



## Board Appointment

On June 15 the Board was informed of the appointment of Dr. Robert Potvin to membership on the Board to succeed Dr. Ray Engel. Dr. Potvin is a psychologist in private practice in Toronto in the area of management consulting. Although Dr. Potvin's appointment comes at a time when the Board has been involved in correspondence and some disagreement with the Ministry of Health around the basic principles on which it believes appointments to professional regulatory bodies should be based, the members are confident that positive and constructive working relationships can be established. For his part, Dr. Potvin accepts the challenge and the responsibilities he faces.

All registered psychologists have received copies of the correspondence defending the principle of an autonomous board whose professional members should be chosen by the profession. In response to the Board's concern about a precedent being created contrary to traditional practice, Mr. Grossman indicated to the Board that he had recently made a "lay" (public) appointment to other regulatory bodies and that one "lay" (public) appointment to this Board was, in his view, appropriate. The proceedings of the exchange in the legislature as recorded in Hansard follow.

Hansard Report - Monday, June 20, 1983

### Examiners in Psychology Appointment

Mr. Sweeney: Mr. Speaker, I have a question for the Minister of Health with respect to the Ontario Board of Examiners in Psychology. It is my understanding that no Minister of Health in the 20-year history of the board has made an appointment to that board without the support of

the board itself and/or the Ontario Psychological Association. It is further my understanding that this year for the first time this Minister of Health has made such an appointment.

Why has he broken that tradition this year; and why has he not accepted the nominations, or at least listed the nominations, of either the board itself or the Ontario Psychological Association?

Hon. Mr. Grossman: Mr. Speaker, it is very simply because I believe that the board, like all the others in the area of health disciplines, ought to have a lay representative of the public. Such a member brings not only the reality of impartiality, which has always been the case with the board, but also the appearance of impartiality. This is in the full spirit of the McRuer report and all the subsequent steps taken by this government with regard to all other boards. I felt it appropriate to do nothing less with regard to this board.

I would emphasize that this is not casting aspersions, and it should not be taken as such, on the board, its competence or the names it brought to our attention.

Mr. Sweeney: It is my understanding that the minister's appointment to the board this year is Mr. Robert Potvin. Can the minister indicate what special qualifications this man will bring to the board in line with the answer he has just given us? Can he explain why, in response to a letter addressed to the Premier (Mr. Davis) by the chairman of the board, the minister's executive assistant had indicated that the minister was prepared to withdraw his choice but that at the same time he would also withdraw all intended

appointments of psychologists to councils and boards over which he has had jurisdiction? That does seem like a form of intimidation.

Hon. Mr. Grossman: That is an unfortunate connotation to put on it. The point we are making to the board is that psychologists have really received a great deal of time and attention from the ministry. We have given them a number of appointments and brought them into our policy-making process. They have asked for this for many years. They have been very pleased that the ministry has been courageous enough to bring them into areas where previously there was resistance. The ministry previously had not invited the psychologists in because of that resistance.

The point we were making in that letter was that there were occasions on which we had stood up to pressure on their behalf in order to get them involved in the process. We were pointing out that it took equal courage for us to act in this circumstance, where they were not entirely happy with what we did. But if they expect us to do the right thing - and this is sometimes the difficult thing - when it is to their benefit, I think it is equally appropriate for them to be willing to accept those circumstances where we do something they do not entirely agree with but that is equally right. This is the only point we were making.

### AN ACT TO AMEND THE HEALTH DISCIPLINES ACT

Notwithstanding the Minister's plans for a Health Professions Procedures Act and a moratorium of two years on any amendments to legislation governing the health professions, the Board was informed by a letter dated April 22, of the Ministry's plan to consider a proposal by the College of Physicians and Surgeons of Ontario to amend the Medical Part of the Health Disciplines Act. Upon examination, certain sections of this proposal appear to have significant implications for other professions; in particular, the

proposed amendments to Section 52 which are reproduced here:

2. Subsection 52(5) of the said Act is repealed and the following substituted therefor:

(5) A member may engage in the practice of medicine, notwithstanding that any part of such practice is included in the practice of any other health discipline.

(5a) A person who meets the qualifications specified by the Council may perform, under the conditions specified by the Council, an act in the practice of medicine authorized by resolution of the Council, notwithstanding that the act or any part of the act is included in the practice of any other health discipline.

(5b) Subsection (1) does not apply to a person who performs an act authorized by resolution of the Council and the act is performed under the conditions specified by the Council.

3. The said Act is amended by adding thereto the following section:

52a.-(1) The Council by resolution may specify acts in the practice of medicine that may be performed by persons other than members, may specify the qualifications of the persons who may perform the acts and may specify the conditions under which the acts may be performed.

(2) A copy of each resolution passed under subsection (1),

(a) shall be forwarded to the Minister;

(b) shall be forwarded to each member; and

(c) shall be available for public inspection in the office of the College.

The Ministry of Health indicated its wish to have comments by May 13, and the Board prepared its objections to the proposal. Specifically, the proposed amendment was seen as objectionable in that:

- 1) it gives the Council of the College of Physicians and Surgeons of Ontario the power, in Section 52(a)(1), to specify what acts will be considered to be acts in the practice of medicine;
- 2) it permits the Council to pass resolutions authorizing "persons" other than physicians to engage in these acts;
- 3) the protection of Regulations would be removed in the amended Act. Proposed Regulations are open to the scrutiny of interested bodies and of a committee of the legislature before being approved; resolutions of Council are not;
- 4) it permits the Council to identify, as qualified, "persons" who may have no qualifications to perform acts that would otherwise be reserved for those qualifying through the rigours of other disciplines.

The Board of Examiners believes it is not in the public interest to create classes of individuals who need do nothing but meet requirements that can be established by resolution, not Regulation, and thereby be held out to the public as having the same qualifications as individuals who, in reality, have greater qualifications through their own governing body.

Although the implications of this amendment would appear to be of concern primarily to members of the health disciplines, the principle involved should be of concern to all professions. For it is proposed that the scope of practice of a profession may be set out simply by resolution of its governing Council notwithstanding that any part of such practice may be included in the practice of any other profession.

For these reasons, the Board believes the powers outlined in the proposed amendment are too general. If the College wishes to specify particular acts in the practice of medicine which may be delegated, for example, to members of the College of

Nurses, then these acts should be defined and the group of persons identified in Regulations.

The Board and other health regulatory bodies presented their objections to the Ministry. Subsequently, the Board learned informally that the proposal had been withdrawn and that a further draft would be circulated for comment in the near future.

#### **DEVELOPMENTS IN LEGISLATION THE DRAFT PSYCHOLOGISTS ACT**

As reported in the April, 1983 Bulletin, the Minister of Health announced in January of this year his intention to introduce a new Health Professions Procedures Act which would require restructuring of all the Acts governing the health professions in Ontario. The Board of Examiners, uncertain of the nature of the delay involved in processing its own legislative proposal, wrote to the Minister on February 25 requesting a meeting to discuss the Minister's projected timetable and to ask him to give prior consideration to the Psychologists Act.

A response to the February letter was received from Mr. Grossman on April 27 in which he indicated that while he "would like to accommodate each governing body's request for reenactment or amendment individually", he has "come to the conclusion that this is not the most effective method to implement legislation change". Mr. Grossman mentioned having eleven requests for legislation governing health professions, but said it is "not self-evident which of these should take priority". He has, therefore, decided on a two-year review process. Following upon that the necessary modifications in each Act would be made. It is Mr. Grossman's view that our draft Bill can be quickly reformed.

## DISCIPLINE HEARING

The Ontario Board of Examiners in Psychology has investigated and held a hearing into a complaint respecting improper advertising. Principle 4 and the subsections 4.3 and 4.4 of the Standards of Professional Conduct were allegedly violated. The principles and the advertisement are reproduced for your information.

### Principle Four

"A psychologist shall not solicit users in ways that mislead prospective users, that disadvantage fellow psychologists, or that discredit the profession of psychology."

4.3 "A psychologist will not seek to attract the attention of prospective users by the display or the use of unusual features in the identification of his/her business premises, in telephone listings, in announcements, in brochures and similar materials. Appendix A should be consulted for specific restrictions."

4.4 "... Public statements, defined herein to include, but not limited to, communication by means of television, radio, motion picture, newspaper, book, list, or directory, shall not contain: a false, fraudulent, misleading, deceptive or unfair statement; the misinterpretation of fact; a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts; ..."

## The Advertisement

### **PSYCHOLOGICAL/OCCUPATIONAL ASSESSMENT**

**DO YOU WANT TO CUT YOUR OUTSIDE RECRUITMENT COSTS FROM \$25,000 DOWN TO \$2,500?**

If you decide you cannot afford a search firm or placement agency for your next recruiting assignment; yet you still want to be sure about the final decision, we can help.

Through psychological/occupational testing and in-depth interviewing of the three or four final candidates we will provide you with information based on standardized and objective measures to assist with your selection decisions.

Our fee for a full assessment with a report and discussion would be no more than \$700.

We combine our professional training and business 'know-how' to talk a language that business understands.

For further information, call Dr. Shepell (416) 961-0023.

**WARREN SHEPELL**

INDUSTRIAL PSYCHOLOGIST  
2 Bloor St. E. Suite 2810  
Toronto, Ontario M4W 1A8

Based on the aforementioned principles and the advertisement which had been brought to the Board's attention, a disciplinary hearing was held to determine a charge of professional misconduct against Dr. Warren Shepell. It was alleged that Dr. Shepell violated Principle 4 of the Standards of Professional Conduct, by causing to be published an advertisement in the Globe & Mail in a form which was misleading. Further, Principles 4.3 and 4.4 were alleged to have been violated. The former principle was violated because of the unusual features in the advertisement which caused fellow psychologists who adhere to the principles to be disadvantaged. The latter principle was allegedly contravened because of the misleading nature of the advertisement.

Dr. Shepell was found guilty and given a reprimand. In reaching its decision, the tribunal acknowledged the right of psychologists to make their services known to potential clients. The tribunal also noted the controversy and debate surrounding the matter of advertising as a professional in a competitive marketplace. Notwithstanding these circumstances, the tribunal took the view that practising psychologists must adhere to the letter and spirit of the Standards of Professional Conduct.

## DESTRUCTION OF RECORDS

In recent months, several questions have arisen respecting the destruction of a psychologist's records. Principle 7.7 makes a clear statement that psychologists are responsible for preserving client records for a period of six years after the date of last entry. In the past, arguments in support of this standard have made reference to client welfare, but little reference has been made to the reasons why the preservation of records is important to psychologists. The choice of the six year time period reflects the Limitations Act. Present case law appears to indicate that the psychologist-client relationship is founded in contract. The Limitations Act provides for a six year period during which a client may sue. Your records would be an asset to you in any litigation.

Another situation in which your records would serve a useful purpose is if and/or when, the Department of National Revenue or the Ontario Ministry of Revenue decide to conduct an audit. While the normal procedure would be to use books and accounts, there may be occasion to look at client files. Normally, the Department of National Revenue will only go back two years in its audit, but officials may go back further.

## STANDARD 7.8 REWRITTEN

The Board's attention was drawn to the apparent conflict between Standard 7.7 and 7.8 of the Standards of Professional Conduct. Standard 7.8 was therefore rewritten to reflect Standard 7.7. The new standard reads as follows:

Where a psychological service discontinues functioning, the directing psychologist is responsible for the preservation and security of each client record for a minimum of six years after the date of last entry in a client's record. Where the records must be transferred to another person, this must be to another psychologist.

## A REPLY TO THE PROPOSED DRAFT OF THE PROFESSIONAL ENGINEERS ACT

A copy of the proposed draft of the Professional Engineers Act was recently sent to the Board. The following is the letter sent to the Honourable Roy McMurtry, Q.C., as the Minister responsible for the administration of the Professional Engineers Act.

June 7, 1983

Dear Mr. McMurtry:

Re: The Proposed Draft of the Professional Engineers Act

The Ontario Board of Examiners in Psychology is the governing body for psychologists. The Board recently received a draft copy of the proposed Professional Engineers Act in which a definition of the practice of professional engineering is included. The definition is broad and extends to areas in which psychologists practise.

Notably, research in human factors and ergonomics are within the general area of industrial organizational psychology. Insofar as psychologists working in these areas deal with the relationships between man and machine, they are frequently involved in the designing of equipment in industrial settings to maximize productivity or to reduce error. Further, ergonomics is taught in university departments of psychology, and method in human factors research is a basic part of the curriculum in industrial psychology. The literature recognizes the contribution of psychologists in these areas.

One of the goals of legislation governing the professions is to protect the public. Psychologists in Ontario are accountable to this Board for the practice of their profession. To exclude psychologists from practising in these established fields is a disservice, not only to psychologists but also to the public.

It is not clear from the exemption provided in section 12(3)(c) of the proposed

Act that psychologists would be exempt from prosecution for practising engineering. Either the exemption should be extended to include psychologists or the definition of professional engineering should be narrower and should not intrude on the legitimate practice of psychology. The Board would accept either alternative.

Sincerely,  
Ruth M. Bray, Ph.D.  
Chair

### YELLOW PAGES LISTING

There have been several inquiries in the past about the propriety of listing oneself in the Yellow Pages under Family and Marriage Counsellors, Vocational Counsellors, and so on. The Board's stand has been that while the psychologist may list under those headings, the psychologist should identify his or her professional designation. That is, the listing would read: Dr. \_\_\_\_\_, Psychologist.

### DESIGNATION OF TEMPORARY REGISTRANTS

A number of enquiries have been received concerning a suitable title for Temporary Registrants. This was of particular concern when signing reports. The Board agreed that when signing reports the following designation should be used:

John Doe, Ph.D.  
Psychologist (Temporary Register)

### NEW TEMPORARY REGISTRANTS SINCE APRIL, 1983

Madiha Allison	John Memmott
Gary Austin	Aurelda Michaud-Achorn
Nehama Baum	Nina Mistry
Steven Baum	Ruth Nelson
Jean Dumas	William Shipman
Riley Hinson	Judith Silver
Ann McCabe	Eugene Sunday
Scot McFadden	Peter Sussman
Kenneth MacKinnon	Jeannie Tryphonopoulos
	Sharon Verniero

### SPRING EXAMINATIONS

Written Examinations: On April 8 the written Examination for Professional Practice in Psychology was held in Toronto, London, Ottawa, Sudbury and Sault Ste. Marie. The Board is grateful to Ms. Naomi Silverman, Dr. David Evans, Prof. Gilles Chagnon, Dr. Brian Bigelow, and Dr. Keith Lefave who served as proctors.

Oral Examinations: The oral examinations were held in Toronto on May 30 and 31 and June 1. Assisting the Board in conducting these examinations were the following psychologists:

George R. Ashman, Ph.D., Chief Psychologist, Kingston General Hospital;  
William Barry, Ph.D., Professor, School of Psychology and Dept. of Psychiatry, University of Ottawa;  
Kenneth E. Breitman, Ph.D., Director, Psychology Dept., Homewood Sanitarium of Guelph;  
Daniel Crocco, Ph.D., Psychologist, Mental Health Centre, Penetanguishene;  
Hy Day, Ph.D., Professor, York University;  
U. Phillip Daniels, Ph.D., Manager, Corporate Psychology, Thorne Stevenson & Kellogg;  
Elinor Dickson, Ph.D., Co-ordinator of Psychological Services, St. Michael's Hospital;  
Birute R. Jonys, Ph.D., Supervising Psychologist, North York Board of Education;  
Faith K. Kaplan, Ph.D., Private Practice, Hamilton;  
William McDermott, Ph.D., Executive Director/Clinical Co-ordinator, The Child's Place, Windsor;  
Jeannette McGlone, Ph.D., Psychologist/Acting Director, University Hospital, London; Adjunct Assoc. Professor, University of Western Ontario;  
Sandra Pyke, Ph.D., Chairperson, Counselling and Development Centre; Professor, Dept. of Psychology, York University;  
Diane Wood, Ph.D., Psychologist, Essex County Roman Catholic Separate School Board.

## QUESTIONS ASKED

At various times, the Board has been asked about the nature of the inquiries it receives. The following is a table which categorizes the telephone inquiries received. The number of calls has increased over the previous year.

Questions Directed to the  
Ontario Board of Examiners in Psychology  
June 1, 1982 to May 31, 1983

Subject	Questions raised by	
	Psychologists	Others
Problems in organizations		
general	6	
professional vs. administrative supervision	4	
professional conflict	8	
protection of records and confidentiality	3	1
work load	1	
job description	1	1
personnel performance	3	
Total	(26)	(2)
Problems in private practice		
advertising and announcements	10	7
name for a practice	1	
partnerships	1	
incorporation	24	10
payment of employees	1	
third-party payment	3	
billing and collection	6	
Total	(46)	(17)
Interpretation of standards		
general	10	10
records and confidentiality	14	10
consent, release of information	10	9
interpretation of results	3	3
obligations to parents	1	
custody	1	1
supervision, general	7	7
training of supervisee	2	
responsibilities of supervisee	1	
signing reports	2	1
other	2	2
Total	(53)	(43)
Legal questions		
interpretation of the Act	7	21
other	8	
Request for referral		4
TOTAL	140	87

## FEE INCREASES

Twelve psychologists have written to the Board objecting to the recent increase in fees, seeing it as incompatible with the inflation restraint measures affecting their own salaries. The Board wishes to remind members that this increase was intended in part to compensate for the increase in costs over the two-year period since the last increase in 1981, but also to permit the Board to expand the service it provides to its members and to the public. Addition to professional staff in the Board office during the past year has increased the Board's ability to deal effectively with public policy issues as well as to respond promptly to the professional issues presented to it by concerned psychologists. The Board understands and shares in the financial pressures on all members of the profession. To offset the criticism the Board is grateful for the expressions of appreciation it has also received from those members who believe that the benefits of the Board's increased activity and visibility accrue to psychologists as well as to the public at large.

