bulletin Ontario Board of Examiners in Psychology

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APPOINTMENT TO THE BOARD

The Board is pleased to announce the appointment on June 1 by Order in Council of Dr. John McGrory of Windsor to replace Dr. George Ashman of Kingston who retired after completing a five year term on the Board.

Dr. McGrory graduated with a doctorate from the University of Windsor in 1974 and presently holds the position of Chief, Department of Psychology, Windsor Western Hospital Centre. In addition to his administrative responsibilities at the hospital he is also involved in some clinical and some private work. Prior to assuming his present duties at Windsor Western Hospital, Dr. McGrory was Director at Woodstock General Hospital.

PROGRESS REPORT ON LEGISLATION

In June the Board completed its revisions to the draft proposal for new legislation and prepared a draft set of regulations. These documents, supplemented by a Brief summarizing the proposal and its background, have been forwarded to the Ontario Psychological Association for review and are being sent to all psychologists in the Province along with this issue of the Bulletin.

Comments are welcome. In order to assess the degree of acceptance of these revisions to the proposals by psychologists, the Board wishes it to be known that absence of comment will be construed as approval for the proposal. For this reason, those who see flaws in the draft are urged to write to the Board.

BOARD EXAMINATIONS

Written Examinations: The written examination was held on April 16, 1982 in Toronto, Ottawa, London and Sudbury. The Board wishes to thank Ms. Jane Grigg, Ms. Naomi Silverman, Professor Gilles Chagnon, Dr. David Evans and Dr. Brian Bigelow who served as proctors.

Oral Examinations: The oral examinations were held in Toronto on May 26 and May 27. Assisting the Board in conducting these examinations were the following psychologists:

Denton Buchanan, Ph.D., Director of Psychology, Royal Ottawa Regional Rehabilitation Centre; Associate Professor of Medicine and Psychology, University of Ottawa;
Patricia Chartres, Ph.D., Psychologist, Psychiatric Division, York Central Hospital;
Barry Francis, Ph.D., Chief Psychologist, Kitchener-Waterloo Hospital; Adjunct Professor, University of Waterloo;
David Garner, Ph.D., Clinical Psychologist, Clarke Institute of Psychiatry; Assistant Professor, Psychiatry, University of Toronto;
Lorne Hartman, Ph.D., Director, Behaviour Therapy Unit, Clarke Institute of Psychiatry;
Kenneth Keeling, Ph.D., Treatment Program Coordinator, Thistletown Regional Centre;
John McGrory, Ph.D., Chief, Department of Psychology, Windsor Western Hospital Centre;
Colin Pryor, Ph.D., Supervisor, Psychological Services, Hamilton Board of Education;
Reginald Reynolds, Ph.D., Chief Psychologist, Ontario Correctional Institute;
Pierre Ritchie, Ph.D., Assistant Professor, Ecole de Psychologie, Universite d'Ottawa;

Doris Roche, Ph.D., Senior Psychologist, Psychology Department, Children's Hospital of Eastern Ontario;
Reginald Smart, Ph.D., Director, Program Development Research Department, Addiction Research Foundation;
Paul Wang, Ph.D., Director of Psychology, Department of Psychology, Mount Sinai Hospital; Assistant Professor of Rehabilitation Medicine, Department of Rehabilitation Medicine, University of Toronto.

NEW TEMPORARY REGISTRANTS SINCE APRIL, 1982

Gary Bernfeld
Michael Condra
Michael DiFranco
Christopher Earls
Bruce Ferguson
Norman Greenberg
Anne-Marie Jones
Carol Lithwick
Allan Mandel
Frederick Meek
Oleksander Mitzak
Gregory Moran
Warren Nielson
Stephen Pancer
Jean Saint-Cyr
Peter Stephenson
Paul Swingle
Melanie Telegdi
Sarah Turnbull
Kenneth Zucker

NEW PERMANENT REGISTRANTS

At its meeting on May 27, 1982, the Board approved the admission of the following psychologists to the Permanent Register:

Janice Baker
Gregory Banwell
Marlene Bird
Paul Derry
John Ferrari
Sandra Fiegehen
Maurice Fryatt
Reva Gerstein
Melvyn Goodale
Linda Gruson
Joel Herscovitch
Michael Joschko
Nina Josefowitz
Michael Luther
Thomas Managhan
Robert Mann
Edward Meade
Rickey Miller
Stephen Rivers
Malcolm Rose
Maribeth Ruckman
Dermot Stewart
Michele Stampp
John Swaine
Helen Valerio
Victoria Valley
David Weiss
Dale Willows

DR. RONALD MUELLER, 1946 - 1982

The Board has learned with regret of the death this spring of Dr. Ronald Mueller of Toronto.

INCORPORATION OF PSYCHOLOGICAL PRACTICES

In response to increasing numbers of complaints from psychologists about other psychologists incorporating their practices, the Board referred the matter to the Ministry of Consumer and Commercial Relations which administers the Business Corporations Act. The Ministry replied, in part, as follows:

"As noted in your letter, the Psychologists Registration Act which is the Act governing the practice of the profession of psychology, does not permit the practice of psychology by a corporation. Thus, any Ontario corporation doing so may be in contravention of the Business Corporations Act.

Subsequent to the amendment to the Business Corporations Act, effective in September of 1979, which provided for "over-the-counter" incorporation, the Ministry no longer reviews the objects of a proposed corporation to determine their conformity to law. Thus, unless the name of the corporation proposing to practice the profession of psychology implies such an intention, it is unlikely that its incorporation would be prevented. Such a corporation, however, would be subject to possible proceedings under section 241 of the Act which provides for the cancellation for cause of the Certificate of a corporation and its dissolution."

The Ministry of Consumer and Commercial Relations' reply invited the Board to refer cases of incorporation of psychological practices to the Ministry. The Board has accepted this invitation. As of the date of publication of this issue of the Bulletin, the Board will refer to the Ministry any cases of such incorporation that come to the Board's attention.

ACCREDITATION BOARD FOR CANADIAN PSYCHOLOGY

The December, 1981 issue of the Bulletin outlined the position of the Board of Examiners in opposing the formation of an Accreditation Board for Canadian Psychology. The proposal, supported by the Board of Directors of the Canadian Psychological Association has now gone forward. We reproduce below the body of a letter sent toward the end of May by Dr. Ray Engel, then Chairman of the Board, to the provincial boards and associations and to the Directors of CPA:

I am writing to you on behalf of the Ontario Board of Examiners in Psychology to try to articulate the Board's opposition to a Canadian Psychological Association sponsored proposal to establish a federal corporation to be called the "Accreditation Board for Canadian Psychology". This letter is being written to everyone who may be in a position to influence the outcome of this proposal. . . . Much of what we have to say in this letter responds to the contents of a question and answer article describing the proposed Accreditation Board for Canadian Psychology that appeared in the Spring, 1982 issue of the Canadian Psychological Association's publication, Highlights. . . .

Background

We first became aware of the proposed corporation when we began to receive apparently bootleg copies of drafts of the articles of incorporation. Initially, we had a number of concerns about specific conditions set out in the by-laws of the corporation. We still have many of these concerns, and we will describe some of them later on. It was not until after considerable grappling with these matters of detail that our concerns began to emerge as a single and very serious concern about the principle involved here. The principle is that it is the constitutional right of the provinces to create legal definitions of professions, and to create definitions that suit the particular needs of the individual province.

The proposal in question is a proposal to set up a private federal non-profit corporation that will mimic the processes and authorities of the provincial professional bodies, but at the same time, have none of the accountability that each provincial body has. In our view, such an entity is at best an extremely awkward and expensive vehicle for promoting a national standard for the profession, and at worst, it misleads the public and psychologists alike into believing that there is a national professional standard approved by the Parliament of Canada.

On the latter point, we continue to object to the use of the term, "Canada Psychology Act" to describe this proposal. The recent addition of quotation marks to the term gives us little comfort. The fact is that there is no such act by this name or any other name before Parliament. Nor does Parliament have the power to enact such legislation insofar as it refers to the regulation of the profession of psychology or any other profession for that matter.

The proposal is, from our point of view, another one of the federal nuisance corporations that have been springing up in the country to annoy not only this Board, but a large number of provincial authorities. . . .

It is also evident from the reply of the Minister of Consumer and Corporate Affairs in this quotation, that, under the present wording of the Canada Corporations Act, the Minister has very little discretion, if any, in accepting or rejecting an application for incorporation under the present law. (Contrary to what is suggested in the answer to question 14 in the Highlights article). Indeed, there is nothing to prevent anyone from setting up an "Accreditation Board for Canadian Psychology", even if the entire psychological community in the country objected to it. That the federal government, generally, is indifferent to the constitutional right of the provinces to define and regulate the professions is evidenced by Mr. Lloyd Axworthy, Minister of the federal Department of Employment

and Immigration, in his recent letter to Dr. Sandra Pyke, President of CPA. Mr. Axworthy asserts it is appropriate for his department to issue diplomas in "psychological testing" to its employees after a short course in the use of the GAT-B.

We are further concerned that if psychologists set up such a corporation, they will find it difficult to object to non-psychologists using the same device to find technical escapes from existing and future provincial legislation. Our own experience in prosecuting the title protection provision in Ontario's Act is that it is very difficult to sustain a conviction on this ground. And indeed, a title protection appears to discourage the easily intimidated, but not the determined individual who wishes to practice outside the law. Thus, while we well understand that the by-laws of a federal non-profit corporation do not override the jurisdiction of a provincial professional authority, we are not at all convinced that such by-laws cannot be seen to represent some sort of superior status. Indeed, the answer to question 10 in the Highlights article seems quite explicit in suggesting that the status of an accreditation board will serve to influence the public's understanding of what a "psychologist" is.

The answer to question 10 also seems to deny basic facts of life. The profession is "fragmented", as the article puts it, because Canadian society deems it right and proper to have different definitions of a profession, not to mention many other things, from province to province. The differences among regional ideas about the profession reflect not so much differences among psychologists as they represent differences among public attitudes in different jurisdictions. If the psychologists in each province could have exactly the kind of legislation they wanted, there would likely be a great deal more similarity among professional governing acts than there is now.

On Some Matters of Detail

The following remarks would carry more weight if we approved of the principle of a national accreditation board, which we don't. However, since the present laws governing federal incorporation will likely give us a national accreditation board whether we or anyone else likes it or not, we will make these remarks for what they are worth, which is probably not much.

The by-laws of the proposed corporation would permit, as we understand it, accreditation of persons on the Temporary Register in Ontario. In Ontario a person on the Temporary Register is not a psychologist, and does not become one until he or she is admitted to the Permanent Register. Being on the Temporary Register merely exempts the individual from being prosecuted for using the title psychologist during the year or so of supervised experience leading to Permanent Registration. We could not lend our support to giving a national accreditation to someone we have not yet admitted to Permanent Registration.

Our reading of the proposed by-laws also suggests that conversely a substantial number of Permanent Registrants in Ontario would not be eligible for accreditation. An example would be a university professor, who is trained in and teaches in experimental psychology, who is Registered and uses the designation in connection with contract research done outside of the university. The proposed by-laws imply to us that accreditation will be limited to persons with applied training and who do primarily applied work.

To make some additional remarks in response to the Highlights article: The answer to question 9 states that the proposed accreditation body would have no disciplinary responsibilities, and that these responsibilities "rest" with the provinces. Since the disciplinary function is essentially nothing more than the due process that goes into suspending or taking away a registration, it is diffi-

cult to see how the proposed accreditation board can avoid some form of disciplinary process, unless it proposes to remove registration without any due process.

We do not know how the projected costs of the proposed accreditation system were arrived at; but from our own experience the figures given in the article seem to us optimistically low. We maintain not only line accounting figures, but also cost by function figures for our own registration system, so we believe that we can speak with some authority on what an accreditation system costs to run. In addition, our legal costs amount, on average, to 10% of our budget, and have not exceeded 15% in any one year. Furthermore, these represent all legal costs, not just those associated with discipline activities. Our experience is not consistent with the suggestion in the article that not being burdened with legal costs would keep the annual dues low.

Finally, we note that in describing support for the proposal the article does not mention Quebec or Nova Scotia as supporters. We understand that both of these provinces have withdrawn their support, for what reasons we do not know. As for the Ontario Psychological Association withdrawing its support, we believe that the Ontario Psychological Association withdrew its support based on its own assessment of the situation. We assume that our views formed part of this assessment, but it is inaccurate to suggest that the Association defers to this Board on any matter, or vice versa. For most of the major professions in Ontario, the fraternal and regulatory functions for managing professional affairs are kept in separate organizations. Thus, there would be no necessary contradiction in the Ontario Psychological Association supporting a proposal that this Board could not support.

A Proposal That We Could Support

We have indicated privately on several occasions that we would be prepared to support in principle a national accreditation function that gave specialty designations, with the only prior requirement being that the candidate be on the equivalent of a Permanent Register in one of the provinces. This prior requirement could include an equitable accommodation for individuals from areas where there is no existing governing legislation.

We can see a useful purpose for specialty designations, but they are beyond our resources to administer, and probably beyond our legitimate function. Other professions have found it to be more efficient and effective to develop specialty accreditation on a national basis, and we anticipate that the reasons for this would also hold true for the profession of psychology. The day-to-day practice of all psychologists is in one way or another the practice of a specialty. We believe that national specialty accreditations would make a concrete contribution to giving professional practice national definition and substance. And it would add to what the provinces have achieved in professional recognition, instead of being redundant to and diluting these achievements. Finally, if anyone believes that a generic professional accreditation from a federal non-profit corporation will have a positive influence on provincial officials, we suggest that they sample some provincial government opinion in their own area. . . .

On behalf of the Ontario Board of Examiners in Psychology, I thank you for taking the time to read this.