
Meeting of the Transitional Council of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario — Nov. 17, 2010

The usual business of a Board meeting (call to order; approval of agenda) was followed by the committee reports and the Registrar's report which in this meeting took a somewhat special format. This meeting marked the one year anniversary of the Council's inaugural meeting. All committee chairs and the Registrar acknowledged...

... the harmony, collaboration, and integrity of the Council members in the fulfillment of their tasks

... the progress made within this relatively short period of time

... the dedication of all Council members to protection of the public *and* an inclusive view of the profession

- ▶ Elections for officers of the Board and will be held in January 2011. All current officers have indicated their intent on running again for their positions. There is no prohibition of communication outside Council meetings in regard to the election.
- ▶ All committee chairs have been confirmed.
- ▶ Not all material discussed in Council meetings are available to the public; Council members were asked to refer public requests for material to staff.
- ▶ Staff and the Registrar's office completed a five-year membership forecast requested by the Ministry.
- ▶ The forum for stakeholder input is being planned for April 2011 and in its drafting phase.
- ▶ The Registration Committee has developed a business case for contracting a project manager to develop competency profiles for both designation and is awaiting a response from the Ministry.
- ▶ The 2011 meeting schedule has been developed with two questions about possible two-day meetings remaining; it will be publicized as soon as those questions have been resolved¹.
- ▶ The College's website has been updated and will be updated more frequently now as staff members have been trained in website maintenance.
- ▶ With the Professional Misconduct Regulation entering the consultation phase the Professional Practice Committee will soon begin to turn its attention to the development of the third required regulation: the Quality Assurance Regulation. Guidelines and explanations for the regulations will be drafted after that regulation reaches consultation status.
- ▶ The Registration Committee will turn its attention to the development of a prior learning assessment tool for internationally trained practitioners and to be used in the grandparenting process as soon as the Registration Regulation reaches consultation status, probably in late winter / early spring 2011.
- ▶ Members of the Registration Regulation have also become aware that the Council will have to consider the development of a process for evaluating training programs to determine their status as 'approved' and 'equivalent' as considered in the Registration Regulation.

Professional Misconduct Regulation — “First, Final, and Not Perfect” Draft as presented

The current draft was presented as “first, final, and not perfect” by the committee chair, Kevin VanderZwet Stafford. He indicated that 19 provisions had been amended, changed or added since the last Council meeting, some due to input during that meeting, others by suggestion of legal council in order to clarify and strengthen their meaning and intent.

He expressed his hope that the current draft could be approved by Council for presentation to stakeholders in the public consultation process in 2011. He reminded Council members that the draft regulation would pass through Council several times before being presented to the Ministry in its final form; each time it would be amended and changed according to public input, and presented to Council for ratification before re-presentation to the public.

The following provisions were presented as changed, added, or amended, or where discussed further on request from Council members:

Provision 2:

Abusing a client or a client’s representative verbally, physically, psychologically, emotionally, or financially.

The word ‘financially’ was added.

Provision 5:

Limits of confidentiality².

The question of a Council member about naming contact information of a client who is in arrears was answered by legal council stating that if there is a criminal or safety concern certain information could be made available to the appropriate organization.

Provision 6a:

Limitation of Services:

Not informing clients in good time about changes in services.²

This provision was added in response to previously mentioned concerns. Examples given were not telling a client how many sessions he / she was entitled to; not informing a client about an upcoming long-term sabbatical.

Provision 11:

Delegation of a Controlled Act.

... except to

A) a student under a member’s supervision until such time as the College has completed its initial process of approving educational programs;

B) In exceptional or extenuating circumstances with approval of the Executive Committee².

This provision was changed to reflect more clearly the need to allow training institutes to continue their work until the College has a full and clear process for approval in place; and to reflect the special circumstances in some remote northern and aboriginal communities or in situations of crisis and extreme need respectively.

Provision 18:

... charging extensive fees².

A Council member's question as to the meaning of 'extensive' was answered by legal council as this being worded to allow for disciplining by a group of peers under reasonable circumstances, not only because of an un-substantiated complaint by an individual.

Provision 20:

Charging a block fee for ongoing care.

Provision 20b:

Charging a block fee for a discrete service without first specifying the following in writing:

- *The services covered by the fee,*
- *The amount of the fee,*
- *The arrangements for paying the fee,*
- *The rights and obligations of the member and the client if the relationship between them is terminated before all the services are provided.*

Provision 20 was split to clarify the meaning and importance of not charging block fees for ongoing services.

Provision 28:

Advertising Services

... making claims deemed false; promising results that can't always be delivered; using comparison, superlatives, suggestions of uniqueness, appealing to fears, or creating unreasonable expectations².

More detail was added for additional clarity.

Provision 31:

Influencing a client's will²

The word 'authorized' was removed from 'authorized representative' to include influence that can be gained through a client's child or other family member who is not officially authorized to speak for the client.

Provision 33:

Using any term, title, or designation indicating or implying a specialization in an area or areas of practice of the profession except in accordance with any formal specialist recognition program approved by the College.

The word 'any' was added to ensure the integrity of the two registered titles; to reduce possible confusion in the public; and to serve as a placeholder for possible specialty titles the College may approve of in light of the diversity of the profession.

Provision 33:

Providing a report about services if requested by a client².

A Council member's question about the nature of such a report was answered by legal council as 'reasonable' meaning with regards to what you can do and / or have done in session. It does not require you to become an expert witness. A client always has access to the notes the professional is keeping about the client's progress in session except in circumstances where there is a serious concern for the bodily (incl. mental) health of the client if she / he sees these notes, e.g. if there is a concern about suicide attempts if the client sees her / his notes.

Provision 53:

Failing to make reasonable attempts to coordinate the care of the client with the client's other relevant health care providers where such coordination is necessary for the client's health unless the client refuses to consent.

... or unless such coordination would be counter-therapeutic and unnecessary².

This addition was made in response to Council input.

Provision 54:

Knowingly making a false, misleading or vexatious complaint to the College about another member.

"Vexatious" was added for more clarity.

Provision 55:Electronic Communication Technologies

Providing professional services through electronic communication technologies unless the client gives express consent; the member complies with the laws and rules of the jurisdictions in which both he / she and the client reside; and the professional liability insurance of the member covers such treatment².

This provision was added to reflect the growing practice of using such technology. This is a rather provision to be included in the Regulation of a College and speaks to the awareness of diversity of the profession and the use of contemporary technology.

The Professional Practice Committee also presented the *Conflict of Interest* and *Record Keeping* parts of the Regulation which have been completed well ahead of the committee's time line.

The following points were presented and / or discussed in more detail:

Conflict of Interest (COI)COI 2:

Conflict of Interest exists when there is an arrangement or relationship between a member or a person related to a member or a person otherwise connected to a member and a client, a person related to a client or a person otherwise connected to a client which could influence the member's expertise or judgement. A Conflict of Interest can be actual, potential, or perceived.²

COI 3 (xi):

... when a member barter his or her services except for products and serves of equal or lesser value for a client who cannot afford payment for services².

This point was included to allow for special circumstances in which a client would be deterred from getting professional services if he / she was not able / allowed to present *something* in return. The impulse for this came from concerns about common practices of bartering in some aboriginal communities.

Record Keeping (RK)RK 3 (1b):

...including appropriate subjective information as provided by the client or his / her representative².

RK 3 (1c):

... relevant objective findings².

RK 3 (1e):

... notation or copy of initial consent for treatment².

RK 3 (1g):

... all relevant contact with the client (letters, emails, notes, video tapes, etc.)².

Registration Regulation — First Draft as presented

The chair of the Registration Committee presented the first draft of the Registration Regulation. She explained that current draft was developed with input from legal council; in light of concerns and suggestions made by Council members during the presentation of first thoughts during the last Council meeting; and with an attempt to get consensus on as many provisions as possible.

Due to time restraints the chair did not present individual provisions in this presentation by gave a detailed overview of the Regulation.

The following points were presented:

Registration Objectives:

- *To have competent and safe therapy delivered*
- *To hold practitioners accountable*
- *To assure the public remains served*
- *To give no access to the Controlled Act or to protected titles for unqualified or unregistered practitioners*

The draft regulation suggests five classes of regulation:

1. Registered Mental Health Therapist
2. Registered Psychotherapist
3. Temporary
4. Inactive
5. Student

Applicants would have to choose one class and then meet the requirements of this class for registration. *Grandparented* would not be considered a class on its own but would be a temporary option only.

General requirements for registration for *all* classes:

- Completion of the application form
- Payment of application fees
- Disclosure of criminal record
- Disclosure of previous for professional misconduct, incompetency, or incapacities
- Disclosure current proceedings against the applicant
- Refusal by other regulators or associations
- Disclosure of failed attempts to register
- Disclosure of any known lack of knowledge, skill, or judgement to practice safely
- Status of citizenship
- Fluency in English or French in speech, understanding, and writing
- Proof of professional liability insurance
- Passing of the Registration Examination
- Professional qualification:
 - Having completed in 12 months previous to application:
 - A qualifying education program *or*
 - A registration examination *or*
 - A clinical experience program
 - *Or* having completed in the three years prior to application
 - 750 client hours *or*
 - An approved refresher program

Some important points that came up at the meeting in regards to these requirements:

- The Chair announced that in a meeting with the Ministry just a couple of days before the Council meetings the Ministry had indicated that it is *not happy* with the requirement of Master Level University education or equivalent as that may lead to *creeping credentialism* which the Ministry wants to avoid. This announcement was new to all Council members at that moment. The ensuing discussion evolved mostly around the question of what that means exactly with opinions ranging from 'so, any undergrad or College degree is going to be fine?' to 'it needs to be purely competency based.' Further discussion with the Ministry and legal council will be needed to decide exactly how this will be interpreted by the committee.
- A longer discussion ensued about the required supervised and client contact hours. Some Council members requested many more hours in both categories. It was reiterated that this is a requirement for *entry to practice* and a compromised between the different requested poles.
- The committee has become very aware that the Council will have to develop some process to decide on the appropriateness of training programs for official approval by the College.

In addition, applicants have to fulfill the requirements for their chosen designation.

1. Registered Mental Health Therapist (includes some psychotherapy and mental health therapies but is not primarily psychotherapy):

- Minimum of two years Community College diploma or undergrad University degree or equivalent.
- Completion of a program related to the scope of practice which must include some education and training in psychotherapy.
- Completion of a structured, supervised program of clinical experience.
- Completion of some form of self-awareness practice — this point is under consideration.

2. Registered Psychotherapist (primarily one-to-one, couple, family, or group therapy):

- Completion of a university program at Masters Level or equivalent which must be related to the scope of practice and *focus on* psychotherapy.
- Completion of 400 direct client contact hours and 150 hours of clinical supervision.
- Before the applicant is allowed to practice independently he / she must have completed 1000 direct client contact hours and an additional 50 hours of clinical supervision.
- Completion of some form of self-awareness practice — the form this would take is under consideration.

3. Temporary (meant for qualified practitioners from out-of-province who where invited to work in Ontario for a specific task and period of time, at the most for 9 months):

- Holding a valid certificate or registration from their legislative area or province.
- Having an offer of employment or an official appointment to a workplace in Ontario.
- Ensuring ongoing client care *after* the appointment / employment period and after leave.
- Not having had a temporary registration within Ontario for at least one year prior to application.

It was made explicit that this category is not for practitioners in private practice only who want to *try out* the area. Legal council explained that this category has fewer safe-guards than the other categories and is only meant for situations where a practitioner is invited by e.g. a training institute, a specialty clinic etc. for a limited period of time and for a specific purpose.

4. Student (meant for future practitioners only):

- Enrolment in an approved educational program *or*
- Enrolment to take the registration examination *or*
- Enrolment in an approved program of clinical experience
- No failed prior examination or participation in a training program or program of clinical experience
- Practicing only under supervision
- Actively continuing education, examination, or clinical experience

Registration under this class is going to be limited to 7 years unless there is an individual exception made due to extenuating circumstances. It will expire upon registration into one of the other classes.

5. Inactive (for Registered Mental Health Therapists and Registered Psychotherapists only who stop active practice):

- Must not be actively practicing the profession anymore
- Must have paid all outstanding fees of their prior registration
- Must not be subject to any outstanding quality assurance requirements
- Cannot be earning income as a member of the College by
 - Providing direct client care
 - Using any title or designation of the College
 - Supervising practice
 - Claiming any competence in the profession

Only members who fulfilled all the requirements of their chosen class will be allowed to use the designation of that class or the approved abbreviation for it. The Registration Committee is currently working on finding the appropriate abbreviations for the titles which won't conflict with other abbreviated titles of other professional Colleges.

Members of the College will not be allowed to use any other titles or certifications (other than earned university degrees). They will be allowed to advertise with "Practising in..."

Members will be required to notify the College within 30 days if...

- ... their information changes (address changes, practice changes, etc.)
- ... there is a change in their status under the Immigration & Refugee Protections Act
- ... they lack professional liability insurance

The Registrar may suspend members' certificate of registration if ...

- ... the member has no professional liability insurance
- ... the renewal information for the member is incomplete
- ... the member does not meet the quality assurance requirements for his / her class
- ... the member has not been practicing 750 hours in the three years prior to renewal application or completed an approved refresher program

Members will likely be required to exhibit a sign of College membership in their primary office of practice. What form this sign will take, e.g. wall certificate, has not been determined. What will qualify as a sign of College membership in secondary places of practice (e.g. if travelling or doing community work) has not yet been determined.

The 750 hours of practice mentioned above were determined to include supervision practice.

Refresher programs as mentioned in some of the above requirements will likely be self-administered courses from approved programs.

The possibility of approving bridging programs for cultural competencies on top of language competencies for internationally trained practitioners was discussed.

Registration Examination:

Applicants to the two main classes (Registered Mental Health Therapist and Registered Psychotherapist) will have to pass a Registration Examination. As per Ministry requirements the examination has to be developed and available before the proclamation of the Regulation. If it isn't in place at that time it will have to be cancelled from the list of requirements. In that case a later amendment to the Regulation would be required to include an examination as it becomes available. A jurisprudence and professional practice exam could take its place in the interim. The form and scope of the Registration Examination needs further discussion.

The Chair of the Registration Committee is also a member of a national task group that is working on the development of a national entry-to-practice examination for psychotherapists / counsellors etc. This examination is planned to be based on practice competency. It is estimated that this development will take about four years, a time frame that goes beyond the scope of the Transitional Council's work. Registration examinations developed by the Registration Committee now will be developed with the development on the national level in mind as much as possible.

Grandparenting:

The Chair explained that Grandparenting will not be a separate class of its own but a temporary route to full registration only. The benefits of grandparenting were explained to be the ensuring of continuation of service to the public during the transition period and that practitioners are competent, experienced, and in active practice.

The current draft includes the following regulations for the grandparenting process:

- It will be applicable only to currently practicing practitioners who don't meet full requirements for registration after the Registration Regulation becomes effective.
- Applicants for grandparenting will have to apply within three years of this Regulation coming into effect.
- All applicants for grandparenting will have to provide ...
 - a portfolio of evidence of relevant education and training
 - statutory declaration of meeting non-exemptible requirements
- Furthermore applicants to the specific classes will have to provide further information / documentation:
 - *Registered Mental Health Therapist:*
 - Proof of continuous practice to a sufficient extent with appropriate clinical supervision within six years before the Regulation becomes effective.
 - *Registered Psychotherapist:*
 - Proof of continuous practice with at least 3000 direct client contact hours *and*
 - 150 hours of clinical supervision related to direct client contact hours within six years before the Regulation becomes effective.

The Registration Committee is now preparing to work on Competency Profiles for both protected titles as well as Prior Learning Assessment (PLA) tools as soon as the current draft is ready for public consultation.

Competency Profiles will be necessary for the development and approval of examinations and the assessment of training institutes / training programs.

PLA tools will be used to evaluate applicants trained in international and non-traditional settings.

The Chair also mentioned that the requirements and regulations for every class of registration included Canadian Mobility Provisions as directed by the Ministry. The Committee based those provisions largely on the templates given by the Ministry to ensure compliance with federal labour and mobility laws.

Questions around professional liability insurance and fee structure at this point are included in the Regulation only in template wording. Details will have to be determined and stakeholders will have an opportunity for feedback on these issues.

The Committee is aiming to present the finalized Draft Regulation to Council in the meeting in January 2011 and begin public consultations later in the year. The draft will likely be made available to the public via electronic media and public forums will offer opportunities for feedback during consultation times.

After a review of the election process for Board Officers in January 2011, the Chairperson of the meeting introduced a self-evaluation tool for the effectiveness of Council meetings and asked Board members to fill in the form.

The meeting was adjourned.

Next meeting date: Jan. 13th, 2011

Disclaimer:

The notes in this document are **not** official minutes. The author does not claim the content to be 100% correct or to express the intent of the discussions perfectly. These is purely the notes of the meeting as understood by the author from her position as silent observer.

For official minutes of the meetings, visit the College's website at http://www.cprmhto.on.ca/pages/Home/Council/Council_Minutes

¹ By the time this report is filed the dates have been published on the College's website at http://www.cprmhto.on.ca/pages/Home/Meeting_Schedule

² This is not the precise text of the regulation but a paraphrase.