
Public Stakeholder Meeting of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario — April 11, 2011

The public stakeholder meeting in Toronto was one of four such meetings held in different cities in Ontario during late March and early April 2011. The purpose of these meetings was to introduce the Draft Registration Regulation and Draft Professional Misconduct Regulation to the public and to hear public input on the Draft Regulations. All comments and questions from the public were recorded and will be taken back into the committees and to Council for further consideration.

At the Toronto meeting the following members of the Transitional Council were present in official capacities:

Carol Cowan-Levine
Pat DeYoung
Kevin VanDerZwet Stafford

Also present to answer questions was legal council, Robert Steinecke and the Registrar, Joyce Rowlands.

Other members of the Transitional Council (TC) were present as guests.

INTRODUCTION

Carol Cowan-Levine facilitated the meeting and opened with a general introduction and short history of the process the TC has gone through so far. She laid out the very basics on which the work of the TC and the Draft Regulations that were to be presented are resting:

Scope of Practice as given in the Psychotherapy Act:

“The practice of psychotherapy is the assessment and treatment of cognitive, emotional or behavioural disturbances by psychotherapeutic means, delivered through a therapeutic relationship based primarily on verbal or non-verbal communication.”

This was explained as the “broad structure”. Therapists who are practicing in this manner *should* be members of the College.

Authorized Act (also ‘Controlled Act’) as given in the Psychotherapy Act:

“In the course of engaging in the practice of psychotherapy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to treat, by means of psychotherapy technique delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.”

This was explained as the specific law. Therapists who practice in this manner *must* become members of the College.

Restricted Titles as given in the Psychotherapy Act

“No person other than a member shall use the title "psychotherapist", "registered psychotherapist" or "registered mental health therapist", a variation or abbreviation or an equivalent in another language.”

‘Holding-out’ Clause as given in the Psychotherapy Act

“No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a psychotherapist, registered psychotherapist or registered mental health therapist.”

Ms. Cowan-Levine explained that each Draft Regulation would be presented by the chair of the committee responsible for it and that time would be given to the audience for questions and comments in between and after each presentation.

PRESENTATIONS

Registration Regulation Draft

Pat DeYoung, Chair of the Registration Committee, presented the latest draft of the Registration Regulation. She prefaced the presentation with an introduction of the committee members and a short history of the committee’s working process so far.

She then outlined the Draft Regulation, highlighting provisions that either had been difficult for the committee to develop and / or were known to be controversial in their wording or content. She broke several times for questions.

The below is a rewording of questions and answers as understood by me. Also, the questions below may be compilations of several questions to the same end that were asked throughout the presentation. Answers are given by Pat DeYoung unless otherwise stated.

Question / Comment (Q /C): 750 hours of active practice in the past three years may be too much to ask for to allow people with part-time practices, those who are gearing down in their practices, and those who took time off for personal reasons, e.g. parental leave, etc. Part of this comment was a statement that in the understanding of the person commenting it would be most beneficial to have group and professional builders join the College in its primary phase and that number of hours practiced in her experience can indicate more someone having a good “business” than being in the profession to advance it. It was also suggested to measure currency of knowledge on courses and professional development during the past few years.

Answer (A): The TC is very aware that this is a bone of contention with many practitioners. They have heard similar comments in all four meetings.

Q: Has the TC considered the situation of those who are currently students in the private training programs? How will they be treated; will there be a possibility to “grandfather” them in as well; how would they know what they need to do to be accepted as members when it is time? It was also commented later by another person that the TC should consider fairness towards those students who enrolled in good faith and then are asked to invest more money and time when they are almost or just done their studies.

A: The TC is aware of the insecurity in that part of the professional population. One hopefully helpful piece is that they can stay in the Student Member category for a while. Other measures will be considered by the TC.

Q: Why are the protected titles so different; and why has the TC chosen to include Student Member titles (apparently this is not a usual process in other Colleges). All this may create more confusion than protection in the public where many people even now have difficulties differentiating between psychologists and psychotherapists. Why are there different training requirements for the two titles?

A: The College will have to do a lot of education of the public to explain the profession and clarify the difference between RPs and RMHTs. Student Members were included because the TC saw this as a great opportunity to support and educate those who are moving into the profession right from the beginning.

A (legal council): The TC looked at the two different titles the law established and they saw a difference there. They tried to work toward that difference, trying to fulfil what they felt was the vision of the government.

Q: How would an applicant for the grandparenting process go about proving the hours he or she has practiced in the past few years?

A (legal council): Applicants will sign a certification upon application, stating their practiced hours (it sounded similar to an affidavit).

Q: Will the refresher programs which were mentioned as one possibility to upgrade knowledge for the grandparenting process be modality specific? Since each modality of psychotherapy has fairly different training methods and even theoretical background, will this be reflected in those programs.

A: The details aren’t clear yet but most likely it will be solutions that are creative and very personal such as an undertaking to find and sign up for a course somewhere that offers what the applicant needs. TC also tried to be inclusive of practitioners who otherwise would not be part of the College.

A (legal council): This process will be very individual and specific.

Q: Why has the timeframe of three years be chosen for supervision and currency? Many people grow their practice over a much longer time. Training may be taken over much longer periods of time, too.

A: The TC needed to find a compromise to qualify requirements. The compromise needed to fit many diverse modalities and at the time three years seemed like a good compromise.

C: The competency requirements — undergrad degree, 10 courses directly related to psychotherapy, etc. — could be difficult to get for many. Psychotherapy is a part of a life journey.

Q: How will mobility be guaranteed if the training requirements standard in Ontario is the lowest anywhere?

A (legal council): Mobility Act says that any other Canadian College for Psychotherapists will have to accept Ontario members. There is no guarantee about working in another country.

A: Also, degrees are not all that speaks about competency. It may be more difficult in Ontario to become a psychotherapist than just getting a Masters degree somewhere.

Q: How will you decide about supervision, who can supervise, where to get it and so forth?

A: Still in the process but accepted forms of supervision will include one-on-one, dyads, and groups.

Professional Misconduct Regulation Draft

Kevin VanDerZwet Stafford, Chair of the Professional Practice Committee, presented the latest draft of the Professional Misconduct Regulation. He also prefaced his presentation with an introduction of the committee members and a short history of the committee's working process so far.

As before, he then outlined the Draft Regulation, highlighting provisions that either had been difficult for the committee to develop and / or were known to be controversial in their wording or content. He broke in between for questions and comments.

The below is a rewording of the questions and answers in this part of the presentations as understood by me. Also, the questions below may be compilations of several questions to the same end that were asked throughout the presentation. Answers are given by Kevin VanDerZwet Stafford unless otherwise stated.

Q: There are two protected titles but only one Professional Misconduct Regulation. How does that work?

A: The committee tried to make the Regulation as inclusive as possible, especially after Banakonda Kennedy-Kish joined the committee and challenged it “to check horizontally, not only vertically.”

Q: How will people choose a therapist for the issues they want to work with if the therapist can't advertise with his / her speciality? This is also a business and not being able to put out there the special training we have could create more confusion. Allowing the mention of specialities would make it much easier for the public to be informed and choose. Specialization carries much weight with the public and much training is involved to get it. Some people may have to 'dumb it down' if they want to join the College or may even lose their clientele (the example came from a trauma specialist working with fire departments and the police).

A: This has been a concern in all the public meetings and the TC will definitely take another look at this question. It is already such that a practitioner can mention their training or phrases such as “working with... or in...” Just phrases like “certified in...; specializing in ...” are currently restricted.

A (legal council): Keep in mind the other side of the coin. The provision was created to prevent someone to take a weekend course and then call himself / herself a specialist.

Q: Other Colleges such as the Social Workers' College and the College of Psychologists do not restrict specialty titles; they just ask to use them 'appropriately'. Will this provision impact those Colleges?

A: No, every College is independent in this respect.

Q: What is the difference between the terms for unacceptable conduct used in the regulation?

A: Disgraceful = behaviour inside the profession or directly related, e.g. abusing a client
 Unbecoming = private behaviour that impacts the profession, e.g. abusing your child

Q: What is the difference between the Code of Ethics and the Professional Misconduct Regulation?

A: In Association the Code of Ethics often is the text that is used to regulate members' behaviours. It is used as a measure of compliance and non-adherence may become a reason for dismissal from the Association. At the regulation level the Code of Ethics is more of an inspirational tool for practitioners / members, out-laying best practices. It is not enforceable. The Professional Misconduct Regulation is the measure of compliance. It becomes part of the law and is enforceable. Ultimately, the College has the right to prohibit somebody from ever practicing again based on the Professional Misconduct Regulation, a power that Associations do not have.

Q: Would it be okay to use block fees for clients who are financially strapped? Does that provision also include sliding scale fees?

A: Block fees are fees that give an incentive to book more sessions. The TC would have to look at this specific example. Sliding scale fees are fine and are not impacted by this provision.

Q: Supervision and client-hours in training programs may differ for the College's requirements. Does provision 11 (Delegation of the Controlled Act) apply to those who are in ongoing supervision after graduation in order to fulfil the College requirements?

A (legal council): That person could either become a Student Member or this could be seen as an exceptional circumstance as per point b) of provision 11.

Q: Will the TC at some point define the Controlled Act more clearly?

A: No, the TC can not do that. The courts may have to do some of that at some point. The TC may develop some guidelines trying to explain its understanding of the Controlled Act.

Q: It is difficult to work with severe emotional and mental issues without being allowed to formulate assessments and diagnoses. Could the that ever become a possibility in the College.

A: No, diagnosis goes beyond the Controlled Act of Psychotherapy.

Q: Provision 55 (Electronic Counselling) could create a conflict of interest if a therapist has to decide if he / she will help a client who moved into a new jurisdiction or rather adhere to the provision / protect his / her reputation. Does this provision only apply if the client has actually moved or would it also apply if a client is travelling and having a session while on vacation?

A (legal council): The provision doesn't require you to register in every jurisdiction you work in. It just requires you to check the legality of your work in that jurisdiction. The provision would probably apply in any case where the client is not in Ontario when the session happens.

Q: Record Keeping: the general requirement is for notes with signature to be kept for 10 years. How about electronic files and things like therapy related art-work?

A (legal council): electronic files are generally accepted with an electronic signature. Just ensure that any changes made to a file a tracked. Art work would only have to be kept in some format if it is important to clarify the client's process. Guidelines for that will have to be developed.

Q: Wouldn't it be easiest for some people to call themselves counsellors?

A: It doesn't matter what you call yourself. If you are practicing the Controlled Act you need to be a member of the College.

CLOSING

Before the session was closed the Registrar updated the audience on upcoming tasks of the TC and the projected timeline for the Regulations to come into law.

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 observer.

For official notes on and feedback about the meeting, visit the College's website at <http://www.cprmhto.on.ca/pages/Home/>