



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

**COUNCIL MEETING
2018.01
March 9, 2018**

Present:

Lynette Eulette, Ph.D., C.Psych., President
Ruth Berman, Ph.D., C.Psych., Vice-President
Kristin Bisbee, Public Member
Judy Cohen, Public Member
Christine DiZazzo, M.Ps., C.Psych.Assoc.
Michael Grand, Ph.D., C.Psych.
Jaffar Mohammad Hayat, Public Member
Emad Hussain, Public Member

Marilyn Keyes, Ph.D., C.Psych.
Elizabeth Levin, Ph.D., C.Psych.
Donna McNicol, Public Member
Patricia Minnes, Ph.D., C.Psych.
Cory Richman, Public Member
Ethel Teitelbaum, Public Member.
Glenn Webster, M.Ed., C.Psych.Assoc.

Regrets:

Dorothy Cotton, Ph.D., C.Psych.
D'Arcy Delamere, Public Member
Denise Milovan, Ph.D., C.Psych.

Staff:

Rick Morris, Ph.D., C.Psych., Registrar & Executive Director
Barry Gang, MBA, Dip.C.S., C.Psych.Assoc., Director, Professional Affairs
Lesia Mackanyn, Director, Registration
Zimra Yetnikoff, Director, Investigations & Hearings
Stephanie Morton, Manager: Administration
Caitlin O'Kelly, Administrative Assistant: Office of the Registrar, Recorder

2018.01.00 Call to Order

The President called the meeting to order at 9:02 AM.

The President welcomed Mr. Emad Hussain, recently appointed as a public member to Council.

2018.01.01 Approval of the Agenda and Minutes

.01a Approval of Agenda

The following changes were made to the agenda:

Added:

- .03g Follow up from Council Training Day March 8, 2018
- .03h Bill 87 Implementation

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

CARRIED

.01b Declarations of Conflicts of Interests

There were no declarations of conflicts.

.01c Minutes Council Meeting 2017.04 on December 1, 2017

It was **MOVED** Minnes

That the minutes from the Council Meeting 2017.04 of December 1, 2017 be approved as presented.

CARRIED

.01e Review of Action List

The Council reviewed the Action List from the minutes of the previous meeting and noted items that were completed, outstanding or on the agenda at this meeting.

2018.01.02 Consent Agenda

It was **MOVED** Cohen

That the Consent Agenda be approved.

CARRIED

2018.01.03 Policy Issues

.03a Policy II-10(i): *Jurisprudence and Ethics Examination Committee: Terms of Reference/Role*

The Registrar provided Council with a Briefing Note discussing proposed amendments to the Policy II-10(i): *Jurisprudence and Ethics Examination Committee: Terms of Reference/Role*. The change would incorporate a recommendation from the JEE audit that there be a schedule established for reviewing/revisiting the methodology of the JEE. It was suggested that every 5 years was a reasonable review period. The Council reviewed and discussed the proposed amendment.

It was **MOVED** DiZazzo

That the amendment to *Policy II-10(i) Jurisprudence and Ethics Examination Committee: Terms of Reference/Role* be approved.

CARRIED

Action Item Staff

To amend Policy II-10(i): *Jurisprudence and Ethics Examination Committee: Terms of Reference/Role* in the College's *Policies and Procedure Manual*.

.03b Policy II-4(i): *Discipline Committee: Terms of Reference/Role*

The Director, Investigations & Hearings provided the Council with a Briefing Note discussing proposed amendments to Policy II-4(i): *Discipline Committee: Terms of Reference/Role*. At its November 30, 2017 plenary meeting, the Discipline Committee reviewed this policy and is recommending the deletion of Section 2. This section restricts the Chair of the Discipline Committee from serving on a panel of the Committee. The Council reviewed and discussed the proposed amendment.

It was **MOVED** Hayat

That the amendment to Policy II-4(i): *Discipline Committee: Terms of Reference/Role* be approved.

CARRIED

Action Item Staff

To amend Policy II-4(i): *Discipline Committee: Terms of Reference/Role* in the College's *Policies and Procedure Manual*.

.03c Policy II-4(ii): *Discipline Committee: Rules of Procedure*

The Director, Investigations & Hearings provided the Council with a Briefing Note discussing proposed amendments to Policy II-4(ii): *Discipline Committee: Rules of Procedure*. At its November 30, 2017 plenary meeting, the Discipline Committee reviewed this policy and is recommending some changes. In addition to some necessary formatting and itemization changes, the Committee is proposing to remove the section which permits the parties to seek a motion to examine a witness before a hearing. This has never been the practice and is unnecessary. The Discipline Committee is recommending the addition of two new sections pertaining to reprimands, and access to hearing records. The section on reprimands would establish in By-law that these are delivered in public rather than in private. With regard to access to hearing records, the main thrust of this change would be to shift the responsibility for reviewing the record for sections for which the public was excluded, from staff to the Chair or panel of the Discipline Committee.

It was MOVED Grand

That the amendments to Policy II-4(ii): *Discipline Committee: Rules of Procedure* be approved.

CARRIED

Action Item Staff

To amend Policy II-4(ii): *Discipline Committee: Rules of Procedure* in the College's *Policies and Procedure Manual*.

.03d By-law 25: *The Register and Related Matters*

The Director, Investigations & Hearings provided the Council with a Briefing Note discussing proposed amendments to *By-law 25: The Register and Related Matters*. At its November 30, 2017 plenary meeting, the Discipline Committee reviewed its Rules of Procedure in light of the recent amendments to the *Regulated Health Professions Act, 1991 (RHPA)* resulting in a number of changes being recommended. Section 23(14)(a) of the Health Professions Procedural Code requires publication of a "synopsis" of any reprimand made in a Discipline proceeding. The Committee believed it is reasonable and appropriate that the entire text of the reprimand be posted, rather than a synopsis. As this change goes further than what the *RHPA* requires, this change must be implemented through the Register By-law.

There were several other changes to the By-law being recommended which deal with the deletion of items that are now captured in the recent amendments to the *RHPA* and therefore, no longer need to be included in By-law. In addition, there are some matters related to the transparency initiatives and other items that have been brought to the College's attention. As well, some housekeeping changes are included while the By-law is being circulated to the membership. The Council reviewed and discussed the proposed amendments to *By-law 25*.

It was MOVED Cohen

That the amendments to *By-law 25: The Register and Related Matters* be approved for circulation to the membership.

CARRIED

Action Item Staff

To circulate proposed amendments to *By-law 25: the Register and Related Matters* to the membership for consultation.

.03e Examination for Professional Practice in Psychology (EPPP) – Action Plan Review

The Registrar provided Council with a Briefing Note outlining the Action Plan developed for considering the implications for the College's registration process of the proposed changes to the EPPP. Primarily these relate to the ASPPB decision not to continue to support a French Language version of the current test, or offer a French version of the competency test, under development. The Registrar indicated that a legal opinion will be obtained with respect to the legal requirement to offer the exams in French, and confirmation from ASPPB with regards to the French language options. It was recognized that if the College was not able to continue the use of the EPPP, then significant lead time would be required to explore alternatives. Council requested that statistics with regards to the failure rate for the EPPP be brought to the Council meeting in June.

Action Item RM

Bring statistics on the EPPP to the June Council meeting.

.03f Application Behavioural Analysis (ABA) Regulation - Update

At its meeting of December 1, 2017, Council discussed the referral letter by the Minister of Health and Long-Term Care to the Health Professions Regulatory Advisory Council (HPRAC) regarding the regulation of ABA. HPRAC invited Colleges to make submissions on this matter. The Registrar provided a copy of the letter submitted on behalf of the College which indicated the Council's interest in being part of this process. The Registrar reported that no further information has been received.

.03g Follow up from Council Training Day March 8, 2018 on *Shaping the Future*

At the Training Day held prior to the Council meeting, the Council received a presentation on *Shaping the Future of Psychology Regulation in Ontario*. The Registrar provided Council with a history of this issue and the steps that had been taken since March 22, 2013 when Council adopted the following proposal from the Task Force on Shaping the Future of Psychology Regulation in Ontario:

Discontinue master's level registration, grandparent Psychological Associates as Psychologists and develop a mechanism for evaluating internationally trained applicants.

- a. Cease to accept master's level applications as of a set date
- b. Register all Psychological Associates as Psychologists on a fixed date, or within a fixed time period.
- c. Develop a mechanism for evaluating internationally trained applicants' competencies for substantial similarity to a CPA accredited program and remediation as needed.

It had been noted that many of the current Council members were not on Council at the time when this matter was extensively discussed. The Nominations and Leadership Development, in planning for the Training Day suggested that, given the importance of this issue, it would be beneficial for all Council members to be fully informed as to the Council decision of March 2013.

Council expressed interest in further discussing the March 2013 decision and requested the Registrar provide information on this issue for the June 2018 Council meeting. In addition the Council asked for information that would inform possible different options which could include:

- Continuing work on the motion as is

- Separating the motion into two issues: the closure of master’s level registrants, and registering all psychological associates as psychologists.
- Rescinding the entire motion

Action Item RM

The Registrar to provide further information on *Shaping the Future* and on the implications for modifying or rescinding the March 2013 Council motion.

.03h Bill 87 – Proposed Ministry of Health and Long-Term Care (MOHLTC) Regulations

This item was added to the agenda. The Registrar informed Council that the MOHLTC is consulting with the Regulatory Health Colleges on proposed regulations being considered in relation to Bill 87. Specifically, the Registrar brought the proposal regarding Information Prescribed under Subsection 23(2) of the Health Professions Procedural Code to Council’s attention.

The first proposed regulation is with regards to extending the definition of a “patient” as it relates to “sexual abuse” of a patient by a member. The legislation proposes that a “patient” includes, “any individual who was a member’s patient within one year or such longer period of time as may be prescribed from the date on which the individual ceased to be the member’s patient.” The question for Council was whether to consider developing a regulation to extend the period of time, past one year, for which an individual would be a patient as it relates to sexual abuse.

Currently, the *Standards of Professional Conduct* prohibit members from entering into an intimate or sexual relationship with a former client where psychological services were provided within the previous two years. When the legislation is proclaimed the College will need to adjust the *Standards* accordingly as the first year post termination will be dealt with in statute. The Registrar noted that the one year minimum as proposed in the legislation would not prevent the College from requiring additional years as a minimum within its *Standards*. Council indicated that it did not wish to propose a regulation to extend the definition of a patient as it relates to sexual abuse, beyond the one year proposed in legislation.

The Council reviewed proposed regulations pertaining to additional information to be prescribed to be posted on the public register of the College. The Council expressed an appreciation of the public protection intention behind the proposed regulation but noted some concerns.

The first proposal would require the posting of “a finding of guilt against a member under the *Criminal Code (Canada)* . . .”. The College Council was concerned with the breadth of this requirement. Specifically, the Council was concerned that this requirement would include the posting of charges which may not be relevant to a member’s practicing of the profession. The Council recommended that the concept of ‘relevance to practice’, regarding charges being posted, be included in the regulation.

Other sections, as proposed, would require the posting of “any currently existing conditions of release following a charge for an offence under the *Criminal Code (Canada)* . . .” and whether “a member has been charged with an offence under the *Criminal Code (Canada)* . . . and the charge is outstanding”. The Council expressed concern with respect to the public posting of charges or bail conditions, in the absence of a finding of guilt. Council raised the issue of due process and fairness inherent in posting information that had yet to be adjudicated by the courts.

It was MOVED DiZazzo

That the Registrar be directed to respond to the MOHLTC consultation with regards to proposed regulations under Subsection 23(2) of the Health Professions Procedural Code. The College Council recommends that only criminal findings of guilt that are relevant to practice be posted on the public register and that criminal charges and accompanying bail conditions should not be posted.

**9 In Favor
1 Opposed
3 Abstained**

CARRIED

Action Item RM

To draft a response from the College for submission to the MOHLTC based on the discussion at Council with regards to the proposed regulations to Subsection 23(2) of the Health Professions Procedural Code.

2018.01.04 Business Issues

.04a Draft Budget 2018-2019

The Registrar provided the Council with the draft budget for 2018-2019. This budget had been reviewed and approved by the Finance and Audit Committee at their teleconference meeting of January 23, 2018 and by the Executive Committee on February 2, 2018. The draft budget for 2018-2019 anticipates a deficit in the amount of \$170,284. The Registrar noted that the main contributors to the increased spending are costs related to Investigations and Hearings and Discipline. The Council directed the Registrar investigate if it would be more cost efficient to have lawyers on staff or on retainer rather than the current billing for work as it is done.

Action Item RM

To research the cost of having lawyers on retainers and report back to Council.

It was MOVED Keyes

That the budget for 2018-2019 be approved.

CARRIED

.04b Enhancing Services Working Group - Update

Following a discussion at the September 2017 Council Meeting, the Council created a working group to consider ways in which the College could provide further service to the public, members and other stakeholders. The Council received a Briefing Note from the President outlining the discussions held by the Enhancing Services Working Group. The Council discussed the recommendation of the Working Group to develop a College Communications Plan which could include the hiring of a Communications Consultant. In response to a question, the Registrar explained that the target group for a Communications Plan would be members, the public and other stakeholders. Council thanked the Enhancing Services Working Group for their work.

It was MOVED Hayat

To confirm the recommendation of the Enhancing Services Working Group to pursue a project directed toward updating and improving the way in which the College communicates with the public, members, and other stakeholders. This would involve the development and implementation of a formal Communication Plan.

CARRIED

Action Item RM

To begin the development and implementation of a formal Communications Plan.

.04c HIROC – IRM Update

The Registrar reported on the work undertaken to implement the Risk Management System developed by the Healthcare Insurance Reciprocal of Canada (HIROC). The Council received a chart showing the potential risks initially identified for consideration. The Registrar explained that this is an ongoing process and that as the work on some risks is completed, others will be added to the risk management workplan.

.04d College Website Analytics

At the December Council meeting, a question was raised as to whether the College could track the level of interest of the public in the online public register. In addition, Council members asked if it is possible to track how often the website is visited. The Registrar provided Council with a Briefing Note and a *Google Analytics* chart. The Council reviewed and discussed the information. The Council noted that the Google Analytics information demonstrated that our website was being accessed, which supported the Council's previous decision to move forward with a Communication Plan.

.04e Notice: Executive Committee Elections/Council Committee Appointments

The President provided the Council with copies of *By-law 4: Election of Members of Executive Committee* and *By-law 5: Selection of Committee Chairs and Committee Members* and advised Council of the process for seeking election to the Executive Committee. She also explained that following the Council meeting a call for interest for committee appointments will be sent to the membership and that Council members will also be asked to identify their committee preferences. The Nominations and Leadership Development Committee will meet in the Spring to review submissions and make recommendations to the Executive Committee for committee appointments. In response to a question, the President noted that the Nominations and Leadership Development Committee has met and begun to work on the criteria to be considered in making recommendations for committees.

.04f Registrar's Performance Review: IN CAMERA

This agenda item was discussed **IN CAMERA** in the absence of the Registrar and Recorder. The Minutes for this item will be provided by the President.

It was MOVED Grand

That the Council go IN CAMERA to discuss the Registrar's Performance Review.

CARRIED

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

It was MOVED Hussain

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

CARRIED

When the Council returned from the IN CAMERA session the Council discussed the Policy I-11: *Role of the President*, and requested that the Executive Committee add this to their next agenda for review.

Action Item Executive Committee

To discussed Policy I-11: *Role of the President* at the next Executive Committee Meeting.

2018.01.05 Strategic Issues

.05a Strategic Direction Implementation Update

The Registrar provided the Council with the updated *Strategic Direction Implementation Table*. Items added since the Council Meeting of December 1, 2017 were shown in **Bold**.

Council suggested adding the following:

- Circulation of amendments to By-law 25: *The Register and Related Matters*
- Development of a College Communications Plan
- Submission to the MOHLTC regarding proposed regulation amendments in the Health Professions Procedural Code

.05b Council Evaluation and Goals

At the Council Training Day in September, the Council reviewed the report of the Self-Assessment Survey undertaken in the late summer. Recently the College received the “Board Self-Assessment Results by Sector” which summarizes the results for all organizations that participated in the 2017 survey; this was provided to the Council for review. The results indicated the Council’s responses to each of the questions in order to facilitate comparison with the other similar organizations. The additional comparative information was helpful to place the Council's results in perspective with other Boards, but it did not alter the Council's perception of the previous results. The President noted that it is anticipated that the current Council will complete the 2018 survey in the Spring of 2018.

.05c Generative Discussion: Code of Conduct

On a number of occasions, the College Council has discussed introducing an explicit *Code of Conduct for Council and Committee Members*. Research conducted by College staff suggests that many of the other health Colleges have introduced such formal *Codes of Conduct*. A sample was provided to Council for review along with examples from other Colleges. It was agreed that Council should move forward with the creation of *Code of Conduct* and provided feedback on the sample. Staff will incorporate the suggestions from Council and bring a draft to the June Council meeting.

Action Item Staff

To take into consideration the feedback received from Council on the *Code of Conduct for Council and Committee Members* and provide a draft at the June Council meeting.

2018.01.06 Other Business

.06a Next Meetings of Council

- Friday, June 22, 2018
- Council Training: Thursday, September 20, 2018
- Council Meeting: Friday, September 21, 2018
- Friday, December 14, 2018

.06b Other Business

The College Council congratulated Dr. Dorothy Cotton on recently being appointed to the Order of Ontario.

2018.01.07 Adjournment

Prior to adjournment, the President presented Certificates of Appreciation to the following Council members who have completed their terms on Council:

- Mr. Glenn Webster – 9 years
- Dr. Ruth Berman – 6 years
- Ms. Ethel Teitelbaum – 9 years

There being no further business,

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

CARRIED

The Council Meeting was adjourned at 2:46 PM.

President

Vice-President

Minutes approved at the Council Meeting on June 22, 2018