

bulletin

Ontario Board
of Examiners in
Psychology



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NEW BOARD MEMBERS

The Board is pleased to announce the appointment by Order in Council of two new members to the Ontario Board of Examiners in Psychology, *Doctor Ruth Bray* of Toronto and *Professor Henry Edwards* of the University of Ottawa. On June 1 they replaced *Doctor Doris Roche* and *Professor Laura Rice* who each retired after completing a five year term on the Board.

Doctor Bray holds a doctorate from the University of Toronto (Ontario Institute for Studies in Education) and is presently engaged in private practice with an emphasis on forensic work. She has had broad experience as a psychologist with the Board of Education of the City of Toronto, the York Township Child and Adolescent Guidance Clinic, the Catholic Children's Aid Society, and with the Children's Unit and the Forensic Service at the Clarke Institute of Psychiatry.

After graduating with a doctorate from the University of Ottawa in 1967, *Doctor Edwards* joined the Faculty (now School) of Psychology at the University of Ottawa where he holds the rank of Professor and has served as Dean. His research activities have ranged from an early interest in cortical evoked potentials in the rat to current studies of second language acquisition and the process of therapist-client interaction.

LEGISLATION

The workshop held on Saturday, April 25 to discuss the Board's initial draft of

a proposal for new legislation, attracted roughly 80 psychologists to the Park Plaza in Toronto. A host of useful comments and suggestions came out of the meeting and a new draft is now being developed. The Board is optimistic that it will soon have a generally acceptable set of recommendations to present to the government.

Dissatisfaction with the present Act is not recent; in fact, its weaknesses began to emerge as early as 1964. Board minutes at the time indicate joint meetings were held between OPA and the Board of Examiners to consider amendments. However, it was not until 1968 that the minutes of either group make reference to discussions of new legislation. After March 1969 and the formation of an OPA Legislation Task Force, intense effort was directed toward drafting a proposal for a new Act.

It has always been important in examining existing legislation or in proposing new legislation to be aware of current developments within the profession, but also to be aware of shifts in the public and governmental view of what should be done with the professions generally. The discussions during the workshop this year attempted to consider the wishes of psychologists within this broader context.

It is also apparent, on looking back, that the OPA proposals of 1972 and 1978 attended to the issues then current in the field of psychology and in the thinking of public policy makers. The important documents to which these

earlier proposals have at different times been responsive include the reports of The Committee on the Healing Arts, 1966, The Royal Commission of Inquiry into Civil Rights, 1968, and The Health Disciplines Act of 1974. Legislation enacted in other parts of Canada and in the United States as well as the views of professional associations in both countries have had their influence here, then and now. The 1980 report of The Professional Organizations Committee will also affect the public response to the present proposals.

Until the Fall of 1978 and the government's withdrawal of its support for legislation to license psychologists, the Board of Examiners had withheld public expression of the problems it was having in administering The Psychologists Registration Act of 1960. Since then, however, the Board has attempted to describe these difficulties and has been stimulated in its efforts by the willingness of the government of Ontario to discuss a strengthened certification bill and its invitation to the Board in November, 1980 to submit proposals addressing these difficulties. The result has been the draft circulated to all psychologists and presented as the subject of the April workshop.

The main difficulties the Board has encountered and has attempted to address in its draft are the following:

1) The Board is too small. Although numerically the profession is small in comparison with medicine or law, the Board must deal nevertheless with the full range of regulatory issues. A larger Board could more adequately carry out the necessary functions and would permit a formal committee structure which, by separating the handling of complaints from the conduct of disciplinary hearings, would facilitate the performance of these functions.

2) The provisions protecting the use of the title are weak. Exemptions from the restrictions of the Act are too broad, the penalties for violation are trivial, and the wording of the present Section 11 renders convictions in cases of violation

almost impossible to obtain. The Board is seeking a tightening of the enforcement provisions in order to reduce public confusion by making it more difficult for persons to imply they are psychologists when they are not. This tightening of the restrictions on the use of the title and the introduction of meaningful penalties would not, however, increase the restrictions on the services provided by other practitioners provided they are not presented as psychological or imply that they are provided by a psychologist.

3) The powers of the Board in disciplinary matters, though great, are not adequately articulated in the Act itself. The Board functions in this area under the terms of the Statutory Powers Procedure Act of Ontario which sets out procedures for all tribunals which do not have their own procedures outlined in an Act. The Board considers the provisions of this Act inadequate to deal with the hearings of a professional body. Using existing professional legislation as a model, the draft lays out these procedures in detail. Although some participants expressed concern about the procedures, they follow very closely the procedures used in other professions.

These are the main problems the present draft addresses. Other points of importance to psychologists are also being considered; for example, a recommendation that at least some members of the future Board be elected; provisions for incorporation of psychological practices; and the inclusion of a definition of practice. The provision for the appointment of lay members is consistent with present government policy in protecting the public interest. The question of the establishment of the Board as a "College", while not of immediate or vital administrative importance to the Board of Examiners, is important to the Association and would be acceptable to the Board of Examiners.

While sympathetic to the idea of legal recognition of persons trained in psychology at the masters level, it is not the purpose of the draft to deal with this question. The Board considers this to be a separate issue warranting discussion at a later date.

SPRING EXAMINATIONS

Written Examination: On April 10 the written *Examination for Professional Practice in Psychology* was held in Toronto, London, Ottawa, and North Bay. The Board is grateful to *Ms. Jane Grigg, Dr. David Evans, Professor Gilles Chagnon* and *Dr. Jean Paul Laroche* who served as proctors.

Oral Examinations: The Board was assisted in conducting the oral examination of candidates for registration during May by the following psychologists:

- Ruth Bray, Ph.D.,* Psychologist, private practice, Toronto;
- Anthony Fellbaum, Ph.D.,* Director, Out-patient Services, Regional Children's Centre, Windsor Western Hospital;
- Stephen Fleming, Ph.D.,* Associate Professor, Department of Psychology, Atkinson College, York University;
- Margaret Hearn, Ph.D.,* Director, Department of Psychology, War Memorial Children's Hospital, London;
- Rudolph Heinzl, M.A.,* Director, Student Counselling Service, McMaster University;
- James Hickling, M.A.,* Chairman, Board of Directors, Hickling Partners, Inc.;
- Mary Jo Kelly, Ph.D.,* Psychologist, Department of Psychology, Ottawa Board of Education;
- Jane Knox, Ph.D.,* Assistant Professor, Department of Psychology, Queen's University;
- John Lavery, Ph.D.,* Professor, Department of Psychology, Brock University;
- William Melnyk, Ph.D.,* Professor, Department of Psychology, Lakehead University;
- David Nozick, Ph.D.,* Psychologist, Ottawa Board of Education;
- Bruce Quarrington, Ph.D.,* Professor, Department of Psychology, York University;
- Joan Rinas, Ph.D.,* Supervising Psychologist, Windsor Western Hospital Centre.

NEW TEMPORARY REGISTRANTS SINCE MARCH, 1981

- | | |
|---------------------|------------------|
| Paul Benoit | Michael Luther |
| Michael Blacha | Thomas Managhan |
| Carol Bullard-Bates | Nathan Mandelzys |
| Lucien Cortis | Robert Mann |
| John (Jack) Ferrari | Virginia Moss |
| Sandra Fiegehen | Raymond Proulx |
| Leonard Gignac | Paul Shapiro |
| Norman Johnston | John Swaine |
| Eileen Keith | David Weiss |

NEW PERMANENT REGISTRANTS

At its meeting on May 21, 1981 the Board approved the admission of the following psychologists to the Permanent Register:

- | | |
|----------------------|-------------------|
| Lynne Beal | Larry Leach |
| Mary Broga | Gillian Leigh |
| Raymond Cardey | Alan Leschied |
| Barry Cook | Patricia Mason |
| Melvin Davis | Robert Morgan |
| Mary Ann Evans | Raymond Pavloski |
| Mary Ellen-Francoeur | James Porter |
| Robert Goulet | Robert Quilty |
| Ellen Greenberg | Barbara Roback |
| Christine Hansen | Louise Sas |
| Milan Harminc | Verna-Jean Semkow |
| Leonard Harris | Mark Sinclair |
| Vincent Helwig | Ian Smith |
| Carolyn Humphreys | Linda Sobell |
| Paul Hurst | Mark Sobell |
| Iris Jackson-Whaley | Elizabeth Solomon |
| Norman Johnston | Rosalind Stacey |
| Brian Jones | Andor Tari |
| John Kershner | David Tucker |
| Morrie Kleinplatz | Keith Walker |
| Michael Lacroix | Larry Waterman |

FRANK J. BLUM, PH.D.

It is with deep regret that the Board has learned of the death on January 18, 1981 of Dr. Blum, who worked and resided in Ottawa for many years. Dr. Blum was the husband of Ottawa psychologist, Dr. Donna Blum.

PSYCHOLOGICAL SERVICES AS A DEDUCTIBLE MEDICAL EXPENSE

We have received the following information from the Ontario Psychological Association regarding fees paid to psychologists: In the opinion of the Director, Non-corporate Rulings Division of Revenue Canada, "Fees paid by a taxpayer to a psychologist registered under The Psychologists Registration Act of Ontario would be deductible to the extent permitted by paragraph 110(1)C of the Income Tax Act only if such fees are paid for treatment requested by or in association with a legally qualified medical practitioner."

RECORDS IN GROUP PRACTICES

The following excerpt is reprinted from the February, 1981 Interim Report of the College of Physicians and Surgeons of Ontario. The proposed solution may be useful to psychologists similarly engaged in group practices.

"Proper medical records are considered to be an essential component of the physician-patient relationship. The major purpose for making and retaining such records is to assist the physician in the continuing care of the patient.

It follows from these purposes that the attending physician should retain the records of his or her examination and treatment of a patient. This principle is reinforced by the regulation which requires the physician to retain 'each record for a period of six years after the date of the last entry in the record or until the member ceases to be engaged in the practice of medicine, whichever occurs first'. Legal counsel has advised that this requirement would apply in respect of each contact which a physician has with a patient.

It is not uncommon for physicians engaged in a group practice to maintain one collective record of the services provided by all the members of the group. While the collective record has the advantage of making all the information concerning a patient's treatment by every member of the group readily available, this type of record contributes to the difficulties which may be encountered when one member leaves the group.

A physician who leaves a group should be able to take a record of his or her care and treatment of all patients who will continue to be under his or her care. It may also be in the best interests of the patient for the physician to have a record of the examinations and treatment provided by other members of the group. The remaining physicians in the group should assist and facilitate the release of this information on the patient's authorization.

No agreement between or among physicians can supersede the individual physician's duty to a patient, which includes the duty to make and maintain proper medical records. The location of medical records should not be used to try to influence patients exercising their right to select any available physician of their own choosing. Nor is it proper to charge a patient for photocopying required by a physician's decision to leave a group practice. Such costs are incurred because of the record-keeping methods chosen by the physicians and not because the patient exercised a right to choice."

TELEPHONE LISTINGS

Tele-Direct has informed the Board it is updating its "copy restraints" booklet and has asked the Board to review its 1976 guidelines. In doing this the Board has modified the earlier statement slightly and has deleted the requirement to indicate "psychologist" if the title "doctor" is used.

For the information of psychologists who plan to list in forthcoming issues of the telephone directory or the "yellow pages", the modified guidelines are reproduced here in full:

- 1) The main object is to provide useful, unambiguous information to the public.
- 2) List the psychologist's name, followed by either the abbreviation of the highest degree (e.g. Ph.D.) or, if entitled to do so by possession of a doctoral degree, the title, Dr.
- 3) Aim for uniformity in listing. Box listings, display advertising, and/or special type faces are not acceptable.
- 4) Indicate limitations of practice if only specialized service is offered: for example, "practice in" or "practice limited to learning disabilities in children".
- 5) Do not refer to membership in voluntary professional organizations. Listing ABPP diplomate status, as "Diplomate in Clinical Psychology", is appropriate and recommended.

6) Only individual Registered Psychologists may list under "Psychologists" in the yellow pages. Where a psychologist is associated with a firm the firm name may appear in the address. Thus, an appropriate listing would be, James D. Reading, Ph.D., Smith, Brown and Partners, 000 Dundas Street.

7) Where an individual offers other than psychological services, listing of these should appear only under the appropriate heading as, for example, "Marriage Counsellors" or "Management Consultants". In this instance, the word "psychologist" or the short form "psychol." or "C.Psych." should be appended.

8) Where several telephone directories cover a geographic area (as in Metropolitan Toronto), listings may be entered in separate directories providing the psychologist is actually available to serve in the community covered by that directory.

9) Listing in white pages should not be bold face, but may include the word "psychologist" in small, light type.

ADDITIONAL AMENDMENTS TO THE REGULATIONS

The regulation to amend Regulation 698, approved on April 10, 1981, affects compensation to Board members and fees for application and examination. For your information the amended clauses are cited in full.

1. Section 3 of Regulation 698 of Revised Regulations of Ontario, 1970, as made by section 1 of Ontario Regulation 455/77, is revoked and the following substituted therefor:

3.(1) Each member shall be paid necessary travelling and other expenses incurred in connection with the business of the Board and where a member suffers a loss of income as a result of doing Board work, he shall be paid an allowance of \$180 per day for attendance at Board meetings or hearings and a further allowance of up to \$75 per day to compensate for overhead costs.

(2) The allowances payable to any one member under subsection (1) for attendance at Board meetings or hearings shall not exceed \$1,800 in any one year.

(3) The allowances payable to any one member under subsection (1) to compensate for overhead costs shall not exceed \$750 in any one year.

2. Subsection 5(1) of the said Regulation, as made by subsection 1(1) of Ontario Regulation 328/79 is revoked and the following substituted therefor:

(1) An applicant for a certificate of registration shall pay a fee of \$125.

3. Subsection (6)2 of the said Regulation, as remade by section 2 of Ontario Regulation 328/79, is revoked and the following substituted therefor:

(2) A certificate of registration may be renewed by paying an annual renewal fee of \$175 before the certificate expires.

4. Section 7 of the said Regulation, as made by section 3 of Ontario Regulation 328/79 is revoked and the following substituted therefor:

7.(1) Where a certificate of registration expires and within two years after the expiration of the certificate the former holder of the certificate applies for a new certificate of registration, a new certificate shall be issued upon payment of the renewal fee of \$175 and a reinstatement fee of \$25.

(2) Notwithstanding subsection (1), a holder of a certificate of registration who is residing outside of Ontario and is not rendering services in psychology in Ontario, may renew his certificate of registration by paying an annual renewal fee of \$50 and a reinstatement fee of \$25.

5. Subsection 8(2) of the said Regulation, as made by section 4 of Ontario Regulation 328/79, is revoked and the following substituted therefor: (Cont'd. on page 8)

RENEWAL FEES AND BOARD FINANCES

The auditors' report for the year ending May 31, 1980 was reproduced in the March *Bulletin*. Since then the government has approved an increase in renewal fees from \$150 to \$175 for Ontario residents, representing an increase of roughly eight percent per year over the last two years. The Board considered that, with generally increasing costs, some description for registrants of the Board's reasons in requesting these fee increases was warranted, particularly in the case of renewals.

As most of us are aware the Board, without property or other investments, has operated at a deficit since opening its office in 1976. This has been made possible by using surplus accumulated between 1960 and 1976 and by the fact that the bulk of revenue is received from fees collected at the beginning of each fiscal year. For the last five years the Board has been able to pay its bills by "borrowing" from its revenue for the following year. It is perhaps not surprising that the auditors believe this is an undesirable state of affairs.

In requesting permission from the government to amend the Regulation to increase fees, we undertook a study of the proportion of costs generated by each of the Board's activities and based our recommendations on the costs to the Board for each of the following activities: receiving and reviewing applications, monitoring temporary registrants during the year of supervised experience, examining temporary registrants, handling inquiries from permanent registrants, handling complaints against permanent registrants and non-psychologists, and dealing with professional issues. Estimates of these costs are presented in Table 1 for the fiscal year ending May 31, 1981.

Using these cost estimates, an attempt was made to arrive at an estimated cost, per individual, in each of the following categories: applicants, temporary registrants under supervision, temporary registrants in examination, permanent

registrants in Ontario, and permanent registrants residing elsewhere. This was done by logging staff time, Board members' time, printing, mailing, and equipment costs, and examination expenses. The estimated cost to the Board, per individual, for each category is presented in Table 2 along with the fee charged before and following the change in the Regulation on April 10, 1981, and an estimate of the additional revenue to be provided by these increases.

Although fees levied in each category are not strictly proportional to the costs generated, a definite move has been made in that direction. Applicants' costs are generated in part by those who never complete an application or pay a fee, but those who do pay are not presently required to cover that additional cost. Temporary Registrants each were estimated to have cost \$580.78 in 1980-81 but have, themselves, on the average paid only \$350.00. The Board considered that some of this burden could continue to be carried by psychologists on the Permanent Register who share in the benefits to the profession derived from the care taken in assessing candidates for registration. Higher fees to permanent registrants outside Ontario were not recommended as it has been the case that fee increases lead, not to increased revenue, but to an increase in the number of lapsed certificates.

The estimated \$37,425 of additional income, shown in Table 2, will provide some reserve for unexpected expenditures. Here, legal costs, which cannot accurately be forecast, are prominent. However, continuing inflation will erode any surpluses and in future fees can be predicted to rise along with other costs. New legislation and a larger Board would also affect the financial picture.

From 1960 to 1976, when the Ontario Board operated with a part-time Registrar and without a permanent office, only nominal fees were levied. At present, in the neighbouring American states many examining boards function as an arm of government departments and are financed in part from general tax revenue. Fees are correspondingly low. By comparison with the past in Ontario and with these

American boards the current Ontario renewal fees may seem high to some of us. Yet they are comparable to fees in other professions in Ontario: for example, lawyers pay \$350 to renew; physicians, \$125; dentists, \$325; and accountants, \$280.

Traditionally in Ontario these (tax deductible) professional dues are the price we pay for legal recognition, on the one hand, and the preservation of our status as members of a profession maintaining publicly acceptable standards of competence and conduct, on the other.

Table 1

ESTIMATE OF COSTS OF SPECIFIC BOARD ACTIVITIES
BASED ON PROJECTED COSTS FOR 1980-81

Direction of Activity	TOTAL	
	Dollars	% Cost
Applications ¹	\$ 19,281	(10.6)
Temporary Registrants ²	47,075	(26.0)
Permanent Registrants	10,611	(5.9)
Public Relations	6,189	(3.4)
Complaints	40,200	(22.2)
Professional Issues	30,242	(16.7)
Board Business	8,649	(4.8)
Other Office Business	17,063	(9.4)
Staff P.D.	2,034	(1.1)
	<u>\$ 181,344</u>	<u>(100.1)</u>

In the 12 months ending May 31, 1981:

¹ Applications initiated, 188; completed 110.

² Admissions to the Temporary Register, 88;
Candidates at the written examination, 80;
Candidates for the oral examination, 102.

Table 2

ESTIMATED COST GENERATED PER INDIVIDUAL
for the Fiscal Year 1980-81

	N (80-81)	Cost per Unit	Fee Prior to April 10/81	Present Fee	Estimated Gain in Revenue
Applicants	100 ¹	\$192.81 ²	\$ 75	\$125	\$ 5,000
Temporary Registrants:					
Examination	91	219.78	200	250	5,000
Maintaining Registration	75 ³	361.00	150	175	1,875
Permanent Registrants:					
Ontario	967	104.34	150	175	25,550
Outside Ontario	135	104.34	50	50	--
					\$37,425

¹ Completed applications

² Applicant costs are created in part by individuals who never complete application, but here are based on those who do

³ Calculated on the basis of the equivalent of 75 temporary registrants for 12 months each

ADDITIONAL AMENDMENTS
TO THE REGULATIONS

(Cont'd. from page 5)

(2) The fee for an examination is \$250.

(2) Subsection 8(3) of the said Regulation is revoked.

6. This Regulation comes into force on the 10th day of April, 1981.