodies". The experts will compare standards, assess the extent of differences, and define thresholds (for example, if requirements in two provinces are 80% similar, they will be considered comparable) for comparability.

e. The analysis will examine, among other areas, "the scope of practice; generic skills; specific skills; licensing; certification or registration requirements and other entry requirements and qualifications pertaining to the occupation". Differences in training methods will not be considered.

f. If the analysis leads to the determination that there is high commonality in two or more provinces/territories, their standards will be considered "mutually acceptable without further examination for the licensing, certification or registration of workers who meet those standards".

g. Where there is moderate or low commonality, the parties in question will pursue the development of mutually acceptable standards and, in the meantime, incoming workers will be assessed as is done now.

h. Wherever g. applies, "each Party shall seek to make accommodations to its licensing, certification or registration requirements to give appropriate recognition to the training, skills, experience and education of out-of-province workers".

i. Even when there is mutual recognition of registration standards, one may take steps toward further uniformity.

j. It is agreed to initiate the process described in this Annex within 12 months of ratification of the agreement, "to implement the provision of this Annex within a reasonable period".

2, 3 If a province or territory has no regulatory standards, it will develop its new standards in a manner that will facilitate future reconciliation with standards that exist elsewhere in Canada, and avoid creating new obstacles to mobility.

4. If changes are to be made to existing standards, this process should "foster reconciliation and avoid the creation of new obstacles to mobility". The other provinces must be notified and given the opportunity to participate.

COMMENT: Article and Annex 707 establish a framework for the mutual recognition of credentials between provinces/territories. In this regard, the AIT allows negotiations among the psychology regulatory boards, provided that the boards are in interaction with their provincial governmental authorities. The College has been engaged in a dialogue with psychology regulators across Canada on registration requirements and the potential of mutual reciprocity.

Implementation, administration, and evaluation. The responsibility for implementation of the recognition of occupational qualifications and reconciliation of occupational standards rests with the Forum of Labour Market Ministers (FLMM). Implementation will include the following:

a. discussions with associations and corporations to invite them to participate in the development of reconciliation mechanisms and report periodically to the FLMM;

b. support of the initiatives of these associations and corporations;

c. development of a strategy for the collection and coordination of information by jurisdiction, on such matters as the licensing and registration of professionals;

d. the Red Seal program (n/a for psychology); and

e. mechanisms for ensuring availability of information in both official languages of Canada.

Allowable inconsistent measures.

1. We may adopt or maintain measures that are "inconsistent" with the preceding provisions on Labour Mobility if:

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- a. the purpose is to achieve a “legitimate objective”;
- b. any such measure “does not operate to impair unduly the access of workers of another Party who meet that legitimate objective”;
- c. the measure is not more mobility-restrictive than necessary; and
- d. the measure does not create a disguised obstacle to mobility.

COMMENT: This Article (709.1) is very important for the College, in terms of its requirements for registration of members. In my view, our requirements are generally in keeping with the provisions respecting licensing, certification and registration (although the College might consider further steps in the direction of competency based assessment during the coming years). However, there are interprovincial discrepancies with respect to the recognition of occupational qualifications and reconciliation of occupational standards. In this context, I will ask the College to consider the following for potential reservation as justifiable “inconsistent measures:”

- the EPPP with 70% pass-point;
 - the oral examination;
 - the jurisprudence examination;
 - the doctorate in psychology for the title psychologist;
 - the masters in psychology for the title psychological associate
- the two categories of membership in the College;
 - the post-degree one year (1500) hours supervised experience requirement for all candidates; and
 - a total of four years of post-degree experience for psychological associate candidates.

COMMENT: The anticipated duration of these inconsistencies is difficult to foresee. Discussions among psychology regulators in Canada will continue. It is possible that psychology statutes in other provinces will evolve in ways that are increasingly compatible with the Psychology Act of Ontario, and/or that we will formalize agreements with other provincial psychology regulatory boards for the mutual recognition of certain requirements as equivalent. Some of our own requirements in Ontario may also change over time. You will be kept informed.

2. The *FLMM* will develop a framework for the provinces in this regard.
3. Whenever one adopts or maintains an inconsistent measure,

one must give notice to the *FLMM*, with justification for and anticipated duration of the inconsistent measure.

Definitions. This chapter concludes with a series of brief definitions of terms. It is noted that, in defining an occupation, one shall be guided by the federal publication *National Occupation Classification (NOC), 1993*.

PART V - INSTITUTIONAL PROVISIONS AND DISPUTE RESOLUTION PROCEDURES

Provisions are made for the establishment of a *Committee on Internal Trade* to supervise the implementation of the Agreement, assist in the resolution of disputes arising out of its interpretation and application, approve the budget of the Secretariat, and consider matters affecting its operation.

Provisions are also made for dispute resolution procedures. The key principles are consultation and conciliation. There are two processes for dealing with disputes: (1) government to government, first through consultation, and then if necessary by reference to a dispute resolution panel; and (2) individual (issues raised by individuals or businesses) to government, first dealing directly with the government and then, if necessary and if screening shows that the issue is reasonable and relevant, by reference to a dispute resolution panel. In all cases, compliance with a panel report is expected within sixty days. *As a last resort, after no less than a year*, governments will permit retaliation in the case of government disputes (something that I would never expect in the case of professional issues).

PART VI - OTHER PROVISIONS

The last chapter of the *AIT* does not appear relevant for psychological services providers, except for **Relationship to international agreements**, which establishes that the *AIT* does not provide new benefits for international trading partners other than those negotiated in existing agreements. In other words, while the *AIT* applies within Canada, *NAFTA* applies in relation to the United States and Mexico.

CONCLUDING COMMENT

You will be informed of further developments in relation to the *AIT*. In the meantime, I hope that this summary of the agreement and its implications for the regulation of psychology is of some value to you. Your comments on its substance would be welcome. I also seek your views about the inclusion in the *Bulletin* of occasional articles that reflect the views of members of the Council, where the College has yet to take a formal position. ■

NAFTA: An Informal Update

by Henry P. Edwards, Ph.D., C.Psych.

Note: The following article represents the author's interpretation of NAFTA to assist the College in any policy development respecting NAFTA.

INTRODUCTION

Since the ratification of the North American Free Trade Agreement, there has been uncertainty about the interpretation and implications of clauses that concern the professions. Discussions have taken place and are ongoing among regulators within the College, the Council of Provincial Associations of Psychologists (CPAP) and the Association of State and Provincial Psychology Boards (ASPPB).

NAFTA: THE KEY ISSUES FOR MEMBERS OF THE COLLEGE

1. NAFTA is an agreement between countries (at present, Canada, the United States and Mexico) for free trade in goods and services, including professional services. The spirit of the Agreement is to remove artificial barriers, harmonize standards, and facilitate mobility.
 2. NAFTA is based on three underlying general principles, which would mean the following to the College:
 - a. *National Treatment* – for entry to psychological practice in Ontario, the College must treat psychological service providers from the U.S. and Mexico no less favourably than it treats those applying from Canada;
 - b. *Most Favoured Nation treatment* – psychological service providers from the U.S. and Mexico must be treated no less favourably by the College than those applying from any other country outside Canada; and
 - c. *Local Presence* – the establishment of an office or residence in Canada cannot be imposed by the College as a condition for providing psychological services here.
- The three general principles would also apply to members of the College seeking to establish a practice in the U.S. or Mexico.
3. Both regulatory boards and individual professionals are subject to NAFTA, *except to the extent that they may be already exempted in Annex II-C-9:*

- a. In Annex II-C-9, Canada is exempt from the three general principles for health care services, to the extent that the health care service is "a social service" established or maintained for "a public purpose". Under RHPA, psychology is regulated as a health profession. We have yet to receive a clear determination from the government or from the NAFTA Secretariat concerning the provision of psychological services as "a social service" for a "public purpose". If the determination is yes, then I see very little impact from NAFTA on the regulation of psychology in Ontario and other Canadian jurisdictions. If it is no, then it will be necessary to reserve OR modify whatever registration requirements of the College that are inconsistent with the three general principles.

- b. Annex II-C-9, if it applies to psychology, would provide an exemption for Canadian boards that would not be applicable to U.S. or Mexican jurisdictions.

In any case, it seems that registered psychologists and psychological associates from Canada would be eligible to benefit from NAFTA. For example, a member of the College wishing to set up a practice in the U.S. would be able to travel to that country in order to make formal arrangements for the future practice. Registration or licensure in the appropriate U.S. jurisdiction would still be required, however.

4. The College will continue to require all providers of psychological services in Ontario to be members of the College, and to become registered in keeping with the standards and criteria of the College. However, the general principles of NAFTA and more specific provisions (Article 1210 and 1210.5) encourage the College and other regulatory bodies to achieve greater consistency in their standards and procedures for entry to the profession, and to recognize equivalent qualifications.

If we are not covered under Annex II-C-9, some differences in entry requirements which would constitute barriers to mobility across jurisdictions could be maintained indefinitely, but only for non-trivial reasons in the public interest, and only if such differences are formally reserved by our federal government as non-conforming measures.

The following points should be noted concerning the reservation of non-conforming measures:

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a. For inclusion, each non-conforming measure (1) must have existed already when NAFTA was ratified (January 1, 1994), (2) must be reserved by December 31, 1995, (3) will be subject to periodic review, to determine that it continues to serve a legitimate purpose, and (4) can only be changed subsequently in the direction of greater conformity with NAFTA principles.

The Ontario Ministry of Health has taken the position that due to the exemption provided under Annex II-C-9 the colleges do not need to reserve any registration requirements. As the matter has not yet been fully settled, the College will continue to monitor discussions at the federal level through the national associations.

5. NAFTA requires licensure and certification measures to be based on objective and transparent criteria, not to be more burdensome than necessary, and not to constitute unnecessary or disguised barriers to trade. It is my view that, in general, our requirements for registration comply with the spirit of NAFTA. This said, NAFTA will require us to provide recommendations on this issue to the Free Trade Commission.

6. NAFTA applies to registration and mobility, not to the exercise of the profession once the person is registered. Once you are a member of the College, NAFTA does not have any impact on your practice of psychology in Ontario.

7. NAFTA encourages us to develop procedures for temporary registration of psychological services providers from the other NAFTA countries. This issue is currently being addressed by the College.

8. NAFTA includes a complex dispute resolution mechanism, with three hierarchical levels: (1) consultations between the complaining and offending parties (note: a "party" in general refers to a country); special meetings of the free Trade Commission; and (c) multinational arbitration panels. When dispute resolution fails, the complaining government may suspend benefits under the Agreement. I do not expect that any dispute involving professional services would ever escalate beyond the consultations level.

CONCLUDING COMMENT

I hope that this brief article on NAFTA is of some value to you. Any comments would be welcome, particularly about the inclusion in the Bulletin of occasional articles on regulatory topics that reflect the informed but informal view of individual members of the Council, where the College has yet to take a formal position. ■

Tricky Issues Feature ADVERTISING

Many members of the profession have contacted the College requesting advice concerning the status of the standards related to advertising and the proposed model regulation respecting the promotion or advertising of the practice of psychology. In order to assist members of the profession in this area, we offer the following clarification:

We would like to assure members of the profession that, at present, there is no standard of professional conduct adopted by the College which prohibits members of the College from advertising their services to the public, although there appears to be some confusion about this issue amongst many members of the College.

Below you will find a reprint of the "Proposed model regulation 95(18) respecting the promotion or advertising of the practice of psychology", which was published in the December, 1992, issue of the Bulletin. The regulation makes it clear that psychologists can advertise and indicates what actions related to advertising or promotion would be grounds for a charge of professional misconduct. Please note that the regulation has not yet been passed by the legislature; however, it would be appropriate for members of the College to refer to the model regulation for guidance when making decisions about advertising and promotion.

In 1990, the Supreme Court of Canada issued a decision related to prohibitions on advertising by dentists (*Royal College of Dentistry v. Rocket and Price*). As a result of that decision, it is clear that, at present, members of the College of Psychologists are not prohibited from cross-referencing themselves in a Yellow Pages directory, so long as they are properly identified in all references (e.g., Terry Jones, Ph.D., C.Psych.). Nor are members of the College prohibited from using bold print or boxes in their advertising or from including detailed information about the nature of their practice (e.g., office hours; nature of services provided, etc.)

In general, it is advisable for members of the College to disregard the standards related to advertising contained in the *Standards of Professional Conduct* (i.e., Appendix A), as the Supreme Court's decision has rendered much of that section irrelevant. (Note that the standards related to advertising have not yet been deleted from the *Standards of Professional Conduct*, due to the delay in having the model regulation passed by the provincial government.)

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COLLEGE NOTICES

THE • COLLEGE • OF • PSYCHOLOGISTS • OF • ONTARIO

ALTERNATE DISPUTE RESOLUTION

Undertaking and Agreement

An undertaking and agreement was signed recently by Dr. X, in which Dr. X agreed to refrain from the conduct of any custody and access assessments (including follow-up assessments) unless and until Dr. X receives specific written permission from the Registrar of the College to do so. The Registrar will only grant such permission after Dr. X has satisfied her that Dr. X has obtained appropriate training and is competent to perform such assessments. (Dr. X was permitted to complete one assessment which was already underway on the date of the undertaking.)

Dr. X has also agreed not to perform Children's Aid Society assessments, to the extent that they involve making recommendations concerning custody and access, under the same terms and conditions as above.

Pursuant to the agreement, the public Register of the College contains a notation which informs members of the public who might inquire about Dr. X's status that Dr. X has agreed to a voluntary limitation of practice and has voluntarily agreed to refrain from the conduct of custody/access assessments until further notice. The terms of the undertaking specify that the College will forward notice of the voluntary limitation to the Disciplinary Data Bank of the Association of State and Provincial Psychology Boards and will publish this article, without identifying details, in the Bulletin, for purposes of education of the membership.

The allegations against Dr. X were withdrawn by the College. The complainant in this matter was informed of the terms of the undertaking and agreement. Any breach of the terms and conditions of the undertaking will constitute professional misconduct and will be grounds for disciplinary action by the College.

Following is information pertaining to the nature of the College's concerns in this matter:

The Complaints Committee of the College was concerned that Dr. X failed to maintain the standards of practice of the

profession in the preparation of a custody/access assessment and report. In particular, the Committee was concerned that the services provided by Dr. X were not appropriate to the clients' needs, as Dr. X failed to: describe clearly the mandate of the assessment in the report; comment adequately on the strengths and weaknesses of both parents; provide adequate information about the children's needs; take appropriate steps to reconcile contradictory statements made by the parties and/or to resolve inconsistencies noted in the report; provide an adequate description of the assessment process, including but not limited to failing to set out clearly the manner in which Dr. X assessed the extent to which physical force is used in the home of one of the parents, failing to specify clearly who accompanied the children to the assessment sessions and to address the consequent possible effects of bias on the data obtained at the sessions.

The Committee was also concerned that Dr. X failed to obtain adequate data and/or to report adequately on data obtained to support conclusions and recommendations contained in the report pertaining to the custody/access arrangements in the best interests of the children. The Committee noted that Dr. X failed to: provide adequate data related to the parenting abilities of both parents and/or to provide adequate data with respect to the parents' abilities to meet the children's particular needs; clarify the issue of the children's inconsistent statements with respect to their wishes concerning quantity of access in the home of one parent; and take steps to ascertain the meaning of a significant statement made by one of the children.

The Committee was of the view that Dr. X failed to consider the factors set out in section 24 of the *Children's Law Reform Act*, in making recommendations with respect to custody and access and made recommendations and conclusions about custody and access based on insufficient data.

Finally, the Committee was concerned that Dr. X signed a report that Dr. X knew or ought to have known was false, misleading, or otherwise improper, as Dr. X failed to provide an accurate description of the family history and/or the history of the family's custody/access arrangements, relied on contradictory statements as the basis of recommendations without taking reasonable steps to ascertain their accuracy, and failed to explain adequately and/or to justify conclusions and recommendations concerning changes to the access schedule. ■

ALTERNATE DISPUTE RESOLUTION

Undertaking and Agreement

An undertaking and agreement was signed recently by Dr. Y, in which Dr. Y agreed to refrain from the conduct of any custody and access assessments unless and until Dr. Y receives specific written permission from the Registrar of the College to do so. The Registrar will only grant such permission after Dr. Y has satisfied her as to the issues of appropriate training and competence to conduct such assessments. Dr. Y has also agreed to notify each client who requests services related to custody/access assessments of the undertaking.

Dr. Y has also agreed to conduct psychological assessments for a period of one year or ten assessments, whichever is longer, under the supervision of a psychologist, who has been approved by the Registrar. Dr. Y accepts responsibility for payment of the supervisor's services. The supervision will entail discussion of ethical issues in the conduct of these assessments and the supervisor has agreed to provide a letter of acknowledgment at the end of the year to the effect that the supervisor has met with Dr. Y and supervised the conduct of assessments for the year. The supervisor will review every assessment report prepared by Dr. Y during this period, prior to its provision to any client.

Dr. Y has agreed to notify each client who requests services related to psychological assessments of the undertaking to conduct all assessments under supervision and the terms of the supervision. A letter of apology, signed by Dr. Y and approved by the Complaints Committee of the College, was forwarded to the complainant in this matter.

Pursuant to the agreement, the public Register of the College contains a notation which informs members of the public who might inquire about Dr. Y's status that Dr. Y has undertaken voluntarily to refrain from conducting custody/access assessments until further notice.

The Disciplinary Data Bank of the Association of State and Provincial Psychology Boards will be notified of the voluntary limitation. The undertaking specifies that the College will publish this article in the Bulletin, without any identifying details, for purposes of education of the membership. Any breach of the terms and conditions of the undertaking will constitute professional misconduct and will be grounds for disciplinary action by the College.

A caution was issued to Dr. Y by the Complaints Committee and the Committee's decision, which is provided to both parties to the complaint, contains information outlining the terms and conditions of the undertaking.

Following is information pertaining to the nature of the Complaints Committee's concerns in this matter:

The Committee noted that Dr. Y accepted the mandate of the clients' request that Dr. Y provide an opinion as to whether or not renewed contact between the clients and the children in question would be in the best interests of the children, without having any contact or consultation with other members of the family or any of the other professionals involved in this case. The Committee found that Dr. Y was aware that it would not be possible to meet with any of the other parties involved in the access issues, including the children about whose interests Dr. Y was contracting to comment upon. The Committee concluded that Dr. Y knew or ought to have known that such contact would be required for an adequate assessment. The Committee concluded that Dr. Y did not and could not provide the services requested by the clients.

The Committee noted that, in the report, Dr. Y drew several conclusions without providing the data on which the conclusions were based. The Committee concluded that Dr. Y provided opinions, conclusions and recommendations about the suitability of the clients to access the children and about the education of one of the children without obtaining adequate data on which to base those opinions, conclusions and recommendations, including: failing to interview the children; failing to interview the parents; failing to observe either client with the children; failing to observe the family as a whole; and failing to interview any other individuals in the family's life.

The Committee noted further that Dr. Y provided opinions, conclusions and recommendations concerning one of the children's parents without obtaining adequate data on which to base those opinions, conclusions and recommendations. For example, Dr. Y provided conclusions about the credibility of the parent with respect to an issue raised by the clients and recommended counselling to the parent, without ever meeting with the parent or obtaining any psychological test data related to that parent.

The Committee concluded that Dr. Y signed a report which contained statements which Dr. Y knew or ought to have known were misleading or otherwise improper and without ascertaining or taking reasonable measures to determine the accuracy of all of its contents.

The Committee also concluded that Dr. Y disagreed with the findings of other professionals and agencies who had undertaken evaluations of parties whom Dr. Y did not assess, thus providing opinions about professional reports without obtaining sufficient data on which to base those opinions.

Finally, the Committee concluded that Dr. Y failed to maintain objectivity and to remain unbiased in writing a report in which access recommendations were made. For example, the report contained statements which would tend to indicate that Dr. Y was seeking out evidence to support the clients' view of the situation and to bolster the clients' credibility rather than weighing all available evidence and drawing probable conclusions. ■



ALTERNATE DISPUTE RESOLUTION

Undertaking and Agreement

An undertaking and agreement was signed recently by Dr. Z, in which Dr. Z agreed not to conduct custody and access assessments unless and until Dr. Z receives specific written permission from the Registrar of the College to do so. The Registrar will only grant such permission after Dr. Z has satisfied her as to the issues of appropriate training and competence to conduct such assessments. Dr. Z has also agreed to notify each client who requests services related to custody/access assessments of the undertaking.

In the undertaking, Dr. Z acknowledges unfamiliarity with the custody/access field and apologizes to the complainant for having breached the standards of the profession in conducting an assessment.

Pursuant to the agreement, the public Register of the College contains a notation which informs members of the public who might inquire about Dr. Z's status that Dr. Z has undertaken voluntarily to refrain from conducting custody/access assessments until further notice.

The Disciplinary Data Bank of the Association of State and Provincial Psychology Boards will be notified of the voluntary limitation. The undertaking specifies that the College will publish this article in the *Bulletin*, without any identifying details, for purposes of education of the membership. Any breach of the terms and conditions of the undertaking will constitute professional misconduct and will be grounds for disciplinary action by the College.

A caution was issued to Dr. Z by the Complaints Committee and the Committee's decision, which is provided to both parties to the complaint, contains information outlining the terms and conditions of the undertaking.

Following is information pertaining to the nature of the Complaints Committee's concerns in this matter:

The subject of complaint related to a psychological assessment report provided by Dr. Z concerning the father of the complainant's children, which contained conclusions about the father's parenting skills. The Committee noted that, notwithstanding the fact that the complainant was the custodial parent at the time and no notice was provided to the complainant, the father hired Dr. Z to conduct a separate psychological investigation and assessment related to the father and his relationship with the children.

The Committee noted further that Dr. Z had an obligation to obtain the complainant's consent prior to the children's

participation in the assessment interviews and no attempt was made to contact the complainant. The Committee concluded that Dr. Z failed to obtain the consent of the children's custodial parent to meet with the children, contrary to the *Children's Law Reform Act*, the *Custody/Access Assessment Guidelines* and articles published in the *Bulletin* in April, 1988 and July, 1990.

The Committee noted further that Dr. Z: conducted a single parent custody/access assessment; critiqued the findings contained in the court-ordered assessment report of another psychologist who had met with all family members and had obtained the consent of both parents to assess the family; and prepared a report providing opinions related to the father's ability to be a positive role model for the children, his ability to provide them with a nurturing environment and whether an ongoing relationship with him would be beneficial to the children, all without having met with both parents, the entire family, or complying with the standards of the profession, the *Custody/Access Assessment Guidelines* and/or the articles contained in the *Bulletin* pertaining to the conduct of such assessments.

The Committee concluded that Dr. Z should have refused to conduct this assessment, as it was inappropriate for Dr. Z to conduct the assessment in these circumstances, as per the standards of the profession. Furthermore, the Committee concluded that the approach and procedures followed in conducting this assessment were contrary to the *Custody/Access Assessment Guidelines* and advice provided in the *Bulletin*. ■

DISCIPLINARY UPDATE

In a Decision dated July 28, 1994, a panel of the Discipline Committee of the College of Psychologists of Ontario found Dr. Daniel Bird guilty of professional misconduct and imposed the penalty of revocation of his certificate of registration, effective one month following the date of the Decision.

Dr. Bird appealed the Decision of the Discipline Committee to the Divisional Court of Ontario. This resulted in a stay of the penalty imposed by the Discipline Committee of the College. The appeal was heard on April 26, 1995 and in a written Decision dated May 1, 1995, the Divisional Court dismissed the appeal.

The College has been advised that Dr. Bird is seeking leave to appeal the dismissal to the Court of Appeal. In the meantime, the College has confirmed that the penalty originally imposed by the Discipline Committee is in effect.

Daniel Bird, Ph.D. is no longer registered as a psychologist in the Province of Ontario. His certificate of registration has been revoked. ■

DISCIPLINARY UPDATE

Undertaking and Agreement

In the November, 1994, issue of the *Bulletin*, we reported on a decision of a Panel of the Discipline Committee of the College, with respect to Dr. John Machry.

Pursuant to the Order of the Discipline Committee of the College (see the November 1994 issue of the *Bulletin*), Dr. Machry has now signed an undertaking and agreement. Dr. Machry agrees to a voluntary limitation on his certificate of registration wherein he will not conduct custody and access assessments without prior notice in writing to the College.

Dr. Machry has agreed that if, at some future date, he plans to commence the conduct of custody and access assessments, he will notify the College of these plans and the Discipline Committee's order with respect to supervision will then take effect. Dr. Machry will then comply with all terms and conditions of the penalty of the College.

Dr. Machry has agreed that, should he be subpoenaed before any Court with respect to custody/access assessments, he shall advise the College in writing of the subpoena, prior to the hearing date, and testify exclusively concerning custody/access assessments which he conducted prior to the undertaking taking effect, unless the Court otherwise directs.

Pursuant to the agreement, the public Register of the College contains a notation which informs members of the public who might inquire about Dr. Machry's status that Dr. Machry has agreed voluntarily to refrain from the conduct of custody/access assessments until further notice. The Disciplinary Data Bank of the Association of State and Provincial Psychology Boards has been notified of the voluntary limitation. The undertaking specifies that the College will publish this article in the *Bulletin*, for purposes of education of the membership. Any breach of the terms and conditions of the undertaking will constitute professional misconduct and will be grounds for further disciplinary action by the College. ■

Oral examinations were held in Toronto on May 24, 25 and 26, 1995. The College would like to thank the following people who assisted in conducting these examinations:

Werner Albert, Ph.D., Chief Psychologist, Social Programs Administrator, Maplehurst Complex – Ministry of Solicitor General and Correctional Services, Private Practice – Forensic Psychology, Milton

James Alcock, Ph.D., Professor, York University, Toronto. Private practice

Rosemary Barnes, Ph.D., Private Practice, Toronto

Maria (Maru) Barrera, Ph.D., Senior Psychologist, Oncology Program, The Hospital for Sick Children, Toronto

Lynne Beal, Ph.D., Chief Psychologist, East York Board of Education

Jean-Pierre Bergevin, Ph.D., Professor of Psychology, University College of Hearst

Yvon Bourbonnais, Ph.D., Private Practice, Ottawa

Ester Cole, Ph.D., Team Coordinator, Psychological Services, Toronto Board of Education, Toronto

Patricia DeFeudis, Ph.D., Director, Department of Psychology, The Credit Valley Hospital, Mississauga

Margaret Hearn, Ph.D., Manager, Behavioural Health, University Hospital, London

Nina Josefowitz, Ph.D., Consultant, Atkinson Counselling Centre, York University; Private Practice, Toronto

Paul King, Ph.D., Psychologist, Private Practice, North Bay

Louise LaRose, Ph.D., Psychologist, London Board of Education

Maggie Mamen, Ph.D., Psychologist, Private Practice, Ottawa

Marty McKay, Ph.D., Private Practice, Toronto

Clifford Morris, Partner in *Adventures*

Marilyn Norman, Administrator, Kingcole Homes Incorporated, Kingston

Jerome D. Pauker, Ph.D., Psychologist, Private Practice, Toronto

George Phills, Ph.D., Chief of Psychological Services, London Board of Education, London

Guy Proulx, Ph.D., Director, Department of Psychology, Baycrest Centre for Geriatric Care, North York

David Rennie, Ph.D., Associate Professor, Department of Psychology, York University, Toronto

Philip Ricciardi, Ph.D., Treatment Coordinator and Psychologist, Assessment/Day Treatment Program, The Child's Place, Windsor

Barbara Richardson, Ph.D., Director, Home Visiting Program for Infants (HVPI), CPRI, London

Brian Ridgley, Ph.D., Chief of Psychology, Sunnybrook Health Science Centre, Toronto. Private Practice

June Rogers, Ph.D., Psychologist, Private Practice, Ottawa

Gene Stasiak, Ph.D., Psychological Consultant; Director of Research, Ontario Correctional Institute



**Placed on the Temporary Registrar since March 1995 –
Psychologist**

Angela Biason	Neil Brockwell
David Lynn	Glenys Caseley-Rondi
Cynthia Shaffer	Charles Evans
Tory Hoff	Karen Kaffko
Catharina Maan	Michelle Picard-Lessard
Roseanne Menna	Qadeer Ahmad
Alina Kaminska	Mary Katherine Buell
Eleftheria Sands	Malgorzata Ligezinska
Diana Koszycki	Cecilia Preyra
Peter Li Preti	Leslie Amass
Lucia Bohorquez	Nicole Walton-Allen
Kelly Boyko	Denise Vallance

**Placed on the Permanent Register since December 1994 –
Psychological Associates**

Johnny Chan	Stefan Losztyn
Barry Cull	Mary Anne McDowell
Elizabeth Demers	Dona Menard-Calder
Roberto Di Fazio	Peggy O'Leary
Lana Di Fazio	Judith Patteson
Christine Douglas	Sheryn Ricker
Lynn Douglas	Patricia Sasse
Birgitte Granofsky	Carol Smith
Timothy Ho	Laureen Tinkess
Sybil Huffman	Wendi Woo
Serge Keravel	

Notice for Members of the College

As members are aware, each year at renewal time we ask for an address to be listed in the Directory.

Members are reminded that the address provided for listing in the Directory is a public record. The Directory is published once per year and is widely distributed to members, libraries, institutions, etc. As well, the Directory is available to any member of the public who wishes to purchase it.

**Placed on the Permanent Register since December 1994 –
Psychologists**

Mary Ellen Beatty Leask	Tanju Mishara
Micheline Beitel	Gjylena Nexhipi
Diane Bernard	Dianne O'Connor
Charles Borsellino	Susan Pigott
Curtis Breslin	Stewart Plotnick
Rochelle Cole	Harry Potasznik
Paul Comper	Michael Ray
Lynn Crawford	Donna Scher
Alison Crocker	Shannon Stewart
David Erickson	Jane Summers
David Fischman	Edward Taylor
Jean Folsom	Deborah Thompson
Angela Fountain	Michael Tsang
Jan Gordon Walker	David Villeneuve
Catherine Gow	Arlene Young
David Hoath	Helena Zajdeman
Nancy Lands	

Council Meetings

The next Council meetings have been scheduled for September 15 and 16, 1995, December 1 and 2, 1995, March 1 and 2, 1996 and June 7 and 8, 1996. Those who would like to attend are requested to contact the College to ensure space is available.

PROPOSED REGULATIONS

In this issue you will find printed two proposed regulations approved by Council for circulation to the membership for comment. The first is a new regulation which would require members to purchase insurance. The second is a set of amendments to the regulation on registration.

Members and other interested parties are encouraged to review the regulations and to submit written comments to the College by mid-August. All submissions will be forwarded to the Council for the September 15 meeting at which time final revisions will be made and approval given for submission to the Ministry of Health. It is expected that the Ministry approval and publication in the Gazette will occur in time for the next registration renewal deadline which is June 1, 1996.

Proposed Regulation on Insurance

The proposed regulation on insurance was approved by Council at its March 1995 meeting. Please refer to the December 1994 issue of the Bulletin for a discussion of the various types of insurance coverage.

The proposed regulation covers two types of insurance: professional liability insurance and insurance to cover claims under the required program for funding therapy and counselling for persons who have been sexually abused by members.

The Regulated Health Professions Act provides the College with the authority to require liability insurance of its members. Many members have already purchased liability insurance through their professional association or through an independent carrier.

The RHPA and the regulations under the RHPA require each of the Health Regulatory Colleges to set up a program to provide funding for up to 100 hours of therapy or counselling (calculated at the current rate for psychotherapy under the provincial health insurance scheme) for individuals found to have been sexually abused by a member.

In order to avoid a possible perception of a conflict of interest, the Council has established a means of keeping the program at arm's length from the College with members to purchase their own coverage through the carrier of their choice. It is expected that once the requirement for coverage is established in regulation there will be at least two plans available from which members may choose.

Each College may establish alternative criteria for eligibility to receive the funding in addition to the requirements set out in the RHPA and the regulations under the RHPA. Additional eligibility criteria approved by the Council are set out in the proposed regulation.

As the proposed regulation is currently worded, only those cases where "sexual abuse" occurred after December 31, 1993 would be eligible for the funding program as the term "sexual abuse" was first defined with the amendments to the RHPA as it was proclaimed on December 31, 1993. Cases alleging professional misconduct involving sexual impropriety which occurred prior to proclamation of the RHPA would not be eligible for the mandated funding program.

Regulation on Registration

The amendments proposed to Regulation 873/93 have been incorporated into the regulation so that the full amended text can be reviewed. All members have copies of the registration regulation 878/93 which has been in force since December 31, 1993 and may compare the two.

There are two principle amendments. The first creates three types of certificate of registration. It is the intention of the Council that holders of any of these certificates would be members of the College and under the College's full jurisdiction.

Certificate of Registration for Autonomous Practice: This certificate allows fully autonomous practice in the area of competence. Candidates who have met all of the requirements would be provided with this certificate.

Certificate of Registration for Supervised Practice: Registration candidates who must complete the supervision requirement and have met the relevant requirements would be provided with this certificate.

Certificate of Registration for Interim Autonomous Practice: Candidates for Registration who are registered in another jurisdiction with similar requirements and who have been continuously registered for five years without revocation, suspension or the imposition of a limitation, term or condition would be eligible for this certificate. It is intended to provide the opportunity to practice for a period of no more than six months during which time any oral or jurisprudence examination must be successfully completed. Anyone who did not satisfy the examinations requirements during the six month time limit would be switched to a Certificate for Supervised Practice.

The other principle amendment involves the creation of "statuses" of certificate. This would apply only to those individuals who possess a certificate of registration for autonomous practice. The Council moved to create the special statuses to take into account circumstances in which members might wish to pay a reduced fee during an extended period of

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Proposed Regulations – *continued from page 13*

time in which no professional services were being provided and to retain their ability to identify themselves as psychologists or psychological associates.

The three special statuses proposed are:

Inactive: This status is intended for members who anticipate a hiatus of at least six months in their provision of psychological services in Ontario due to an extended leave, a sabbatical, parental leave or an extended illness.

Retired: This status is intended for those members who have permanently ceased to offer professional services but who wish to remain identified as members of the College.

Academic: This status is intended for those members who hold full time academic appointments and who neither provide professional services directly to clients nor supervise others in the provision of psychological services. ■

Proposed Regulation on 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, as required under section 85.7, for therapy or counselling for clients who have been sexually abused by members and respecting the purchase of insurance by the member:

Members of the College must for the entire duration of their membership carry insurance coverage as required in this regulation.

1. Each member of the College must carry insurance coverage for:

(1) Professional liability

(2) Funding for therapy or counselling for any client who has been sexually abused by the member and who is eligible for coverage under the RHPA, and the regulations under the RHPA and the Psychology Act.

(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.

2. It is a condition of renewal of each certificate of registration that the member furnish proof of continuing insurance coverage

as required in Section 1 and that the member provide an attestation from the insurance carrier that the carrier will notify the College in the event that the insurance is cancelled or lapsed.

3. Persons newly registered or reinstated must furnish proof of insurance coverage as required in Section 1 within 30 days of receipt of notice of registration.

4. Exemptions from the requirement under 1(2) apply only to:

(1) Any member who resides outside of Ontario and who does not provide any service within Ontario at any time during the registration year.

OR

(2) Any academic member who does not provide intervention, assessment or consultation services to individual clients, groups of clients or organizations and who does not supervise persons in their provision of such services at any time during the registration year.

5. Any member who is eligible for exemption 4(1) or 4(2) upon renewal of his/her certificate of registration must attest to his/her eligibility for exemption by signing a form provided by the College with the renewal notice. ■

Advertising – *continued from page 7*

Members should also consult the Standards on the use of titles, published in the March, 1995 issue of the Bulletin.

Should members of the profession have more specific questions related to advertising or promotion, it is always appropriate to consult with a peer and/or to put your concerns in writing and seek the advice of the College.

ADVERTISING

Proposed model regulation 95(18): respecting the promotion or advertising of the practice of psychology

1(1) An Advertisement with respect to a member's practice must not contain:

- (a) anything that is false or misleading;
- (b) claims of uniqueness or special advantage that are not supportable in terms of existing scientific evidence;

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Proposed Amendments to Regulation 878/93

REGISTRATION

1. The following are prescribed as classes of certificates of registration:

1. For psychologist

- i) certificate of registration authorizing autonomous practice.
- ii) certificate of registration authorizing interim autonomous practice.
- iii) certificate of registration authorizing supervised practice.

2. For psychological associate

- i) certificate of registration authorizing autonomous practice.
- ii) certificate of registration authorizing interim autonomous practice.
- iii) certificate of registration authorizing supervised practice.

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. O.Reg. 878/93,s.2.

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 applicant must be able with reasonable fluency to speak and write either English or French.

(2) It is a condition of a certificate of registration that the member 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:

1. A conviction for a criminal offence or an offence related to the regulation of the practice of the profession.

2. 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.

3. A proceeding for professional misconduct, incompetency or incapacity, in Ontario in relation to another profession or in another jurisdiction in relation to the profession or another health profession. O.Reg. 878/93,s.3.

4.-(1) The following are non-exemptible registration requirements for a psychologist:

1. For a certificate of registration authorizing autonomous practice, the applicant must:

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Registration – *continued from page 15*

- i)
 - a) have obtained a doctoral degree from a program of study with content that is primarily psychological in nature as required in the guidelines published by the College;
 - b) have completed a period of post doctoral supervised practice as required in the guidelines published by the College;
 - c) have passed such written and oral examinations as may be required by the College; and
 - d) have completed any further professional training or experience as may be required by the College in cases where the applicant's training and experience are insufficient, in the opinion of the College, to qualify the applicant for autonomous practice as a psychologist;

or

- ii) have attended the oral procedure, and passed such jurisprudence examination, as required by the College if the applicant has been registered continuously, and in good standing, for the past five years in a jurisdiction with which the College has entered into a written reciprocity agreement.

2. For a certificate of registration authorizing interim autonomous practice:

- i) the applicant must have been registered continuously, and in good standing, for the past five years in a jurisdiction with which the College has entered into a written reciprocity agreement; or
- ii) alternatively, the applicant must have been registered continuously, and in good standing, for the past five years in a jurisdiction with requirements substantially equivalent to those of the College for a certificate of registration authorizing autonomous practice.

3. For a certificate of registration authorizing supervised practice, the applicant must:

- i) have obtained a doctoral degree from a program of study with content that is primarily psychological in nature as required in the guidelines published by the College; and
- ii) provide to the College signed undertakings to supervise the applicant from two members of the College as required in the guidelines published by the College.

4.-(2) The following are non-exemptible registration requirements for a psychological associate:

1. For a certificate of registration authorizing autonomous practice, the applicant must:

- i)
 - a) have obtained a masters degree from a program of study with content that is primarily psychological in nature as required in the guidelines published by the College;
 - b) have completed four or more years of experience as required in the guidelines published by the College;
 - c) have completed a period of supervised practice as required in the guidelines published by the College;
 - d) have passed such written and oral examinations as may be required by College; and
 - e) have completed any further professional training or experience required by the College in cases where the applicant's training and experience are insufficient, in the opinion of the College, to qualify the applicant for autonomous practice as a psychological associate;

or

- ii) have attended the oral procedure, and passed such jurisprudence examination, as required by the College if the applicant has been registered continuously, and in good standing, for the past five years in jurisdiction with which the College has entered into a written reciprocity agreement.

2. For a certificate of registration authorizing interim autonomous practice:

- i) the applicant must have been registered continuously, and in good standing, for the past five years in a jurisdiction with which the College has entered into a written reciprocity agreement; or

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Registration – *continued from page 16*

- ii) alternatively, the applicant must have been registered continuously, and in good standing, for the past five years in a jurisdiction with requirements substantially equivalent to those of the College for a certificate of registration authorizing autonomous practice.

3. For a certificate of registration authorizing supervised practice, the applicant must:

- i) have obtained a masters degree from a program of study with content primarily psychological in nature as required in the guidelines published by the College;
- ii) have completed four or more years of experience as required in the guidelines published by the College; and
- iii) provide to the College signed undertakings to supervise the applicant from two members of the College as required in the guidelines published by the College.

4.-(3) Until December 31, 1998, the following are non-exemptible registration requirements for a psychological associate:

1. For a certificate of registration authorizing autonomous practice, the applicant must:

- i) have obtained a masters degree with content primarily psychological in nature or the completed equivalent, relevant graduate training and education acceptable to the College;
- ii) have completed five or more years of experience as required in the guidelines published by the College;
- iii) have passed such written and oral examinations as may be required by the College; and
- iv) have completed any further professional training or experience required by the College in cases where the applicant's training and experience are insufficient, in the opinion of the College, to qualify the applicant for autonomous practice as a psychological associate.

2. For a certificate of registration authorizing supervised practice, the applicant must:

- i) have obtained a masters degree with content primarily psychological in nature or the completed equivalent, relevant graduate training and education acceptable to the College; and
- ii) have completed five or more years of experience as required in the guidelines published by the College.

4.-(4) Notwithstanding section 4.-(3) above, until December 31, 2001, for holders of a diploma awarded in 1994, 1995, or 1996 by the Institute of Child Study of the University of Toronto, the following are non-exemptible registration requirements for psychological associate:

1. For a certificate of registration authorizing autonomous practice, the applicant must:

- i) have obtained a masters degree with content primarily psychological in nature or completed equivalent, relevant graduate training and education acceptable to the College;
- ii) have completed five or more years of experience as required in the guidelines published by the College;
- iii) have passed such written and oral examinations as may be required by the College; and
- iv) have completed any further professional training or experience required by the College in cases where the applicant's training and experience are insufficient, in the opinion of the College, to qualify the applicant for autonomous practice as a psychological associate.

2. For a certificate of registration authorizing supervised practice, the applicant must:

- i) have obtained a masters degree with content primarily psychological in nature, or completed equivalent, relevant graduate training and education acceptable to the College; and
- ii) have completed five or more years of experience as required in the guidelines published by the College.

5. The following are conditions for all certificates of registration authorizing autonomous practice, interim autonomous practice, academic practice, or supervised practice:

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Registration – *continued from page 17*

1. The member shall:
 - i) practise the profession only within areas of the member's competency, or under the supervision of a member who has competency in those areas
 - ii) fulfil such conditions of the quality assurance program as may be required by the College.

6.-(1) A member of the College is deemed to have regular status unless one of the following statuses has been granted.

1. The Registrar may grant inactive status to a member of the College if the member is not resident in Ontario, or if resident in Ontario is not practising psychology, provided that in either case the member:
 - i) applies in writing to the Registrar not less than sixty days before the intended starting date of inactive status, providing reasons for seeking this status;
 - ii) is not, at the time of the application, in default of any obligation to the College including payment of the annual fee, is in good standing, and has no disciplinary actions pending;
 - iii) acknowledges being prohibited from engaging in psychological practice in Ontario for the duration of the inactive status; and
 - iv) pays the fee for members on inactive status, which is 30% of the regular annual fee prorated, for the duration of this status.
2. Inactive status may be granted for an uninterrupted period of not less than six consecutive months.
3. The Registrar shall restore regular status to a member with inactive status if the member:
 - i) requests regular status in writing, not less than sixty days prior to the intended date of restoration of regular status;
 - ii) satisfied any conditions imposed by the Registration Committee to ensure current competence in the proposed areas of practice;
 - iii) is in good standing; and
 - iv) pays the annual fee for members on regular status, prorated, from the date of return to regular status.
4. The Registrar may grant academic status to a member of the College holding a certificate of registration authorizing autonomous practice, if the member:
 - i) occupies a full-time or regular academic position in an Ontario university;
 - ii) applies in writing to the Registrar not less than sixty days before the intended starting date of academic status, providing reasons for seeking this status;
 - iii) is not, at the time of the application, in default of any obligation to the College including payment of the annual fee, is in good standing, and has no disciplinary actions pending;
 - iv) pays the annual fee for members on academic status, which is 50% of the regular annual fee prorated, as of the starting date of this status; and
 - v) provides a written undertaking that for the duration of the academic status:
 - a) the member will not provide intervention, assessment or consultation services to individual clients, groups of clients, or organizations; and
 - b) the member will not supervise persons in their provision of such services.
5. The Registrar shall restore regular status to a member with academic status if the member:
 - i) requests regular status in writing, not less than sixty days prior to the desired date of restoration of regular status;
 - ii) satisfies any conditions imposed by the Registration Committee with respect to the member's proposed area of practice;
 - iii) is in good standing at the time of the application for restoration of regular status; and
 - iv) pays the annual fee for members on regular status, prorated, from the date of restoration of regular status.

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Registration – continued from page 18

6. The Registrar may grant retired status to a member of the College if the member:
 - i) applies in writing to the Registrar not less than sixty days before the intended starting date of retired status and provides reasons for seeking this status;
 - ii) is not, at the time of the application, in default of any obligation to the College including payment of the annual fee, is in good standing, and has no disciplinary actions pending;
 - iii) acknowledges being prohibited from engaging in any psychological practice in Ontario while on retired status; and
 - iv) pays the annual fee for members on retired status, which is 30% of the regular annual fee.
7. The Registrar shall restore regular status to a member with retired status if the member:
 - i) submits a new application with supporting documentation in keeping with the guidelines published by the College;
 - ii) pays the regular annual fee for members from the date of return to regular status; and
 - iii) meets any additional conditions as required in the guidelines published by the College.
8. Retired status is granted for an indefinite period of time.
9. For a period of one year after section 6.-(1) comes into force, the Registrar may grant retired status to a member whose certificate has been suspended for non-payment of fees and who:
 - i) applies in writing to the Registrar providing reasons for seeking retired status;
 - ii) has no disciplinary actions pending; and
 - iii) pays the fee for members on retired status.
7. 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. O.Reg. 878/93,s.6.
8. **This Regulation comes into force on the day section 2 of the Act comes into force.**

REGULATION 879/93
Amending O.Reg.878/93
(Registration)

Note: There are no prior amendments to Ontario Regulation 878/93.

1. Subsection 3(1) of Ontario Regulation 878/93 is amended by adding the following paragraph:

3. The applicant must be a Canadian citizen or a permanent resident of Canada or authorized under the *Immigration Act* (Canada) to engage in the practice of the profession.

2. This Regulation comes into force on the day section 2 of the Act comes into force. ■

WORKING PARTY ON LEGAL COSTS

Summary Report – March 1995

As requested by Council in response to the magnitude of legal costs in the 1993-94 fiscal year, a thorough review was conducted of the College's prosecution expenditures, including some revisions to the Complaints and Discipline process to minimize wherever possible the use of external legal services. In an attempt to remain respectful of complainants and cognizant of the rights of members, the following measures have been instituted.

1. In-House Measures

In an attempt to minimize legal costs during the complaints portion of the process, a number of measures have been undertaken by staff and committee members, including the following:

- Review of complaints process to maximize use of staff expertise

Save from complex legal issues, both investigators have sufficient legal expertise to advise the Complaints Committee, interview witnesses, take statements and prepare prosecution briefs, including drafting Notices of Hearing which contain the allegations referred to the Discipline Committee.

- Focus on negotiated settlement at all stages of the complaints and discipline process

In an attempt to utilize alternate dispute resolution wherever possible, both staff and the Complaints Committee have been asked to attempt a mediated settlement or a negotiated settlement at any and all stages of the process where the parties are willing. This can be initiated following the member's initial response to the complaint or at any stage right up to an agreed statement of fact and joint submission as to penalty at the hearing itself. It should be noted that, unlike the Discipline Process where, unless "intervenor status" is granted to the complainant, the "parties" concerned are the College and the member, a mediated settlement automatically involves the complainant as a "party". In many instances, members of the public are content to settle their concerns by means of an undertaking on the part of the member, rather than by more punitive measures.

- Statement of Concern to be issued to member to clarify issues central to complaint

In the past, members have not always been informed clearly of the standards being violated in the course of the complaint. Following their consideration of the complaint, the Complaints Committee will be issuing to the member a written Statement of Concern that outlines precisely the concerns expressed in terms of areas for potential allegations being laid. This will hopefully lay the groundwork for a negotiated settlement.

- Prosecution Package

Some preparation for hearings that has previously been done by the prosecuting lawyers will now be done by staff so that the lawyers will in effect be handed a brief that includes all necessary information to initiate the prosecution, including expert witness testimony. This will ensure that the costs incurred by the prosecution will be primarily the actual costs of the hearing, with preparation time minimized.

- Specific authorization required from the Registrar to seek legal opinion

Any staff person or member of the Complaints Committee requiring a legal opinion will be required to obtain specific authorization from the Registrar before doing so. This will minimize incidental legal costs and enable more careful monitoring of such expenses.

- Policy of seeking costs of hearings from members found guilty

Under RHPA, the College is finally able to seek costs of investigations and hearings from any member found guilty. Unlike fines which go into government coffers, costs can and will offset the actual out-of-pocket expenses incurred by the College in prosecuting individual cases. Since the cost of a single case can be in excess of \$60,000, there has understandably been some concern that the membership has to subsidize a guilty individual. The Registrar has thus been directed to recover costs as a routine part of the submission as to penalty.

- Reinstatement of clerical support position

In view of the additional workload on the investigators as a

continued on page 21

result of the various cost-cutting measures, the part-time clerical position that has traditionally provided administrative support to the Complaints process has been restored to a full-time position. This will free up much investigator and other administrative staff time that is being spent in routine clerical jobs such as photocopying, typing and mailing.

2. Issues Related to Prosecution

In terms of cutting costs once a Notice of Hearing is issued and legal services are retained, the working party members met with a number of law firms, including the current firm employed to undertake prosecutions on behalf of the College, and produced the following recommendations.

- Timely and detailed billings required on a per monthly basis

Previously, bills had been submitted up to several months after the conclusion of a case, and had been global. It is now required that bills be submitted within 30 days of services being rendered, and that they be minutely itemized. This will prevent major surprises and will enable the Executive more closely to follow the financial status of the College.

- Use of junior lawyers requested wherever possible

The College has been fortunate in having the services of top quality senior lawyers in its prosecutions. The working party felt, however, that in certain appropriate cases, more junior lawyers could be used, with senior lawyers used for back-up and consultation.

- Requests for pre-hearing estimates

Given that a prosecution brief will be prepared by staff, it is possible to request pre-hearing estimates from the lawyers. While it is recognized that total accuracy of prediction is unlikely, such an approach will at least enable the College to budget its resources more effectively.

- Tenders to be sought for \$ 100,000 prosecution costs

As a means of controlling a large portion of prosecution costs, the working party considered such options as hiring in-house counsel to conduct all prosecutions. It was felt that more flexibility was required than that provided by such an option,

and therefore the College proposes to set aside a fixed portion of the budget for legal costs and to tender this amount to a number of different law firms competent to prosecute under RHPA. Firms would be requested to submit proposals as to the services they would be willing to provide for this set amount of money over a one year period for prosecution work and hearings. The precise amount to be tendered will depend on a number of factors and will be determined by the Executive Committee.

- 30% reduction in hourly rates offered by current prosecuting law firm

Should the College elect to utilize the services of the current prosecuting law firm, there has been an offer to bill the College at an hourly rate by 30% below the standard rates. This reflects their interest in continuing to work with our College. It is recognized that this firm has, in fact, already made considerable efforts to trim the College's bills even before this specific offer has been made.

- Review of previous bills requested and received

In an attempt to address last year's excessive legal costs, the law firm was requested to review all bills submitted to the College during the 1993-94 fiscal year. This has been done and it has been made clear to the working party where costs had already been cut back. The review resulted in some additional savings.

While they are probably too late to effect a significant decrease in costs over in the 1994-95 fiscal year, these measures are expected to achieve considerable savings over subsequent years. More important, however, is that Council will be able to retain more control over prosecution costs and that satisfactory resolution of complaints will be effected without undue stress to innocent parties and without undermining the protection of the public.

Respectfully submitted

Working Party on Legal Costs:

Nina Josefowitz, Ph.D., C.Psych

Maggie Mamen, Ph.D., C.Psych

Catherine Yarrow, Ph.D., C.Psych ■

- (c) any reference that holds the individual out to be a specialist when the individual does not have a designated speciality;
 - (d) an endorsement by an organization other than one known to have expertise relevant to the subject matter of the endorsement;
 - (e) A testimonial by a client or former client or by a friend or relative of a client or former client, except when the advertisement is directed to an organization, firm, corporate entity or community, and the testimonial is by an organization, firm corporate entity or community;
 - (f) a reference to a particular brand of equipment used to provide professional services that implies that the member is endorsing or recommending the use of the brand of equipment; or
 - (g) anything that discredits the profession of psychology.
- (2) An advertisement must be readily comprehensible to the persons to whom it is directed.

**Additional grounds of misconduct to promotion
or advertisement**

1. Advertising or permitting advertising with respect to the member's practice in contravention of the regulations.
2. Contacting or communicating, or causing or allowing any person to contact or communicate with potential clients, either in person or by telephone, in an attempt to solicit business, unless the person or persons contacted represent an organization, firm, corporate entity or community which is the potential client.
3. Appearing in, or permitting the use of the member's name in, an advertisement that implies or could be reasonably interpreted to imply that the professional expertise of the member is relevant to the subject matter of the advertisement. This paragraph does not apply to scholarly reviews, to an advertisement of the member's own practice, or to an advertisement of a non-profit organization, provided the member receives no consideration for his or her appearance or use of his or her name.
4. Permitting, counselling or assisting any person who is not a member of the College to promote or advertise himself or herself as either a psychologist or a psychological associate. ■

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

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The Bulletin is published quarterly. Subscriptions for members of the College 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.

Les articles dans ce numéro de *The Bulletin* sont disponibles en français.

COMMITTEE COMPOSITION

During the Council meeting of June 2 and 3, 1995, the Executive Committee of the College as well as other committee membership were selected. The Council held secret ballot for the position of President, Vice President and the remaining executive. Dr. Margaret Hearn is welcomed as the new President and Dr. Henry Edwards is welcomed back in the position of Vice President. The 1995-96 committees are as follows:

Executive Committee:

Dr. Margaret Hearn – *President*
Dr. Henry Edwards – *Vice President*
Dr. Nina Josefowitz
Ms. Carolyn Roeser
Ms. Marilyn Norman
Ms. Elaine Moroney

Discipline Committee:

Dr. Ronald Myhr
Dr. Henry Edwards
Dr. Judith Van Evra
Dr. Gene Stasiak
Dr. John Goodman
Dr. Janet Polivy
Ms. Mary Jane Handy
Mr. Clifford Morris
Ms. Huguette Boisvert
Mr. Gilles Gagnon
Dr. Maggie Mamen
Dr. Betty Milne

Complaints Committee

Dr. Nina Josefowitz
Dr. Anthony Miller
Mr. Clifford Morris
Ms. Marilyn Norman
Ms. Carolyn Roeser
Dr. Faith Kaplan
Ms. Carol Doutriaux

Registration Committee

Dr. Henry Edwards
Dr. Janet Polivy
Dr. Ron Myhr
Ms. Mary Jane Handy
Mr. Gilles Gagnon
Dr. William Melnyk
Ms. Melissa Cait

Fitness to Practice Committee

Dr. Janet Polivy
Dr. Judith Van Evra
Ms. Huguette Boisvert
Dr. Ron Frisch

Client Relations Committee

Dr. Margaret Hearn
Dr. Anthony Miller
Ms. Huguette Boisvert
Ms. Carolyn Roeser
Ms. Claire Bowles
Dr. Paul King

Quality Assurance Committee

Dr. Gene Stasiak
Dr. John Goodman
Ms. Marilyn Norman
Ms. Elaine Moroney

COLLEGE HIGHLIGHTS: Spring 1995

Sexual Abuse Prevention Plan approved. All of the Colleges are required to develop and implement a plan to prevent sexual abuse of clients by members. This plan is to include education and training of the members, Council, committees and staff of the College. The plan has been submitted to the Health Professions Regulatory Advisory Council who are responsible for monitoring these programs.

Prosecution Budget. A ceiling of \$100K has been set to cover the bulk of the College's discipline costs for 1995-1996. Law firms will be asked to submit proposals for handling the College's prosecution work.

Specialty Designation. A subcommittee was formed by the Executive Committee to address two issues: (1) whether the establishment of specialty designation is in the public interest and (2) whether the establishment of specialty designation is feasible in Ontario. Council will consider the report of the subcommittee at its September meeting.

Reciprocity Agreement. The College of Psychologists of Ontario has a reciprocity agreement with Oklahoma, Kentucky, Colorado, Iowa, Missouri and Manitoba for psychologists registered and in good standing for at least five years. Details available upon inquiry.

Jurisprudence Examination. Jurisprudence has long been a part of the oral examination. At the May, 1995 oral examinations, the jurisprudence portion was identified as a distinct section of the oral, in a first step toward the development of a separate jurisprudence examination.

Declaration of Electoral District. Academic Members. Council has determined that once a member has declared an electoral district, the member must continue to vote in that district until he or she provides the College with notification of a desire to change electoral district and the reasons for seeking such a change.

Standards of Professional Conduct to undergo revision. The Council has commissioned a revision of the Standards of Professional conduct to bring them into line with the RHPA and the regulations and to incorporate new standards. Appropriate principles from such documents as the APA Code of Ethics, 1977 will be integrated into the revised standards. A draft version is expected to be available for Council review by September 1995.

The Public Register/ the Directory. The RHPA requires that the College keep a public register which includes, among other things, the business address of each member. Members should ensure that a business address has been provided to the College for inclusion in the public register so that a member of the public may be able to contact a member of the College if necessary. ■

New Staff

The College would like to welcome two new staff members: Schrine Persad, Ed.D., C. Psych. and Ms. Monica Zeballos-Quiben.

Ms. Zeballos-Quiben, our new secretary/receptionist, is the friendly voice you hear when calling the College. Monica comes to us from a law firm, is fluent in Spanish and has been filling multiple roles here at the College.

Dr. Persad has been hired as the Practice/Public Advisor. Dr. Persad will be in the College office two days per week, normally Monday and Thursday. The College would like to express its gratitude to Dr. Bruce Quarrington and Dr. Barbara Wand who expertly and tirelessly filled this role until Schrine filled the staff position. ■

BY-LAW NUMBER 1-94

A by-law relating generally to the conduct of the affairs of THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO

Made under the authority of the RHPA,1991,(Code) Section 94.-(1)

1. INTERPRETATION PROVISIONS

1.1 Defined terms

In this by-law, unless otherwise defined or required by the context,

"Code" means the **Health Professions Procedural Code** in Schedule 2 of the **Regulated Health Professions Act** which is deemed to be part of the **Psychology Act** (section 2 of the **Psychology Act**);

"Council" means the board of directors of the College that manages and administers the affairs of the College (section 4 of the **Code**);

"documents" includes certificates of registration issued by the College, notices of hearings before panels of College committees, deeds, mortgages, hypothecs, charges, conveyances, transfers and assignments of property, real or personal, immovable or movable, agreements, releases, receipts and discharges for the payment of money or other obligations, conveyances, transfers and assignments of shares, bonds, debentures or other securities, cheques, promissory notes, drafts, acceptances, bills of exchange, orders for payments of money, and all paper writings;

"member" means a person registered by the College (subsection 13(1) of the **Code**);

"panel" means a group of at least three persons selected by the chair of a committee of the College to perform a function of that committee;

"rules of order" means.....(eg. Robert's Rules of Order)

"Regulation" means a Regulation made under the authority of the RHPA (Code) Section 95.-(1) and the **Psychology Act**.

2. CORPORATE STATUS OF THE COLLEGE

2.1 The College is a body corporate without share capital and the **Corporations Act** does not apply in respect to the College (section 2 of the **Code**).

2.2 The seal that is impressed in the margin hereof shall be the corporate seal of the College.

3. THE COUNCIL

3.1 The Council

(a) shall hold regular meetings to be called by the President,

(b) shall designate one of its regular meetings as the annual meeting, and

- 5.3 Where one or more vacancies occur in the membership of a committee, committee members remaining in office constitute the committee so long as their number is not fewer than the prescribed quorum.
- 5.4 A majority of the members of a committee, other than a committee prescribed in section 10 of the **Code**, constitutes a quorum.
- 5.5 The Executive Committee may and, if necessary for a committee to achieve its quorum, shall appoint members of the Council, or of the College where required, to fill any vacancies which occur in the membership of a committee to take effect immediately and to be ratified by Council at its next regular meeting.
- 5.6 Every appointment to a committee automatically expires at the first meeting of Council following the annual elections.
- 5.7 Both registration titles will be represented on all statutory committees.

6. COMMITTEE PROCEDURES

- 6.1 Each committee shall meet from time to time at the direction of the Council or the Executive Committee or the call of the chairperson at a place in Ontario, date and time designated by the chairperson.
- 6.2 No formal notice is required for a meeting of a committee but an appointed officer involved in the committee's activities shall make reasonable efforts to notify all the committee members of every meeting and to arrange the meeting date and time for the convenience of the committee members.
- 6.3 The chairperson or his/her appointee for the purpose shall preside over meetings of the committee.
- 6.4 Every question which comes before a committee may be decided by a majority of the votes cast at the meeting (including the presiding officer's) and, if there is an equality of votes on a question, the question shall be deemed to have been decided in the negative.
- 6.5 The presiding officer shall record the proceedings of every committee meeting, or cause them to be recorded, and the written record of every committee meeting when signed by the persons purporting to be the presiding and recording officers thereof, is prima facie proof of the accuracy of the contents of every such record.
- 6.6 The written record of the proceedings of a committee meeting when accepted at a subsequent committee meeting, subject to any corrections made at such subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.
- 6.7 The written record of every committee meeting shall be deposited with the Registrar promptly after it has been signed by the presiding and recording officers.
- 6.8 Each committee of the College shall annually submit a report to the Council under section 11 of the **Code**.

7. APPOINTED OFFICERS

- 7.1 The Council may employ persons it considers advisable and shall appoint one of its employees as the Registrar (section 9 of the Code).

8. SIGNING OFFICERS

The signing officers are,

- 8.1 Any two of either the Registrar OR the Associate Registrar, and the President, the Vice-President, and one Toronto member of Council as named, for any amount;
- 8.2 The Registrar AND the Associate Registrar for amounts up to \$5,000.00; and
- 8.3 The Assistant Registrar, Registration PLUS any one of the President, the Vice-President, one Toronto member of Council as named, the Registrar or Associate Registrar for amounts up to and including \$2,000.00. Payroll is specifically exempt from this provision.
- 8.4 A signing officer shall not sign a cheque made out to him/her self.

9. BANKING

- 9.1 The College does its banking at a bank chartered under the Bank Act (Canada).
- 9.2 All money belonging to the College shall be deposited in the name of the College with the bank.
- 9.3 The Registrar may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank and the College's rubber stamp may be used for such endorsement.
- 9.4 The Executive Committee may by resolution decide, and two signing officers may implement the decision, to invest or reinvest funds of the College not immediately required.
- 9.5 Two signing officers may invest or reinvest funds of the College, not immediately required, in
- (a) bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada, or
 - (b) deposit receipts, deposit notes, certificates of deposit acceptances and other similar instruments issued or endorsed by a regulated financial institution.
- 9.6 Any security in which the College invests shall be placed promptly after the investment is made in its safety deposit box at the bank appointed under subsection 10(1) except that securities of the type mentioned in subsection 9.5(b) may be kept by the bank issuing or endorsing them if the documentary evidence of the bank's possession is deposited promptly after the investment is made in a secure place designated by the Registrar.
- 9.7 Securities and other documents shall be placed in or removed from the College's safety deposit box only by two of the President, the Vice-President, the Registrar and one other member of the Executive Committee.

10. BORROWING

10.1 The Council may from time to time by resolution,

- (a) borrow money on the credit of the College,
- (b) limit or increase the amount or amounts to be borrowed, and
- (c) secure any present or future borrowing, or any debt obligation or liability of the College, by charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the College, whether present or future.

10.2 Notwithstanding section 12 of the **Code**, the Executive Committee should not exercise the powers or duties of the Council under section 10.1 of this by-law or take any similar action.

11. EXPENSES

11.1 Goods may be purchased or leased for the benefit of the College if the purchase or lease has been approved as a specific budget item during the setting of the budget or is consistent with the approved budget and is approved by,

- (a) a signing officer (other than the Registrar or the Associate Registrar) if the resulting obligation does not exceed \$2,000,
- (b) the Registrar or the Associate Registrar, if the resulting obligation does not exceed \$5,000,
- (c) the Registrar or Associate Registrar and one of the President or Vice-President, if the amount exceeds \$5,000.
- (d) the Executive Committee of the Council.

11.2 A signing officer who did not approve the purchase or lease may sign documents to implement the purchase or lease.

12. DOCUMENTS

12.1 The Registrar may sign summonses, notices and orders on behalf of any committee of the College which is a panel within the meaning of the **Regulated Health Professions Act** and the **Health Professions Procedural Code**.

12.2 Unless otherwise provided by law or the by-laws, a document of the College shall be signed by,

- (a) the Registrar and one of the President or Vice-President, if the document has financial implications for the College, and
- (b) the Registrar, if the document has no financial implications for the College.

12.3 A person who may sign a document may impress the seal of the College upon the document, if the seal is required and, if the document has been signed as required by law.

- 12.4 No person shall sign or seal a document affecting the College unless authorized by the **Psychology Act**, the Regulations, or by-laws.

13. AUDIT

- 13.1 The financial year of the College shall terminate on the thirty-first day of May in each year or on such other date as the Council may from time to time by resolution determine.
- 13.2 The Council shall appoint annually an auditor who is duly licensed under the **Public Accountancy Act**.
- 13.3 The auditor shall make such examinations as will enable him/her to report to the Council as required by law and under this section.
- 13.4 The auditor shall report to the Council by the end of the first quarter of the ensuing fiscal year.

14. REMUNERATION

- 14.1 In this section, "committee" means a committee established by section 10 of the **Code** or by section 5.1 of this by-law.
- 14.2 The amount payable to a member of Council, other than members appointed by the Lieutenant Governor in Council, for attendance at meetings of Council, at committee meetings or hearings held by the College, or other official College business, shall be as set down in policy by resolution of Council.
- 14.3 The amount payable to a member of a committee of the College, other than members who are members of Council, for attendance at a meeting of a committee of the College shall be as set down in policy by a resolution of the Council.
- 14.4 Each member of Council, other than a member appointed by the Lieutenant Governor in Council, and each member of a committee of the College who is not a member of Council shall be paid necessary travelling and other expenses incurred in connection with the business of the College, as follows,
- (a) return airfare, in coach class;
 - (b) return rail or bus fare, in first class if meals are required;
 - (c) a car allowance as set by resolution of Council;
 - (d) a meal allowance as set by resolution of Council;
 - (e) an allowance for preparation time for committee members as set by resolution by Council;
 - (f) other necessary expenses.

15. MEMBERSHIPS

- 15.1 The College shall maintain membership in the Council of Provincial Associations of Psychologists and the Association of State and Provincial Psychology Boards and shall pay the annual assessment required for the memberships.

- 15.2 The Registrar and a member of the Council appointed by the Council shall represent the College at meetings of the organizations mentioned in subsection 15.1.
- 15.3 The College shall maintain its representation on the Council of the Canadian Register of Health Service Providers in Psychology.
- 15.4 The Registrar or a member of Council appointed by the Council shall represent the College at meetings of the Council of the Canadian Register of Health Service Providers in Psychology.

16. ETHICS - Refer to Standards and Guidelines

- 16.1 As formal bases for the evaluation of acceptable professional conduct of members, the College has adopted the **Standards of Professional Conduct** (published in 1978 and subsequently revised), the **Ethical Standards of Psychologists** (1977 revision), the **Standards for Providers of Psychological Services** (1977 revision), and the **Guidelines for the Supervision of Non-registered Personnel** (1989 revision).
- 16.2 Copies of the documents identified in section 16.1 shall be circulated to all members of the College. On request, extra copies shall be made available to members and the general public at cost.
- 16.3 Of relevance to the practice of psychology, the College endorses the **Ethical Principles in the Conduct of Research with Human Participants** and the **Standards for Educational and Psychological Testing** published by the American Psychological Association; and the **Custody/Access Assessment Guidelines** published by the Ontario Psychological Foundation.
- 16.4 On request, the general public and members of the College shall be provided with the address of the publishers of the documents listed in section 16.

17. BY-LAWS

- 17.1 A by-law may be made and revoked in the same manner as a resolution of Council.
- 17.2 Every by-law and every amendment and revocation thereof shall be numbered according to the order in which it was passed, certified by the President or Vice-President and by the Registrar, sealed and maintained in a book in its numerical order.
- 17.3 A copy of the by-laws made by the Council shall be given to the Minister and to each member and shall be available for public inspection in the office of the College (subsection 94(3) of the **Code**).
- 17.4 A by-law signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose (subsection 94(4) of the **Code**).

Approved by Council June 11, 1994
Revised March 4, 1995

[dk/rhpa/bylaw/revmar04.95]