

The e-Bulletin

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
L'ORDRE DES PSYCHOLOGUES DE L'ONTARIO
Regulating Psychologists & Psychological Associates

Volume 1, Number 3

October 2010

In This Issue

Report on the Consultation of the Proposed Amendments to *O.Reg 533/98 Registration*

Task Force on *Shaping the Future of Psychology Regulation in Ontario*

By-law 22: Professional Liability Insurance Amended

Discipline Proceedings

A complete copy of the e-Bulletin, October 2010, volume 1, number 3 can be viewed by clicking on:

[Download e-Bulletin](#)

Report on the Consultation of the Proposed Amendments to *O.Reg. 533/98 Registration*

Various amendments to the Registration Regulation were drafted and approved by the Council of the College for consultation with members and other stakeholders based on advice from policy staff with the Ministry of Health and Long- Term Care, particularly as these relate to the mobility amendments. This report provides a summary of the consultation process and feedback. [Read more...](#)

Index of Articles: June 2010 v.1 no.1 - October 2010 v.1 no.3

Task Force on *Shaping the Future of Psychology Regulation in Ontario*

In March 2010, the College Council discussed, at length, the implications of the amended *Agreement on Internal Trade*, the *Ontario Labour Mobility Act, 2009* and the resultant amendments to the *Health Professions Procedural Code of the Regulated Health Professions Act, 1991*. In a May 2010 letter to members the then-President noted that these events and others "caused Council to stop and think about the greater regulatory situation and the many outside influences that are relevant to our professional regulation." In light of this, Council struck a task force "to look at the changing landscape and how best to continue to meet our regulatory obligations but reflecting current contingencies."

[Read more...](#)

We Wish to Congratulate...

The Council and Staff of the College of Psychologists wishes to congratulate **Dr. Rick Morris, Deputy Registrar** on being named a Fellow of the Association of State and Provincial Psychology Boards (ASPPB) at the Annual Meeting of the Association held in Savannah, Georgia on October 13 - 17, 2010. This award acknowledges outstanding contributions to ASPPB and to the regulation of Psychology.

Bylaw 22: *Professional Liability Insurance Amended*

At the meeting of the Council of the College held on September 24, 2010 amendments to *By-Law 22: Professional Liability Insurance* were passed effective June 1, 2011. The Council considered the feedback from members provided through the consultation in making the following changes.

The amendments to *By-Law 22: Professional Liability Insurance* will require that:

- a member be personally insured against professional liability
- the minimum coverage be raised to \$2 million per occurrence
- that confirmation to the College of insurance coverage be acceptable in other than formal written notice. [Read more...](#)

Quick Links

[College of Psychologists Of Ontario](#)

416-961-8817
800-489-8388
cpo@cpo.on.ca

Discipline Proceedings

The Discipline Committee of the College holds hearings into allegations of professional misconduct and/or incompetence. A summary of disciplinary proceedings is provided for the information of the public, members of the College and other professionals. This information is on the Register of the College and available in the *Members Search* section of the College website or may be obtained by contacting The College of Psychologists of Ontario.

[Recent Discipline Findings. . .](#)

Please Don't Unsubscribe!

The College uses e-mail to communicate with members as this is a quick and efficient method to bring important information to members' attention. If you unsubscribe by clicking on 'SafeUnsubscribe' below you will not receive these important, often time-sensitive, notices as the College does not distribute similar information by regular mail. If you have any questions, please contact the College.

Task Force on *Shaping the Future of Psychology Regulation in Ontario*

Mandate of Task Force

In March 2010, Council had a lengthy discussion about the implications of the amended Agreement on Internal Trade, the *Ontario Labour Mobility Act, 2009* and the resultant amendments to the *Health Professions Procedural Code* of the *Regulated Health Professions Act, 1991*. In a May 2010 letter to members the then-President noted that these events and others “caused Council to stop and think about the greater regulatory situation and the many outside influences that are relevant to our professional regulation.” In light of this broader perspective, Council struck a task force “to look at the changing landscape and how best to continue to meet our regulatory obligations but reflecting current contingencies.”

With the need to look forward, the task force, on “Shaping the Future of Psychology Regulation in Ontario”, would be “assembling data about who we are and where we come from and what we are doing”. The then-President noted that at the March meeting, Council had discussed many ideas including the possibility of eliminating registration at the MA level and grandparenting the current psychological associates as psychologists. At that time, no decisions were made but the task force was struck to assist the Council and the College in moving forward.

In June 2010, Council elected a new President and Executive Committee and confirmed the mandate of the Task Force on Shaping the Future of Psychology Regulation in Ontario to be:

- To consider the implications of the amended Agreement on Internal Trade for regulation of the profession of psychology in Ontario
- To consider current issues and trends in psychology regulation, training and employment/human resources needs in Ontario
- To consider issues and trends for regulation of the profession outside of Ontario (for example, issues and trends in psychology regulation and training in other Canadian jurisdictions and possibly in the United States)
- To propose a plan of action that would assist Council in reaching a solution that is appropriate for regulation of the profession in Ontario while meeting our obligations to issue a certificate of registration to an applicant, from another Canadian AIT signatory jurisdiction, who holds a certificate of registration equivalent to a certificate of registration that the College is authorized to issue

The task force identified data to be gathered, possible scenarios and issues to be addressed, and key stakeholders.

At the September 2010 meeting of Council, the task force reported on the extensive data gathered to date. Council had a lengthy discussion about the report of the Task Force, the consultation report on proposed amendments to the Registration Regulation (several of which addressed the obligations of the College to recognize persons authorized to practice psychology elsewhere in Canada), and a report about masters prepared providers registered as Psychologists elsewhere in Canada seeking registration as a Psychologist in Ontario.

At the present time, there are two routes for a Psychological Associate member of the College of Psychologists of Ontario to become registered as a Psychologist:

- 1) completing an acceptable doctoral degree in psychology and meeting the other requirements imposed by the registration committee; or
- 2) providing evidence of registration as a Psychologist in good standing in another Canadian jurisdiction that is signatory to the Agreement on Internal Trade and having passed the Jurisprudence and Ethics Examination (most, perhaps all, will have already passed this examination or passed an oral examination with a jurisprudence and ethics component).

The Council of the College is considering developing a third route for a Psychological Associate member to become registered as a Psychologist.

At the meeting on September 24, 2010, the Council directed the Task Force on Shaping the Future of Regulated Psychology in Ontario to gather additional data. In addition, the Council directed the task force to make recommendations to Council in December 2010 addressing the following:

- 1) developing the options more fully with respect to addressing the inequity for current Psychological Associate members
- 2) identifying a mechanism to track and report unintended consequences of the mobility legislation, including the potential for registering less qualified individuals
- 3) considering whether the College might register individuals whose training in psychology is focused and narrower than that required for registration as a Psychologist or Psychological Associate, by creating a new class of registrant with a limited scope of practice; also, identifying alternatives for registration by other regulatory colleges for individuals trained in fields other than psychology
- 4) considering whether there will continue to be a critical mass of masters prepared applicants from graduate psychology training programs in Ontario and whether masters level registration should be discontinued
- 5) consider the implications of any recommendations for individuals currently in the process of meeting the requirements for registration as a Psychological Associate

Policy staff at the Ministry of Health and Long-Term Care have recommended that any and all proposed amendments to the registration regulation be submitted together. Consequently, Council deferred submission of the mobility amendments until further regulation amendments could be prepared.

At the December 2010 meeting, Council expects to consider further proposed amendments to the Registration Regulation which would then go out to stakeholders for consultation. At the meeting in March 2011, Council would review the results of the consultation and any recommended changes to the proposed regulation amendments. Once approved by Council, proposed regulation amendments would then be submitted to the Ministry of Health and Long Term Care for the next steps in the regulation approval process.

Report on the Consultation of the Proposed Amendments to *O. Reg. 533/98 Registration* October 2010

Various proposed amendments to the Registration Regulation were drafted and approved by Council for consultation based on advice from policy staff at the Ministry of Health and Long-Term Care, particularly in relation to the mobility amendments.

The *Ontario Labour Mobility Act, 2009* and the related amendments to the *Health Professions Procedural Code* of the *Regulated Health Professions Act, 1991*, require that a person who is authorized to work in an occupation or to use a professional title in one Canadian AIT jurisdiction should have his/her qualifications recognized and should be authorized to work in the occupation and/or to use the professional title in another Canadian AIT jurisdiction so long as that jurisdiction has an equivalent certificate. In the Government's view, the equivalency relates to what the certificate authorizes the individual to do (activities and use of title) rather than what requirements an applicant would normally have to meet to obtain such a certificate.

Ministry staff had advised that Psychologists from another jurisdiction should be registered as Psychologists here because Ontario Psychologists and Psychological Associates have the same scope of practice and the scope of practice is not substantially different from that for Psychologists in other Canadian jurisdictions.

The e-mailed consultation notification for proposed amendments to the Registration Regulation went out to the membership on July 2, 2010. The notification contained links to the explanatory cover letter and to the table of proposed amendments to the regulation. The deadline for responding was September 1, 2010. A reminder e-mail was sent out in August and the deadline extended to September 3, 2010.

The response rate was very low. Responses were received from 42 (31 Psychological Associates and 11 Psychologists) or 1.4% of the approximately 3,100 members of the College. In addition, comments were received from the Ontario Association of Psychological Associates (OAPA), the Canadian Psychological Association (CPA), three Ontario health regulatory colleges and the Contract Enforcement Unit: Grievance Department of the Ontario Public Service Employees Union (OPSEU).

Comments on Proposed Amendments to the Registration Regulation

This report will address only those proposed regulation amendments for which comments were received. No comments or concerns were expressed respecting the other proposed amendments.

Section 5.(1)

1. i change “degree from a program of study with content that is primarily psychological in nature” to “degree in a psychology program”

The Canadian Psychological Association endorsed this proposed change noting that a program endeavours to provide organized and comprehensive training, in this instance, in professional psychology. A degree, in the absence of a program, may graduate students who lack certain competencies crucial to the practice of psychology.

3. i A new provision (for Canadian mobility applicants) that would require that, to qualify for a certificate of registration for a psychologist authorizing autonomous practice,

“The applicant must

i. hold an equivalent certificate of registration as a psychologist in another Canadian province or territory that was signatory to the amended Agreement on Internal Trade and be authorized by law to practice psychology autonomously in that jurisdiction”

Most responses addressed this proposed new provision which was intended to comply with the mobility amendments to the RHPA Code. Presumably the comments would also apply to a similar proposed provision for a Certificate Authorizing Interim Autonomous Practice as a Psychologist and for a Certificate Authorising Supervised Practice as a Psychologist.

The majority of comments received from Psychological Associate members and from the OAPA focused on two issues arising from what they viewed as the effective creation of a third category of member – the masters level Psychologist (an individual registered as a Psychologist in Ontario by virtue of holding a certificate of registration as a Psychologist in another Canadian AIT jurisdiction¹ rather than by meeting the usual requirements of a doctoral degree from a psychology program, supervised training and examinations):

- inequity for current Psychological Associate members
- confusion for consumers

Three of the Psychologists who responded also raised these same concerns. Others were divided between those who concluded that these changes were inevitable given the mobility amendments to the legislation and those who were concerned that there would no longer be a distinction between members trained at the doctoral level and those trained at the masters level. One

¹ In each of the past two years, there has been an average of 5-6 mobility applications for registration as a Psychological Associate from masters level providers compared to 15 applications per year for registration as a Psychologist from doctoral level providers. Most of the masters level applicants' were registered as Psychologists elsewhere in Canada.

Psychologist member noted that inclusion of masters level Psychologists might create confusion for employment agreements particularly in unionized settings.

The submission from the Ontario Public Service Employees Union also raised concerns about inequity, noting that the title “Psychological Associate” may put members at a disadvantage in pursuing employment opportunities, in Ontario or elsewhere in Canada, for which Psychologists would also apply. They noted that collective agreements typically compensate individuals in professional occupations according to educational preparation and that Psychologists prepared at the doctoral level may use the title “Dr.” before their name. OPSEU recommended that a common title of “Psychologist” be used for authorized psychology practitioners in Ontario regardless of their academic background.

The Canadian Psychological Association expressed concern about this proposed amendment to the registration regulation for a different reason. In CPA’s view, the skills, knowledge and competencies attained by someone who has been registered on the basis of completed psychology masters courses or related other masters courses are not equivalent to those attained by someone who has been trained within a doctoral degree program in professional psychology – particularly a CPA-accredited doctoral programme in professional psychology. CPA also noted that because of the variability in requirements for registration across Canada’s psychology regulatory bodies, one cannot assume that they are in fact regulating the same kind of practitioner. For example a person registered as a Psychologist in one jurisdiction may have a skill set similar to that of a counsellor in another jurisdiction.

The CPA submission noted that the AIT has the potential to circumvent the role and responsibility of the provincial jurisdiction to regulate health practice. They noted that it is important that health regulatory bodies have the authority to establish and implement a standard for registration as a Psychologist that is supported by the majority, rather than the minority, of the country’s psychology regulatory bodies. They recommended that the AIT provide a mechanism for compelling all jurisdictions to meet a standard agreed to by the majority. CPA recommended that the College and the Association of Canadian Psychology Regulatory Organizations (ACPRO) consider the importance of the programme not just the degree and that particular consideration be given to the accreditation standards for training in professional psychology in Canada and the United States.

One of the Ontario health regulatory colleges that responded to the consultation, while supporting labour mobility, expressed concern over the Government’s lack of sensitivity to the regulatory colleges’ obligation to establish standards that ensure public safety. Another indicated support for any revisions that ensure that CPO members practice in a safe, effective and ethical manner while ensuring fair and consistent processes to foster labour mobility. The proposed amendments were considered to be clear and in the public interest. The third college had no comments or suggested revisions to propose.

Other Comments and Recommendations

As a solution to the concerns that they had raised, most of the Psychological Associate respondents, the OAPA and a few Psychologist respondents recommended that Psychological Associate members² have their registration title changed to Psychologist. In essence they recommended that all Psychological Associate members be issued certificates of registration as Psychologists. This would put the current Psychological Associate members on an equal footing with the new masters level Psychologists registered under the mobility provisions³. Several respondents argued that this would also eliminate confusion on the part of consumers, third party payers, and other stakeholders over the title “Psychological Associate” as they believe that the title “Psychologist” is more readily recognized.

A few respondents, both Psychologists and Psychological Associates noted that use of the “doctor” title would still be available to doctoral level Psychologists and at least one suggested a scheme similar to that in Saskatchewan with two titles “Psychologist” and “Doctoral Psychologist”.

Several respondents had read Dr. Cotton’s letter sent out to members in May 2010 and were aware that the Council had begun considering longer range implications. Two Psychologists recommended “grandparenting” Psychological Associate members as Psychologists and discontinuing masters level registration so that the College would continue to register only doctoral level applicants as Psychologists. The exception would be to the extent that the mobility provisions in the RHPA continued to require the College to register Psychologists from other Canadian jurisdictions as Psychologists in Ontario regardless of their training. One Psychological Associate member recommended that, should the College propose to discontinue masters level registration, consideration should be given to developing appropriate transitional provisions so as not to unfairly disadvantage anyone already preparing to meet the College’s registration requirements. Another recommended that consideration be given to the possible impact on psychological services in school boards. These comments will be referred to the Shaping the Future Task Force for their consideration in developing recommendations for the Council.

The Council has extended its consideration of these issues until December. By that time, the task force on Shaping the Future of Psychology Regulation in Ontario will have reviewed the comments and suggestions received from members and other stakeholders during the regulation consultation, as well as data and perspectives being gathered from various other sources. The Task Force is scheduled to prepare recommendations for presentation to Council in December.

² As of 2010 there were 528 autonomous practice Psychological Associate members, comprising 18.5% of the total autonomous practice membership of the College.

³ Of the 528 autonomous practice Psychological Associate members, 23 (4.4%) are currently registered elsewhere in Canada, 22 of those as Psychologists. Conceivably these 22 might apply under the mobility provisions to be registered as Psychologists in Ontario and a few have already inquired about this.

Bylaw 22: Professional Liability Insurance **Amended Effective June 1, 2011**

At the meeting of the Council of the College held on September 24, 2010 amendments to *By-Law 22: Professional Liability Insurance* were passed. The Council considered the feedback from members provided through the consultation (see below) in making the following changes.

Effective June 1, 2011, the amendments to *By-Law 22: Professional Liability Insurance* will require that:

- a) a member be personally insured against professional liability.
- b) the minimum coverage be raised to \$2,000,000 per occurrence; and,
- c) confirmation to the College of insurance coverage be acceptable in other than formal written notice.

Report on Consultation Regarding *Bylaw 22: Professional Liability Insurance*

At the meeting of June 18, 2010, the Council of the College approved, for circulation to the membership, amendments to *By-Law 22: Professional Liability Insurance*. According to the *Health Professions Procedural Code* of the *Regulated Health Professions Act, 1991* (RHPA), these proposed by-law amendments must be circulated to the membership at least 60 days before it is approved for implementation. The proposed amendments were circulated to the membership in the *e-Bulletin*, v.1 no.2, July 2010 and a reminder e-mail sent on August 30, 2010, with a request for comments by September 10, 2010.

In response to this consultation, the College received 36 replies. The feedback can be divided into three responses. Note that the number of members in each of the three categories totals more than 36 as some members responded to more than one of the proposed amendments.

In Favour of Proposed Amendments

The majority of respondents (23) indicated they were in favour of the proposed changes. Many indicated they had always carried *personal* liability insurance and understood that the increase in the minimum coverage to be a necessary, but unfortunate, 'sign of the times'.

Raising the Minimum Coverage Amount

A number of members (10) questioned the need to raise the minimum coverage requirement. The responses generally questioned the available evidence to support the need for this increase querying whether there have been large settlements which necessitated the increase.

Requirement for Personal Coverage

A few members (5) questioned the need for 'personal coverage' rather than continuing with the coverage offered by the employer. In one or two cases, the members appeared to misunderstand that this was to be a requirement of the RHPA. Two members questioned the interpretation of 'personal coverage' querying if the employer's coverage provided for specific coverage of an individual employee, would this not be in keeping with the legislation.

The amended *By-Law 22: Professional Liability Insurance* will read:

BY-LAW 22: PROFESSIONAL LIABILITY INSURANCE

[Approved by Council December 1999; amended March 2001, September 2007, September 2010]

NOTE: Effective June 1, 2011 *By-law 22: Professional Liability Insurance* approved September 2007 is revoked and the following substituted:

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

- 22.1 Subject to section 6, each member of the College registered with a certificate of registration authorizing autonomous practice, interim autonomous practice or supervised practice shall be personally insured against professional liability under a professional liability insurance policy or belong to a specific association that provides members with personal protection against professional liability.
- 22.2 The amount of insurance coverage shall be no less than \$2,000,000.
- 22.3 The insurance shall have no deductible.
- 22.4 On or before June 1 of each year, every member described in section 1 shall confirm to the College, normally through the annual renewal process:
- (a) that the member has valid existing professional liability insurance in place that personally insures the member; and
 - (b) the name of the insurer providing the liability insurance.
- 22.5 Each member upon being registered for the first time or whose certificate of registration has been reinstated shall, within 30 days of registration or reinstatement, confirm to the College, in a manner required by the College:
- (a) that the member has valid existing professional liability insurance in place that personally insures the member; and
 - (b) the name of the insurer providing the liability insurance.
- 22.6 Exemptions from the requirement under section 1 apply only to:
- (1) Any member who resides outside of Ontario and who provides no psychological services within Ontario at any time during the registration year, nor supervises anyone in the provision of psychological services in Ontario.
 - (2) Any member who holds academic status and who provides no psychological services within Ontario at any time during the registration year, nor supervises anyone in the provision of psychological services in Ontario.
 - (3) Any member who holds retired status and who provides no psychological services within Ontario at any time during the registration year, nor supervises anyone in the provision of psychological services in Ontario.
 - (4) Any member who attests that:
 - (a) the member has provided no direct services to individuals or families, nor conducted psychological research with individuals or families within Ontario during the preceding registration year; and,
 - (b) the member has provided no supervision to anyone in the provision of such services nor the conduct of such research in Ontario during the preceding registration year; and,
 - (c) the member will not be providing such services, conducting such research nor providing such supervision in the current registration year.
- 22.7 If required to do so by the Registrar, a member must provide proof of insurance coverage within 30 days.

Discipline Proceedings

The Discipline Committee of the College holds hearings into allegations of professional misconduct and/or incompetence. A summary of disciplinary proceedings is provided for the information of the public, members of the College and other professionals. This information is on the Register of the College and available in the [Members Search](#) section of the College website or may be obtained by contacting The College of Psychologists of Ontario.

Marcia Gragg, Ph.D. C. Psych.

A hearing into allegations of professional misconduct was held on June 22, 2010.

Established Fact and Decision:

The panel accepted a statement of agreed fact and found that Dr. Gragg had committed the following act of professional misconduct:

- Failure to maintain the Standards of the Profession by failing to comply with the regulatory authority of the College, in that she did not comply with the College's authority, respond to College requests for information or participate in the College's mandatory Quality Assurance Program.

Penalty:

The panel accepted a Joint Submission on Penalty and ordered:

- A reprimand
- Payment of \$5000.00 in costs to the College, payable in full to the College on the date of the hearing

Panel's Reasons:

- A reprimand was seen as an appropriate means by which to make clear directly to Dr. Gragg the Panel's concerns with respect to the seriousness of her behaviours and that it was necessary for her to hear from her own colleagues and the public members of the College that she recognize and understand her responsibilities and accept the consequences in view of the impact on both members of the public and members of the profession.
 - Payment of costs was seen to be a deterrent to Dr. Gragg, and to other members of the profession, to indicate that failure to comply with College requirements is a serious issue. The panel believes that the requirement for immediate payment reinforced to Dr. Gragg that further non compliance cannot be tolerated. A monetary penalty, in lieu of suspension was also seen to avert hardship for a vulnerable and underserved client group served by Dr. Gragg.
-

Gregory Carter, M.A., C. Psych. Assoc.

A hearing was held on June 22, 2010 into allegations of professional misconduct arising from two complaints.

Established Facts:

The panel accepted a statement of agreed fact, which included Mr. Carter's admission that he engaged in the controlled act of communicating a diagnosis, contrary to the terms, conditions and limitations imposed on his Certificate of Registration, basing an assessment report on inadequate information, and providing information about his professional qualifications which was untrue.

Decision:

Based on this, the Panel found that Mr. Carter had committed the following acts of professional misconduct:

- Contravening a term condition or limitation imposed on his Certificate of Registration by engaging in the controlled act of communicating a diagnosis;
- Failing to maintain the Standards of the Profession; and
- Engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

Penalty:

The panel accepted a joint submission on Penalty and ordered:

- A reprimand;
- A three month suspension of his Certificate of Registration, to begin on July 15, 2010; and,
- The imposition of a term, limitation or condition on his Certificate of Registration prohibiting him from engaging in autonomous custody and access assessment work until completion of one year of supervised practice in this area by a College-approved supervisor, and the delivery of a favourable report from the supervisor confirming his eligibility to return to unsupervised practice in the area of custody and access assessment work.

Panel's Reasons:

- A reprimand was seen as an appropriate means by which the members of the panel could make clear to the member their concerns with respect to the seriousness of his behavior, in view of the impact on both members of the public and members of the profession.
- The period of suspension was warranted in view of the degree of misconduct, and represented a substantial penalty to the member. The duration of three months will have a significant impact on him and was believed to be an appropriate reflection of the seriousness of the violations of professional Standards of Professional Conduct.

The requirement of a one year period of supervision and the delivery of a favourable report before beginning any autonomous Custody and Access related work were seen as both educational and rehabilitative for the member and beneficial for public protection.