



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

**Consultation
Amendments to *By-law 25: The Register and Related Matters*
April 18, 2018**

At the meeting of the Council of the College of Psychologists held on March 9, 2018, a motion was passed to circulate proposed amendments to *By-law 25: The Register and Related Matters*. According to the Health Professions Procedural Code being schedule 2 of the *Regulated Health Professions Act, 1991 (RHPA)*, amendments to this By-law must be circulated to members 60 days before it is approved by Council. If you wish to comment on the proposals, we would appreciate hearing from you by Monday, June 18, 2018 so your feedback can be included in the Council discussions at its next meeting.

Amendments to the *RHPA* made in May 2017 necessitate changes to our College's Register By-law. A review of the By-law suggested that several sections are no longer necessary as the matters are now captured in the legislative amendments. In addition, the Council is proposing some changes and edits related to transparency initiatives, other items that have been brought to the College's attention, as well as some housekeeping changes to be addressed while the By-law is being amended.

The most substantive amendment relates to the posting of full reprimands issued by the Discipline Committee. It is currently the practice of many other health regulatory Colleges to post the entire reprimand rather than just a synopsis, as expressly required by legislation. The College Discipline Committee is of the opinion that the full reprimand, not only a summary, should consistently be posted on the public register as this is the most transparent approach. The Committee noted that only posting a summary could give rise to concerns regarding the decisions made as to which parts of the reprimand were posted and which were withheld.

Attached is a copy of *By-law 25: The Register and Related Matters* showing the amendments with an accompanying explanation of the proposals. Additions are shown as underlined in blue with deletions marked as ~~strikeouts in red~~.

The College Council will be discussing these amendments at the June 2018 meeting. If you wish to provide any comments we would appreciate hearing from you by Monday, June 18, 2018. Please submit your feedback to registerbylawconsultation@cpo.on.ca.

To ensure transparency and encourage engagement from College members, members of the public and other stakeholders, the feedback received will be posted on the website as part of the Council Materials for the June 2018 meeting. The College will make reasonable efforts to remove personal identifiers and information that may identify a third party prior to posting but will not review submissions for grammar, spelling or accuracy.

Rick Morris, Ph.D., C.Psych.
Registrar and Executive Director

BY-LAW 25: THE REGISTER AND RELATED MATTERS

[Approved by Council December 2003; amended March 2007, March 27, 2009, September 25, 2009, March 21, 2014]

This by-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology Act, 1991* as amended.

By-law Wording	Rationale for Change
<p>25.1 (1) A member's name in the register shall be the member's name as provided in the recorded evidence used to support the member's initial registration.</p> <p>(2) The Registrar shall direct that a name other than as provided in subsection (1) be entered in the register if such a request is made by the member and the Registrar is satisfied that the member has validly changed his or her name and that the use of the name is not for an improper purpose.</p> <p>25.2 (1) Unless otherwise approved by the Registrar, a member's business address in the register shall be the address of the location in Ontario where the public may contact the member.</p> <p>(2) A member's business telephone number in the register shall be the telephone number of the location in Ontario where the member principally engages in psychological practice or, if the member does not practise in Ontario, the telephone number of the location designated in subsection (1).</p>	<ul style="list-style-type: none"> • No Changes to this section
<p>25.3 In addition to the information required under subsection 23(2) of the Health Professions Procedural Code, being schedule 2 to the <i>Regulated Health Professions Act, 1991</i>, the register of the College shall contain the following information with respect to each member:</p> <ol style="list-style-type: none"> 1. 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; 2. The member's registration number; 3. The member's gender and date of birth; 4. The date when the member's certificate of registration was first issued by the College; 5. 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; 6. The highest degree in psychology held by the member and on which registration is based; 7. 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 	<ul style="list-style-type: none"> • Added for accuracy

which the degree was obtained;

8. 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;
 9. The member's authorized Area(s) of Practice and [authorized](#) Client Groups served;
 10. The address and telephone number of each location in Ontario where the member engages in psychological practice;
 11. The member's home address and home telephone number;
 12. The member's preferred mailing address for communication by the College;
 13. The member's preferred e-mail address for communication by the College;
 14. An optional e-mail address for use by the public;
 15. 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;
 16. [The full name of every direct supervisee, who is not a member of the College;](#)
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17. In the case of a member holding a Certificate of Registration Authorizing Supervised Practice, the names of the member's supervisors, [current or past](#);
 18. 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, [or if the member is no longer practicing in Ontario](#) This information will only be made available to the public in the actual event of a member's incapacity or death [or in the case of a member no longer practicing in Ontario, if that information has been provided to the College.](#)
 19. [The registration status of a member with every health regulatory body, inside and outside of Ontario;](#)
 20. 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,~~
 - (a) 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,
 - (b) if the hearing has been adjourned *indefinitely*, a notation of that fact;
 21. If the question of the member's capacity has been referred to the Fitness to Practice Committee and not yet decided, a notation of that fact;
 22. ~~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~~

- 9. Added to clarify that client groups as well as Area(s) of Practice must be authorized

- 16. Provides additional transparency for the public with respect to non-members who provide services under supervision. This is consistent with current requirement (17) for posting names of Supervised Practice supervisors

- 17. Addition to permit posting of the names of all supervisors

- 18. Addition of providing contact information in the case where the member leaves Ontario

- 19. Approved by Council in September 2016 for circulation. Currently, being considered by government as a legislative requirement

- 20. (a) (b) Reference to posting of allegations and notice of hearing is no longer needed as now required by RHPA

- 22. Reference to posting of a summary of the allegations against a member who resigned in the

~~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;~~

23. 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;
- ~~24. If the member has been required to attend before the Inquiries, Complaints and Reports Committee to be cautioned, a notation of that fact;~~
24. If a finding of professional misconduct, incompetence or incapacity has been made against a member by any other regulatory body, in or outside of Ontario, or in any other health profession,
 - (a) a notation of that fact,
 - (b) the date of the finding and the name of the governing body that made the finding,
 - (c) a brief summary of the facts on which the finding was based,
 - (d) the penalty, if any, and
 - (e) where the finding is under appeal, a notation of that fact, which notation shall be removed once the appeal is finally disposed of;
25. 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;
26. The result, including a synopsis of the decision, of any reinstatement proceeding before the Discipline Committee.
27. The text of any reprimand delivered by a panel of the Discipline Committee, unless otherwise prohibited by law;
28. In respect of the elements of an Undertaking & Agreement entered into with the Inquiries, Complaints or Reports Committee or Discipline Committee, a notation of each of the elements that has been completed while the Undertaking & Agreement remains in effect, and, where applicable, a notation that the decision has been appealed;
29. In respect of a Specified Continuing Education or Remediation Program ordered by the Inquiries, Complaints and Reports Committee, a notation of each of the elements that has been completed, and, where applicable, a notation that the decision has been appealed;
30. In respect of a caution required by the Inquiries, Complaints and Reports Committee, the date the caution was issued and, where applicable, a notation that the decision has been appealed.

face of a referral to Discipline and the notation of this is no longer needed as now required by RHPA

- 24. Reference to posting of the fact of attendance before ICRC to be cautioned is no longer needed as now required by RHPA
- 27. Posting of full text of reprimand to ensure accuracy and transparency
- 28 - 30. Posting of the completion of elements of Cautions, Undertakings and SCERPs issued by the ICRC or Discipline Committees as well as notation if decision is under appeal. This provides transparency and clarity as well as fairness to member

<p>25.4 In addition to the information under subsection 23(2) of the Health Professions Procedural Code, being schedule 2 toof the <i>Regulated Health Professions Act, 1991</i>, the register shall contain, in respect of each health profession corporation to which a certificate of authorization has been issued by the College, the following information:</p> <ol style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> • Added for accuracy
<p>25.5 Subject to section 25.2 and 25.5.(1), all information contained in section 25.3, excluding information in paragraphs 2, 3, 11, 12, 13, 17, 20, 21, 23; and all information in section 25.4 shall be information available to the public from the register of the College under subsection 23(5) of the Health Professions Procedural Code, being Schedule 2 to of the <i>Regulated Health Professions Act, 1991</i>.</p> <ol style="list-style-type: none"> (a) At the discretion of the Registrar, information designated as public in the register may be provided to any person in printed, electronic or oral form. (b) The College will not provide a member's registration number but may verify the number upon request. (c) In the case of a member holding a Certificate of Registration Authorizing Supervised Practice, information respecting authorized Area(s) of Practice and authorized Client Populations Groups served will not be made available to the public. <p>(1) 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.</p>	<ul style="list-style-type: none"> • Exclusions from posting revised as insertions and deletions changed numbering. • Added for accuracy • Added to reflect wording in Registration Regulation and consistency with 25.3.9.

<p>(2) 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 of subsection 23(5) of the Health Professions Procedural Code, being Schedule 2 to of the <i>Regulated Health Professions Act, 1991</i>, shall be available to the public from the register of the College as if no appeal or legal proceeding had been commenced.</p>	<ul style="list-style-type: none"> • Added for accuracy
<p>25.6 (1) A member shall immediately provide to the College, upon request, the following:</p> <ul style="list-style-type: none"> (a) information described in sections 25.3 and 25.4, and (b) any other information which the College may be required to collect at the request of the Minister, for the purpose of health human resources planning as per section 36.1 of the Health Professions Procedural Code, being Schedule 2 to of the <i>Regulated Health Professions Act, 1991</i>. <p>(2) A member shall notify the Registrar within thirty (30) days of a change in his/her name. If there has been a change in any of the other information required to be provided under subsection (1) the member shall notify the Registrar in writing of the change within thirty (30) days of the effective date of the change.</p>	<ul style="list-style-type: none"> • Added for accuracy