

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO  
L'ORDRE DES PSYCHOLOGUES DE L'ONTARIO

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November 28, 2014

Hon. Dr. Eric Hoskins  
Minister of Health and Long-Term Care  
Hepburn Block, 10<sup>th</sup> Flr  
80 Grosvenor St  
Toronto ON M7A 2C4

**BY E-MAIL**

Dear Minister Hoskins:

The College of Psychologists of Ontario is pleased to provide this report to you about its current transparency practices and how it intends to enhance those transparency practices.

### **CURRENT TRANSPARENCY PRACTICES**

The College currently demonstrates transparency in a number of ways. The following description provides a brief overview.

#### **Core Values**

During 2014, the Council identified the Core Values of Fairness, Accountability, Integrity and Respect as part of the College's Strategic Direction. The concept of transparency is addressed in the core value of Accountability which specifically states that the College "acts in an open, transparent and responsible manner and communicates about its processes".

Over the past year, the Council has reviewed the transparency principles identified by the Advisory Group on Regulatory Excellence (AGRE) and has approved bylaw amendments resulting in additions to the public register which were informed by the work of the AGRE group of colleges.

#### **Council Activities**

The College posts the dates of future Council meetings on its website. Council meetings are open to the public, subject to limited exceptions for sensitive information as outlined under section 7 of the Health Professions Procedural Code. The Agenda for the upcoming Council meeting is posted on the website as are Council meeting Minutes once they have been approved.

R. Gauthier, M.Sc., M.Ed., C.Psych.Assoc.,  
*President*  
P. McKegney, *Vice President*

R. Berman, Ph.D., C.Psych.  
D. Cotton, Ph.D., C.Psych.  
L. Eulette, Ph.D., C.Psych.  
P. Farvolden, Ph.D., C.Psych.  
G. Hébert, Ph.D., C.Psych.

P. Minnes, Ph.D., C.Psych.  
W. Mittelstaedt, Ph.D., C.Psych.  
G. Webster, M.Ed., C.Psych.Assoc., *non-voting*  
K. Bisbee  
J. Cohen

V. Lacroix  
A.J. Rose  
E. Teitelbaum  
J. M. Hayat

C. Yarrow, MBA, Ph.D., C.Psych., *Registrar / Executive Director*  
Rick Morris, Ph.D., C.Psych., *Deputy Registrar /  
Director, Professional Affairs*

Council also reports to the Minister annually on its regulatory activities and operations and a copy of the College's annual report is posted on the website.

### **Regulations, By-laws, Standards and Policies**

The College posts links to its regulations, by-laws and standards on the College website.

In developing or amending a regulation, the College consults with College members, professional psychology associations, other Canadian psychology regulatory authorities, other RHPA regulatory colleges and associations of psychology regulatory organizations. College members are consulted with respect to amendments to bylaws that require circulation under subsection 94.(2) of the *Health Professions Procedural Code ("Code")*. In addition, in revising or developing new Standards of Professional Conduct, the College consults with College members, professional psychology associations, other Canadian psychology regulatory authorities, and associations of psychology regulatory organizations.

The College is looking forward to government approval of two regulations that were sealed in the spring of 2014: an amended Registration Regulation and an amended Quality Assurance Regulation.

The amended Registration Regulation will include greater clarity respecting the requirements for a Certificate of Registration for a Psychologist and for a Certificate of Registration for a Psychological Associate. Under the current regulation, detail regarding the various registration requirements resides in separate guidelines. On the advice of the Health Professions Appeal and Review Board, the new regulation will set out the registration requirements more clearly and with more specificity, eliminating reference to guidelines.

The Quality Assurance Regulation amendments will enhance the quality and effectiveness of the Quality Assurance Program. The amended Regulation will provide more clarity and specificity respecting the range of acceptable continuing professional development activities and the amount of continuing professional development to be undertaken.

In addition, the amendments will permit the addition of "stratified" random selection of members for the Peer Assisted Review, based on criteria identified by the Quality Assurance Committee. Those selected on this basis would be randomly drawn from a subset of members (based on area of practice, populations served, work setting and/or some combination of criteria) while others would be randomly selected from the entire membership as is currently the case. The amendments will also authorize the Quality Assurance Committee to require members to undergo a Peer Assisted Review based on failure to complete other required components of the Quality Assurance Program.

## Public Register

The College's public register is posted on the website and includes the following information, in accordance with section 23 of the *Health Professions Procedural Code* ("Code"):

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. The name, business address and business telephone number of every health profession corporation.
3. The names of the shareholders of each health profession corporation who are members of the College.
4. Each member's class of registration and specialist status.
5. The terms, conditions and limitations that are in effect on each certificate of registration.
6. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and has not been finally resolved, until the matter has been resolved.
7. The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant committee makes no finding with regard to the proceeding.
8. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
9. A notation of every revocation or suspension of a certificate of registration.
10. A notation of every revocation or suspension of a certificate of authorization.
11. Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
12. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
13. Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

In addition to the information required under subsection 23(2) of the Code, under its bylaws the College voluntarily makes the following additional information available on its public register (the items **bolded** were added during **2014**):

- The member's name and any changes to the member's name which have been made in the register since he or she first became registered with the College; at the discretion of the Registrar, a member's previous name or names shall not be information available to the public from the register of the College, (Note: a member might request this for reasons of personal safety.)
- The date when the member's certificate of registration was first issued by the College;

- If the person ceased to be a member as a result of his or her resignation or death, the date upon which the person ceased to be a member;
- The highest degree in psychology held by the member and on which registration is based;
- The name of the educational institution from which the member received his or her highest degree in psychology upon which registration was based, and the year in which the degree was obtained;
- The classes of certificates of registration held by the member, the date on which each was issued and, if applicable, the termination or expiration date of each;
- The member's authorized Area(s) of Practice and Client Groups served;
- The address and telephone number of each location in Ontario where the member engages in psychological practice;
- An optional e-mail address for use by the public;
- If the member is a shareholder, officer or director of a health profession corporation which holds a certificate of authorization issued by the College, the name of the health profession corporation and what position or title, if any, the member holds with that corporation;
- If an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member and is outstanding,
  - a) a notation of that fact and whether the allegations are for professional misconduct or incompetence,
  - b) **the Notice of Hearing,**
  - c) the date of the hearing if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing has commenced, and,
  - d) if the hearing has been adjourned indefinitely, a notation of that fact;
- If the person ceased to be a member as a result of his or her resignation after a referral to the Discipline Committee, a brief summary of the allegations against the member, and the fact that the resignation occurred in the face of such allegations, or such other notations as may be agreed to by the member and the Registrar;
- If, prior to January 1, 1994, the person ceased to be a member as a result of his or her resignation after a referral to Discipline, a brief summary of the allegations against the member, and the fact that the resignation occurred in the face of such allegations, or such other notations as may be agreed to by the member and the Registrar;
- In the case of a member holding a Certificate of Registration Authorizing Supervised Practice, the names of the member's supervisors;
- The name(s) and contact information of the individual(s) who will have custody of the member's client records in the event of a member's incapacity or death. This information will only be made available to the public in the actual event of a member's incapacity or death.
- **If an application for reinstatement has been referred to the Discipline Committee and is outstanding,**
  - a. a notation of that fact, and

- b. the date of the hearing if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing has commenced;
- The result, including a synopsis of the decision, of any reinstatement proceeding before the Discipline Committee.

In addition to the information required under subsection 23(2) of the Code, under its by-laws the College also provides on its public register the following information in respect of each Health Profession Corporation to which a certificate of authorization has been issued by the College:

1. The certificate of authorization number;
2. The mailing address of the health profession corporation if different from the member's business address;
3. The date upon which the certificate of authorization was first issued;
4. If the certificate of authorization has been revoked, a notation of the fact, the date when the revocation occurred and a brief summary of the reasons for the revocation;
5. If the certificate of authorization was revised or a new certificate of authorization was issued to the health profession corporation, a notation of that fact and the date when that occurred;
6. The name, as set out in the College register, of each of the officer and director of the health profession corporation and the title or office held by each;
7. The practice name(s) or business name(s), if any, used by the health profession corporation;
8. The address and telephone number of each location at which the health profession corporation carries on business;
9. A brief description of the business activities carried on by the health profession corporation.

Also under the College's by-laws, information which but for the commencement of an appeal or other legal proceeding would have been available to the public from the register of the College under subsection 23(5) of the Code, is available on public register of the College as if no appeal or legal proceeding had been commenced.

### **Notices of Unauthorized Practice**

Where the College has taken action against an individual, who is not a member of the College, holding himself or herself out as a psychologist or psychological associate or as being authorized to provide psychological services, the name of the individual and information about the action taken by the College are published on the College website under Notices of Unauthorized Practice.

The individuals listed in these notices:

- have been, or are in the process of being, prosecuted under the Psychology Act, 1991, the Regulated Health Professions Act, 1991, and/or the Provincial Offences Act, R.S.O. 1990, for unauthorized activities;

- are the subjects of a court application or Order, that the that the individual cease and desist from unauthorized holding out as qualified to practice psychology, use the of title and/or communication of a diagnosis in Ontario; or
- have entered into an agreement with the College to cease unauthorized activity following the initiation of legal action.

## **Registration Process**

The College provides information about its registration requirements and steps in the registration process on its website. In addition, links to the application form and to the College's Registration Regulation and registration guidelines are provided. For applicants trained outside of Canada and the United States, additional information is provided about the evaluation of academic credentials and steps that may be taken before coming to Canada.

For applicants currently registered to practice psychology elsewhere in Canada, a link to a streamlined mobility application form is provided. For applicants currently licensed in the United States, information about the registration process is provided together with information about mobility mechanisms to facilitate registration in Ontario and allow autonomous practice on a temporary basis until the applicant successfully demonstrates knowledge of jurisprudence and ethics relevant to practice in Ontario.

The College also provides applicants for registration with the information in its files related to their application in accordance with section 16 of the Code.

In addition to information provided to applicants, the College reports to the Fairness Commissioner of Ontario at least annually about its registration practices. The College's annual Fair Registration Practices Reports are published on the College's website as well as on the website of the Office of the Fairness Commissioner (OFC). The most recent Registration Practices Assessment Report is also posted on the website of the OFC.

## **Complaints and Investigations Process**

The College provides detailed information about its complaints and investigation process as well as a complaint form on its website. The information provided includes the manner in which to submit a complaint, the process for alternative dispute resolution, the complaint investigation process and the dispositions available to the Inquiries, Complaints and Reports Committee (ICRC).

Confidentiality of information during the complaints process and the likelihood of information being published if the decision of the ICRC is reviewed by the Health Professions Appeal and Review Board (HPARB) is also described. Timelines in the complaint process, the right to seek a review and the importance of maintaining objectivity and fairness during the complaints process are described. In addition, the College provides information about concerns that the College cannot address such as complaints against members of other regulated professions,

complaints against unregulated practitioners (other than concerns about unauthorized activities) and remedies which may be sought by complainants but which are not available to the ICRC .

Information is also provided about the requirement for making mandatory reports and the reasons why sexual contact between a psychologist or psychological associate and a recipient of psychological services is prohibited. The harm and confusion that may be experienced by a client and the difference between an appropriate and inappropriate interaction in the professional relationship are described. Advice and information is provided for individuals who may have experienced sexual abuse by a psychologist or psychological associate.

Complaints decisions (where the result is something other than a referral to discipline or a referral for an incapacity inquiry) may be appealed by either party to HPARB. HPARB decisions are available on the CanLII website.

## **Discipline**

When allegations of professional misconduct or incompetence respecting a member are referred to the Discipline Committee by the ICRC, the allegations are posted on the College's public register on the website. The schedule of upcoming hearings is also posted on the College's website.

In addition, the College provides information about its discipline process on its website. This includes the formal nature of the hearing, the presentation of evidence and the dispositions available to the panel of the Discipline Committee.

Discipline hearings are open to the public. Rare exceptions are made in cases where an individual's strong privacy or legal interests are in jeopardy (e.g., personal medical information, persons identifying sexual abuse).

All discipline findings are recorded on the public register. Most are recorded permanently. Under the *Code*, there is the possibility that less serious findings can be removed after six years if the practitioner satisfies the Discipline Committee that continued public access no longer serves the public interest.

In addition, the Decision of the Discipline Committee or a summary of the decision is included in the College's newsletter (*eBulletin*) which is available on the College's website.

Appeals of discipline decisions are heard in open court and all appeal decisions are publicly available, usually online.

The College makes full disclosure of all information relevant to a discipline matter to the practitioner so that he or she can make full answer and defence.

## **Fitness to Practise**

The College provides information about its fitness to practise process on its website.

This includes the process for referral, the definition of incapacitated, procedures for fitness to practice hearings and dispositions available to the panel of the Fitness to Practice Committee.

Because fitness to practise matters involve the personal health information of the practitioner, usually involving mental illness or addiction, human rights considerations require a high degree of privacy. Fitness to practise hearings are closed to the public. However, where a finding is made, a synopsis of the decision is placed on the public register as required by the *Code*.

Appeals of fitness to practise decisions are heard in open court and all appeal decisions are publicly available, usually online.

The College makes full disclosure of all information relevant to the incapacity concerns to the practitioner so that he or she can make full answer and defence.

## **Quality Assurance**

The Quality Assurance Program of the College of Psychologists is fully described on the College website. The purpose of the Quality Assurance Program is to assist psychologists and psychological associates to review and enhance their practices. The information on the website is accessible by both members of the profession and members of the public and describes the two main components of the program: the *Self-Assessment Guide and Professional Development Plan*; and, the *Peer Assisted Review*.

The comprehensive *Self-Assessment Guide and Professional Development Plan*, to be completed by members every second year, is fully explained. The actual forms to be used in conducting the self-review, as well as instructional sample forms, are provided. In addition, the requirement that members attest to their completion of the *Self-Assessment Guide* and preparation of a personalized *Professional Development Plan*, is detailed.

Through the use of the *Peer Assisted Review* process, each year a number of members are randomly selected to undergo an on-site review of their practice. The *Peer Assisted Review* is described in detail in a series of Frequently Asked Questions, providing identical information to both those conducting the review and the member who is the subject of the review. In addition, there is a variety of information available to assist the reviewers and reviewees, as well as copies of the surveys completed by all participants at the conclusion of the process.

Members report that the program is constructive and positive, focusing on methods for practitioners to improve their practice rather than on identifying concerns or misconduct. The legislation provides that quality assurance information about individual practitioners is to be kept confidential. If significant concerns are discovered in the course of operating the quality



assurance program however, they are reported to the Inquiries, Complaints and Reports Committee and often become publicly available through that process.

### **Communications and Outreach**

The College communicates to members, the public and applicants through its website which was redesigned in early 2014 and launched after beta-testing with graduate students, applicants, members of the College and public members of the Council. The Contacts page of the web-site has a link for ongoing comments respecting the College website.

In addition, the College communicates through its newsletter (*e-Bulletin*), through e-mail notifications to members and through in-person presentations to groups of College members in various parts of the province and to graduate psychology students at several Ontario universities.

On the College's website, there is information about the role of the College and the Council, the Strategic Direction of the College, and the names of Council and Committee members. In addition to information about College processes, answers are provided to frequently asked questions about a range of subjects: About Psychology, Becoming as Member, Registration Examinations, Applicants Educated Outside of Canada or the USA, Concerns and Complaints, For Employers, Insurers and Third Party Payers, and Professional Practice. Council Meeting Dates are posted on the landing page for the "About the College" tab as well as the landing page for the "Frequently Asked Questions" tab. Announcements and notices are also published on the website.

The *e-Bulletin* is sent out by e-mail and posted on the website. It includes notices about consultations, elections and new practice information or advice published by the College as well as Council highlights, changes to the register (newly registered members, retired and deceased members), synopses of recent discipline decisions and other reports. Most issues include a "Tricky Issues" section addressing various practice questions involving ethical and legislative issues.

Members receive e-mail notifications of consultations on proposed changes to the regulations, bylaws or standards, as well as upcoming elections, notifications from the Chief Medical Officer of Health and other advisories received from the Ministry of Health and Long-Term Care.

In addition, the College maintains a number of key liaison relationships.

Twice a year, academic members on the College Council and members of senior staff (Registrar, Deputy Registrar and Director, Registration) meet with the graduate psychology training directors and the psychology internship directors at the College.

The President and Registrar meet with the President and Chief Executive Officer or member of the Executive Committee of the Ontario Psychological Association and the Ontario Association

of Psychological Associates. College representatives also attend conferences held by the provincial psychological associations as well as by the national psychological associations in Canada and the United States.

College representatives meet with other professional regulators through participation in the Federation of Health Regulatory Colleges of Ontario (FHRCO), the Association of Canadian Psychology Regulatory Organizations (ACPRO), the Association of State and Provincial Psychology Boards (ASPPB) and the Council on Licensure, Enforcement and Regulation (CLEAR).

### **Discretionary Disclosure Provisions**

The College has the discretion to make information available to appropriate authorities under section 36 of the *Regulated Health Professions Act, 1991*. The circumstances where disclosure can be made under these provisions include the following:

- a. to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;
- b. in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
- c. to a body that governs a profession inside or outside of Ontario;
- d. as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act*, the *Healing Arts Radiation Protection Act*, the *Health Insurance Act*, the *Independent Health Facilities Act*, the *Laboratory and Specimen Collection Centre Licensing Act*, the *Ontario Drug Benefit Act*, the *Coroners Act*, the *Controlled Drugs and Substances Act (Canada)* and the *Food and Drugs Act (Canada)*;
- e. to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- f. to the counsel of the person who is required to keep the information confidential under this section;
- g. to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;
- h. where disclosure of the information is required by an Act of the Legislature or an Act of Parliament; and
- i. if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons.

In exercising the discretion to disclose information, the College considers the risk of harm that could result if the information is or is not disclosed, any harm to the College's own processes by making disclosure and the fairness to the practitioner. For example, if a practitioner is applying for registration with another regulator (either in Ontario or elsewhere) the College will, where possible, advise the other regulator of any concerns about the practitioner's conduct, competence or capacity. In addition, the College may share the results of its investigations with other Colleges whose practitioners were also involved in the incident, such as at a multi-disciplinary practice.

In addition, the College reports its disciplinary findings to the Disciplinary Database of the Association of State and Provincial Psychology Boards. This cooperative initiative allows regulators throughout Canada and the United States to monitor disciplinary actions in other jurisdictions against a person who may also be licensed or applying for licensure in their own jurisdiction.

### **Inspections**

The College does not operate an inspection program.

### **Languages**

The College makes as much information available in French as feasible. Much of the information on the College website is available in both English and French. (A toggle in the top left corner of the website allows the reader to switch between English and French.) This past year priority was placed on ensuring that information about the College and about the registration and complaints processes was available. With the assistance of bilingual staff members and translators a person may communicate with the College in either French or English, whether spoken or written. All of the examinations required by the College for registration are available in either English or French.

### **Accessibility**

The College has an accessible customer service plan posted on its website. Provisions for ensuring accessibility include, but are not limited to, use of alternative formats and methods of communication, use of support persons and service animals, providing notice of temporary disruption of services and training for staff.

### **NEW AND ENHANCED MEASURES**

The College is reviewing its transparency practices. The College is working closely with the Federation of Health Regulatory Colleges of Ontario (FHRCO). The College has attended a number of FHRCO sessions on the topic during the last month.

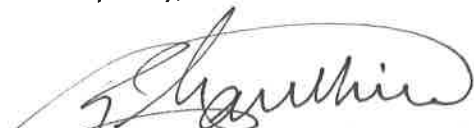
The issue of enhancing transparency will be on the Council agenda again during the next year as the Council continues to look for ways to enhance transparency of College processes. During 2015 it is anticipated that the College will begin discussing, publicly consulting on and, where appropriate, consider possible implementation of the following transparency measures:

1. Expanding the focus of transparency in the College's strategic plan.
2. Reviewing the completeness of the content of the College's website.
3. Reviewing its consultation process for regulations, by-laws and policies to ensure that all members of the public have a full opportunity to participate effectively in the process.
4. Placing relevant information from criminal proceedings on the public register through an amendment of the by-laws.
5. Placing the registration status of members with other regulators (inside or outside of the province) on the public register through an amendment of the by-laws.
6. Placing the discipline history of members with other regulators (inside or outside of the province) on the public register through an amendment of the by-laws.
7. Placing significant / relevant complaints decisions on the public register through an amendment of the by-laws.
8. Placing additional significant / relevant information about practitioners obtainable from other regulators on the public register through an amendment of the by-laws.
9. Placing confirmations made under 36(1)(g) of the *RHPA* when the College is investigating a member, where there is a compelling public interest in the disclosure of that information, on the public register through an amendment of the by-laws.
10. Developing and publishing guidelines articulating when discretionary disclosure of information will be made including the circumstances where the College will report apparently criminal behaviour by practitioners to the police.

The College is looking forward to working with the Ministry and FHRCO as it pursues these and other transparency initiatives.

The College will place this report, along with the letter of October 4, 2014 from Minister Eric Hoskins and your letter of October 28, 2014, on our website as soon as possible.

Yours very truly,

  
Robert Gauthier, M.Sc., M.Ed., C.Psych. Assoc.  
President

  
Catherine Yarrow, MBA, Ph.D., C.Psych.  
Registrar & Executive Director

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