



NEW LEGISLATION: A PROGRESS REPORT

Following the circulation of its first draft in March of this year to all psychologists registered in Ontario, and its workshop in Toronto in April, the Board proceeded during the summer to incorporate some of the suggestions made by psychologists attending the workshop and by others who mailed in their comments. These suggestions led to the inclusion in the draft of an Executive Committee and a Fitness to Practise Committee.

On September 17 the Board met with representatives from the Ontario Psychological Association who made four major suggestions: that the Act contain a definition of practice, that the prohibition clause be broadened, that at least half or more of the Board consist of elected psychologists, and that the governing body be structured to permit reference to registered psychologists as "members" of the profession. In addition to these main points of principle, the group presented a number of technical suggestions for changes throughout the draft.

The Board is now modifying the draft to incorporate most of the technical suggestions. On the points of principle, the Board has been seeking ways to accommodate each one in an acceptable fashion.

A "college" of psychologists would let psychologists be "members" but, on previous occasions, the Ministry of Health has resisted the creation of a "college" of psychologists. Recognizing this, the Board is therefore sounding out interested parties about the concept of a society of psychologists, with a

governing council, and with the term member to refer to any psychologist who holds a certificate of registration. Such a society would permit the organizational structure sought by the representatives of the Association, in that psychologists could refer to themselves as members rather than registrants, as at present. It would also avoid the term college, presently associated with the professions under the Health Disciplines Act, and a term the Minister is apparently reluctant to proliferate.

The Ministry of Health has informed us that government policy now limits the term served by members of boards, commissions and similar bodies to three years, with a maximum of two consecutive terms. This provision promises to lead to governing bodies of sizes which are multiples of three. For this reason, the Board intends to propose a governing council of twelve members: three lay members and nine registered psychologists, of whom three psychologists would be from the universities. Although the lay members would be appointed by the Lieutenant Governor in Council, the Board will propose that all nine of the psychologists be elected by psychologists.

The Board recognizes that having a completely elected council (excluding the lay members) will not be accepted unanimously or without reservations. Resistance to the idea resides among both psychologists and non-psychologists. However, the Board believes that the arguments for an elected council are persuasive enough to make it realistic to propose an elected council. But being realistic itself, the Board intends to remain flexible in negotiating this matter.

The Board of Examiners considered,

seriously and at some length, the question of including a definition of practice in this proposal before deciding, finally, that such a move would be unwise.

The definition of practice proposed by the Ontario Psychological Association includes a qualifying statement to the effect that the definition would not exclude non-psychologists from performing the same activities. The Board's political soundings indicate that this qualifier would not satisfy the previous opposition to a definition of practice. Opponents argue that it would be too easy to remove the qualifier by a simple amendment of the Act, thus leaving psychologists with a monopoly in this area.

Another, and in the Board's view, more compelling argument against a qualified definition of practice is that it would only serve to stunt the growth of the discipline. Psychology continues to grow and change more quickly than a legal definition of practice can keep up with. This would mean a serious risk that psychologists could be cut off from developments in their own discipline; with non-psychologists having no such encumbrance.

Finally, the Board over the years has seen increasing numbers of instances of legal and quasi-legal recognitions of psychologists' areas of expertise. The Board believes that, as this process continues, it will yield a sound and earned common law definition of practice.

It is the Board's hope that a draft incorporating these changes, and a set of regulations to accompany the draft, will be ready for submission to the Minister of Health in January. If the Minister is prepared to support this submission, the Board will circulate a final draft to psychologists to get any last minute views or comments. At the same time, or shortly after, the Ministry of Health will circulate the final draft to other

professional bodies in the Province to get their comments. If at that point everyone is in agreement, the Act can be sent to the legislature.

OBEP OPPOSES PROPOSED NATIONAL ACCREDITATION BODY

On December 18 the Board received a copy of an application for incorporation of a corporation without share capital under Part II of The Canada Corporations Act, a corporation which would operate under the name of "Accreditation Board for Canadian Psychology." Among its aims would be "the establishment of a qualification in psychology" and a "register for Canadian practitioners in psychology" who would then be issued a "licentiate" or "certificate of qualification" from this accreditation body.

On December 22, 1981 representatives of the Board met with Dr. Timothy Hogan, one of the signatories, and Dr. Sandra Pyke, President of CPA; the meeting was also attended by Dr. Donald Henry, President of OPA, and Dr. Eugene Stasiak, President Elect of OPA. Having learned from Dr. Hogan and Dr. Pyke of the intention to forward the application to the federal authorities before the end of December, Dr. Ray Engel, Chairman of the Ontario Board of Examiners in Psychology drafted the following statement which was forwarded to those present at the meeting:

Contrary to the statement contained in paragraph two of the application for incorporation, the Board of Examiners considers the proposed corporation, and its name, to be an infringement on the jurisdiction of the Board. We continue to see the standard proposed for the intended accreditation of psychologists by this corporation as lower than the standard that obtains for psychologists in Ontario. Consequently, at this point, it is likely that the Ontario Board of Examiners in Psychology would withhold recognition of this certificate as a credential and use our disciplinary powers to prohibit its use.

This is to serve notice that we will object specifically under Paragraph two of the application for incorporation.

The stimulus for this development has been the desire of its proponents to establish a national standard for psychologists in Canada. Discussions of this proposal to set up a corporation, often referred to (mistakenly) as the "Canada Psychology Act", have been going on for several years within the Advisory Council of Provincial Associations of Psychologists (ACPAP), a body operating under the sponsorship of the Canadian Psychological Association (CPA).

As the Ontario Board of Examiners is not eligible for membership in ACPAP and therefore has not participated in any discussion of the content of the proposal, it was not until February of 1980 that the Board of Examiners was provided with a draft of this proposal.

As most of us are aware, the legal recognition of the professions lies within the jurisdiction of the provinces rather than that of the federal government; and as we are also aware, the legal requirements for registration or licensing as a psychologist differ across the provinces. Legally there is no national standard.

The Board of Examiners expressed its reservations in regard to this proposal in a formal comment to the President of CPA and to ACPAP in September, 1980. It believed at the time, and still believes, the establishment of this corporation would not serve to set a national standard for psychology, but instead would weaken the position of the doctorate as a recognized standard for psychologists in the provinces where presently it is a legal requirement. As well, the Board believes it would increase the problem of enforcing the legislation in provinces in which the doctorate is the legally recognized academic standard.

The Board was informed on December 18 that it is the intention of the signatories of this application, with the approval of CPA, to submit their proposal to the federal Department of Consumer and Corporate Affairs before the end of December.

The Proposal has gone through a number of drafts, of which the Board has seen three. In the final version individuals are considered eligible for this "certificate of qualification" if they are registered as a psychologist (at either the masters or doctoral level) in the province in which they reside on the date of the incorporation of the Accreditation Board, provided they make application within one year of this date. Persons residing in provinces without legislation to regulate psychologists will also be eligible if they hold a masters degree as of the date of incorporation. Subsequently, a doctorate will be required for holders of this licentiate.

It is the view of the Ontario Board of Examiners that the national standard resulting from the efforts of the proposed accreditation body would be lower than the standard which has obtained in Ontario for fifteen years and which presently holds in Manitoba, Saskatchewan and British Columbia. Of additional concern is the suggestion in the application that this licentiate would be limited to those "with sufficient applied and professional psychology content" in their training. Such a condition runs counter to most, if not all, provincial legislation which provides for the licensing of psychologists of all persuasions, applied or experimental. It would appear that a number of psychologists who are already registered in Ontario and who have doctorates in experimental psychology would not meet this requirement.

It is also the source of some consternation to the Ontario Board of Examiners to observe that this Accreditation Board would provide certificates to a province's temporary registrants, who presumably have not as yet met all require-

ments for registration in that province.

The Board of Examiners cannot see this proposal achieving its aims and does not believe it is in the public interest to establish this accrediting body. The status accorded to a "Canadian" certificate will tend to weaken the efforts of provinces to maintain the doctorate as the required academic standard for training as a psychologist.

COLLECTION AGENCIES AND SMALL CLAIMS COURT

Recently the Board received an enquiry requesting guidance on the use of collection agencies and Small Claims Courts in collecting outstanding accounts for psychological services rendered on a fee-for-service basis. Principle 6.8 in the Standards of Professional Conduct states, "a psychologist must not sell an account for professional services to a third party." Some interpretation of the reasoning behind this Principle may be helpful in clarifying this issue. There is nothing in this Principle which proscribes or suggests impropriety in obtaining assistance in the payment of unsatisfied accounts. What is required, however, is that consideration for the welfare of the user be observed.

For this reason the use of the collection agency would be permissible as long as psychologists assured themselves that the practices of the agency were ethical and as long as they remained under the control of the psychologist. Most large communities have agencies specializing in the collection of professional accounts and most will conduct their business in the spirit agreed to with the psychologist.

There is also no reason why psychologists should not avail themselves of Small Claims Court to obtain a legal judgment where other reasonable methods for collection have failed.

The use of a collection agency should not be confused with selling an account

to a third party. In selling an account, the psychologist loses control of the methods used in satisfying the debt and, in addition, loses control over unidentified factors affecting the welfare of the user. Further, the psychologist may contribute to a public image where the profession is seen as one in which commercial concerns are dominant.

LEASE OF PREMISES

The Board has received requests for a statement of the principle underlying Standard 2.8 which states,

"A psychologist shall not enter any agreement, including a lease of premises, pursuant to which the amount payable by or to a psychologist or person supervised by a psychologist, directly or indirectly, is related to the amount of fees charged by any person."

While this standard relates to the general principle of psychologists organising their activities so that users will receive appropriate and adequate psychological services, it relates as well to Principle 6 regarding the proper manner in which fees are set and collected. An important ethical and professional principle in practising psychology for a fee is that the fee should be related clearly and directly to the nature and extent of the services provided. For the psychologist to set up an arrangement in which a leasing agreement is directly or indirectly related to the amount of fees charged clouds, confuses and may subvert the desired accountability of the psychologist to the user for the charges rendered. Moreover, such a contingent lease might lead to undue pressure being placed by the "landlord" on the psychologist to charge excessively or to provide unnecessary services. The net effect of abrogating this principle would be that the fees charged could in part be determined by other than the attending psychologist. Such an arrangement is, therefore, clearly neither desirable nor acceptable.

TELEPHONE DIRECTORY
LISTINGS IN THE WHITE PAGES

In the past, the standards and guidelines have specified that psychologists listing in the WHITE pages of the telephone directory must include the designation, psychologist, if the title, Dr., is used.

Without speculating on the earlier reasons why this requirement was imposed, the Board is now of the opinion that it serves no useful purpose and is removing this restriction on listing in the white pages. From now on, a psychologist may list therein as "Dr." without the qualifying designation, psychologist.

PARENTAL REQUESTS FOR
DESTRUCTION OF PSYCHOLOGICAL RECORDS

The Board received a letter recently from Dr. Ronald Skippon, Chief Psychologist for the Toronto Board of Education, on behalf of the Metro Psychological Services Committee in which he raised the question of handling parents' requests for the destruction of a child's psychological record. As this problem is of general interest to psychologists, Dr. Skippon's letter is reproduced below, along with a reply from the Board's lawyer, Mr. Ronald Slaght:

Dr. Skippon's request:

At a recent meeting of Chief Psychologists of Metro School Boards concern was expressed regarding appropriate handling of parental requests for destruction of psychological records prior to the expiration of the six-year retention period. At present most Psychological Services Departments are destroying records if the parent submits a signed written request. In each case the parent's letter is retained by the Psychological Service.

This practice concerns the chief psychologists since it does not preclude legal action on the part of the parent and leaves the psychologist without

documented protection. In addition it raises questions as to whether the child's rights are adequately protected in light of recent child abuse legislation and other child advocacy concerns.

It would be appreciated if the Ontario Board of Examiners in Psychology would advise as to whether early destruction of records with signed parental request is a sound way to proceed or should psychologists deny such a request on the basis that legal protection can only be afforded all parties by the retention (in confidence) of the record until the six-year limitation period expires.

Mr. Slaght's reply:

I would be very hesitant indeed to recommend that any records be destroyed before the expiration of the six-year retention period. There is an obligation upon psychologists, and this really extends to the School Board, not to disclose any information from files. I think the focus should be on maintaining that confidentiality, and that the response to parents should be in that vein.

Again, the parents do not own the records, and have no right to have them destroyed, and I think that any psychologist who destroys records before the usual time is asking for trouble.

No agreement by the parents could oust the jurisdiction nor the duty of the Board to proceed with any complaint that is received, notwithstanding that agreement, and I would expect that parents in that position would probably end up saying that they didn't know at the time they agreed not to complain about the circumstances which now give rise to a complaint.

I think the answer must be clear that those records ought not to be destroyed before the usual period, under any circumstances.

FALL EXAMINATIONS

Written Examinations: On October 16 the written Examination for Professional Practice in Psychology was held in Toronto, London, Ottawa, Thunder Bay and Halifax. The Board is grateful to Ms. Jane Grigg, Dr. David Evans, Professor Gilles Chagnon, Dr. Keith Wood and Mr. Victor Day who served as proctors.

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

Elsbeth Baugh, Ph.D., Dean of Women, Queen's University;
Gilles Chagnon, M.Ps., Professor, School of Psychology, and Director, Centre for Psychological Services, University of Ottawa;

Wesley Coons, Ph.D., Professor, Department of Psychology, York University;

H. Albert Crowe, Ed.D., Psychologist, Niagara South Board of Education;

Gary Dibb, Ph.D., Senior Consultant, Rohrer, Hibler and Replogle, Toronto;

Alan Finlayson, Ph.D., Psychologist, Chedoke-Rehabilitation Centre, and Assistant Professor of Psychiatry, at Chedoke-McMaster Hospitals and McMaster University;

Rolland Mallette, Ph.D., Staff Planning and Research Officer, Ontario Hydro;

George Matheson, Ph.D., Chief of Psychology, Department of Psychology, Etobicoke General Hospital;

William T. Melnyk, Ph.D., Professor, Department of Psychology, Lakehead University;

Ray D. Peters, Ph.D., Associate Professor, Psychology Department, Queen's University;

Doris E. Roche, Ph.D., Senior Psychologist, Psychology Department, Children's Hospital of Eastern Ontario, and Adjunct Professor, University of Ottawa;

Robert Ross, Ph.D., Professor, Department of Criminology, University of Ottawa;

Donald Stuss, Ph.D., Assistant Professor, Schools of Medicine and Psychology, University of Ottawa, and the Ottawa General Hospital;

Shaké Toukmanian, Ph.D., Associate Professor, Department of Psychology, York University;

Christopher Webster, Ph.D., Research Scientist 3, Clarke Institute of Psychiatry, and the Metropolitan Toronto Forensic Service;

John C. Weiser, Ph.D., Associate Professor and Chairman, Department of Applied Psychology, Ontario Institute for Studies in Education.

NEW TEMPORARY REGISTRATIONS SINCE JUNE, 1981

Werner Albert

Joan Backman

David Baxter

Denis Bellehumeur

Yvon Bourbonnais

Elizabeth Calder

Robert Carey

Michael Church

Ronald Clavier

Mark Cole

Janice Currie-Jedermann

Paul Derry

Lois Dobson

Robert Doering

Sharyn Ezrin

Maurice Fryatt

Cheryl Gillin

Georgina Harris

Grant Harris

Joel Herscovitch

Barbara Hodkin

Margret Hovanec

Edward Innes

Michael Joschko

Felix Klajner

Yvonne Labelle

Clyde Lansdell

Robert Leclerc

Barbara Luedecke

Lucia Mandziuk

Marilyn Miller

Jack Parlow

Irwin Pencer

Ornella Piccolo

Niva Piran

Joseph Piscione

Guy Proulx

Dennis Raphael

Stephen Rivers

Malcolm Rose

John Strang

Solomon Tancoo

Carlo Vigna

Marc Wilchesky

NEW PERMANENT REGISTRANTS

At its meeting on November 27, 1981 the Board approved the admission of the following psychologists to the Permanent Register:

Marilyn Ain

Robin Alter

Stephen Barker

James Bebko

Richard Berry

Fred Boland

Barry Brooker

Carol Bullard-Bates

Rita Carroll

Ester Cole

Richard Dart

Keith Dobson

David Factor

Hank Frazer

Lawrence Gauzas

Marie Gingras

Steve Goldband

Ian Gotlib

Francis Hare
Roma Harris
Marilyn Hayman
Nancy Innis
Mavis Himes
Lyn Jansen
Frank Kenny
Carol Knox
Glen Lawson
Jane Ledingham
Lynn Lightfoot
Claire Lowry
Patricia McGrath
Claiborne Moore
Kerry Mothersill
William Newby
Joan Norris

Thomas O'Hara
Nathan Pollock
Martin Rapoport
Douglas Reberg
Lorence Rempel
Lorcan Scanlon
Lennard Shangi
Steven Stanard
Rhona Steinberg
Paul Stirling
Siang-Yang Tan
Eugene Telka
John Theis
Mary Tierney
Roger Wells
David Wolfe
Elizabeth Yates

The names of the following persons have been removed from the Register since May 31, 1981 for reasons of retirement or unpaid fees:

Lalit Bhandari
Helen Bishop
David Chambers
Tasso Christie
Robert Dickie
Timothy Emmons
Gordon Emslie
Lea Gagne
Jo-Anne Gardner
Ronald Hanagan
Janet Hay
James Hug
Sunaina Jain

Robert McFarland
Charles McInnis
Harry McLaughlin
Patricia Miach
Leola Neal
Ted Petit
Shoukry Saleh
Mark Schachter
Blair Shaw
Adele Thomas
Anthony Thompson
Herman Weiner
Patrick Wesley

Number of Psychologists Issued Permanent Certificates of Registration by the Ontario Board of Examiners in Psychology: 1976 - 1981											
Year	Number at Start of Year and Resident in:			Additions During Year			Non- Renew- als	Number at End of Year and Resident in:			Net Gain N (%)
	Ontario N (%)	Other N (%)	Total	Ontario Grads N (%)	Other N (%)	Total		Ontario N (%)	Other N (%)	Total	
1976	738	96	834	41 (55)	33 (45)	74	16	788 (88)	104 (12)	892	68 (8.2)
1977	788	104	892	44 (59)	30 (41)	74	20	840 (89)	106 (11)	946	54 (6.1)
1978	840	106	946	58 (69)	26 (31)	84	33	870 (87)	127 (13)	997	51 (5.4)
1979	870	127	997	60 (69)	27 (31)	87	2	947 (88)	135 (12)	1,082	85 (8.5)
1980	936	146	1,082	55 (63)	32 (37)	87	22	1,005 (88)	141 (12)	1,146	65 (6.0)
1981	1,005	141	1,146	62 (65)	33 (35)	95	25	1,070 (88)	152 (12)	1,220	70 (6.1)

Note: Fluctuations in the rate of attrition may be due to changes in Regulation 698 which, in 1977, reduced the period during which lapsed certificates may be renewed from ten years to two, and in 1978, 1979 and 1981 affected renewal fees.