

COUNCIL MEETING

2010.01

March 26, 2010

PRESENT:

Dorothy Cotton, Ph.D., C.Psych., President
Ivan McFarlane, Public Member, Vice-President
Ian D.R. Brown, Ph.D., C.Psych.
Mary Ann Evans, Ph.D., C.Psych.
Robert Gauthier, M. Ed, C.Psych.Assoc.,
Mustaq Khan, Ph.D., C.Psych.
Jane Ledingham, Ph.D., C.Psych
Lise Mercier, Ph.D., C.Psych.
Adrienne Perry, Ph.D., C.Psych.
Milan Pomichalek, Ph.D., C.Psych.
Dalia Slonim, Psy.D., C.Psych.
Glenn Webster, M.Ed., C.Psych. Assoc
Mohammed Hossain, Public Member
Vincent Lacroix, Public Member
W. Peter McKegey, Public Member

Regrets:

Abena Buahene, Public Member
Cheryl Rampersad, Public Member
Ethel Teitelbaum, Public Member

Staff:

Catherine Yarrow, MBA, Ph.D., C.Psych.,
Registrar & Executive Director
Rick Morris, Ph.D., C.Psych,
Deputy Registrar & Director: Professional Affairs
Connie Learn, Director: Registration & Administration
Barry Gang, Dip.C.S., C.Psych. Assoc.,
Director: Investigations & Hearings
Prema Shankaran: Assistant to Registrar, Recorder

2010.01.00

Call to Order

The President called the Council meeting to order at 9:04AM.

2010.01.01

Approval of the agenda:

The following items were moved from the Consent agenda:
.02c(1): Report from Executive Committee to .04f
.02c(2): Repot from Discipline Committee to .06b

**It was MOVED Brown
That the agenda be approved as amended.**

CARRIED

- .01b Minutes:
(1) Minutes of Council meeting 2009.04 on December 11, 2009

**It was MOVED Evans
That the minutes of the Council meeting 2009.04 on December
11, 2009 be approved as presented.**

CARRIED

- (2) Action List Status Report
The Council review the Action List from the Council Meeting
2009.04 on December 11, 2009.

2010.01.02 Consent Agenda items

**It was MOVED Brown
That the Consent agenda items be approved.**

CARRIED

2010.01.03 Strategic Issues

- .03a There were no Strategic Issues on the agenda at this Council meeting.

2010.01.04 Policy issues

- .04a Legislative Update:
(1) Bill 179: *Regulated Health Professions Statute law Amendment Act: 2009:*
Bill 179 received Royal Assent on December 15, 2009 and most of the provisions in the bill came into force on that day. The Registrar provided information to Council on the provisions in the Bill that have implications for the College and about the parts of the Bill that have not yet been proclaimed.

It may be about 3 years before the new College of Psychotherapists will have Registration Regulations and Entry to Practice requirements in place and be ready to operate. The new Controlled Act of Psychotherapy will come into force when the new College is functional.

(2) Bill 175: *An Act to enhance labour mobility between Ontario and other Canadian provinces and territories*

Bill 175 received Royal Assent on December 15, 2009 and came into force on that day. The Colleges have 12 months to make

necessary changes to Registration Regulation to comply with the provisions of this Bill. The provisions of this Bill apply to any application received after December 15, 2009 or any application received prior to December 15, 2009 and is in the process of being evaluated.

The Deputy Registrar commented that Association of Psychology Regulatory Organizations (ACPRO) has applied for and received a grant of \$100,000 for review of Entry to Practice in Canadian jurisdictions from the Human Resources and Skills Development Canada (HRSDC).

(3) Bill 168: Occupational Health and Safety Amendment Act (Violence in the Workplace), 2009

Bill 168 received Royal Assent on December 15, 2009 and will go into effect June 15, 2010. The College will need to develop policies and programs to comply with the Act. The Staff will work with the Client Relations Committee and the Executive Committee to develop the policies and bring them to Council for approval.

(4) Bill 157: Education Amendment Act (Keeping our Kids safe at School), 2009

Bill 157 went into force on February 1, 2010. The amendments to reporting requirements in this Bill affect members of the College who are employed by or provide services to school boards. There is concern that this bill may make students less safe because they may not divulge incidents which may require to be reported. The Association of School Board Chiefs has written to the Minister of Education and met with the Minister and hope that some changes may be made in response to the concerns that they have raised. The Ontario Psychological Association has also met with the Minister.

The Council discussed whether the College could write to the Minister regarding the impact of the Bill on members of the College or whether this is an issue that should be dealt with by the Associations. The Registrar commented that this Bill did not go through a wide consultation process before it was proclaimed and there was no opportunity for the College to make a submission.

It was MOVED Perry

That the College write to the Minister of Education that the College supports the intention of this Bill to increase Safety in the Schools but has concerns regarding the impact of the reporting requirements in this Bill which may cause a potential

increase in risk to students and whether some consideration may be given to mitigating this risk.

CARRIED

The Registrar, the Deputy Registrar and Dr Ian Brown will consult on drafting the letter and the letter will be sent to the Minister or other appropriate officials at the Ministry of Education.

Action Item CY RM IB Letter from CPO to the Ministry of Education re Bill 157

**It was MOVED Slonim
That the legislative update be received.**

CARRIED

- .04b Regulation:
(a) Proposed Registration Regulation Amendments
(b) Proposed Titles Regulation

In December 2009 the Council had directed that proposed amendments to Registration Regulation be submitted to the Ministry of Health and Long-Term Care (MOHLTC) prior to circulation to the stakeholders for consultation. The Registrar and the Director: Registration & Administration met with Staff from the Ministry in person and by teleconference. Based on their discussions further changes were made to the proposed Registration Regulation amendments. This revised draft was sent to Ministry staff before the Council meeting and further advice was received.

Overall the advice from the Ministry included the following:

The College will not be able to include reference to Academic Credentials in the labour mobility amendments to Registration Regulation.

Specifically the mobility section on of the registration regulation will not be able to distinguish between psychologists and psychological associates on the basis of the graduate degree that was required for the applicant's registration in the originating Canadian jurisdiction. It means that the applicant should be issued the same registration certificate in Ontario as in the Canadian jurisdiction in which the applicant is already registered.

If an applicant is registered as a Psychologist in another Canadian jurisdiction, the applicant should be registered as a Psychologist in Ontario, regardless of the highest degree on which the original registration was based.

It is not sufficient that the applicant would have the same scope of practice and the same controlled acts as in the originating jurisdiction; the application should also be permitted to use the same title. The applicant should be issued the same type of certificate as in the originating jurisdiction if such a certificate is available in Ontario, for example a certificate authorizing autonomous practice or a certificate authorizing supervised practice. The certificate may be subject to the same terms and limitations as the certificate of registration held in the originating jurisdiction.

The College would be permitted to require that applicants pass the jurisprudence and ethics examination so long as the examination was offered at frequent intervals and posed no substantial delay in registration and the materials to prepare for the examination were identified and readily available.

Ministry staff suggested that the College put all references to "title" in a new "Titles" regulation and remove all reference to title in the registration regulation, including sections of the regulation which have been in force since the *Regulated Health Professions Act, 1991* (RHPA) was proclaimed.

The Council received a draft of the proposed "Titles Regulation" that they reviewed at this meeting.

The Vice-President took over as the Chair during discussion of this agenda item.

Discussion:

Council discussed the Ministry's advice and the possible implications for mobility applicants and for current members of the College. In addition, Council discussed trends and changes, in training of psychological practitioners in Ontario and elsewhere, and in the registration requirements for psychologists and psychological associates across the country.

At this time, there are very few, may be only one Masters psychology program that provides training for autonomous practice, whereas a few decades ago there were more such programs. In the present training programs, anyone in a Ph.D. Program who stops at the Masters level is not fully trained as a practitioner. A similar situation may also apply to foreign trained applicants whose training may be more research based than clinical. The accredited programs are doctoral training programs and the trend is moving towards the doctorate degree for entry to the profession as more Canadian jurisdictions change their entry to practice requirements.

At present, Psychological Associates make up approximately 15% of the total membership in the College. In the future, with most training programs geared towards Doctoral level programs, the number of Masters level applicants may decline. Among Masters trained applicants, there may be more who have been trained outside of Ontario than within the province.

There may continue to be a need for well trained masters level graduates. In about 3 years, the College of Registered Psychotherapists and Registered mental health Therapists of Ontario may offer an opportunity for Masters level applicants to register.

There is confusion in the public mind regarding the title "Psychological Associate". For public protection, it is important to ensure that everyone providing psychological services has the same Scope of Practice and equivalent competence.

The Council agreed that the College needs to look at the issue from today's perspective and to discuss the broader picture. It was noted that it is important to have ongoing discussions with other jurisdictions. It is also important to arrive at a solution that is best for Ontario while ensuring that there are no barriers to mobility.

The Council discussed the idea of having only Doctoral level Entry to Practice in Ontario, that is, registering only Psychologists, with a long transition period of several years and including "grandparenting" provisions for Psychological Associates currently registered in Ontario and those moving in from other jurisdictions before a specified date. The Council agreed that such a change would be a multi-step multi-stage process.

The Council agreed that developing a Title regulation at this time may be premature and may be incompatible with possible changes in the future. At this time, the College would make the necessary changes to the Registration Regulation to comply with AIT. However, Council will continue discussion to arrive at a possible new approach for the future.

**It was MOVED Ledingham
That the Council direct the Staff to draft Registration
Regulation amendments such that any applicant registered for
autonomous practice as a Psychologist in another AIT
jurisdiction in Canada be issued a Certificate of Registration
for Autonomous Practice as a Psychologist and any applicant
registered for autonomous practice as Psychological
Associate in another AIT jurisdiction be issued a Certificate of**

Registration for Autonomous Practice as a Psychological Associate.

CARRIED

**It was further MOVED Ledingham
That the Staff include supplementary requirements for the
Registration of mobility applicants in the draft that is provided
to the Ministry of Health and Long-Term Care (MOHLTC).**

CARRIED

The proposed amendments to Registration Regulation will be brought back to the Council meeting in June 2010 for approval to circulate to the membership and stakeholders for consultation.

Action item Staff

to bring the amendments to Registration Regulation will be brought back to the Council meeting in June 2010 for approval to circulate to the membership and stakeholders for consultation.

It was MOVED Brown

That the following members be appointed to a taskforce to propose a plan of action based on the discussion of the issues on this agenda item at the Council meeting in March 2010 and make a report to the Council meeting in June 2010:

**W. Peter McKegney, Public member, Chair
Dorothy Cotton
Robert Gauthier
Jane Ledingham
Ivan McFarlane
Milan Pomichalek**

**Staff Support:
Registrar
Deputy Registrar
Director: Registration & Administration**

CARRIED

The President resumed the Chair at the end of the discussion of this agenda item.

- .04c Proposed Amendments to Insurance By-law
One of the proposed amendments to Bill 179 requires that all health professionals be personally insured against professional liability. This provision is not in force at this time. Bill 179 received Royal Assent on December 15, 2009.

The Council received a copy of the proposed amendments to By Law 22: Professional Liability Insurance which will revise the By Law to comply with the amendments to Bill 179. College members will be required to provide proof of professional liability insurance coverage. The minimum recommended insurance coverage has been increased from \$1,000,000 to \$2,000,000 but the corresponding increase in insurance premium is not very large.

The Council received a copy of the letter from the Assistant Deputy Minister, Health Human Resources Strategy Division, to the Federation of Health Regulatory Colleges of Ontario (FHRCO) providing clarification on the provisions under Bill 179. The Registrar also provided to the Council advice from the legal Counsel to the College

**It was MOVED Pomichalek
That the proposed amendments to By Law 22: Professional Liability Insurance be circulated to the membership for consultation.**

CARRIED

- .04d Jurisprudence and Ethics Examination Committee (JEEC)
(1) Draft Policy on Jurisprudence and Ethics Examination Policy and Procedures Manual
The Council received a draft of the policy 11-10(ii): Jurisprudence and Ethics Examination Committee: JEE Policy and Procedures Manual. This policy was developed in response to the recommendation of the auditor of the Jurisprudence and Ethics Examination. The JEEC reviewed the draft policy at a teleconference on February 1, 2010 and recommended that it be brought to the Council for approval.

**It was MOVED Pomichalek
That the draft of policy 11-10(ii): Jurisprudence and Ethics Examination Committee: JEE Policy and Procedures Manual be approved.**

CARRIED

- (2) Approval of revised Blueprint
The Council had approved the previous version of the Blueprint which was in use until September 2009. In the new blueprint which was developed after the Practice Analysis in 2007, the former Areas and Topics were relabeled as Activities and Contents and the weightings of the Activities and Contents follow the recommendations made by the auditor during the Practice Analysis. The Council also received the new matrix showing the two dimensional examination blueprint with the weightings.

Regarding the change of the title “Civility” to “Professionalism”, the Council commented that Professionalism applies to all of the Content areas.

**It was MOVED Lacroix
That the Blueprint of the Jurisprudence and Ethics
Examination and the matrix showing the two dimensional
examination blueprint with the weightings be approved.**

CARRIED

- .04e Records Management:
(1) e-mail Management Policy
(2) Legal Hold Policy

The Council received a copy of the e-mail Management Policy and the Legal Hold Policy. The Staff will review the section on transitory records and the policies will be brought back to the Council meeting in June 2010 for final approval.

**It was MOVED Slonim
That the e-mail Management Policy be approved in principle
and the revised draft brought back to the Council meeting in
June 2010 for final approval.**

CARRIED

The Legal Hold Policy applies to all of the College’s records relevant to any legal matters and will override provisions under the Retention and Disposition schedule.

**It was MOVED Evans
That the Legal Hold Policy be approved in principle and the
revised draft brought back to the Council meeting in June 2010
for final approval.**

CARRIED

Agenda item for Council meeting in June 2010

- (1) e-mail Management Policy
(2) Legal Hold Policy**

- .04f Report from the Executive Committee
This agenda item was moved from the Consent agenda to the Policy Section for further discussion. In view of the discussion under agenda item .04b Registration Regulation, Council decided that no further discussion of this agenda item is required.

2010.01.05

Business issues

.05a Reports from Committees and Taskforces:

(1) Registration Committee:

(1a) Committee Activities from December 2009 to March 2010
Responding to a discussion at the Council Meeting in December 2009 about whether adding a third panel to the Registration Committee may help with the Committee's workload, the Committee reported that the current two panels are adequate and there is no need to add a third panel. The Director: Registration & Administration commented that adding another Staff member was not likely. The Registration Committee meeting in January 2010 had an unusually large number of cases.

(1b) Registration Practices Audit Report: Registration Committee Response

The Council received an electronic version of the 110 page report on the Audit of Fair Registration Practices by the Office of the Fairness Commissioner. The auditor made 8 recommendations and the Committee reviewed them and at this meeting, the Council received a chart of the proposed recommendations and the Committee's responses with the plan and proposed timelines for implementation

The new Registration Module being developed on the College website will make it possible to track timelines for the various steps of the Registration process. A planned survey following the Oral examinations in June 2010 will gather information from new registrants about the registration process.

(1c) Summary of timelines in Registration process

The Council received a copy of Appendix B: Timelines in the Registration Process: For information. Appendix B was created in response to the auditor's recommendation to clarify the timelines for each step of the Registration process.

Appendix B also includes the "Career Map" which the College had previously developed in conjunction with the Ministry of Training Colleges and Universities. The "Career Map" was migrated to the website of the Ministry of Citizenship and Immigration to facilitate international applicants. It can be accessed more easily on the College's website by all applicants including International applicants.

(1d) Statement re "acceptable alternatives":

In response to a recommendation from the auditor to post a statement on the website indicating that there are no alternatives to

academic requirements, the Registration Committee amended the Guidelines for Academic Credentials for Psychologists and Psychological Associates (PA) to include the recommended statement. The Registration Committee does not consider that these amendments represent a change to any of the principles outlined in the Guidelines. The amended guidelines would not disadvantage any applicants.

The Amended Guidelines are provided to the Council for information.

It was MOVED Evans

**That the reports from the Registration Committee be accepted.
CARRIED**

(2) Inquiries, Complaints and Reports Committee (ICRC)
The Council received a report on the activities of the Inquiries, Complaints and Reports Committee (ICRC) from December 2009 to March 2010. The Council noted that there was an increase in the number of complaints as compared to the previous year but there were no specific trends.

It was MOVED Mercier

That the report from the Inquiries, Complaints and Reports Committee (ICRC) on the Committee activities from December 2009 to March 2010 be accepted.

CARRIED

(3) Legal Action with respect to Unauthorized Practice
The Council received a copy of the information that was posted on the College website about successful legal action in cases of unauthorized practice by non-members. This is a new section on the College website that is accessible by the public.

.05b Financial:

(1) Variance Report to November 30, 2009

The Council received the Variance Report to November 30, 2009. The Registrar commented that the interest income from investments is lower than expected and this trend is likely to continue in the future. A deficit is projected at the end of the fiscal year.

It was MOVED Brown

That the Variance report to November 30, 2009 be received.

CARRIED

(2) Investment Update

The Registrar provided to the Council information about the sale of several bonds and the sale of units that the College was holding in the pooled fund. The Management Fees paid for the Pooled Fund exceeded the interest earned by the Fund for November and December 2009. The Registrar sold the units held in the fund and purchased GICs with varying terms leaving enough money in the operating account to cover expenses for the balance of the fiscal year.

**It was MOVED Lacroix
That the Investment Update be received.**

CARRIED

(3) Report from the Finance and Audit Committee (FAC):

The Council received an oral report from Dr Ian Brown, member of the FAC. The FAC met by teleconference to review the draft Budget and recommended that the Budget be provided to the Council meeting for approval. The FAC reviewed the proposed current and future projects for Database development and Records Management and suggested that money be moved from the Premises Planning Fund to the Database Reserve Fund to accommodate the proposed projects.

The FAC recommended that if a deficit budget is presented for two consecutive years the Council consider a fee increase.

**It was MOVED Mercier
That the report from the Finance and Audit Committee (FAC)
be accepted.**

CARRIED

(4) Budget Proposal 2010-2011: Draft 5

The Council received draft 5 of the budget for 2010-2011 which was revised following discussions with the Finance and Audit Committee (FAC) and the Executive Committee.

The Registrar provide to Council a report on Ongoing and Future projects in Database Development and in Records Management for the budget discussion:

(4a) Salary Ranges: **IN CAMERA**

**It was MOVED Brown
That the discussion of the Agenda item on Salary Ranges be
conducted IN CAMERA.**

CARRIED

Following the **IN CAMERA** discussion,

It was MOVED Mercier

That the IN CAMERA session of the Council meeting be adjourned and the open meeting of Council be resumed.

CARRIED

The open meeting of Council resumed and the following report was made to the Open meeting on the **IN CAMERA** session.

It was MOVED Brown

That during the IN CAMERA session, the Council approved the proposed Salary Ranges.

CARRIED

The Council noted that the draft budget for 2010-2011 is a deficit budget with a projected deficit in the amount of \$171,400.00. The investment interest income is lower as compared to previous year. The College is in a good financial position with Reserve Funds that include the Fee Stabilization Fund. The College is not considering a Fee Increase this year.

Impact of Harmonized Sales Tax (HST):

The Harmonized Sales Tax will take effect as of July 1, 2010. The Registrar commented that she has allowed for the impact of the HST in planning the budget for 2010-2011.

The College is not GST registered now and does not need to charge HST when HST comes into effect. The additional cost to the College as a result of HST is estimated to be about \$70,000. The College's Accounting Firm is recommending that the College consider becoming GST Registered. If the College becomes GST Registered, then the College will charge HST (13%) on Renewal Fees for the membership but will be able claim any GST or HST paid on Goods and Services.

It was MOVED Brown

That the Budget for 2010-2011 be approved.

CARRIED

.05c 50th Anniversary Planning

The College has confirmed the venue for the Barbara Wand Symposium and the reception to celebrate the 50th Anniversary of the Regulation of Psychology in Ontario on May 14, 2010. The venue is reasonably priced and has previously been used by the

College. A preliminary notice has been sent to inform Members about the events on May 14, 2010.

The Registrar has invited the President of the ASPPB to speak at the event. The FAC recommended that the following be approved:

Pay the expenses for a one night hotel stay and travel for invited speakers.

Invite Dr Barbara Wand and offer to pay her travel expenses and hotel accommodation.

Offer to pay up to \$500 towards expenses for former Presidents who wish to attend the event.

- .05d Continuing Professional Development Resources for members
The APA offered the College a new proposal for a package of publications that is now available to College members. This package is specifically designed for practitioners. The budget for the new proposal is about one-third of the previously budgeted amount. This Budget Line has been renamed "CPD: Continuing Professional Development Resources for Members". The APA will conduct user surveys on the new package and may make changes to the package as needed.

- .05e Internship Training Issues Taskforce
The Council received a report from the Internship Training Issues Taskforce. The taskforce met twice by teleconference since the Council meeting in December 2009 and drafted the Terms of Reference and Action plan for the taskforce.

The taskforce is planning to send out a survey to the Training Program Directors in April 2010 to gather information on internship applicants in their programs for the last 5 years.

The taskforce is also planning to send a letter to the Association of Psychology Post-Doctoral and Internship Centres (APPIC) to request summary statistics from their data bank regarding internship applicants who have trained in graduate programs in Ontario, and about internship settings in Ontario.

It was MOVED Evans

That the report from the Internship Training Issues Taskforce be accepted.

CARRIED

The Council noted that in May 2010 Dr Evans will be completing 3 years as the academic representative on the Council. In response

to a question from Dr Evans as to whether she can continue as the Chair of the taskforce if she is not a Council member, the Council noted that there have been Chairs of Committees and Taskforces who are not Council members. The taskforce will provide reports on their meetings to Council. It is not necessary to provide formal minutes from the meetings.

Dr Evans informed the Council that Dr Jill Rich who had expressed interest in being on the taskforce is unable to continue and suggested that Dr Sharon Guger, The Hospital for Sick Children be appointed to the taskforce.

**It was MOVED Evans
That Dr Sharon Guger be appointed to the Internship Training
Issues Taskforce.**

CARRIED

- .05f Report from the Premises Planning Committee
The Premises Planning Committee recommended that the College not purchase a property when the current lease ends but look for leased premises at the same location or a different location. The Committee has developed a list of requirements that they would want in the new premises and will keep the list in mind in looking at potential properties.

The Registrar and the Director: Registration & Administration have met with a Real Estate Broker from Richard Ellis who will provide them information on available properties.

Responding to a question about timelines, the Registrar commented that the College will need to have the new lease signed by this time next year.

**It was MOVED Lacroix
That the Council direct the Premises Planning Committee to
look for leased premises in negotiating for new premises.**

CARRIED

- .05g Council members interested in running for the Executive Committee
The Council received information on the timelines for informing the Registrar about their intent to run for positions on the Executive Committee. The information will be sent to new members elected to Council at the elections on March 31, 2010.

- .05h Registrar's Performance Review: **IN CAMERA**

It was MOVED McFarlane

That the Council discuss this agenda item IN CAMERA.

CARRIED

Following the **IN CAMERA** discussion,

It was MOVED McFarlane

That the IN CAMERA session of the Council meeting be adjourned and the Open meeting of Council be resumed.

CARRIED

The open meeting of Council resumed and the following report was made to the Open meeting on the **IN CAMERA** session.

It was MOVED Mercier

That during the IN CAMERA session, the Council approved the Registrar's Performance appraisal.

CARRIED

2010.01.06

Other Business

.06a

Dates for Council meetings

(1) The next Council meeting will be held on June 18, 2010.

(2) Proposed dates for Council meetings:

The Council discussed the proposed dates for the Council meetings in September and December 2010:

It was MOVED McFarlane

That the following dates be confirmed for Council meetings:

September 24, 2010

December 10, 2010

CARRIED

.06b

Report from Discipline Committee

This agenda item was moved from the consent agenda to the section on Other Business for further discussion.

The Council agreed to defer discussion of this agenda item to a future meeting at which the Director: Investigations and Hearings will provide a review on the Discipline process.

Action item BG

to provide an overview of the Discipline process to Council at a future meeting or training session

2010.01.07

Adjournment

There being no further business

It was MOVED McKegney

That the Council meeting be adjourned.

CARRIED

The Council meeting was adjourned at 3:55PM.

President

Vice-President

Minutes approved at the Council meeting on June 18, 2010