

Meeting of the Transitional Council of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario — June 22, 2011

The Transitional Council (TC) met for its regular full meeting after the meeting in May had been cancelled to allow all committees to finish adjustments to the draft regulations in response to public stakeholder input.

The usual business of a Board meeting (call to order; approval of agenda) was followed by presentation by **Stephen Cheng Sr., a Policy Analyst with the Ministry of Health and Long Term Care in Ontario.**

He updated the Council on changes within Ministry and government policy which directly impact the work of the Council:

- Due to changes in the financing structure of TC the Ministry now has to carry the full cost for the transitional process and thus has categorized Transitional Councils (all currently working Transitional Councils) as **“Short Term Bodies”** which means that the Councils are permitted to continue independently without regulation of the work that may apply to a normal Board of Directors. However, with this new categorization comes a new responsibility and time restraint.
- **On April 1, 2013 the College will be proclaimed.** The TC has been charged with the responsibility to have the College ready for accepting registrations and taking on the general functions of a College by March 31, 2013. According to Mr. Cheng there is “absolutely no room slippage” in this time frame.
- This means that the TC will have to provide the **final draft regulations no later than the late fall of this year** to allow the Ministry to review and **finalize regulations by the summer of 2012. At this point the Ministry hopes to pass the regulations into law to become effective on April 1, 2013.**
- ‘Pre-registration’ could start right after the regulations have been passed into law (Mr. Cheng made it clear that no one could be actually registered before April 1, 2013 but that the College could start a pre-screening process in order to be ready for registration on April 1, 2013).
- Mr. Cheng suggested that the TC co-operate even more closely with other Transitional Councils in order to prevent any additional work that could be avoided by sharing information or processes.
- **Details that will fill in the skeleton of the regulations and form the actual body of the College’s work will also have to be developed and finished by the date of proclamation, April 1, 2013.**
- Answering questions from Council members Mr. Cheng explained the position of the Ministry re: Masters degree requirements:
 - Various educational routes for psychotherapy currently exist in Ontario
 - Allowing for a Masters degree requirement would have gone against Ministry policy against credentialism
 - Such a requirement would have made it necessary for schools to go through a lengthy processes of application and evaluation. Such a process would not have been possible to finish by the set proclamation date.
 - The Ministry did not want to close the doors on existing alternative training routes at this point although there is a possibility that training requirements (as well as training opportunities) will evolve over time.
 - Equivalency to a Masters degree can also not be supported at this time because in Ontario only Universities are allowed to grant Masters degrees; graduate programs in other schools are not allowed in Ontario, hence ‘equivalent’ programs are not possible here.

After Mr. Cheng's presentation the meeting continued with committee reports.

Reports

President's Report:

- Developed tentative budget; waiting for Ministry approval
- Created a joint task-group to work towards development of training requirements and criteria.
Task group members are:
 - Linda-Ann
 - Jack
 - Phillip
 - Tom O'Conner
 - Pat DeYoung and Kevin Stratford- as ex-official members
- Worked on the re-appointment of Council members
- Met with Ministry representatives re: current changes and feedback on timelines and current work
- Provided responses to written feedback and presentations made to the TC

- A motion to accept the proposed task-force members was carried
- A motion to have the Executive Committee accepted as Steering Committee for the task-group was rejected after a lengthy discussion as it was felt that the urgency that had created that motion had passed and that the Registration Committee would be the more natural choice for co-ordination of this work. It was decided to take this question back to the Executive Committee for decision.

Professional Practice Committee Report:

- Worked mostly on draft regulation as will be presented later in the meeting
- Code of Ethics will be presented in July meeting

Registration Committee Report:

- Referred to the written report available to Council members
- Presenting draft regulation later in the meeting

Registrar's Report:

- Further presentations to stakeholders
- Meetings with the Fairness Commissioner's office; got good feedback with the Commissioner not seeing any problems with the current draft regulations
- Three meetings with the Ministry re: time lines, loan agreements, etc.
- Working on establishing a task-group for the development of a competencies profile. This task group is to include community members and will be working closely with BBC Consulting and David Cane and will be based in part on the work of the Coalition of Mental Health Providers in Ontario and the BC task group.
- Attended the Mobility Conference organized by the CCPA; learned that their national assessment tool may be ready in the fall of 2012 which would be too late for the TC to base its assessments on it (has to be ready before summer 2012)
- Need to start work on developing an exam to be ready before pre-registration starts as well as researching save exam sites.

FINAL DRAFT REGULATIONS — PRESENTATIONS

Professional Misconduct Regulation Draft

- In light of stakeholder input 11 provisions were reviewed and discussed
- Current draft represents best reflection of that input *and* fairness and balance as seen by the committee
- Added to the explanation and rationale columns to allow for more clarity during the next (official) stakeholder input phase
- Added a draft-preamble developed by legal council
- Specific provisions that were changed:
 - Provision 33: Specialty Titles:
 - The Ministry advised that it be best to word the provision rather generally for now and to add details later
 - Legal council advised that it would be better to deal with this matter in one regulation only and that the Professional Misconduct Regulation would be the better place for this . Thus the Registration Committee was asked to remove any mention of that from the Registration Regulation.
 - The provision now allows for the use of specialty titles if:
 - *Conferred by recognized credentialing body** (e.g. if the therapist received training in couples' counselling at a therapy school, he can call himself 'couples' therapist'; if he developed this skill through practice, he may state 'practicing couples' counselling')
 - *Earned** (Legal Council explained that this means the member actually did some work, e.g. diploma mills would not be accepted)
 - *Meets the established standards** (... of the profession in general; approval by peers)
 - *Prominence for regulated title** (If there is only space for one title to be presented, the official title — Registered Psychotherapist — has to be given prominence)
 - The new draft provision will be in place until such time as the College establishes specializations.
 - It will be up to members to ensure that their title is earned and recognized. If there are complaints against the title, the member will have to provide proof of this.
 - Provision 31A:
 - Added to the draft regulation in response to the changes in provision 33
 - *Members must use regulated title when representing the profession or acting in professional capacity.**
 - Provision 55: electronic counselling:
 - Stakeholder feedback was taken into consideration
 - In light of increasing number of electronic work, committee decided that the provision had to stay
 - New draft:
 - *Retained client consent and insurance**
 - *Removed the requirement to know/comply** with laws outside of Ontario although it is still expected that the counsellor make efforts to understand the laws as best possible
 - *Enhanced provision 40** ("contravening a law" => specified that to mean especially a law pertaining to mental and / or physical health as members can't know every law
 - *College has jurisdiction over members outside of Ontario**

- Provision 6, 6A: cancellation of services:
 - This provision was not changed although there were concerns from some stakeholders, especially in regards to the impact on 3rd party providers
 - Over all it was felt that this provision is important for the protection of the public and that practitioners are in support in spite of possible concern
 - It is hoped that 3rd party providers will adjust their programs according to the College's requirements
- Provision 20: block fees:
 - Stakeholder input made it clear that the distinction between discreet and ongoing services is not a practical one and doesn't stand the test of "real life"
 - New provision:
 - *Allowed for ongoing services if, in writing:*
 - *Services*
 - *Amount of fee*
 - *Payment arrangements*
 - *Right and obligations for early termination**
 - "in writing" makes the process clear, safe and transparent for the client and keeps the client in control
- Record Keeping — Language:
 - The question was raised by stakeholders why notes could not be kept in a third language if sessions were held in that language.
 - It was clarified that a third language report was permissible *if* there also was a report in one of the official languages to allow for 3rd party reviews etc.
- Record Keeping — Contact Recording:
 - It was clarified that records do not have to contain every client contact but only those that pertain to
 - *Treatment plan and goals*
 - *Incidents*
 - *Explanation of change of records*
 - *Financial transactions with client; and*
 - *Length of time records retained**
- Record Keeping — Electronic Records:
 - It was clarified that electronic records need to be secure and backed-up appropriately (encrypted on portable devices; off-site backups)
 - Practitioners are as responsible for the safety of these records as they are for the safety of paper records
 - Guidelines will be developed for additional information
- Provision 11:
 - Students can be delegated the Controlled Act; Ministry clarified that there is no reason to exempt students
- Provision 12:
 - Clinical supervision has been defined in two ways (details were not provided in the meeting)
- Provision 36:
 - Estate custodians have been added and charged with the same tasks in closing the practice of a deceased practitioner that would apply in other cases of practice closure
- Provision 54:
 - Vexatious complaint has been defined as made with ulterior purpose, lightly and consciously

- Provision 2(5)iii:
 - Referral has been simplified to 'other' suppliers

After a short discussion around language of record keeping and supervision in practice, a motion to accept the current draft regulation with changes to provision 12 and with a review of the formulation of language of record keeping for presentation in official stakeholder consultations was put forward and approved unanimously.

Registration Regulation Draft

After stakeholder input, committee members met several times with representatives from the Ministry and the Fairness Commissioner's office for feedback. The concerns heard about most often from stakeholders were:

- *Currency (750 hrs)*
- *Use of Title*
- *Education & Training requirements*
- *Alternative pathways to registration*
 - *Aboriginal healers*
 - *Grandparented*
- *Exam requirements*
- *Use of Self*
- *Grandparenting changes*
- *Definition and Hours**

The committee expanded upon and qualified the explanations and rational columns for the current draft. Some of this work is still ongoing.

Some of the changes made in the current draft Registration Regulation were presented:

- Currency Requirements (750 hrs):
 - After much deliberation and comparison to requirements in other regulating Colleges, the number of hours was left as is.
 - A definition for 'practicing' was added to include:
 - Record keeping
 - Continued Education
 - Consulting
 - Research
 - Teaching
 - Etc.
 - Applicants for the grandparenting process will have the same currency requirements
- Titles and Designations:
 - French equivalents were added
 - The class "Student" was removed and substituted with the class "Qualifying" to include more possible qualifying situations.
 - Any mention of specialty titles was removed and referred back to the Professional Misconduct Regulation

- Education and Training Requirements:

- The Ministry felt that the wording of education requirements left too much leeway for changes later on and requested more details in terms of hours be put into the Regulation (as compared to listing courses etc.)
- The new wording:

- Provision 4(1)1: RMHT:

The applicant must have successfully completed:

A minimum 2-year diploma program in a field of training related to the scope of practice of psychotherapy that includes at least 5 semester courses or 180 hours of education and training central to the practice of psychotherapy; excluding practicum and supervision hours, and that leads to the development of the entry-to-practice competencies listed in Schedule A. +*

- Provision 5(1)1: RP:

The applicant must have successfully completed:

A structured, coherent program of education and training in psychotherapy which has as a prerequisite an undergraduate degree and which includes at least 360 hours of training and education central to the practice of psychotherapy, excluding practicum and supervision hours, and which leads to the development of the entry-to-practice competencies listed in Schedule B. +*

- Provisions 4 and 5(1)1:

- Due to input from stakeholders and encouragement from the Ministry, a separate paragraph was added to allow for the alternative training methods in aboriginal communities. The additional paragraph in both provisions reads:

Or, the applicant [for RMHT or RP] must have successfully completed:

ii) a program in aboriginal healing that leads to the development of the entry-to-practice competencies listed in Schedule [A or B, as appropriate for each title] +*

+Schedules not yet developed. They will be created based on the Competency Profiles developed by the Competency task-force.

- The committee will have to establish processes and criteria for competencies and acknowledgements of schools; they are aware that students especially are anxious. The framework will follow but for now it is the hope of the committee that the current formulation provides sufficient guidelines for initial direction.

- Clinical Experience:

- RMHTs must have at least 900 hours of practicum / supervised clinical experience
- RPs must have at 450 direct client-contact hours and 100 hours of supervision related to those hours (not including educational requirements)
- A discussion ensued about the validity of two seemingly hierarchical classes of registration. Registrar and Registration Committee Chairperson both reiterated...
 - Current classes are based on trying to pay attention to the reality of work conditions in the field, not trying to take a theoretical concept and apply it to an already existing field

- There are similar situations in other Colleges, e.g. College of Nurses which has several classes who all have access to the Controlled Act but based on their training.
- Entry to Practice Examination:
 - This is considered a 'High Stakes' exam and details about the how, when, how often, and appeals have been added to the Registration Regulation.
 - Requires the creation of an Examination Committee which will deal with exams only and be separate from the Registration Committee
 - Jurisprudence and Professional Practice Exams are *not* considered High Stakes Exams but will be more designed like adult learning courses the applicant has to pass / take.
- A discussion ensued about the kind of exam considered: written or verbal or both; same exam for all modalities / paths of training (a special concern for the aboriginal community in which examination is seen as 'inferior' to practice of skills). It was stated that...
 - The same exam would be given to all applicants of the same class and that the Fairness Commissioner's Office had accepted that idea
 - The exam would be competency based as much as possible, not academic
 - The exam would be non-exemptional for regular registration
- Use of Self in Therapy — Provisions 4(1)4 and 5(1)4:
 - The wording was changed. The provision now reads:

*In the course of education and training, the applicant must have successfully completed program components that develop competency in the sage and effective use of self in the psychotherapeutic relationship, as defined in Schedule [A or B]. **

*Schedules not yet developed.

- Discussion:
 - Using the Self as a tool in therapy is not the same as being aware of how the self is affected in therapy and that in return may be affecting the therapeutic process. The wording seems watered down. It was suggested to include wording around 'self-awareness', 'self-knowledge'.
 - In aboriginal training, self-awareness is only the first step; understanding self in relationship is the second step; but using self as a tool in relationship is the final, the mastery step. How can that be brought across.
 - The new wording suggests that building self-awareness now becomes part of the study-hour requirements whereas before it was separated. Should it stay separated?
- Grandparenting:
 - The application window for grandparenting was reduced from 3 years to 2 years after proclamation (which, including the pre-application year will come back to 3 years)
 - Grandparenting will *not* require the exam to be taken (jurisprudence and professional practice exams will still be necessary)
 - The currency requirement has been made to match the currency requirement of regular registration with 750 hours.
 - Teaching hours, supervision, research will count towards currency requirements
 - All hours, training, self-development work will need to be documented in some way
 - Grandparenting is only for Ontario practitioners who work in Ontario: practitioners with an office in Ontario and another one outside the province (e.g. Ottawa and Hull) will only be able to count the work they do *in* Ontario (incl. note taking for Hull clients but

excluding therapy sessions conducted in Hull). On the other hand, e-sessions with the therapist in Ontario and the client outside the province will count as the therapist works in the province.

- Supervision:
 - New definitions were added to clarify
 - Date of application
 - Case supervision
 - Clinical supervision
 - Acceptable supervisors:
 - During the first 3 years after proclamation, practitioners with five or more years of practice will be accepted as supervisors
 - After 3 years supervisors will have to show proof of having taken a course of at least 30 hours teaching supervision practices.
- Practicing Independently:
 - RMHTs will have to complete additional training in psychotherapy and show proof of 1000 direct client-contact hours with 150 supervision hours.
 - RPs will have to show an additional 550 direct client-contact hours with an additional 50 supervision hours (which together with the entry-to-practice requirements brings the hours to 1000 and 150 respectively, to level with the requirement for RMHTs).
- “Student” membership:
 - Name changed to “Qualifying Member” to include more scenarios than just training situations and to reflect the ‘apprenticeship model’ used in aboriginal — and some other — training paths

At the end of the presentation, a motion to accept the current draft regulation with changes to explanations and rational and with the addition of a preamble for presentation in official stakeholder consultations was put forward and approved unanimously.

Quality Assurance Regulation Draft

After input from the Ministry the Quality Assurance (QA) Regulation was amended to

- Highlight the QA program
- Add a preamble

The QA regulation (and program) need to be in place for the day of proclamation to ensure that the letter of welcome is in compliance with the program, i.e. mentions the mandatory aspects of participation:

- Professional Development
 - Enhancing skills, knowledge and judgement
 - Developing stronger inter-professional collaboration
 - Incorporating new technologies
- Self, Peer, and Practice Assessments
 - *Self-assessment:* 2-year cycles; needs to be kept and may be requested at any time; will include practice skills, learning needs, plans for additional learning / training / education, etc.

- *Peer-reviews*: as requested for selected members by another member, on the phone or in person
- *Practice Assessments*: review of records and procedures; interviews, etc.; as requested
- All assessments are seen as tools to find opportunities for improvement
- Discussion:
 - How does the College plan to deal with inter-professional QA questions, e.g. someone who is a member of two related Colleges? (LC: will have to be resolved between Colleges. However, generally the best approach is to follow the highest standard).
 - How to peer-evaluate different modalities and approaches? (true peer reviews can only be done by true peers)
 - In aboriginal practice note taking is not encouraged because the idea is to train the memory; how to deal with such situations? (notes will have to be taken to provide continuity within the College)
 - The Ministry requires the basic QA program to be in place on the day of proclamation but understands that changes and additions will occur over time
 - Selection criteria for assessments will be made public 3 months prior to selection

At the end of the presentation, a motion to accept the current draft regulation with changes to explanations and the preamble for presentation in official stakeholder consultations was put forward and approved unanimously.

Other Business and Closing Comments

After some general discussion and the the closing comments the meeting was adjourned.

Next meeting date:

Tuesday September 27th, 2011 (after the summer break)

Since the meeting, the draft regulations have been posted to the College's website at http://www.cprmhto.on.ca/pages/Home/Public_Consultations for preview by any interested party. Official Stakeholder Consultations will be held between July 29th and September 26th, 2011 with details re: the process soon to be posted on the same website.

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