



HEALTH PROFESSIONS LEGISLATION REVIEW

The Health Professions Legislation Review team is now in phase two of the review process. The submissions made by one hundred and seventeen associations and registering bodies have been circulated for comment. In order to inform psychologists of the Board's position on key issues as well as to gain input from psychologists to answer the key issues raised in specific submissions, the Board invited psychologists to attend a meeting on Saturday, May 5, 1984. The morning session included panelists presenting their replies to topics such as referrals from the medical profession, professional supervision by another profession, certification as opposed to licensure and two-tiered regulatory systems. A morning discussion session asked those who attended "What are psychologists willing to accept in legislation?" The afternoon session had the large group divided into smaller groups to discuss topics raised in the morning and to make recommendations which could be incorporated into the Board's brief for phase II of the review process. The meeting ended with a plenary session.

The following are some of the recommendations made:

- (1) The Board ask the review team to consider new legislation for certification of psychologists. The legislation should incorporate provisions which would license specific acts to psychologists (e.g. testing and assessment).
- (2) The Board adhere to its position that administrative supervision can be performed by anyone but, that it is inappropriate for one profession to supervise another vis a vis professional responsibilities.

(3) The Board study the feasibility of registering non-doctoral practitioners within a two-tier scheme. It was suggested that other jurisdictions with such schemes be studied.

(4) The consensus was that any requirement for referrals from physicians for treatment of clients be fought.

The Board expressed its appreciation to all those who attended and participated in the meeting, and in particular to Drs. Jeannette McGlone, Carol Corlis-McMaster, Xavier Plaus and Ray Engel, who presented papers on specific issues discussed during the day.

DISCIPLINE HEARING

A tribunal of the Ontario Board of Examiners in Psychology recently held a hearing of two charges of professional misconduct against a psychologist.

The allegations involved were as follows:

Charge 1 - It is alleged that you are guilty of professional misconduct under the (Psychologist's Registration) Act, arising out of the rendering of services to X, the particulars of which are as follows:

That in the year 1983, in the City of M you:

- 1) failed to fulfill the terms of an agreement with Mr. and Mrs. X in failing to complete an assessment and report concerning their child; and
- 2) failed to fulfill the terms of an agreement with Mr. and Mrs. X in failing to meet with school officials to provide information concerning the child; and

- 3) failed to provide information concerning the child to Dr. A when requested by Mr. X to do so; and
- 4) failed to render adequate follow-up of treatment to the child of X, and failed to maintain appropriate communication with him and with Mr. X.

Charge 2 - It is alleged that you are guilty of professional misconduct under the Act arising out of the rendering of services to Y, the particulars of which are as follows:

That in the year 1983, in the City of M you:

- 1) failed to fulfill the terms of an agreement with Y by failing to complete an assessment for a custody hearing; and
- 2) failed to provide a report to Y as requested by him and his solicitor, B, within the time period agreed upon; and
- 3) failed to comply with the request from the Ontario Board of Examiners in Psychology for a written response on the Y matter.

These charges involved a number of specific Principles contained in the Standards of Professional Conduct. The Principles concerned are set forth below:

Principle 1

A psychologist shall be open and responsive to the regulation and discipline of his/her governing professional body.

- 1.4 A psychologist must be able to provide, if requested by the governing professional body, an account of his/her responsibilities and functions and, when employed by an institution or by individuals other than psychologists, a description of the organizational and service context.

- 1.5 A psychologist must comply promptly with requests from the governing body for information regarding his/her activities which would not violate the rights of client confidentiality.

Principle 5

A psychologist shall respect the user's right to know the nature of the services to be rendered.

- 5.3 A psychologist must fulfill the terms of an agreement with a user. Services departing from the agreement must have the sanction of the user prior to their initiation.

- 5.5 To the extent advisable and not contraindicated, a psychologist shall properly inform a person who has undergone a psychological assessment or his/her legal representative of the conclusions, opinions and advice issuing from the assessment within a reasonable time.

- 5.7 To the extent advisable and not contraindicated, a psychologist shall supply a certificate or report as requested by a client or his authorized agent within a reasonable time or within the time period agreed upon.

Principle 7

- 7.9 A psychologist shall provide within a reasonable time the original or raw results or data of a psychological assessment to a qualified psychologist when requested to do so by a client or the legal representative or guardian of a client.

The psychologist who was the subject of these charges entered a plea of guilty to both charges. He gave evidence at the hearing concerning his explanation as to how he had permitted these problems to develop.

In reaching its decision as to the appropriate penalty, the tribunal took notice of the explanation given by the psychologist.

While he had experienced previous problems in supplying reports and in providing follow-up to treatment, recent stressful personal events had resulted in depression which had exacerbated his problems in providing prompt reports in writing and in undertaking follow-up.

The psychologist involved expressed to the tribunal a willingness to undertake appropriate therapy and to be placed under the supervision of a registered psychologist.

In light of the above, and in consideration of the Board's mandate to protect the public interest and welfare, the tribunal suspended this psychologist's Certificate of Registration for a period of at least six months, subject to certain qualifications. Further, the tribunal required this psychologist to undertake appropriate therapy with a duly licenced practitioner, such therapy to include among its primary goals the overcoming of his avowed inability to write assessments and/or psychological reports.

In addition, the tribunal required the limited practice of this psychologist to be supervised by a psychologist approved by the Ontario Board of Examiners in Psychology, and that the psychologist assume full responsibility for the cost of such supervision.

Because the tribunal considered it important that other psychologists who might fall into similar practices be deterred from so doing, and because they considered it necessary that members of the profession recognize the dangers inherent in such situations as they might threaten their own practices, the tribunal ordered that publication of the facts giving rise to these charges and the penalty imposed appear in this Bulletin, but without any material that might identify the psychologist in question.

MENTAL DISORDER PROJECT

In September of 1983, the Department of Justice published a discussion paper on the Criminal Code provisions for mentally disordered offenders. After acknowledging the problems in the present Criminal Code, the authors set themselves the goals of identifying areas of particular concern and of identifying and examining options in order to develop a consistent approach for the law in this area. The following is the letter sent by the Board to Mr. Gilbert Sharpe who is heading the Mental Disorder Project. A copy of the letter was also sent to the Honourable Mark McGuigan.

Dear Mr. Sharpe:

RE: Mental Disorder Project

The Ontario Board of Examiners in Psychology is the regulatory body for psychologists, responsible for the administration of the Psychologists Registration Act. Of concern to the Board is the quality of psychological services given to members of the public. Therefore, the Board respectfully submits the following for your consideration.

The discussion paper produced by the Mental Disorder Project makes reference to the use of experts to assist in the determination of issues such as the fitness to stand trial. If the assessment is to be psychological, the following section of the Psychologists Registration Act would apply:

- 11.(1) No person shall represent himself to be a psychologist unless he holds a certificate of registration.
- (2) A person represents himself to be a psychologist when he holds himself out to the public by any title, designation or description incorporating the words "psychological", "psychologist" or "psychology" and under such title,

designation or description offers to render or renders services of any kind to one or more persons for a fee or other remuneration. R.S.O. 1960, c.316, s.11(1,2).

The Board supports the broader definition of "expert". Such a definition should state that any person appointed by the Court to assist in the determination of the issue of fitness to stand trial or in the validity of the insanity defense have the skills and qualifications necessary to assess and report to the court. The skills and qualifications should be appropriate to the task undertaken. For example, if an assessment is to involve the administration and interpretation of psychological tests, a psychologist should be responsible for the work done.

Sincerely,
Ruth Bray, Ph.D.
Chair

JOB, SCHOOL CHOICES CALL FOR VALID TESTS

The following article is reprinted from the May 1982 issue of the APA Monitor. Although two years have passed, the article is timely since it addresses issues which have been the subject of questions.

Copyright 1982 by the American Psychological Association. Reprinted by permission of the publisher and author.

by Douglas W. Bray

Almost every individual is affected by selection decisions made in connection with employment and advancement in the workplace and admission to educational and training institutions. Although psychologists are not involved in every decision, they influence many of them.

Large corporations, government institutions and the military commonly use tests, biographical data blanks, interviewing techniques, assessment centers and other techniques devised by psychologists to select and advance personnel.

Colleges and universities use parallel methods in admissions screening.

Added to the impressive number of individuals affected by such mass applications of psychological techniques are the many who are evaluated one-on-one by psychologists. Such evaluations are most often for middle- or higher-level jobs and frequently utilize "clinical" approaches rarely found in mass screening.

Validity Scrutinized

Since selection decisions are critical to the person's educational and occupational opportunities, the ethics involved in them demand particular attention. There are indeed many ethical issues. Manuel London and I tried to explicate a number of them in an October 1980 American Psychologist article. Here I would like to focus upon only two of them but two which seem to me to be fundamental and of the greatest importance. They are the validity of the evaluation method used and the right of the person evaluated to be told the selection decision made or recommended and its basis.

The massive incursion of the Equal Employment Opportunity Commission and other agencies, some years ago, into the selection testing area resulted in broad reviews of the validity of employment tests. Some organizations gave up testing entirely since they did not have validity evidence; others stepped up research activities to produce such evidence. Ignored, at first at least, was the fact that the validity of selection methods other than tests, such as the interview or background data, had not usually been determined. Nevertheless, the end result was more careful attention to validity considerations in large-scale selection operations.

All this activity, including Supreme Court decisions along the way, seems to have impinged on few psychologists doing one-on-one evaluations. Personality tests of any sort are rare in mass screening, and legal retribution would be

feared by any who might consider them. Yet psychologists called on to examine individual candidates for particular jobs or stressful or sensitive assignments appear to rely heavily on these very devices. Depth interviews probing adjustment and various personality characteristics are often combined with such testing. Complaints to the Committee on Scientific and Professional Ethics and Conduct about selection decisions nearly always arise from such individual evaluations. This is possibly because those evaluated in this way are less likely to view complaints to government agencies or filing lawsuits as ways to correct the alleged injustice.

A most, if not the most, important ethical consideration in using any selection method is that there be reasonable evidence of its validity, that it be related to performance or potential for learning the performance called for by the job or the training for which selection is being made. Note the term "reasonable evidence." This does not necessarily mean an impeccable statistical study relating scores or ratings on the evaluation device and quantified measures of performance in the criterion situation. However desirable, such validation for all evaluation methods in all selection situations is out of the question. But this does not by any means imply that the validity question can be treated lightly.

In some instances investigated by CSPEC, psychologists whose evaluations caused individuals to be rejected for employment or advancement, or even suspended from a job, have been unable to cite any evidence of validity. They may have administered, for example, the Rorschack, MMPI or Bender-Gestalt to someone under consideration for a stressful assignment. When asked, they could cite no research relating such scores on the test used to performance in any stressful job, let alone the particular job in question. Nor could they provide any explicit rationale for their recommendations. Such practice is, at least in the opinion of this writer, unethical.

Reason for Rejection

Another most important ethical consideration in selection evaluation is honoring the right of the person evaluated to complete information concerning the basis of the selection decision or recommendation. (This is, of course, usually a matter of concern only to those rejected.) This does not mean that those evaluated must routinely be given feedback. It does mean, however, that those who want it must receive information on such matters as existing validity studies, the basis for cut-off scores, psychological constructs involved, etc. It goes without saying that many of those rejected will not be convinced that their rejection was justified, but there is, of course, no requirement that they be persuaded.

Psychologists are not freed from providing requested feedback because the organizations employing them may not wish them to provide it or allow the needed time. In such cases it is the psychologist's responsibility to persuade the employer or, failing this, to refuse such employment.

The right of those evaluated to be told the bases of evaluation is not only fundamental per se but reinforces the requirement of validity. More psychologists might make explicit and document their procedures if the requirement of presenting such information were adhered to. In addition, if those evaluated find the methods faulty, they would be better prepared to take legal action or to file ethical complaints. Such possibilities would also encourage psychologists toward sound practice.

All of the above is said in full recognition of the fact that selection decisions are an inevitable part of life and that employers and educational institutions have a right to be selective. Also recognized is that scientifically airtight evidence for selection decisions is often unattainable. Professional judgement will frequently be involved in deciding whether a particular evaluation method, or a particular combination of methods,

is defensible in a given situation. Psychologists are responsible, nevertheless, for making sure that their practices can stand rigorous scrutiny.

NEW TEMPORARY REGISTRANTS SINCE DECEMBER, 1983

Jo Alberts-Corush	Jane Irvine
Denis Belicki	Paul Isaacs
Ronald Bell	Gillian Kerr
Diane Borwick	Marguerite Kuiack
Marie Bountrogianni	George MacKinnon
Larry Cebulski	Roderick Martin
Rex Collins	Roslyn Mendelson
Robert Deutsch	Colin Meredith
Jane Dywan	Susan Meyers
Sandra Elwood	Jean Newton
Duncan Ferguson	Jenny Rajput
Joanne Finegan	Iris Richter
Christina Fiedorowicz	Marsha Rothstein
John Fisk	Margaret Schneider
Gerald Goldberg	Zindel Segal
Robert Heinrichs	Jeffers Toby
D'Arcy Helmer	

AMENDMENTS TO REGULATION 825 OF THE PSYCHOLOGISTS REGISTRATION ACT

The Board has asked the Minister of Health to amend Regulation 825 of the Psychologists Registration Act as follows: First, it requested that Section 3(3) of the Regulation be revoked. Section 3(3) states:

The allowances payable to any one member under subsection (1) to compensate for overhead costs shall not exceed \$750 in any one year. O. Reg. 277/81, s.1(3).

Section 3(1) of the regulation allows a Board member to be paid an allowance of \$75 per day to compensate for overhead costs. Section 3(3) places a limit on such costs to \$750 per year. The limitation was reasonable when the Board was expected to hold only ten meetings per year. In 1983, fifteen meetings and hearings were held. The Board therefore asked that the ceiling of \$750 be removed by revoking section 3(3).

Second, the Board asked that section 8(2) of the Regulation be amended to read:

8(2) The fee for an examination is \$350.

The Board's position has been that the fees collected for examinations should reflect the costs incurred in conducting the examinations. Since the cost of purchasing the written examination will be increased by \$30, payable in American funds, the fee for the examinations needs to be increased.

The final request was to amend section 9 to read:

9. Examiners employed by the Board shall be paid a remuneration of \$100 for each day of their employment.

When first enacted section 9 allowed the Board to pay oral examiners an honourarium of \$50 for each day of employment. The change was requested to reflect the fact of the inflation which has occurred since the section was first enacted in 1960.

1983 SURVEY OF ONTARIO PSYCHOLOGISTS

The most recent survey of Ontario psychologists was conducted in the Spring of 1983. Responses were received from 1066, or 82 percent, of the 1285 psychologists on the permanent register at that time. Of the total, 668 or 62.7 percent reported that their main area of expertise was in clinical psychology.

Psychologists are distributed widely across a variety of work settings (see Table 1), with roughly one-third of those whose main emphasis is clinical psychology working in organizations or institutions funded by the Ministry of Health.

Although most psychologists function as employees, 12.4 percent conduct a full-time private practice and an additional 42 percent are engaged in some part-time private practice.

TABLE 1 - WORK SETTINGS FOR ONTARIO PSYCHOLOGISTS IN 1983

Work Setting	All Psychologists		Psychologists with main expertise in clinical psychology	
	Frequency	Valid Percent	Frequency	Valid Percent
Educational facility; primary or secondary	136	13.5	48	7.5
Educational facility; post-secondary	218	21.6	130	20.4
Psychiatric Hospital ¹	80	7.9	68	10.7
Mental health clinic ¹	26	2.6	24	3.8
General hospital or hospital complex ¹	120	11.9	97	15.2
Children's hospital ¹	20	2.0	14	2.2
Children's mental health centre ²	55	5.4	45	7.2
Children's treatment centre ²	16	1.6	12	1.9
Addiction treatment centre ¹	16	1.6	9	1.4
Correctional facility	22	2.2	18	2.8
Retardation centre ²	32	3.2	17	2.7
Rehabilitation facility ¹	20	2.0	14	2.2
Industrial or commercial firm	42	4.2	7	1.1
Government department	13	1.3	1	.2
Social Agency ³	12	1.2	7	1.1
Private Office	125	12.4	98	15.4
Other	34	3.4	10	1.6
Not applicable; not working	23	2.3	18	2.8
No answer	56	Missing	31	Missing
	1066	100.0	668	100.00

¹ Funded through the Ministry of Health

² Funded through the Ministry of Community and Social Services

³ Source of funding varies

The OBEP Bulletin is a publication of the Ontario Board of Examiners in Psychology.

Chair

Ruth M. Bray, Ph.D.

Secretary-Treasurer

Henry P. Edwards, Ph.D.

Members

John E. Callagan, Ph.D.

John A. McGrory, Ph.D.

Robert J.M. Potvin, Ph.D.

Registrar

Barbara Wand, Ph.D.

Staff

Connie Nakatsu

Naomi Silverman

Gail Milne

Jean Cole