

The College of Psychologists of Ontario

COUNCIL MEETING

2014.01

March 21, 2014

PRESENT:

Robert Gauthier, M.Sc., M. Ed., C.Psych.Assoc., President
Lise Mercier, Ph.D., C.Psych. Vice-President
Ruth Berman, Ph.D., C.Psych.
Dorothy Cotton, Ph.D., C.Psych.
Lynette Eulette, Ph.D., C.Psych.
Peter Farvolden, Ph.D., C.Psych.
Abby Goldstein, Ph.D., C.Psych
Walter Mittelstaedt, Ph.D., C.Psych.,
Glenn Webster, M.Ed., C.Psych. Assoc.
Kirstin Bisbee, Public Member
Judy Cohen, Public Member
Jaffar Mohammad Hayat, Public Member
Vincent Lacroix, Public Member
Ivan McFarlane, Public Member
Peter McKegney, Public Member
Ethel Teitelbaum, Public Member

Regrets:

Matias Mariani, Ph.D., C.Psych.
Patricia Minnes, Ph.D., C.Psych

Staff:

Catherine Yarrow, MBA, Ph.D., C.Psych.,
Registrar & Executive Director
Rick Morris, Ph.D., C.Psych.,
Deputy Registrar & Director: Professional Affairs
Barry Gang, MBA, Dip.C.S., C.Psych. Assoc.,
Director: Investigations & Hearings
Lesia Mackanyn, Director: Registration
Stephanie Morton, Manager: Administration
Prema Shankaran, Assistant to the Registrar, Recorder
(by teleconference)

2014.01.00

Call to Order

The President called the meeting to Order at 9:03AM.

2014.01.01

Approval of the agenda

The following changes were made to the agenda:

Moved:

.02b((4) Federation of Health Regulatory Colleges of Ontario Report (FHRCO) moved to .05h

.02c(4) Client Relations Committee Report moved to .04f

Added:

.04g Proposed Amendments to By Law 20: Election to Council, Qualifications, Terms of Office and Conditions for Disqualification

It was MOVED Teitelbaum

That the agenda be approved as amended.

CARRIED

.01b Minutes:

(1) Minutes of Open meeting of Council 2013.05 on December 13, 2013

It was MOVED Lacroix

That the minutes of the Open meeting of Council 2013.05 on December 13, 2013 be approved with adding “Registered” before “College of Psychotherapists” on Line 107.

CARRIED

Review of Action List:

The Council reviewed the Action List and noted that most of the items on the Action List were on the agenda at this Council meeting.

Regarding the following item:

to ask for clarification from e-Health Ontario regarding access to personal records and the protection of “locked box” information

The Registrar will follow up with Dr. Mariani on his concerns about the issue of access to personal health records.

(2) Minutes of the **IN CAMERA** meeting at the Council Meeting 2013.05 on December 13, 2013

It was MOVED McFarlane

That the minutes from the IN CAMERA meeting at the Council meeting 2013.05 on December 13, 2013 be approved as presented.

CARRIED

2014.01.02 Consent Agenda items

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

CARRIED

2014.01.03 Strategic Issues

.03a Strategic Direction: Implementation Update
The Registrar provided to the Council a copy of the Strategic Direction Implementation update in which the Vision and Mission Statement are shown along with a list of current or recent examples of the activities of the College and examples of tasks which are proposed or are in development with respect to each of the Mission statements. The list was updated with suggestions made at the Council meeting on December 13, 2013 and the Executive Committee meeting on January 31, 2014.

The Registrar informed the Council that a voluntary audit of the Jurisprudence and Ethics Examination had been recently completed and the Committee will receive and review the report from the audit at their next meeting and provide a report to the Council meeting in September 2014. The audit of the Executive Committee is scheduled during the next fiscal year. Audits of all College Committees are scheduled on a rotating basis and every year, in December, the Council discusses and confirms the Committee audit to be scheduled in the following fiscal year.

.03b Core values
The Council discussed development of core values at the training held on March 20, 2014. There was no further discussion of this agenda item at the Council meeting.

2014.01.04 Policy issues

.04a Regulations Submissions Update
The Registrar provided a report on the status of the Registration and Quality Assurance Regulation amendments. The legislative drafters have finalized the English language version of the Registration regulation. The Registration regulation will be translated into French and then sealed and sent to the College to be signed by the President and the Registrar. The Ministry Staff will then place the regulations on the agenda of an upcoming meeting of the Standing Committee on Legislation and Regulation. The Registrar commented that both the Registration and Quality Assurance Regulation amendments will be processed together.

In response to a question regarding the translation of the Registration regulation, the Registrar said that the Ministry will take responsibility for getting the regulation translated and the College

will not be reviewing the translated version. When the new registration regulation is proclaimed, the previous regulation will be repealed. The Quality Assurance regulation will not need to be translated because it is an amendment to the existing regulation.

- .04b e-Health Ontario Provider Registry: Status Update
The Registrar reported that the College has signed the Data Sharing Agreement with e-Health Ontario and will start to upload the data to the e-Health database. Only regulated Health professionals will be able to access the e-Health database.

The College has not received any further details about the GTA Connect project.

- .04c Proposed amendments to By-Law 25: The Register and Related matters
In December 2013, the Council had approved for circulation to the membership the proposed amendments to By-Law 25: The Register and Related Matters.

The Registrar provided to the Council the feedback received in response to the consultation. The Registrar reported that the College had received responses from 9 members with respect to information to be added to the Public Register. The Council received a copy of By Law 25 in which the proposed changes are tracked in *italics*. The Council reviewed the feedback and

**It was MOVED Teitelbaum
That the proposed amendments to By Law 25: The Register
and Related Matters be approved.**

CARRIED

The College will be adding the approved information to the Public Register.

- .04d Proposed amendments to Policy # I-6: Conflict of Interest and Reasonable Apprehension of Bias
The Registrar provided to the Council proposed amendments to Policy # I-6: Conflict of Interest and Reasonable Apprehension of Bias.

The proposed amendments were discussed at the Executive Committee Meeting on January 31, 2014 and brought forward to Council for discussion and approval. The Council reviewed the proposed amendments and approved Section 4 and suggested that

the last sentence in the proposed section 5 be separated into a new section #6.

It was MOVED Cotton

That the proposed amendments to Policy # I-6: Conflict of Interest and Reasonable Apprehension of Bias be approved as amended at the Council meeting.

CARRIED

.04e Legislative Update

Bill 78: *Electronic Personal Health Information Protection Act, 2013*

The second reading for this bill was scheduled on March 17, 2014. If enacted, this bill would make substantial changes to the Personal Health Information Protection Act (*PHIPA*) with respect to electronic health records.

The Ministry has not invited formal submissions on the Bill. Some Health Regulatory Colleges have made a submission on the Bill to the Ministry but the Federation of Health Regulatory Colleges of Ontario (FHRCO) has not made a submission. The Council discussed whether the College should make a submission and directed that the Staff review Bill 78 and advise Council if the College should make a submission.

Action Item Staff

to review Bill 78 and advise Council if the College should make a submission to the Ministry of Health and Long-Term Care (MOHLTC)

Bill 117: *Enhancing Patient Care and Pharmacy Safety (Statute Law Amendment Act, 2013)*

The second reading of this Bill was scheduled to be continued on March 17, 2014. The Council had discussed some of the provisions of this Bill at the meeting on December 21, 2013 and had no further concerns regarding this Bill.

Bill 161: *Ontario Immigration Act, 2014*

This bill would amend the *Regulated Health Professions Act (RHPA), 1991* to require that a health profession make registration decisions within a reasonable period of time. The Colleges are required to report timelines about the Registration process on their website and all applicants will have the right to review documents in their file. The Registrar commented that the College has no specific concerns about the provisions of this Bill.

- .04f Report on the Delegation of the Controlled Act of Psychotherapy from the Client Relations Committee
The Client Relations Committee provided to Council a report and recommendations on the issue of delegation of the controlled act of psychotherapy.

The Committee considered the following questions:

Whether the members of the College should be permitted to delegate the controlled act of psychotherapy

and if so,

Should delegation of the controlled act of psychotherapy to other regulated health professionals be permitted

Should delegation of the controlled act of Psychotherapy to unregulated providers be permitted

The Council thanked the Client Relations Committee for providing a very comprehensive report and reviewed the recommendations of the Committee.

It was MOVED Cohen

That the Council adopt the Client Relations Committee recommendation that members of the College of Psychologists of Ontario not be permitted to delegate the controlled act of psychotherapy as proposed in the Regulated Health Professions Act.

**CARRIED
Unanimous**

It was MOVED Mercier

That the Council accept the recommendation of the Client Relations Committee that members of the College be permitted to supervise others in providing psychotherapy, the controlled act.

CARRIED

The Committee did not provide guidelines for members of the College who will be supervising others in providing psychotherapy services. The Council had previously directed that a task force be appointed to review standards for supervision and to update the standards as needed.

The Council noted that the Psychotherapy Act has not yet been proclaimed. The Registrar advised that there may be a delay in the

proclamation date and therefore, a delay in the controlled act of psychotherapy coming into effect.

.04g Proposed amendments to By Law 20: Election to Council, Qualifications, Terms of Office and Conditions for Disqualification

The Registrar provided to the Council proposed amendments to By Law 20: Election to Council, Qualifications, Terms of office and Conditions for Disqualification to provide alternative wording for the words “represent”, “representing” or “representation” in the By Law.

The Council discussed the proposed new wording and made some suggestions. The Council directed that the proposed amendments to By Law 20 be circulated to the membership with a preamble to explain that Council members do not represent the district from which they are appointed or elected when they serve on the Council.

Action Item Staff to circulate By Law 20: Election to Council, Qualifications, Terms of Office and Conditions for Disqualification as amended at the Council meeting

2014.01.05 Business issues

.05a Reports from Committees:

(1) Registration Committee

(a) Committee Activities

The Council received a report from the Chair of the Registration Committee on the activities of the Registration Committee from December 13, 2013 to March 21, 2014.

The Committee is dealing with a large number of candidates that require retraining. A sub-Committee has been appointed to revise the supervision rating forms. The Committee also looked at the College policy with respect to candidates who fail the EPPP and the JEE exams. Candidates may attempt the exams up to a maximum of 4 times. The Committee looked at developing a policy that would require the candidates who fail twice in an exam to complete a study plan before attempting the exam again.

It was MOVED Mercier

That the report on the activities of the Registration Committee from December 13, 2013 to March 21, 2014 be received.

CARRIED

(b) CPA Equivalent Criteria

The Registration Committee provided to Council the criteria used to evaluate a doctoral program in Psychology as equivalent to a CPA accredited program.

It was MOVED Mercier

That the criteria for evaluating a doctoral program in Psychology as equivalent to a CPA accredited program be received.

CARRIED

(2) Inquiries, Complaints and Reports Committee (ICRC)

(a) The Council received a report on the activities of the Inquiries, Complaints and Reports Committee (ICRC) from December 13, 2013 to March 21, 2014.

It was MOVED McFarlane

That the report on the activities of the Inquiries, Complaints and Reports Committee (ICRC) from December 13, 2013 to March 21, 2014 be received.

CARRIED

(b) Inquiries, Complaints and Reports Committee (ICRC) review of the report from the Custody and Access Task Force
At the meeting on October 4, 2013, Council had directed that the Inquiries, Complaints and Reports Committee (ICRC) review the suggestions from the Custody and Access Task Force about the College's investigation practices. The ICRC reviewed the recommendations from the task force at a plenary meeting in January 2014 and provided a report to this Council meeting.

The ICRC considered only those recommendations by the task force which were within the mandate of the Committee and identified certain issues for Council consideration. Some of the issues raised by the task force were identified as outside the mandate of the ICRC and were not discussed by the Committee. The ICRC report was not provided to the task force.

One of the Task Force recommendations was for the College to participate in an Interdisciplinary professional and educational working group. The Director: Investigations and Hearings has started attending such meetings.

The ICRC recommended gathering of statistical data on complaints related to assessments performed by court appointed assessors as well as by members not appointed by the court.

The College will start to gather the statistical data on a go-forward basis and may be able to get some information on a retrospective basis from previous files.

The Council agreed that it is important to provide the ICRC report to the Custody and Access Task Force. The Council appreciated that the Custody and Access Task Force has done a considerable amount of work and it would be necessary to extend the term of the Task Force so that it can review the ICRC report.

**It was MOVED Eulette
That the Inquiries, Complaints and Reports Committee (ICRC)
report from the review of the feedback from the Custody and
Access Task Force be provided to the Custody and Access
Task Force.**

CARRIED

**It was MOVED McFarlane
That the College request the Custody and Access Task Force
to review the report from the Inquiries, Complaints and
Reports Committee (ICRC).**

CARRIED

Action Item Staff to provide the Inquiries, Complaints and Reports Committee (ICRC) report from the review of the feedback from the Custody and Access Task Force to the Custody and Access Task Force and request the task force to review the report.

.05b Financial Reports:

(1) Variance Report to January 31, 2014

The Registrar provided to the Council the Variance Report to January 31, 2014 and reviewed the items that are projected to exceed the budgeted amount by more than \$1,000. The Registrar reported that the based on results at the end of eight months of the fiscal year, it is projected that the deficit at the end of the fiscal year will be \$300 which is 0.13% of the deficit of \$238,700 that was projected in the approved budget for 2013-2014.

**It was MOVED Cotton
That the Variance Report to January 31, 2014 be received.**

CARRIED

(2) Report from the Finance and Audit Committee (FAC) to Council
The Vice-President assumed the Chair for discussion of this agenda item. The President provided a report to Council on the

Finance and Audit Committee (FAC) Teleconference held on January 22, 2014.

**It was Moved Mercier
That the report from the Finance and Audit Committee be received.**

CARRIED

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

(3) Proposed amendments to Policy III P-1 Employee Compensation and Benefits

The Council received the proposed amendments to Policy III P-1 Employee Compensation and Benefits.

Change to the Long Term Disability (LTD):

The proposed amendment states that the maximum amount of total Long Term Disability (LTD) benefit is 66.7% of monthly earnings without specifying a maximum amount. The LTD coverage ends at the age of 65.

Health Care Spending Account (HSCA)

The Registrar provided information about the Health Care Spending Account offered by Manulife Financial. This coverage would allow the employee an additional amount of \$500 for family coverage (\$250 for an individual) to cover unexpected Health or Dental benefits. Any unused benefit would carry over to the following year. The plan would be administered by Manulife Financial. There will not be an increase of the College's annual Health coverage premium with Manulife with the addition of this plan.

There were two other amendments:

To change reference to the Director: Registration and Administration to Director: Registration.

To pay membership fees for the Manager: Administration in two specified associations.

**It was MOVED McKegney
That the Proposed amendments to Policy III P-1 Employee Compensation and Benefits be approved.**

CARRIED

(4) Draft Budget 2014-2015

The Registrar provided the Draft Budget for 2014-2015 to the Council. This draft budget had been reviewed by the Finance and Audit Committee and the Executive Committee and is brought to the Council meeting for review and approval.

A deficit of \$173,000 is projected in the budget. Investment income is projected to be lower because of low Interest rates. The College is holding GICs for one year terms rather than using a laddering strategy.

The costs for the Jurisprudence and Ethics Examination Committee are higher. The Committee is planning to have one 2-day meeting and one 1-day meeting as well as an Item Writing workshop next year.

The College is using a different hotel for Council and Committee members attending meetings. The hotel is closer to the College and has direct subway access. The hotel is more expensive than the hotel that was used previously. The College will continue to hold Oral exams at the previous location until the current contracts are in place.

The Executive Committee audit is scheduled for the year 2014-2015.

Web hosting: The College is using a new company for web hosting. The College's new website was launched on March 19, 2014.

It was MOVED Mittelstaedt

That the budget for 2014-2015 be approved as presented.

CARRIED

- .05c Final Report from the Task Force on Psychological Service Providers in the context of disputes concerning Child Custody and Access or Child Protection
This agenda item was deferred to the next Council meeting.
- .05d Proposal to have a public member attend the Jurisprudence and Ethics Examination Committee meeting
This agenda item was deferred to the next Council meeting
- .05e Succession Planning Update: **IN CAMERA**
This agenda item was deferred to the next Council meeting

- .05f **Registrar's Performance Review: IN CAMERA**
This agenda item was discussed in the absence of the Registrar and the Recorder. The minutes for this agenda item will be provided by the President.

**It was MOVED McFarlane
That the Council move IN CAMERA to discuss the Registrar's
Performance Review.**

CARRIED

At the end of the **IN CAMERA** discussion,

**It was MOVED McFarlane
That the IN CAMERA session of the Council meeting be
concluded and the open meeting of Council resumed.**

CARRIED

The Council reported to the open meeting that in the **IN CAMERA** session the Council had conducted the Registrar's Performance Review and had passed a motion to approve the Salary recommendations.

2014.01.06

Other Business

- .06a Dates for Council meetings

(i) The Council noted the following confirmed dates for Council meetings:

- Friday June 20, 2014
- September 19, 2014
- Council Training Day on Thursday September 18, 2014
The Nominations and Leadership Development Committee will meet to develop the agenda for the Training.

(ii) Proposed date for Council meeting in December 2014

The Council confirmed the following date for the Council meeting in December 2014

- December 12, 2014

2014.01.07

Adjournment

Prior to adjournment, the Council noted that the following Council members would be completing their terms on Council:

Dr. Lise Mercier – 6 years
Dr. Abby Goldstein – 3 years

Public Members:
Dr. Ivan McFarlane – 9 years
Mr. Vincent Lacroix – 9 years
Ms. Judy Cohen – 3 years

They were presented with Certificates of Appreciation by the President. The Council noted that Mr. Vincent Lacroix and Ms. Judy Cohen have applied to the Public Appointments Office for appointment to a further term.

There being no further business,

**It was MOVED Teitelbaum
That the Council meeting be adjourned.**

CARRIED

The Council meeting was adjourned at 3:04PM.

Minutes approved at the Council meeting on June 20, 2014

Action List from the Council Meeting 2014.01 on March 21, 2014

- Action Item Staff** **to review Bill 78 and advise Council if the College should make a submission to the Ministry of Health and Long-Term Care (MOHLTC)**
- Action Item Staff** **to circulate By Law 20: Election to Council, Qualifications, Terms of Office and Conditions for Disqualification as amended at the Council meeting**
- Action Item Staff** **to provide the Inquiries, Complaints and Reports Committee (ICRC) report on the review of the feedback from the Custody and Access Task Force be provided to the Custody and Access Task Force and request the task force to review the report.**