

Regulating Psychologists and Psychological Associates

What the New *Personal Health Information Protection Act* Means for Practitioners

By Richard Steinecke

On November 1, 2004 new provincial privacy legislation specifically designed for the handling of health information went into effect. The legislation’s impact on practitioners will likely be largely positive. It will clarify matters about consent that may have been uncertain under the current federal legislation, the *Personal Information Protection and Electronic Documents Act* (PIPEDA).

The *Personal Health Information Protection Act, 2004 (PHIPA)* applies to any collection, use and disclosure of personal health information by a “health information custodian”. This is a significant expansion from PIPEDA which generally applied only to practitioners working in private practice. *PHIPA* will apply to almost all practitioners in clinical practice.

In essence, *PHIPA* applies to any personal health information collected, used or disclosed by a custodian (i.e., health practitioners and facilities) regardless of whether the custodian engages in commercial activities. Practitioners who work for a health facility or health agency will generally be able to fit under the facility’s or agency’s information practices. Each custodian must appoint an information officer, called a “contact person”.

First the bad news. *PHIPA* imposes a few new, and perhaps, onerous obligations. For example, if there is a privacy breach, custodians have an obligation to notify their client of the theft, loss or unauthorized access. There is also an explicit duty on agents of custodians, like a practitioner employed by a health facility, to notify the custodian if the agent has been involved in a security breach.

PHIPA is enforced by the Ontario Information and Privacy Commissioner. The Commissioner has broad powers of investigation and can directly order a custodian to comply with their *PHIPA* obligations. Practitioners are also subject to prosecution for breaches of *PHIPA* and to civil actions for damages, including a maximum of \$10,000 for mental anguish.

However, the good news is that *PHIPA* clarifies a number of ambiguities that exist under both *PIPEDA* and under the current patchwork quilt of statute and case law.

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PHIPA provides more workable consent procedures for the collection, use and disclosure of personal health information. Generally implied consent will be sufficient in the course of providing health care. A poster or brochure readily available and likely to be seen by a client can be used to support implied consent. Practitioners can even assume implied consent for disclosure of personal health information to other custodians who are treating the client. In addition, practitioners can usually assume that a signed consent form relating to personal health information is valid. Also, the rules for substituted consent for information handling are very similar to those for substituted consent for treatment decisions.

Some recurring problem areas are also addressed by *PHIPA*. For example, a direction from a client not to record pertinent information is invalid. Also, if a client directs that relevant information not be provided to another custodian, practitioners can warn the recipient that they are receiving only part of the file.

PHIPA also provides for more scope for using and disclosing personal health information without the client's consent. These include using the information for health care planning and delivery, risk management and education. Disclosure of personal health information can generally be made without consent to others on the health care team, to provide basic status reports on those admitted to facilities, to support families and friends of a deceased client, for audit and accreditation purposes, for serious safety issues and to successor custodians (e.g., the purchaser of a practitioner's practice).

PHIPA requires that reasonable safeguards be taken to protect personal health information. As noted above, clients have the right to be advised of privacy breaches. Information Technology (IT) suppliers to custodians must comply with certain standards. However, with client consent, records can be reasonably stored at the client's home or at an off-site storage facility.

In addition, *PHIPA* provides for a more health-specific system for client access and correction of their records. For example, access requests can be refused for quality assurance information, for raw data from psychological tests and where there is a risk of significant harm to either the client or others. Correction requests can be declined for professional opinions and observations and, in many circumstances, where the record was provided by another custodian. In addition, custodians do not have to provide copies of corrected records (or statements of disagreements) to those the custodian has previously disclosed the disputed personal health information unless the notification would have an impact on the client's care or otherwise benefit the client.

Most practitioners who have developed privacy policies to comply with PIPEDA will only have to make minor adjustments to them as a result of *PHIPA*.

Accompanying *PHIPA* is a related statute called the *Quality of Care Information Protection Act, 2004*. *QCIPA* protects certain information from being used against a practitioner or other custodian in any civil or other proceeding (including discipline proceedings). For example, information compiled by a risk management committee at a facility or by the College's quality assurance program about a practitioner is protected. Even information collected by a practitioner in order to comply with the College's quality assurance program cannot be used against the practitioner. This statute will provide greater assurance to practitioners so that, when they take steps to improve their practice or that of their facility, they will not be creating liability for themselves. §

[Richard Steinecke is the author of *A Complete Guide to the Regulated Health Professions Act* and has written and spoken extensively on privacy law.]

Personal Health Information Protection Act Resources

There are a number of resources available to assist member in understanding their obligations under the new legislation.

Mr. Richard Steinecke, working with Ontario's health regulatory colleges prepared a Guide to assist health practitioners with respect to compliance with the new provincial privacy legislation. This Guide is available on the College website. This information is not intended to provide legal advice on PHIPA. Members are encouraged to speak with their own lawyer regarding the applicability of this legislation to their practice and to clarify any questions with respect to PHIPA.

Members may wish to review the information on the Ministry of Health and Long-Term Care website (www.health.gov.on.ca) and the website of the Information and Privacy Commissioner (www.ipc.on.ca). Both the Ministry of Health and Long-Term Care and the Information and Privacy Commissioner add information frequently to their sites therefore members may wish to regularly check for new postings.

The Ministry of Health and Long Term Care has published a number of articles as professional resources including:

- Bill 31 : Personal Health Information Protection Act Toolkit for hospitals, doctors and other health care organizations
- Rights Advice - PHIPA rules for Rights Advice under Mental Health Act
- Health Information Protection Act, 2004, Information Session - Webcast : Halyna N. Perun and Brian Beamish
- Brochure – Your Health Information : Your Rights
Your Guide to the Personal Health Information Protection Act, 2004
- Regulation 297/04 /Regulation 330/04
Regulations under the *Quality of Care Information Protection Act, 2004*
- Regulation 329/04 - Regulation under the *Personal Health Information Protection Act, 2004*
- Personal Health Information Protection Act, 2004 : An Overview
- Compendium : Health Information Protection Act, 2004
- Health Information Protection Act, 2004
- Personal Health Information Protection Act, 2004 : Overview for Health Information Custodians
- Personal Health Information Protection Act, 2004 : Checklist for Health Information Custodians
- Questions and Answers

On the Information and Privacy Commissioners website there are articles including:

- Frequently Asked Questions: Regulations under the *Health Information Protection Act* Last Updated: October 27, 2004
- Frequently Asked Questions: *Health Information Protection Act*, Last Updated: October 22, 2004
- The *Personal Health Information Act* and Your Privacy (brochure), October 2004
- A Guide to the *Health Information Protection Act*, September 2004



A Letter from the Ministry of Health and Long-Term Care...

**Ministry of Health
and Long-Term Care**
Integrated Policy and Planning
8th Floor Hepburn Block
80 Grosvenor Street
Toronto, ON M7A 1R3

**Ministère de la Santé
et des Soins de longue durée**
Politiques et planification intégrées
8^e étage, édifice Hepburn
80, rue Grosvenor
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Telephone: (416) 327-7261 Téléphone
Facsimile: (416) 327-5109 Télécopieur

November 1, 2004

Dr. Rick Morris
Deputy Director
College of Psychologists of Ontario
110 Eglinton Avenue West, Suite 500
Toronto, ON M4R 1A3

Dear Dr. Morris:

On November 1, 2004, the *Personal Health Information Protection Act, 2004* (PHIPA) came into force in Ontario. The Act creates consistent rules for the collection, use and sharing of personal health information and applies to individuals and organizations involved in delivery of healthcare services. Under the Act, they are referred to as "health information custodians".

Under PHIPA, health information custodians are required to:

- collect only the information they need to do their job
- take steps to safeguard personal health information
- take reasonable steps to ensure their health records are accurate and complete
- provide a public written description of the practices they use to protect information
- designate a contact person responsible for answering questions about personal health information and for making corrections to personal health records

The Act will also give the Information and Privacy Commissioner of Ontario, an independent body, responsibility for oversight of the legislation.

You may access additional information on the Act at the Ministry's web site www.health.gov.on.ca (under "Health Care Providers", under "Legislation", under "Bill 31: HIPA, 2004").

We will appreciate if you convey this information to your members.

Sincerely,

Alison Pilla
Assistant Deputy Minister (A)

President's Message

Dear Colleagues,

Almost halfway through my mandate as President of the College, I look back and wonder where the time has gone. In this new position, I have had the opportunity to realize first hand, how complex the administration of the Regulated Health Professions Act is for our Registrar, staff and Council members. In the last six months alone we have completed the draft of a new version of the Standards of Professional Conduct and distributed it to the membership for feedback; we have been in contact with different branches of the government to consult on numerous important issues including changes to our regulations, the new privacy legislation, and access to professional registration for internationally trained applicants. The relationship with the Ontario Psychological Association and the Ontario Association of Psychological Associates has become more regular and joint meetings take place on a quarterly basis. Issues of common interest include: difficulties accessing internships, support to supervisors, and the problems related to psychotherapy not being a protected act.

This past October it was my pleasure to represent the College at the Annual General Meeting of the Association of State and Provincial Psychology Boards in Atlanta, Georgia. It was with pride that I made the motion to the effect that Dr. Catherine Yarrow, the Registrar of the College, be elected by acclamation as the President-Elect of the ASPPB. This term as President-Elect will be followed by a one year term as the President and another year as Past-President.

During that meeting I had the opportunity to engage in numerous discussions with representatives from other jurisdiction. These conversations served to strengthen my appreciation for how fortunate we are, in Ontario, to have the system we do which allows us to be a self-regulating health profession. I also came away from this international meeting with the same impression that has been stated previously by other College Presidents: Ontario is looked to for its leadership and high standards.

As I move into the second half of my term as President I look forward to a continued very busy, but very productive, six months.

Sincerely yours,

Jean-Martin Bouchard, M.Ps., C.Psych.Assoc.
President



THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO

NOTICE OF ELECTION TO COUNCIL, 2005

The following information is for all members in Electoral District 4 and all Psychological Associate members. Only Psychological Associates who have chosen to vote in District 7 are eligible to nominate and vote in this District. All others are eligible to nominate and vote in their geographic district. Please read carefully!

A date of **March 31, 2005** has been set for elections to Council.

Elections will be held for Electoral Districts of 4 (East) and 7 (Psychological Associates).

District 4 – East This district is composed of the counties of Lanark, Renfrew, Leeds and Grenville, Prescott and Russell, Stormont, Dundas and Glengarry, and the Regional Municipality of Ottawa-Carleton.

District 7 – Psychological Associates This district is composed of the constituency of Psychological Associates.

Eligibility: A psychologist or psychological associate must be engaged in the practice of psychology in the electoral district for which he or she is nominated, or, if the member is not engaged in the practice of psychology in the electoral district, is resident in the electoral district for which he or she is nominated.

A member holding a certificate of registration as a Psychological Associate is eligible to vote in Electoral District 7 or in the district in which the member principally practises or, if the member is not engaged in the practice of psychology in Ontario, the district in which the member principally resides.

A member holding a certificate of registration as a Psychological Associate shall declare whether he or she chooses to vote in Electoral District 7 or in the district in which he or she principally practises, or if the member is not engaged in the practice of psychology in Ontario, the district in which the member principally resides, and cannot change this declaration for three years. Psychological Associates who within the past 3 years have chosen to vote for the Psychological Associate seat in District 7 are not eligible to nominate and vote in District 4.

A psychologist or psychological associate must not be in default of payment of any fees; the certificate of registration must not have been revoked or suspended in the six years preceding the date of election or subject to a term, condition or limitation, as a result of a disciplinary action, within two years leading up to election.

ELECTIONS 2005

Election to Council has been set for
March 31, 2005

Elections are being held in:
District 4 - East
District 7 - Psychological Associates

Nominations are due by January 31,
2005



Nominations: A nomination form is provided or may be obtained from the College. A psychologist or psychological associate may be a candidate for election in only one electoral district in which he or she is an eligible voter. A nomination must be signed by at least five members (psychologists or psychological associates) who support the nomination and are eligible to vote in that electoral district.

Deadline for Nominations: Nominations are due by 5 p.m., Monday, January 31, 2005. Further nominations will be received until 30 days before the election. Tuesday, March 1, 2005 is the last day for receiving nominations for the election. Those needing additional nomination forms may contact the College office.

Withdrawal of Nomination: A candidate may withdraw his or her nomination by giving notice to the Registrar in writing, not less than 30 days before the election. The last day for withdrawal is Tuesday, March 1, 2005.

Mailing Lists: On written request to the College, a candidate may obtain a mailing list (or address labels) of members in his or her electoral district, for use in the electoral process.

Procedures

Distribution of Ballots: No later than 15 days before the election, a final list of candidates in the electoral district, a ballot, the candidates' biographies and statements and an explanation of the voting procedures will be sent out.

Voting Procedures: Each member eligible to vote in a given district will receive a pre-addressed envelope in which to seal the completed ballot. **The name and address of the voting member must be recorded in the appropriate space on the outside of the envelope** so that the scrutineers may verify the voter's name and address against the voters' list. The envelope containing the completed ballot must be postmarked no later than Thursday, March 31, 2005.

The College will distribute the ballots to members in each electoral district, receive the sealed envelopes containing the completed ballots, confirm the voters against the voters' list, count and record the votes, and report the results of the election to the Registrar. The voting will be confidential and the College will arrange for a neutral third party to oversee the counting of ballots. Candidates may, at their own expense, choose to send a representative to observe the counting process.

Members in the electoral districts will receive candidate statements and biographies with their ballots.

Ballots are mailed to voters no later than 15 days before the election.

Other Information

Responsibilities: Council members are appointed to the seven statutory committees (Executive, Registration, Complaints, Discipline, Fitness to Practise, Quality Assurance, and Client Relations) and can expect to serve on at least two such committees. Council members can become members of other standing committees, as well as various ad hoc committees established.

Term of Office: The term of office for elected members is three years. During that time a member may be appointed to chair one or more committees.

Time Commitment: Council meetings are held at least quarterly and normally last for one full day, usually a Friday. Committees may meet the day before the Council meeting or between Council meetings. Committees are likely to meet twice as often as the Council for at least one full day.

A Council meeting will be held on May 27, 2005. Dates for the September 2005, December 2005 and March 2006 meetings have not yet been set. Following the May Council meeting, the Executive Committee will meet to appoint Council members to Committees.

Per diems and Expenses: Current Council policy provides for a per diem of \$295 for Council and Committee meetings. Half-day meetings are pro-rated.

Expenses covered include necessary travel (economy fare or mileage); meals up to \$63 per day; and necessary taxi fare or parking expenses. If a meal, such as lunch, is provided during a full day meeting, then the amount allocated for lunch is deducted from available expense coverage.

Note: The complete Elections By-law is available on the College website, or by contacting the College.

Please ensure that you have printed your name on the ballot envelope to ensure that your vote can be counted.

Ballots need to be postmarked by March 31, 2005, to be counted.

Investigations and Hearings

The Committees involved in Investigations and Hearings reported the following activity between June 1 and August 31, 2004 (Cumulative statistics for current fiscal year in parentheses)

Number of New Complaints: 11

Complaints Received by Nature of Complaint

Breach of Confidentiality	2	(2)
Conduct Unbecoming of a Member of the College	1	(1)
Failure to Obtain Informed Consent	2	(2)
False, Misleading or Inaccurate Information	2	(2)
Inaccurate Data to Support Conclusions	1	(1)
Inappropriate Conduct toward Colleague	1	(1)
Quality of Services	1	(1)
Sexual Comments/Gestures	<u>1</u>	<u>(1)</u>
	11	11

Complaints Received by Nature of Service

Corrections Assessment	1	(1)
Neuropsychological Assessment	1	(1)
No Service Provided	4	(4)
Other Psychological Assessment	1	(1)
Psychotherapy/Counselling	2	(2)
Rehabilitation Assessment	<u>2</u>	<u>(2)</u>
	11	11

Decisions Released by Nature of Disposition

Take no Further Action (Dismiss)	4	(4)
Take no Further Action, following Facilitated Resolution	1	(1)
Advice	1	(1)
Written Caution	2	(2)
Written Caution with Undertakings	2	(2)
Refer to Discipline Committee	<u>1</u>	<u>(1)</u>
	11	11

Health Profession Appeal and Review Board (HPARB)

Reviews Requested	6	(6)
Decisions Received:		
Decision Confirmed	5	(5)
Decision Inadequate	1	(1)
Reinvestigation	<u>1</u>	<u>(1)</u>
	7	7

Cautions by the Committee

As noted above, the Complaints Committee considered several complaints that resulted in a *Caution* disposition. While a *Caution* indicates that a panel of the Committee has formed concerns about the conduct of a member, some of the reasons for the issuance of a *Caution*, as opposed to a referral to the Discipline Committee or some other disposition include the:

- belief that the public interest can be protected if the member heeds the *Caution*
- belief that the *Caution* is sufficient to alert the member to the problem
- absence of a past history of similar conduct
- member's acknowledgment of errors and appropriate changes made in the member's practice

A *Caution* previously issued by the Committee will be available to the Committee in its consideration of a future complaint against the same member and may, in some situations, be used to substantiate it.

The following composite information about recent *Cautions* is provided for educational purposes:

- In a case of alleged **bias**, the member was cautioned to report assessment information in a manner that can be seen to be balanced, identifying strengths where they exist with consideration for the dignity of the individuals affected by the assessment
- In three cases where **failure to obtain informed consent was alleged**, features of the Committee's *Cautions* included:
 - the need to ensure that the client provided informed consent before beginning the process of gathering information
 - the need to personally ensure that informed consent was obtained, especially when relying upon an institutional practice of allied professionals obtaining consent on behalf of the member
 - the need for personal communication about the consent to ensure the client understands specifically to what he/she is consenting
- In a case involving **business practices**, the member was cautioned about the importance of explaining to clients that they might be responsible for paying an account if the insurance company declined payment and that the account might include time spent on test scoring and report writing

Disciplinary Proceedings

The Discipline Committee of the College holds hearings into allegations of professional misconduct and/or incompetence. A summary of disciplinary proceedings is provided for the information of the public, members of the College and other professionals.

Findings of the Discipline Committee

Harold Ross Miller, Ph.D.

A hearing was held on September 21, 2004 into allegations that Dr. Miller committed acts of professional misconduct.

Established Facts:

The following is a summary of the conduct that was described in a Statement of Agreed Facts:

- Entering a dual or multiple relationship with a highly vulnerable client
- Consistently and repeatedly failing to establish and respect appropriate boundaries
 - making comments of a sexual nature
 - meeting the client at times and in locations which were highly inappropriate
 - providing money, and purchasing meals and alcohol for the client
 - driving and/or accompanying the client in respect to personal and/or social outings
 - hugging the client

Decision:

Following a plea of guilty to the allegations, and considering the Statement of Agreed Facts, the panel found that Dr. Miller had committed professional misconduct.

Penalty:

The panel accepted a joint submission on penalty, made by the College and Dr. Miller, for Dr. Miller to attend for a reprimand by the panel and for the fact of the reprimand to be recorded on the Public Register of the College.

Panel's Reasons:

The Panel considered that the penalty was appropriate because:

- Dr. Miller voluntarily resigned from, and undertook not to apply for admission or readmission to the College, all other Colleges or licensing bodies for psychology and the Canadian Register of Health Service Providers in Psychology (CRHSPP)
- Dr. Miller authorized the College to notify CRHSPP and the Association of State and Provincial Psychology Boards of his resignation from the College
- the findings of professional misconduct and the voluntary steps Dr. Miller has taken in response were considered to be serious
- there are no outstanding issues of public protection
- Dr. Miller cooperated with the College in this matter
- Dr. Miller's acknowledgement of misconduct spared the complainant from having to testify
- Dr. Miller has an otherwise unblemished record during his long membership in the College
- Dr. Miller has left the College on a shameful note, with publication being a very serious matter to him



THE USE OF PREVIOUS DECISIONS IN COLLEGE INVESTIGATIONS

POLICY STATEMENT

The following policy was approved by the College Council at the meeting of September 10, 2004 and takes effect immediately.

Rationale:

The *Health Professions Procedural Code* of the *Regulated Health Professions Act* provides that a Panel of the Complaints Committee may make reasonable efforts to consider all records and documents it considers relevant to the complaint [s.26 (2)]. Similarly, an Investigator appointed by the Registrar may also examine anything relevant to the investigation [s.76 (2)].

Since 1995, College policy has permitted the Complaints Committee to review information about earlier Complaints Committee and Discipline Committee decisions respecting a member who is the subject of a current complaint, where the earlier matters have been considered to be “similar fact” in nature. In all cases, when this occurs, the member is provided an opportunity to make submissions concerning the weight and relevance that should be attributed to the historical information. To date, College practices have been derived from:

1. *Policy Regarding the Use of Similar Fact Evidence by the Complaints Committee* (Adopted by Council in September 1995, effective April 1, 1996)
2. *Policy re: Use of Similar Fact Evidence by Complaints Committees* (Bulletin, 22(2), September 1995)
3. *Use of Information from the Public Register by the Complaints Committee* (effective December 1997 as published in the Bulletin, 24(2), December 1997)
4. *Interpretation Bulletin - Re: Use of Information from the Public Register by the Complaints Committee* (Complaints Committee Handbook)

In 2004, upon review of current policy and procedures, the Complaints Committee saw a need to be able to review a member’s history of investigations in order to determine any broader issues of problematic judgment, or concerns about general competence, that current policies would restrict them from considering.

Policy:

General

Information about previous cases in which: (1) a panel of the Complaints Committee has issued a Caution or referred a member to the Quality Assurance Committee; or (2) a panel of the Discipline Committee has made a finding of Professional Misconduct or Incompetence, will be provided to the panel or Committee currently considering a matter, in the circumstances outlined below.

A member under investigation will be provided the opportunity to make submissions regarding the weight and relevance of this information with respect to the current matter and these submissions will be provided at the same time as the Decisions and Reasons (of the previous matters) and a summary of the investigation.

Substantially Similar Matters

When it is apparent that the probative value of the information outweighs the prejudice to the member, previous matters with substantially similar features, which resulted in a Caution, referral to the Quality Assurance Com-

mittee, or a finding of professional misconduct or incompetence will be reported by College staff to a Complaints Committee panel or the Executive Committee. The Decisions and Reasons or summaries of those previous investigations by the College will be provided at the same time as any other information obtained in the course of the current investigation. College staff may consult with legal counsel when necessary, with respect to whether the probative value of the information outweighs the prejudice to the member. This information may be used to substantiate the current complaint.

Matters that are Not Substantially Similar

When a matter resulting in a previous Caution, referral to the Quality Assurance Committee or finding of professional misconduct or incompetence does not have substantially similar features, College staff will provide information concerning these matters to the panel of the Complaints Committee or the Executive Committee only if the panel or Committee has decided that it has some concerns about the members conduct or competence. In other words, they will do so if the panel has decided to do anything other than to *Take No Further Action*. In these circumstances, the staff will provide the previous Decision and Reasons or a summary of the previous investigation, for use in deciding upon an appropriate disposition. If the panel or Committee decides that it has no concerns, the information will not be provided. §

HELP WANTED

**The College of
Psychologists requires**

**BOARD OF INQUIRY
MEMBERS**

The College is responsible for the investigation of concerns regarding the possible incapacity of a member. When such concerns arise, a Board of Inquiry, comprised of two professional members and one public member of the College, may be appointed by the Executive Committee to conduct an investigation.

The factors considered in appointing professional members to a Board of Inquiry include time since registration, match between area of expertise and the nature of concerns to be investigated, availability of the potential members and outstanding disciplinary or fitness to practice proceedings.

While the time commitment for each Board of Inquiry varies, it generally involves attendance at three meetings at the College, over a period of approximately two months. Efforts are made to schedule these meetings at times that are convenient to all members involved.

Each member of the Board of Inquiry is paid an honorarium, in accordance with the College's *Policy on Professional Council Member and Committee Member Per Diems and Expenses*.

If you wish to be on the roster of potential Board of Inquiry members, please send a letter of interest to the College, with information about your area(s) of professional expertise, to the attention of Mr. Barry Gang, Director of Investigations and Hearings.



COLLEGE NOTICES

Retired

Since the publication of the last Bulletin, the following members have requested their Certificates of Registration be changed to Retired status. The College would like to wish them well in their retirement.

Blackburn, Donald
Goebel, Allan Ronald
Buckridan, Rakib
Donaghy, Rolla Mary Francis
Gage, Onalee June
Lawson, Glen Maxine Allen

Resigned

The following individuals have resigned their membership in the College.

Mary Ellen Beatty
Marilyn Jean Hayman
Mary-Frances Madill
Harold Ross Miller

Suspended

The following individuals have had their Certificates of Registration suspended due to unpaid fees.

Godin, Malcolm Anthony
Boland, Frederick Joseph
Papastergiou, Christos
Patrick, Jayne
Smye, Marti Diane
Usher, Brian Robert
Jackson, Lorraine Morlock
Foard, Thomas Allen
Mayhew, Jonathan Charles
Côté, Pierre Julien
Balthazor, Michael John
Ho, Timothy Pao-Kuang
Bryson, Susan Elizabeth
Gendreau, Paul Edouard
Masecar, David Paul
Garcin, Nathalie Ann
Hildebrandt, Neil

Deceased

The College has learned with regret of the deaths of **Dr. Nancy K Innis** and **Dr. Harvey Philip Mandel** and extends condolences to their families, friends and professional colleagues.

Changes to the Register

The College would like to congratulate and welcome the **2 new *Psychologist*** members issued with Certificates Authorizing Autonomous Practice to October 31, 2004

PSYCHOLOGISTS

Sylvie Bourgeois
Willi Steinke

The College would like to congratulate and welcome the **34 new *Psychologist*** members and the **9 new *Psychological Associate*** members issued with Certificates Authorizing Supervised Practice to October 31, 2004.

PSYCHOLOGISTS

Mark Antoniazzi
Jacques Aubin
Terri Barriault
Arcangelo Caputo
Meredith Chivers
Jennifer Crotagino
Patricia Doris
Marla Engelberg
Donald Ferren
Jeremy Frank
Trevor Hart
Kathryn Hildyard
Trevor Hjertaas
Caroline Ho
Lauren Humphreys
Lize Jalbert
Kevin Jones
Gordon Josephson
Iris Kaidar
Jody Levenbach
Judy Makinen
Andrew Matthew
Adrine McKenzie
Paul Mendella
Karen Milligan
Robin Mitchell
Michael Muller
Nicole Desirée Reist
Elisa Romano
Linda Schattmann
Tali Shenfield
Margaret Sroga
Felix Thomas
Sheri Turrell

PSYCHOLOGICAL ASSOCIATES

John Berry
Kara Susan Casey
Kathy Constantinou
Joseph Dembinski
Linda Di Nardo
Jill Farrow
Kristin Nantais
Anna Pargana
Lori Schofield

The College wishes to thank those members who generously provided their time and expertise to act as primary and alternate supervisors for new members issued Certificates Authorizing Autonomous Practice.

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

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www.cpo.on.ca

To serve and protect the public interest: by promoting excellence in the profession, by ensuring that psychological services are safe and effective, and by advocating for accessibility to psychological services.



Regulating Psychologists and Psychological Associates

Index of Articles by Title and Subject

PART V

**Volume 30, No.1, July 2003
to
Volume 30 No. 3, May 2004**

PART V

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Volume 30, No.1, July 2003 to Volume 30 No. 3, May 2004

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THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO

MAY 31, 2004

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THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO

FINANCIAL STATEMENTS

MAY 31, 2004

F//G
FREEDMAN // GOULD
CHARTERED ACCOUNTANTS

F//G
FREEDMAN // GOULD
CHARTERED ACCOUNTANTS



AUDITORS' REPORT

To the Members of
The College of Psychologists of Ontario

We have audited the statement of financial position of The College of Psychologists of Ontario as at May 31, 2004 and the statements of changes in net assets, revenue and expenses and cash flows for the year then ended. These financial statements are the responsibility of the college's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free from material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of the college as at May 31, 2004 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

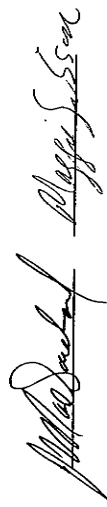
Toronto, Ontario
August 9, 2004


Chartered Accountants

**THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
STATEMENT OF FINANCIAL POSITION
AS AT MAY 31, 2004**

	2004	2003
<u>ASSETS</u>		
Cash and equivalents	\$ 2,463,813	\$ 1,974,261
Investments (Note 3)	413,094	301,626
Sundry assets	16,074	17,488
Property and equipment (Note 4)	<u>280,083</u>	<u>313,684</u>
	\$ 3,173,064	\$ 2,607,059
<u>LIABILITIES</u>		
Accounts payable and accrued liabilities	\$ 122,054	\$ 110,106
Registration fees received in advance	1,024,830	960,210
Loan payable (Note 5)	<u>288,826</u>	<u>326,913</u>
	1,435,710	1,397,229
<u>NET ASSETS</u>		
Net assets invested in property and equipment	280,083	313,684
Net assets internally restricted for management purposes (Note 6)	635,925	555,385
Unrestricted net assets	<u>821,346</u>	<u>340,761</u>
	1,737,354	1,209,830
	\$ 3,173,064	\$ 2,607,059

APPROVED ON BEHALF OF THE BOARD



THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
STATEMENT OF REVENUE AND EXPENSES
FOR THE YEAR ENDED MAY 31, 2004

	2004	2003
REVENUE		
Registration fees	\$ 2,170,669	\$ 2,088,333
Examination fees	130,445	120,895
Interest and miscellaneous income	<u>92,055</u>	<u>78,019</u>
	2,393,169	2,287,247
EXPENSES		
Administration	1,345,380	1,377,864
Hearings	139,098	166,471
Examination and seminar costs	137,690	123,686
Governance	81,267	86,516
Investigations and resolutions	69,198	58,134
Registration	33,554	39,217
Professional organizations	27,111	23,850
Communication, education and training	17,553	20,582
Quality assurance	14,794	19,683
Government relations	-	4,335
	<u>1,865,645</u>	<u>1,920,338</u>
EXCESS OF REVENUE OVER EXPENSES	\$ 527,524	\$ 366,909

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
STATEMENT OF CHANGES IN NET ASSETS
FOR THE YEAR ENDED MAY 31, 2004

	Invested In Property and Equipment	Restricted for Management Purposes	Unrestricted	2004 TOTAL	2003 TOTAL
NET ASSETS					
BALANCE - Beginning of year	\$ 313,684	\$ 555,385	\$ 340,761	\$1,209,830	\$ 842,921
Excess of revenue over expenses	(52,441)	-	579,965	527,524	366,909
Investment in property and equipment	18,840	-	(18,840)	-	-
Addition to core reserve fund	-	80,540	(80,540)	-	-
BALANCE - End of year	<u>\$ 280,083</u>	<u>\$ 635,925</u>	<u>\$ 821,346</u>	<u>\$1,737,354</u>	<u>\$1,209,830</u>

See Accompanying Notes

3.

See Accompanying Notes

4.

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED MAY 31, 2004

	2004	2003
During the year, cash flow was provided by (used in) the following activities:		
OPERATING ACTIVITIES		
Excess of revenue over expenses	\$ 527,524	\$ 366,909
Add: Items not involving cash	<u>52,441</u>	<u>63,466</u>
Amortization	579,965	430,375
Decrease in sundry assets	1,414	9,931
Increase (decrease) in accounts payable and accrued expenses	11,948	(30,035)
Increase (decrease) in registration fees received in advance	<u>64,619</u>	<u>(99,168)</u>
CASH FLOWS PROVIDED BY OPERATING ACTIVITIES	<u>657,946</u>	<u>311,103</u>
FINANCING ACTIVITIES		
Loan repayments	<u>(38,087)</u>	<u>(20,150)</u>
INVESTING ACTIVITIES		
Increase in investments	(111,468)	(301,626)
Purchase of property and equipment	<u>(18,840)</u>	<u>(30,281)</u>
	<u>(130,308)</u>	<u>(331,907)</u>
NET INCREASE (DECREASE) IN CASH DURING THE YEAR	489,551	(40,954)
CASH AND EQUIVALENTS, beginning of year	<u>1,974,261</u>	<u>2,015,215</u>
CASH AND EQUIVALENTS, end of year	<u>\$ 2,463,812</u>	<u>\$ 1,974,261</u>
Cash	\$ 104,826	\$ 52,158
Equivalents	<u>2,358,986</u>	<u>1,922,103</u>
	<u>\$ 2,463,812</u>	<u>\$ 1,974,261</u>

See Accompanying Notes

5.

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
NOTES TO THE FINANCIAL STATEMENTS
MAY 31, 2004

1. PURPOSE OF THE ORGANIZATION

The College of Psychologists of Ontario is charged with developing, establishing and maintaining standards of qualifications for members of the profession under the terms of The Psychology Act (1991) and the Regulated Health Professions Act (1991). As a not-for-profit professional body, the College is not liable for income taxes.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

a) Use of Estimates

The preparation of financial statements in accordance with Canadian generally accepted accounting principles requires that management make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses for the year. Actual amounts could differ from these estimates.

b) Property and Equipment

Property and equipment are recorded at cost less accumulated amortization. Rates and bases of amortization applied to write off the cost of property and equipment over their estimated useful lives are as follows:

Furniture and equipment	-	5 years straight-line
Computer equipment	-	4 years straight-line
Leasehold improvements	-	Straight line over the remaining term of the lease

c) Registration fees

In accordance with the regulations of the organization, annual registration fees cover a period of twelve months commencing June 1st of each year. Registration fees received prior to May 31, 2004 covering the subsequent period from June 1st, 2004 to May 31, 2005 have been deferred.

3. INVESTMENTS

Investments consists of GIC's, commercial instruments and government bonds maturing through January 2009.

Continued

6.

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
NOTES TO THE FINANCIAL STATEMENTS
MAY 31, 2004

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
NOTES TO THE FINANCIAL STATEMENTS
MAY 31, 2004

4. PROPERTY AND EQUIPMENT

	Cost	Accumulated Amortization	Net Carrying Amount
	2004	2004	2003
Furniture and equipment	\$ 46,525	\$ 24,517	\$ 22,008
Computer equipment	44,828	29,502	15,326
Leasehold improvements	311,322	68,573	242,749
	<u>\$ 402,675</u>	<u>\$ 122,592</u>	<u>\$ 280,083</u>
			<u>\$ 313,684</u>

5. LOAN PAYABLE

A convertible revolving bank loan bearing interest at prime rate is repayable in monthly payments of \$3,174 plus interest. The loan is secured by a hypothecation of investments in the amount of \$298,840, and a general security agreement.

The future loan principal repayments are as follows:

2005	\$ 38,087
2006	38,087
2007	38,087
2008	38,087
2009	38,087
Thereafter	190,435
	<u>98,391</u>
	<u>\$ 288,826</u>

6. NET ASSETS INTERNALLY RESTRICTED FOR MANAGEMENT PURPOSES

The Core Reserve Fund is to be utilized in extreme circumstances as determined and approved by the Council of the College. At the end of each fiscal year, an allocation from any excess of revenue over expenses is made to maintain the core reserve fund to a maximum of 75% of budgeted annual salaries of the College.

7. COMMITMENTS

The College is committed under a premises lease expiring December 31, 2011. The future minimum rental payments for the next five years under operating leases for premises and equipment are as follows.

	Premises	Equipment
2005	\$ 93,925	\$ 16,294
2006	93,925	16,294
2007	100,351	16,294
2008	109,579	3,792
2009	109,579	-
	<u>\$ 507,359</u>	<u>\$ 52,674</u>

In addition the College is liable for its proportionate share of operating costs and realty taxes.

8. FINANCIAL INSTRUMENTS

The College's financial instruments consists of cash in bank, investments, and accounts payable and accrued liabilities. It is management's opinion that the College is not exposed to significant interest risk arising from these financial instruments.

9. COMPARATIVE FIGURES

Comparative figures have been reclassified to conform with the current year's presentation.

Continued

7.

8.



ELECTION NOMINATION FORM
Electoral Districts 4 and 7
March 31, 2005

Please type or print clearly, using black ink

We, the undersigned members of the College of Psychologists of Ontario eligible to vote in Electoral District _____, nominate _____ in Electoral District _____ as a candidate for election to the Council of the College on March 31, 2005 as a representative of the said Electoral District.

Nominee's Registration Number: _____
Telephone Number: _____
Address: _____ _____
E-mail: _____ @ _____

I, _____, am willing to stand for election, and if elected, to assume all duties of the member of Council for District _____.

Nominee's Signature: _____.

NOMINATOR'S NAME	DISTRICT	REGISTRATION NUMBER	SIGNATURE
1.			
2.			
3.			
4.			
5.			

Please return this form by 5:00 p.m., January 31, 2005, to:
The College of Psychologists of Ontario,
110 Eglinton Ave W, Suite 500, Toronto, Ontario M4R 1A3