THE • ONTARIO • BOARD • OF • EXAMINERS • IN • PSYCHOLOGY

# RHPA GIVEN ROYAL ASSENT

Nine years ago the government of the day created the Health Professions Legislation Review (HPLR), headed by Alan Schwartz, to devise a new structure governing all the health professions. The Liberal government introduced draft legislation in 1990, and the New Democrats tabled almost identical bills in 1991. On November 21st this year these twenty-two bills were given third and final reading in the Ontario Legislature. On November 25th the new Acts received Royal Assent. At long last the province has a completely new legislative framework for professional regulation in health care, and the profession of psychology has a new governing Act.

During the summer the Standing Committee on Social Development held hearings on what is now called the Regulated Health Professions Act (RHPA) and the associated twentyone professional Colleges Acts. The government's initial proposals would have meant the deregulation of all non-health care psychologists, and the loss of the currently protected terms "psychology" and "psychological". Further, though psychology was ascribed the controlled act of "diagnosis", and the privilege of using the term "doctor" in the health care field, both of these were under considerable attack from various quarters. Vigorous representations were made about the psychology act by delegations from the Board, the Ontario Psychological Association, the association representing counsellors, psychotherapists, and consultants, consumer groups, mental health associations, and educational interest groups.

The final version of the Act, happily, restores and even extends the current protections of the profession, and opens up several new possibilities for the development of psychology in Ontario [see "Protected Titles and Descriptors"]. It also creates a new class of registered psychological service providers: Psychological Associates,

ending a decades-long division within the profession and bringing those prepared at the Masters' level into regulation [see "New Service Providers in RHPA"].

The government plans to bring the new health professions legislation into force within six to twelve months. The actual proclamation date will depend on the progress made by Colleges and government in regulation-making [see "Managing the Transition"]. With a number of newly-regulated professions, such as Midwifery, and major changes in procedural provisions for existing professions, an exact date is difficult to predict as yet.

## PROTECTED TITLES AND DESCRIPTORS

Every profession regulated under RHPA has a title or titles reserved for its own use. Section 8 of the new Psychology Act protects "psychologist", as before. It also creates a new title: "psychological associate". Further, and unlike other professions in RHPA, certain descriptors are also reserved for the use of College members. "Psychology" and "psychological" continue as protected terms in the new legislation. There is an exemption that will allow university employees to use these terms in the course of their employment.

In the present Psychologists Registration Act there are exemptions from the provisions about title and descriptors for employees of the government of Ontario and the government of Canada. Both of these have been removed, as has the exemption that allowed medical practitioners to use the title "psychologist". The provision that psychologists may only treat persons for any type of mental disorder at the request of or in association with a duly qualified medical practitioner (Section 12, PRA) dies with the old Act as well.

Section 8(2) of the new Psychology Act provides for specialty titles, through the so-called "holding-out" clause. The matter of specialty designation is one that the new College of Psychologists expects to address early in its existence. The present Board has authorised a working party to prepare a report on the issues and possibilities for such designation.

The exact wording of the title provisions of the Psychology Act (1991) is as follows:

- 8 (1) No person other than a member shall use the titles "psychologist" or "psychological associate", a variation or abbreviation or an equivalent in another language.
  - (2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a psychologist or psychological associate or in a specialty of psychology.
  - (3) A person who is not a member contravenes subsection (2) if he or she uses the word "psychology" or "psychological", an abbreviation or an equivalent in another language in any title or designation or in any description of services offered or provided.
  - (4) Subsections (1) and (3) do not apply to a person in the course of his or her employment by a university.
  - (5) In this section "abbreviation" includes an abbreviation of a variation.

# **NEW SERVICE PROVIDERS IN RHPA**

In the world of RHPA several new health care groups are regulated for the first time, among them midwives, speech language pathologists, dieticians, audiologists, occupational therapists, medical laboratory technologists, and respiratory technologists. In psychology, a new type of provider is regulated: the psychological associate.

During the life of the Health Professions Legislation Review representatives of persons holding Masters degrees in psychology made strong efforts to be regulated. Subsequent to the Schwartz report, lobbying continued, and both the Board and the Ontario Psychological Association went on record as favouring regulation in principle. Talks were held by both bodies with representatives of the Ontario Association of Consultants, Counsellors, Psychometrists and Psychotherapists (OACCPP) on and off for a number of years, though little progress was made.

In August of 1991 a joint task force of OBEP, OPA, and OACCPP was

established. The Registrar of OBEP acted as facilitator of the meetings. An agreement on broad principles for regulation was reached at the end of October and presented to the Standing Committee on Social Development examining RHPA.

The broad provisions are: that persons holding a Masters degree primarily psychological in nature, together with four years of acceptable experience, success in the prescribed written and oral examinations established by the College, and the successful completion of one year of supervision in accordance with the College's practices will be eligible for registration and the use of the title "psychological associate".

There will be a "grandparenting" period during which persons with more than four years of experience will be considered for an accelerated registration process. Details are still being negotiated with OPA and OACCPP, and will be considered by the Board of Examiners in the new year.

When the criteria, examinations, and other requirements for specialty designation are established, both psychologists and psychological associates, if qualified, will be eligible to attempt the process and have such designation.

It is worth noting that the RHPA world is one in which the scopes of practice of the health care professions are in the public domain. Providing a person does not perform one of the thirteen controlled acts (of which "diagnosis" is one) there is no need to be regulated. However, without regulation, there is no access to a protected title. Psychological Associates will have access to the full scope of practice of psychology except the controlled act of diagnosis. Like Psychologists, the new providers may, of course, have limitations placed on their certificate of registration in accordance with their competencies as demonstrated at registration.

# MANAGING THE TRANSITION TO RHPA

Before the new Psychology Act, or any other health care College Act, can be proclaimed as law, regulations must be written and approved about registration, the handling of complaints, discipline, fitness to practice, the conduct of business, the election of Council members, fees, and so on. The Regulated Health Professions scheme gives each of the twenty-one Colleges the same powers and responsibilities, and the same governing structures. Among the tasks facing all professions will be the establishment of quality assurance programs and patient relations programs. The latter will include measures for preventing or dealing with professional misconduct of a sexual nature.

To manage the transition from the Board of Examiners to the College of Psychologists, a transition steering committee has been established by OBEP. This group, composed of three present Board members, one person nominated by OPA, and one by

OACCPP, will ensure that appropriate regulations are ready for approval by the Board and the government before RHPA becomes law. A number of working parties will assist the steering committee:

Elections. The professional members of the new Council of the College of Psychologists will be elected. How might this be done: regionally? by type of practice? or some other way? How will the representatives of university departments of psychology, who have two or three designated seats on the new Council, be selected? These and other questions of committee balance must be resolved before regulations can be written.

Standards and Guidelines. RHPA and the creation of a new type of psychological services provider will require some technical amendments to existing standards and guidelines. Further, there may be needs for new guidelines (such as for the delegation of controlled acts, which replaces the

professional supervision requirements of the old act). These needs must be identified so the new College can begin consultation with the profession.

Specialty Designation. There are several basic models for specialty designation, and questions of curriculum, accreditation, examination, required residencies, and so on must be examined. A working party on these topics is expected to produce a preliminary report late in 1992 for the new Council.

Communications. The RHPA world is very different from that of the existing health care acts. RHPA has been described as truly revolutionary legislation. Each profession must ensure that its members are informed of and understand the new rules and regulations. In addition, for psychology there is the task of helping the public, institutions, and education and training centres understand the new laws and the differing roles of psychologists and psychological associates.

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THE • ONTARIO • BOARD • OF • EXAMINERS • IN • PSYCHOLOGY

# **DISCIPLINARY HEARING I**

A hearing of a Discipline Tribunal of the Ontario Board of Examiners in Psychology convened on May 14, 1991 to hear allegations against Dr. Hermanus I.J. van der Spuy, a registered psychologist.

The Charges. It was alleged that Dr. van der Spuy was guilty of professional misconduct under the Psychologists Registration Act, in that he failed to maintain the standards of practice of the profession in connection with the service he provided to X and that he interfered in the investigation of a complaint made to the Ontario Board of Examiners in Psychology as a result of the service he provided to X.

The Allegations. In particular, it was alleged that:

- Dr. van der Spuy was involved in a dual relationship which resulted in conflicting interests in that:
  - a) he accepted a referral to conduct a psychological assessment of X although he had and continued to have a personal relationship with X's step-uncles. He subsequently prepared a psychological report on X dated December 7, 1989, which was submitted to the court on January 31, 1990; he presented X's history to the referral team handling X's case on December 7, 1989 and requested that X be referred to a certain Treatment Centre; and he attended a hearing in respect of X on December 29, 1989 and gave opinion evidence as a psychologist;
  - b) he agreed to post X's bail at the hearing on January 31, 1990, although at the time he was involved with X in his professional capacity as a psychologist;
  - c) although he was involved with X in a professional capacity in that he had conducted a psychological assessment of X, and he had been ordered by the court on January

- 31, 1990 to provide counselling to X, he became involved in a personal relationship with X as of January 31, 1990, including but not limited to, inviting him to his home for dinner, inviting him to spend the night at his home and introducing him to his children;
- d) although he and his family had become involved in a personal relationship with X as of January 31, 1990, he continued his professional involvement in that he attended a meeting of the Centre on February 27, 1990 at which he presented X's case, and he contacted X's caseworker and Ms. Y, the Executive Director of the Centre, on March 7, 1990 to discuss X's case.
- 2. When a complaint was made to the Ontario Board of Examiners in Psychology by Ms. Y concerning his involvement with X, he wrote a letter to her dated April 5, 1990, in which he demanded that she immediately withdraw the complaint that she had submitted. He also requested that she apologize to him for submitting a complaint to the Ontario Board of Examiners in Psychology.

Procedural Matters. The Tribunal agreed after learning the nature of the charges, and the age of the individual involved, to hold the hearing in camera. Counsel for the Ontario Board of Examiners in Psychology and counsel for Dr. van der Spuy provided the Tribunal with an Agreed Statement of Facts regarding the allegations.

The Plea. Dr. van der Spuy entered a plea of guilty to the charge of professional misconduct as set out in the Notice of Hearing based on allegations 1) through 2) inclusive, subject to and limited to the elements of professional misconduct set out and referred to in the Agreed Statement of Facts.

The Decision. The Tribunal accepted Dr. van der Spuy's plea of guilty to the charge of professional misconduct.

The Penalty. The penalty awarded to Dr. van der Spuy was a reprimand and an order for publication of the facts of the case and of Dr. van der Spuy's name.

Reasons for the Penalty. The Tribunal provided the following reasons for its decision on penalty:

- a) Dr. van der Spuy had acknowledged his guilt in this matter;
- b) Dr. van der Spuy had advised the Tribunal that he regretted that he did not fully and fairly disclose his prior personal acquaintance with X's step-uncles and that he did not fully and fairly disclose to the Centre that he considered that his retainer and professional relationship with X had ended before he posted bail for X on January 31, 1990;
- c) Dr. van der Spuy also regretted that he had interfered in the investigation of the complaint by writing the letter to Ms. Y in which he demanded that she immediately and unconditionally withdraw her complaint to the Ontario Board of Examiners in Psychology, and Dr. van der Spuy acknowledged that when complaints are made against his professional practices, the appropriate recourse is to refer the client to the Ontario Board of Examiners in Psychology;
- d) Dr. van der Spuy has never before been the subject of a discipline hearing before a Tribunal of the Ontario Board of Examiners in Psychology; and
- e) Dr. van der Spuy and his counsel cooperated with counsel for the Ontario Board of Examiners in Psychology during this investigation and prosecution.

# **DISCIPLINARY HEARING II**

A hearing of a Discipline Tribunal of the Ontario Board of Examiners in Psychology convened on March 25, 26, 27 and April 3, 1991 to hear allegations against Dr. Peter Fried, a registered psychologist.

The Charges. It was alleged in the Notice of Hearing that Dr. Fried was guilty of professional misconduct, conduct unbecoming a psychologist and malpractice under the Psychologists Registration Act.

Procedural Matters. Counsel for the Board requested that the hearing be held in camera. Counsel for Dr. Fried supported this request. The request was granted by the tribunal.

The Plea. Dr. Fried entered a plea of not guilty to the charges of professional misconduct, conduct unbecoming a psychologist and malpractice.

The First Allegation. It was alleged that from in or about December of 1988 or January of 1989, until in or about January, 1990, Dr. Fried had allowed his client, Ms. X, to masturbate in his presence during her therapy sessions and to expose herself to him.

The Evidence. Dr. Fried freely admitted that on six occasions during this period, Ms. X had masturbated in his presence, and his notes tend to confirm this.

Mr. Gary Schoener, an expert witness called by the Board, testified that masturbation should never be permitted in the office, and to allow such repeated events would not be within the standards of practice of the profession. If the therapist remained in the room while masturbation was taking place, thereby conferring legitimacy on this activity, the therapist's behaviour was untherapeutic and unprofessional. Mr. Schoener considered this to be sexual impropriety whether the therapist was watching or not. Ms. X testified that Dr. Fried watched her masturbate, while Dr. Fried testified that he turned his back to his client when she masturbated. Mr. Schoener testified that listening to sexual actingout was voyeuristic activity and constituted sexual impropriety.

Mr. Schoener testified that if the psychologist permits sexual acting-out behaviour, this treats it as proper and appropriate, and it will have the same impact on the client as if the psychologist initiated the behaviour.

If the masturbation is allowed to be repeated, the client can develop a compulsive behaviour which could become a new symptom pattern. The client can become confused about the motive of the therapist, and there is a possibility for the client to become depressed, lose self-esteem, feel ashamed and become more dependent on the therapist for direction. Thus, the psychologist had failed to maintain the standards of practice of the profession and had engaged in improper and unprofessional conduct.

Furthermore, Mr. Schoener testified that the outcome for the client would not be lessened if no actual touching by the therapist took place. The client would still be confused as to the motive of the therapist. If the client was experiencing transference, allowing the masturbation to continue would be "like throwing gasoline on a fire".

Mr. Schoener testified that on the first instance of masturbation, the therapist should tell the client to stop immediately, allow her to compose herself, and then discuss the incident. The prudent psychologist would seek consultation immediately. Mr. Schoener stated that he had never heard of the problem persisting. If the client would not stop the behaviour, it would be necessary to make a referral, or bring in another therapist. Dr. Fried did not take any of this necessary action. Instead, he permitted the masturbation to continue in his presence over a long period of time.

The Finding. The Tribunal accepted Mr. Schoener's evidence and agreed with his conclusions.

The Second Allegation. It was further alleged that Dr. Fried had offered liquor to Ms. X during one therapy session prior to December of 1989 and during one therapy session in or about December of 1989.

The Evidence. Dr. Fried denied having served liquor to Ms. X on more than one occasion. He freely admitted, however, that he had served her liquor in or about December of 1989. Furthermore, the Tribunal was shown a picture of the cabinet in the office

containing the bottle of liquor and glasses.

The Finding. The Tribunal found that serving liquor to a client in the course of a therapy session is professional misconduct and conduct unbecoming a psychologist.

The Third Allegation. It was further alleged that Dr. Fried had provided counselling to Ms. X without possessing the training, qualifications and experience necessary to do so.

The Evidence. Dr. Fried freely admitted that he had no supervised clinical experience, and that his research expertise was in the area of the effect of maternal drug use on infants and children.

Dr. Fried's notes of his treatment of Ms. X were examined by the Tribunal. These revealed that no medical psychiatric or psychological, family sexual, educational or vocational history of Ms. X was ever taken by Dr. Fried. The notes and Dr. Fried's testimony indicated that Dr. Fried had accepted Ms. X's self diagnosis without question throughout his therapy sessions with her. The notes also revealed that Ms. X had told Dr. Fried about many serious psychological problems requiring therapeutic attention that were totally unrelated to her initial reason for requesting help. In spite of these disclosures, at no point in the therapeutic relationship did Dr. Fried discuss a treatment plan with Ms. X, nor apparently were any of these issues addressed in depth. Dr. Fried also testified that at no time in the therapeutic relationship did he consider referring Ms. X to another therapist.

The Finding. The Tribunal found the evidence to be overwhelming that Dr. Fried had none of the necessary qualifications, training or experience to be engaging in therapy. The Tribunal believed that Dr. Fried had been operating far beyond the bounds of his clinical competence. It was apparent to the Tribunal that Dr. Fried was not competent to carry out a clinical practice. The Tribunal considered this to be serious professional misconduct and malpractice with the potential for severe and lasting harm to the client.

The Fourth Allegation. Finally, it was

alleged that Dr. Fried had provided counselling to Ms. X in contravention of his agreement with the Ontario Board of Examiners in Psychology that if he were registered he would remain in the field of work in which he was qualified to practice, namely research in an academic setting, as set out in the Board's letters of January 17, 1980 and February 14, 1980 and his letter of January 28, 1980.

The Evidence. On January 17, 1980 a letter from the Board to Dr. Fried stated: "Specifically, the Board has asked to know your reasons for seeking registration given the academic nature of your work, and requests assurance that you intend to remain in your present field of work after registration is granted."

Dr. Fried's reply of January 28, 1980 stated: "Because of the wide-spread interest in this topic, the nature of my laboratory's findings and the large number of professional meetings at which the data have been discussed, I have received numerous requests to

serve as a consultant in the area. It is for this reason that I am seeking registration."

The Finding. It was the opinion of the Tribunal that Dr. Fried had far exceeded the limit he proposed to the Board, and upon which the Board acted to permit him registration, and that he had entered into a clinical practice for which he had no training or experience.

The Decision. After hearing all of the evidence, the Tribunal found Dr. Fried to be guilty of professional misconduct, conduct unbecoming a psychologist and malpractice under the Psychologists Registration Act, R.S.O. 1989. Chapter 404.

The Penalty. The Tribunal reconvened on May 13, 1991 to hear submissions concerning penalty.

Counsel for the Board and Counsel for Dr. Fried agreed that the appropriate penalty would be revocation of Dr. Fried's certificate of registration. Counsel for the Board argued that the Tribunal's findings should be published, as a general deterrent for members of the profession. Counsel for Dr. Fried argued that Dr. Fried had taken appropriate action since the hearing by closing his practice and terminating or referring all his clients; and that publication would create unnecessary hardship for Dr. Fried in academic circles. He also stated that it would have an impact on Dr. Fried's personal life.

After hearing submissions, the Tribunal ordered that Dr. Fried's certificate of registration be revoked. Furthermore, the Tribunal recommended publication in the Board's publication, The Bulletin, of the summary of findings with Dr. Fried's name, but omitting the name of the complainant.

Reasons for the Penalty. The Tribunal indicated that, in general, cases of professional misconduct, conduct unbecoming a psychologist, malpractice and sexual impropriety should be published as a specific deterrent, a general deterrent, and for the protection of the public.

# **DISCIPLINARY HEARING III**

A hearing of a Discipline Tribunal of the Ontario Board of Examiners in Psychology convened on July 4, 1990 to hear allegations against Dr. Bernard Roy Raghunan, a registered psychologist.

The Charges. It was alleged in the Notice of Hearing that Dr. Raghunan was guilty of malpractice and professional misconduct under the Psychologists Registration Act in that he failed to maintain the standards of practice of the profession in connection with reports that he prepared dated July 8, 1989, and February 19, 1990 regarding custody of A, B, C, and D, the children of Mrs. E and Mr. E.

The Allegations. The particulars of the allegations were as follows:

- He failed to follow generally accepted procedures for conducting custody and access assessments as described in:
  - a) the Custody/Access Assessment Guidelines published by the Ontario Psychological Foundation,

- and referred to in the December, 1988 and July, 1989 issues of The Bulletin,
- b) the current psychological literature, and
- c) an article that appeared in the April, 1988 issue of The Bulletin entitled "Custody and Access Assessments."
- In his report of July 8, 1989, he made recommendations as to custody of and access to the E children which were not supported in that report by any reasons or rationale.
- He failed to provide to the Supreme Court of Ontario written reasons for his recommendations within a reasonable time or within the time specified for their productions.
- His reports of July 8, 1989 and of February 19, 1990 failed to meet professional standards in that he:
  - a) did not obtain adequate clinical histories and background information concerning the parents

- and the children; or did not report such histories;
- failed to communicate with other professionals who may have had relevant information concerning the children;
- c) failed to adequately address the needs of the children:
- d) failed to properly interpret the tests that he used;
- e) failed to understand the limitations of the tests that he used;
- f) purported to draw conclusions about the individuals assessed based on tests incapable of generating the conclusions reached;
- g) purported to draw conclusions about the parenting ability of Mr. and Mrs. E based on inadequate observation of the interactions between the parents and children;
- failed to adequately explore and report on the strengths of Mrs.
   E in his reporting of both the

- test data and observation data;
- failed to provide a report which could provide appropriate educative and therapeutic assistance to the parties;
- j) included test information that could be misinterpreted by a lay person;
- k) drew conclusions about the lifestyles of Mr. and Mrs. E which were unduly influenced by his own personal values rather than on any generally accepted psychological theory or knowledge;
- failed to adequately explore issues of abuse and family violence, or failed to adequately report with respect to those issues;
- m) failed to conduct a home study although the February 27, 1989 Court Order specified that both a home study and an assessment were to be conducted;
- n) failed to have regard to pertinent psychological factors and considerations in purporting to determine the best interests of the children, including,
  - i) the relationship ties between the children;
  - ii) the intellectual, emotional and developmental needs of the children:
  - iii) the behavioral problems exhibited by A and B.
- made recommendations for custody and access that were not based on any generally accepted psychological theory or supported by psychological data or evidence;
- p) made recommendations for joint custody of C although he had no evidence that the parents were capable of managing this type of arrangement.
- 5. He failed to provide to a community agency information obtained in his assessment of the E family when properly requested and authorized to do so, within a reasonable time or at all.
- 6. He failed to respond adequately to the Board of Examiners in Psychology's request for information in regards to his assessment of the E family within a reasonable time or within the time specified.

Procedural Matters. The Tribu-

nal was informed by counsel for the Board that the charges of malpractice and professional misconduct had been separated. The charge of malpractice would apply to allegations one to four and the charge of professional misconduct to allegations five and six as outlined in the Notice of Hearing.

The Plea. Dr. Raghunan, through his counsel, entered a plea of guilty to the charge of malpractice and a plea of guilty to the charge of professional misconduct.

The Decision. The Tribunal accepted Dr. Raghunan's pleas of guilty to the charges of malpractice and professional misconduct after reviewing the Agreed Statement of Facts, the Brief of Documents and a report prepared by an expert who had reviewed Dr. Raghunan's reports at the request of counsel for the Board.

The Penalty. Counsel for the Board and counsel for Dr. Raghunan made a joint submission to the Tribunal on the matter of penalty. The Tribunal accepted the joint submission and in accordance with the joint submission, imposed the following penalty:

- 1. The Tribunal will administer a reprimand to Dr. Raghunan.
- 2. Dr. Raghunan will undertake not to practise in the area of custody and access assessments.
- 3. The Tribunal finds, and Dr. Raghunan acknowledges, that the protection of the public interest may, in these circumstance, justify the suspension of his Certificate of Registration.
- 4. The Tribunal will defer a final determination regarding the suspension of Dr. Raghunan's Certificate of Registration until a continued sentencing hearing to be held on December 10, 1991, subject to the following conditions:
- a) Dr. Raghunan will, in consultation with a registered psychologist who has been designated by the Tribunal as its Assessor, arrange at his own expense a programme of rehabilitation and re-training in the areas of administering and evaluating psychological testing of children and adults, and the preparation of psychological

- reports. This programme is to commence immediately and must be successfully completed prior to the continued sentencing hearing on December 10, 1991.
- b) Dr. Raghunan and the Assessor will submit a method of evaluating the effectiveness of the rehabilitation and retraining programme to the Tribunal by August 10, 1991.
- c) Dr. Raghunan will meet with the Assessor on an average of one hour per week in the Assessor's office for review and approval of each step of the retraining programme. Other than breaks for vacations approved by the Assessor, there shall be no more than a twoweek break between meetings.
- d) During the course of this programme, Dr. Raghunan and the Assessor agree to be bound by the Board's Guidelines for Evaluation of Psychologists who Have Been Disciplined.
- 5. On December 10, 1991, the Assessor will report to the Tribunal as to the results of Dr. Raghunan's programme. The Tribunal will then make its final determination as to whether the public interest may be protected without the suspension of Dr. Raghunan's Certificate of Registration.
- Dr. Raghunan recognizes that any breach of the terms as outlined above will in itself be grounds for suspension.
- 7. The details of the charges against Dr. Raghunan, of the plea and of this disposition will be published, along with his name, in The Bulletin.
- 8. Dr. Raghunan has consented to this disposition.

Reasons for the Penalty. The Tribunal agreed that the issue of deterrence could be met by the reprimand and the publication in The Bulletin of all of the charges.

It was the opinion of the Tribunal that the public interest would be best served by not suspending Dr. Raghunan's services in the community in which he practises at this time, and by giving Dr. Raghunan the opportunity to correct deficiencies in his practice.

# ASSOCIATE REGISTRAR APPOINTED

The Board of Examiners is pleased to announce the appointment of Dr. Catherine Yarrow as Associate Registrar: Professional Affairs, effective December 1st. 1991.

Dr. Yarrow has been a registered psychologist in Ontario since 1980. A graduate of Dalhousie University and McMaster (where she received her doctorate in 1979), she worked for a number of years at the Downsview Rehabilitation Centre of the Workers' Compensation Board, and was Clinical Co-ordinator of the Psychological Services Section for three years. From 1988 to 1991 she devoted more time to private practice in Toronto, and will be maintaining a private practice for one day a week during her tenure as Associate Registrar.

Dr. Yarrow will handle queries about professional concerns from registrants. She will support the Complaints committee in its work, and oversee the staff aspects of the complaints and discipline process with the assistance of Ms Susan Brooks, Assistant Registrar. Dr. Yarrow will also provide support to the Registration committee of the Board, and will work closely with the Registrar in helping the Board in its transition to the new College of Psychologists.

#### A NOTE ON RECYCLING

The paper output of the Board has recently been reviewed, and efforts are being made to use recycled materials wherever possible. This issue of the Bulletin is printed on recycled stock, and the plastic wrapper is also of recycled material.

All photocopying done in the course of the board's work now uses recycled stock, and reprints of standards and guidelines will be made on such stock as they occur.

The Bulletin will be sent in a plastic mail wrapper from now on. This will allow the inclusion of a variety of material of interest to registrants in each mailing and will reduce the number of bulk mailings to all those on the register. The use of the wrapper and a single address sheet also reduces the labour costs associated with mailing an issue of the Bulletin.



# REINSTATEMENT POLICY: A CLARIFICATION

At a recent meeting the Board clarified and affirmed its policy with respect to expired certificates of registration.

Under section 7(1) of Regulation 825, The Psychologists Registration Act, the Board has the power to reinstate an expired certificate of registration if the former holder applies within two years after the expiration date for a new certificate. The Board affirmed that, after two years, the former holder would be treated as a new applicant for registration. This entails furnishing evidence (such as transcripts) satisfactory to the Board that the person holds an appropriate degree, three letters of reference, and a full application form together with a fee prescribed by regulation.

The Board has the discretion to waive examinations for candidates under certain conditions and place them on the permanent register. Persons previously registered in Ontario who have allowed their certificate of registration to expire more than two years previously will, on application, be considered for such

waiver. However, the Board reserves the right not to grant such a waiver, and to ask that the person undergo a period of supervised work, and take and pass the Board's prescribed written and oral examinations.

Former registrants whose certificates expired in 1990 and who intend to renew should ensure that this is done before May 31st, 1992 as the Board intends to apply fully the above interpretation of section 7(1).

Registrants and former registrants should also note that the membership of the College of Psychologists of Ontario, the successor to OBEP to be set up under the new Psychology Act, 1991, (the so-called RHPA system), will be determined by the register in effect at the time of proclamation of that Act. To ensure transfer of registration to the new College psychologists must be on the register in either the temporary or the permanent category on proclamation day. It is likely that the Act will receive Royal Assent early in 1992 and be proclaimed later next year or early in 1993.

# **OFFICERS OF THE BOARD: 1992**

At its meeting of November 28th, 1991, the Board of Examiners in Psychology elected the following officers:

Chair of the Board - Dr Brian Ridgley (Toronto)

Secretary/Treasurer - Dr Maggie Mamen (Ottawa)

Past Chair - Dr George Phills (London)

Member-at-Large (Public Member) - Ms Deborah Brooks (Sault Ste Marie)

# Announcement

of

A new program in honour of Dr. Barbara Wand

In recognition of Dr. Wand's public service and contribution to the profession of Psychology as Registrar of the Ontario Board of Examiners in Psychology, the Board will sponsor an annual seminar, titled ...

The Barbara Wand Seminar in Professional Ethics, Standards and Conduct.

Dr. George Phills, Chairperson Ontario Board of Examiners in Psychology Dated this 31st day of May, 1991

## **AUDITOR'S REPORT**

To the Members of the Board:

We have audited the balance sheet of The Ontario Board of Examiners in Psychology as at May 31, 1991 and the statements of revenue, expenses and surplus, stabilization funds and changes in financial position for the year then ended. These financial statements are the responsibility of the organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in

the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of the organization as at May 31, 1991 and the results of its activities and the changes in its financial position for the year then ended in accordance with generally accepted accounting principles.

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#### Notes on the Financial Statement

- 1. Summary of Significant Accounting Policies:
  - (a) Fixed Assets

Purchases of fixed assets consisting of office furniture and equipment, are fully expensed in the year of acquisition.

(b)Dues Income

In accordance with the regulations of the organization, annual registration fees cover a period of twelve months commencing June 1, of each year. Registration fees received prior to May 31, 1991 covering the subsequent period from June 1, 1991 to May 31, 1992 have been deferred.

2. Significant Board Information:

In order to fulfil its mandate the Board must be able to carry out its regulatory responsibilities at all times. Certain costs incurred in carrying out disciplinary investigations and hearings can vary significantly and consequently cannot always be accurately predicted and budgeted for in advance. Accordingly the Board has instituted a stabilization fund to finance future legal costs significantly in excess of those budgeted. The maintenance of this

fund is also intended to stabilize the level of fees charged to licensees over time.

3. Commitments:

Under the terms of a lease expiring February 28, 1995, the Board is liable for the following minimum annual rental payments.

1992	\$ 36,500
1993	38,500
1994	40,000
1995	30,000

In addition the company is liable for it proportionate share of operating costs

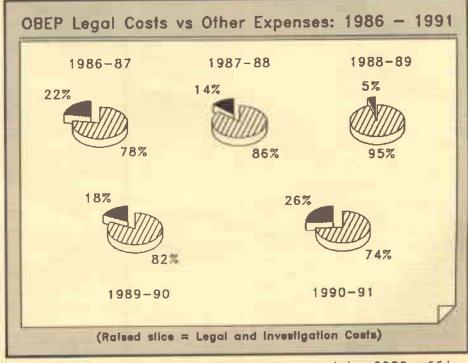


Chart prepared by OBEP office

#### THE OWNERS OF EXAMENSES IN PROPERTY.

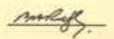
#### SALAMON SHIPT

(With Comparative Pigures for 1990)

#### ARRES

	1991	1990
Short-term investments Buildry seasons	# 970,205 21,011	6 864,277 _10.927
	991,216	903,204
LIASTLITIES	_	
	44.444	
Some indebtadence Assumes purpose and assumed liabilities Engistration fore received in advance - Note 1(b)	76,712 100,024 450,200	17,776 70,179 460,423
The state of the s	435,414	194,366
		_
ACCURALATE ARA	LLLE.	
Stabilization fund - Seto 2	34,000	24,000
Surplus	320,200	382,838
	354,260	400,430
	1 001,214	A 983,284

approved on Schold of the South



ALVOOR

See assespenying Sutes



#### THE OWNERS WHERE IT PRODUCED

#### Chargest of Phathitaries Propi

For the Year Ended Her 31, 1981 (With Comparative Figures for 1980)

	1991	1990
balance - Angianting of year	g 24,000	9 12,000
Transfer from ourplan	12.000	12.000
MAKE - End of year	f 36,000	8 24,000
	-	11.

See assempanying Suter



#### THE OWNERS HAVE UP EXAMENSES IN PERCHAPET

#### STATISHED OF SCHOOL STREET, AND DISCOURS.

For the Test Swind New 31, 1991 (With Comparative Figures for 1990)

	1991	Late
	APPA	1990
15/10/21		
Ingistration fore	3 604,999	0 543,525
Examination foor	52,500	42,500
Interest and other income	.85-434	80.778
	744-133	706,753
	740,133	700,733
	-	
EPROPE I		
feleries	140.145	226.649
Employees benefit coats	34.690	27,401
Travel and meetings - Seard members	79,595	50,142
Logol and invertigation fore	283,494	100,222
Andit foos	3,226	3,351
Best and occupancy coats	64,190	55,435
Printing and distribution seets	49,306	25,339
General and office expenses	35.075	24,748
Directory advertising Telephone	13,230 3,201	12,177
Exemination sests	44,384	41.415
Office furniture and equipment	16,225	6.845
Americanies of lessabeld improvements	10,100	13.854
	796,771	413,018
(participated) excess of payment ofth attribute	(50,435)	93,735
and the state of t		
SURPLUS - At beginning of Pear	M2.616	301,103
	111,200	394,838
Local Transferred to stabilization fund	12,000	LZ.999
SMPLES - At east of year	1 324,260	1 382.038
- 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3	4 20-1244	4 361 1636

#### THE DETAILS NAMED OF ADMINISTRA OR PERCHANCE

#### STATISMENT OF CHARGE IN COMPETAL POSITION

Ter the Year Ended Nov 31, 1991 (With Competative Figures for 1990)		
	THI	1990
CASE PROVIDED BY OPERATIONS:		
(Sufficienty) extent of revenue over expenses Americanism of lessonald improvements	(50,438)	0 93,735 13.654
	(50,638)	107,369
Changes during the year tax		
Annoty mesots Accounts psychlo and asserted liabilities Registration foce remained in elemen	(2,064) 17,631 41.657	(7,874) 34,490 (19,819)
	77,624	8,997
CASE PRINTED AT SPECTORS	26,986	116,386
MY CASE THUMAN	26,966	116.386
CASE AND CHARL-TERM INVESTMENTS - Regissming of year	844.507	730.121
GARLAND MORE-TERM INVESTMENTS + End of year	0 093,493	\$ 866,507
CYCL TO SPECI-THE PARTIES. COMPLET CAL		
State tataletedness	8 970,203 (74,712)	8 004,277 (17,770)
	3 893,493	066,307

#### **NEW PERMANENT REGISTRANTS**

The following candidates for registration were admitted to the Permanent Register at a meeting of the Board held on May 30, 1991:

Lynne Sarf Bauer Nancy Benson Daniel Bird Ian Brown Marta Bruchkowsky Mauro Caudarella Janice Cohen Karen Coupland Jacqueline Douglas Joseph Ducharme Kenneth Dunn Joan Durrant Andria Eisen Daniel Fitzgerald Monica Gemeinhardt Mary Hampson Christina Henninger John Jordan Jennifer Kelen Sharon Kennedy Charles Lachance Coralee Lane Beatrice Lawrence Sherri MacKay-Soroka Edna Weissman Magder

Susan Margles Helen Martin Lambros Mermigis Paul Munson Wayne Nadler Despina Nifakis Karen Ogston Marion Olmsted Carolee Orme Coralee Popham-Lane Lynda Rowden Marie-Sylvie Roy Heather Sander Francine Sarazin Lisa Shatford Stephen Swallow Doris Swan Elizabeth Tarshis Karen Terzano Patricia Tobin Debbie Vanderheyden Marcel Viens Carol Welch Linda DeRoy Wieland Linda Winter Marilyn Zivian

#### LAPSED REGISTRANTS

The following are persons whose Certificates of Registration have lapsed due to unpaid fees and whose names are withdrawn from the Register:

Denton Buchanan Elinor Burwell Patricia Canning Philippe Cappeliez Clifford Christensen Raymond Daly Jean Dumas Robert Fehr Leonard George Michael Goodstadt Adrienne Harris Frederick Hopley James Howson Lorraine Jackson Barton Jessup Bo Kim Robert Leonard Bruce Linder Donald MacLeod Allan Mandel Peter Moon

Christian Mueller Paul Nesbitt Margaret Nikolic Jack Stewart Page Lawrence Pass Linda Pearson Kirsten Posehn Patricia Reavy J. Gordon Reid John Renner Gloria Roberts-Fiati Moira Sansom Howard Schachter Grace Schelew Thomas Siess Harold Stanford John Steele Louis Stokes Michael Sullivan Frederick Wilson

### RETIRED

The following are persons whose Certificates of Registration have lapsed due to retirement and whose names are withdrawn from the Register:

Kalyanee Bagchee Olga Barilko Buxton Blake Helen Brown William Clegg Wesley Coons Richard Feallock John Good Ethel Jackson Phyllis Kipper Robert Leonard Baldev Luther John Mattar William Northey Jean Partridge Amalia Stocker

#### NEW PERMANENT REGISTRANTS

The following candidates for registration were admitted to the Permanent Register at a meeting of the Board held on November 29, 1991:

Michele Peterson-Badali Marcia Barnes Peter Barnett Lynette Bauer Jeremy Baumbach Linda Baker Patrick Carney Patricia Cheston Janet Clewes Daniel Cohen Eleanor Cruise Marion Cuddy David Day Pierre Dion Lynette Eulette Francis Harrison Sharon Harrison Laurie Gilliea Bonnie Gillis Gloria Grace Steven Graffi Cheryl Hartridge Anthony lezzi Sylvia Kahgee Mary Klein Michael Kral

Marie Kuriychuk

Andrea Lazosky Karen Leitner Gael MacPherson Jonathan Mayhew Laurie Miller David Mibashan Barbara Morrongiello Kevin Murphy Sandra Nandi Phyllis Nemers Lynn Oldershaw William Parkinson Katharine Partridge Randolph Paterson Eleine Porter Christopher Prince Philip Ritchie Janine Scott Jean Szkiba-Day Kathryn Stokes Andree Tellier Michael Vargo Margaret Weiser Lucia Williams Barbara Wilson-Nolan

# ADDITIONS TO THE TEMPORARY REGISTER SINCE MAY, 1991

Les Acker Hugur Altay Linda Baker Ross Beauchamp Mohamed Bekkari Halen Bienert Daniel Burston Patrick Carney Theresa Casteels-Reis James Cheston Albert Cota William Croker Safar Daei Kathryn Dance Michel Dandeneau Dawn Decunha Lori Della Malva Andre Demaulles Peter Elv Barbara Erakine Gail Eskes Denise Feducia Keith Gardner Wilson Alan Gelmych Doreen Gough Sally Grant Robert Heaman Jennifer Hendrick Vitti Ip Peter Judge Ursula Kasperowski Jodi Kerahner

Elizabeth Levin Lynn Levy Elaine MacNiven Gerald McFadden Jay McGrory John Meissner Mariene Mills Douglas Misener Sandra Morrison Stewart Vuyo Mpumlwana Oliver Mudford Cathy Notarionzo Adrienne Perry Mary Piakopos Thomas Preston Scot Purdon Ilene Rusk David Rynard Eileen Simon Suzanne Simond Marlene Stern Loretta Tambosso Beverley Terrell-Deutsch Marta Valenzuela Marilyn Van Dieten Aida Warah Molly Weaver Linda Wilmhurst Dawn Witherspoon Gertie Witte Gerald Young

#### **DECEASED**

Michael Kral

The Board has learned with regret of the death of two Ontario psychologists:

Angelika Celovsky Donald MacTavish

### RHPA: INFORMATION AND CONSULTATION

RHPA will bring great changes in Ontario's health care system, both for the public, and for the professions regulated under the RHPA umbrella. Each profession must embark on programs of member education and public awareness. Further, because of changes in what health professionals may do exclusively and what is now de-regulated, considerable attention will have to be given by regulatory bodies such as the new College of Psychologists to the breadth, precision, and adequacy of their standards, guidelines, and procedures.

The Board of Examiners in Psychology is now also the transition Council of the new College of Psychology. As a separate article indicates (see "Managing the Transition") a number of working parties are already being formed to address various issues. Board members and the Registrar have been meeting groups of registrants in recent weeks to explain aspects of the new legislation. In addition, several information packages will be prepared for distribution over the next few months as details of the new regulations become available.

The Board is working actively with OPA and OACCPP to arrange wide consultation with the profession during this transition period, and registrants are encouraged to communicate ideas, suggestions, and concerns to the Board office.

A special registrants' binder is in the planning stages. It will contain the new procedural codes and Psychology Act, standards and guidelines (revised where necessary), an annotated guide to other pieces of legislation that impact on psychologists and psychological associates, and other material of relevance to the practice of psychology in Ontario. It is planned that each registrant will receive a copy when RHPA is proclaimed as law, probably towards the end of 1992.

# **BOARD OFFICE TO RE-LOCATE**

The Bulletin is a publication of the Ontario Board of Examiners in Psychology.

THE - OPTARIO - BOARD - OF - EXAMINERS - IN - PSYCHOLOGY

George H. Phills, Ph.D.

Secretary Treasurer Brian A. Ridgley, Ph.D.

Minhore

Ms. Hugaette H. Dairvert. Mis. Deborah J. Sirpoise Phillip Dunisla, Ph.D. Maggie Marrien, Ph.D. William T. Melityli, Ph. D. David L. M.

Ms. Muriel R. Rothschild Marjorie Whitney, Ph.D.

Registrar

Patrick Wealey, Ph D. Staff

Susan Brooks Dora Kainer Connie Learn

Stephanie Mirton Elizabeth Ukrainets Calberine Turner Consultante

Bartura Wand, Pt. D. Bruss Quarrington,

Patrick Wesley, Ph.D.

The Bulletin is published quarterly. Subscriptions for Ontario psychologists are included in their registration fee Others may subscribe at \$10 00 per year, or \$2.50 per single issue. We will also attempt to satisfy requests for back issues of The Bulletin at the same price.

Because of events surrounding the RHPA and its legislative progress, one issue of the Bulletin in the current volume has been skipped. The Bulletin will henceforth be published in the months of March, June, September and December each year

With increased activity, the addition of an Associate Registrar, and the requirement under RHPA of an expanded Council with meetings open to the public, it has become necessary to find new office space for the Board. The present space in the College of Nurses could not be expanded.

Taking advantage of the currently depressed state of the Toronto commercial real estate market, a ten-year lease has been negotiated for offices at 1246 Yonge Street. The Board will have approximately 60% more space, for an increase of approximately 11% in annual rent. In addition, a generous allowance for the construction of office space to fit the Board operations was negotiated, together with a free rent discount of 11 months over the term of the lease.

It is anticipated that the Board offices will move at the end of February, 1992. The telephone and FAX numbers of the Board will not change.

MANAGING THE TRANSITION continued from page 2

A working party on communications and information is being formed. and will be assisting the present Board with special information packages. Among these will be a detailed brochure for persons who wish to determine whether application for registration as a psychological associate is appropriate. It is expected that this brochure will be available for wide circulation in March of 1992.

# FRENCH SERVICES AND OBEP

The Board is continuing to improve services to psychologists whose first language is French. A translated version of the Examination for Professional Practice in Psychology has been available since 1983.

With the increasing number of experienced French speaking examiners, it is possible for candidates to undertake oral examinations in either official language.

A plan is being instituted to provide services to members of the public and psychologists who wish to deal with the Board in French. The Standards of Professional Conduct as well as registration material and guidelines have been translated and will shortly be available.

Ms Stephanie Morton, who was recently appointed as office manager, will provide services to those wishing to communicate with the Board in French, Ms Dora Kaiser, who recently joined the office staff as secretary. is also able to deal with telephone enquiries in French. In addition, the skills in French of other staff are being reviewed and, with the assistance of the French language services branch of the Ministry of Health, will be upgraded where feasible.

22.25 No. ..

#### COMPLAINTS AGAINST PSYCHOLOGISTS IN ONTARIO BY SUBJECT OF COMPLAINT JUNE 1, 1990 TO MAY 31, 1991

Subject of complaint	Number
Personal conduct	====
Sexual impropriety	1
Dual relationship, conflict of interest	2
Provision of services	
Inadequate handling of termination	1
Assessments for:	
Custody & access	14
Sexual abuse	2
Employment	1
Other	1
Confidentiality	3
Practising outside the area of competence	1
Insensitive treatment of clients	7
Fitness to practice, competence	2
Failure to respond to a request in a	
timely manner	1
Failure to obtain informed consent	2
Failure to provide services sought	4
Conduct in professional relations	
Supervision of personnel	1
Conduct toward a colleague	1
Conduct toward an employee	2
Management of private practice	
Advertising & announcements	6
Fees & billing	1
Total	53
Note: The Board received 23 complaints reviolations of section 11 of the Psychologistration Act by persons not registered.	elated to ts Regis-

# DISPOSITION OF COMPLAINTS RECEIVED AGAINST PSYCHOLOGISTS OR OF VIOLATIONS NOTED JUNE 1, 1990 TO MAY 31, 1991

Disposition of complaint	Number
Matter closed  Complaint withdrawn Complaint dismissed Letter of concern Invitation held or recommended No jurisdiction Charges laid or recommended Hearing held Registration or renewal refused	8 17 16 1 4 3 0
Case active In process of investigation Total	2 53

#### **ORAL EXAMINATIONS**

Oral examinations were held in Toronto on May 29, 30 and 31, 1991. Assisting the Board in conducting these examinations were the following psychologists:

James Alcock, Ph.D. Professor, Glendon College, York University, Toronto. Yvonne Archibald, Ph.D. Neuropsychologist, Victoria Hospital, London. Ruth Baumal. Ph.D. Head, Psychological Services, North York Board of Education.

Henry Edwards, Ph. D. Dean, Faculty of Social Service, University of Ottawa Jo-Anne Finegan, Ph. D. Psychologist, Hospital for Sick Children, Toronto Margaret Heam, Ph. D. Manager, Department of Psychological Services, University Hospital, London

Nina Josefowitz, Ph.D. Consulting Psychologist. Atkinson College Counselling Centre, York University, Toronto

Edward Larkin, Ph.D. Head, Assessment and Follow-up Unit, Clinical Institute, Addiction Research Foundation, Toronto

John McGrory, Ph. D. Chief, Department of Psychology, Windsor Western Hospital Centre

Robert Morton, Ph D Psychologist, Private Practice, Toronto

Warren Nielson, Ph.D. Psychologist, University Hospital, London Laura Rice, Ph.D. Psychologist Consultant, York University, Toronto, Judith Schapira, M.A. Chief Psychologist, Dufferin-Peel Roman Catholic Separate School Board, Toronto

Eugen Sherahen, Ph.D. Psychologist, Ottawa Board of Education, Ottawa.

Marlies Sudermann, Ph.D. Psychologist, London Family Court Clinic,
London

Stephen Wormith, Ph D Psychologist in Chief, Ministry of Correctional Servies, North Bay

Oral examinations were held in Toronto on November 27, 28 and 29, 1991. Assisting the Board in conducting these examinations were the following resuchologists:

James Alcock, Ph. D. Professor, Glendon College, York University, Toronto.

E. June Rogers, Ph.D. Staff Counsellor, Ottawa Board of Education, Toronto.

Elspeth Baugh, Ph.D. Dean of Women, Queen's University, Kingston.

Thomas Allaway, Ph.D. Associate Professor, Algoma University College, Sault Ste. Marie.

Sergio Bacal, Ph.D. Chief Psychologist, Downsview Rehabilitation Centre, Downsview.

Brian Burtt, Ph. D. School Psychologist, Sudbury Board of Education, Sudbury Clarissa Bush, Ph. D. Elizabeth Bruyere Health Centre of Family Medicine.
Ottawa

Catherine Colby, Ph. D. London Board of Education, Consulting Psychologist, London

H. Edwards, Ph. D. Dean, Faculty of Social Sciences, University of Ottawa. Ottawa

Walter D. Hambley, Ph.D. Department of Psychology - North York General Hospital, Toronto.

Barbara Killinger, Ph.D. Psychologist. Private Practice, Toronto

Bruce Quarrington, Ph.D. Professor Emeritus, Department of Psychology, York University, Toronto.

Jaan Reitay, Ph. D. Assistant Professor, Canadian Memorial Chiropractic College, Toronto

Eugene Sunday, Ph D St Michael's Hospital, Staff Psychologist. Toronto-Melanie Telegrii, Ph D. Private Practice, Bradford.

#### WRITTEN EXAMINATIONS

The Examination for Professional Practice in Psychology was administered on April 20, 1991 in London, Ottawa, Sault Ste Marie Thunder Bay and Toronto The Board appreciates the assistance of Dr. Thomas Allaway, Professor David Bernhardt, Davyd James-French, Connie Learn, Dr. Roderick Martin, Dr. William Melnyk and Theresa Westergaard who served as proctors

The Examination for Professional Practice in Psychology was also administered on October 18, 1991 in London, Ottawa, Thunder Bay, Timmins, Toronto, and Sault Ste. Marie The Board appreciates the assistance of Dr. Thomas Allaway, Professor David Bernhardt, Ms Dora Kaiser, Ms Connie Learn, Dr. Rod Martin, Dr. William Melnyk, and Dr. Hanna Namowicz who served as proctors.