

Regulation of the Practice of Psychology

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Overview

- Professional regulation
- Health regulatory scheme in Ontario
- Regulation of psychology in Ontario

Professional Regulation

- Registration/licensure – public protection
 - Establish standards for training and experience to ensure competence
 - Establish standards for professional conduct to minimize risk of unethical behaviour
 - Authorize use of title and/or scope of practice to prevent unlicensed practice by unqualified individuals
- Authority to “self-regulate” delegated by government through legislation

Enabling Legislation - Ontario

- *Regulated Health Professions Act, 1991
(RHPA)*
- *Psychology Act, 1991*

RHPA Regulatory Framework

- Regulated Health Professions Act
 - Health Professions Procedural Code (Schedule 2)
 - regulations
- 26 profession specific Acts
 - regulations
 - bylaws
- Code is part of each health profession Act

RHPA Themes

- Non-exclusive scopes of practice*
- Concept of controlled acts**
- Emphasis on preventing harm to the public
- Presumption of public information, public access and informed choice***
- Requirements for open meetings and hearings

* scopes of different professions may overlap

** anything not a controlled act – in public domain

*** increased emphasis of late – “transparency”

Controlled Acts

- Specified acts respecting health care services
- May only be performed by
 - authorized member of an RHPA health profession, or
 - someone to whom the controlled act has been delegated by an authorized health professional

Controlled Act Prohibition

- Exception for Training

- Fulfilling the requirements to become a member of a health profession,
 - within the scope of practice of the profession, and
 - under the supervision or direction of a member of the profession

Controlled Act in RHPA

- Communicating to the individual or his or her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis

Other Controlled Acts (RHPA)

- Relate to various physical activities
 - Insertions, injections, administering substances, procedures below body surfaces
 - Prescribing, dispensing
 - Setting fractures
 - Applying a form of energy*

Members of College of Psychologists not authorized to perform these other acts

* Exception – electrical energy for aversive conditioning (O.Reg. 107/96)

Possible Future Controlled Act in RHPA

- Treating, 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

Prevention of Sexual Abuse

- Definition of sexual abuse
- Mandatory reporting
- Mandatory penalties
- Funding for therapy and counselling

Definition of Sexual Abuse

- (a) sexual intercourse or other forms of physical sexual relations between a member and a patient,
- (b) touching, of a sexual nature, of the patient by the member, or
- (c) behaviour or remarks of a sexual nature by the member towards the patient

Definition of Sexual Abuse (Cont'd)

For the purpose of subsection (3),

“sexual nature” does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.

RHPA Professions

Audiology & Speech-Language Pathology
Chiropractic
Dental Technology
Denturism
Massage Therapy
Medical Radiation Technology
Midwifery
Occupational Therapy
Optometry
Physiotherapy
Respiratory Therapy
Kinesiology
Psychotherapy*

Chiropody
Dental Hygiene
Dentistry
Dietitics
Medical Laboratory Technology
Medicine
Nursing
Opticianry
Pharmacy
Psychology
Traditional Chinese Medicine
Homeopathy*

*Proclaimed April 1, 2015

New RHPA Profession -Transitional Council

■ Naturopathy

- currently under *Drugless Practitioners Act, 1990*
- proclamation June 1, 2015?

Objects of the College (précis)

1. Regulate the practice of the profession.
2. Set qualifications for registration.
3. Assure the quality of the practice of the profession.
4. Promote continuing evaluation, competence and improvement among the members.

Objects of the College

5. Standards of professional ethics for the members.
6. Assist individuals to exercise their rights under the legislation.
7. Administer the legislation.
8. Promote and enhance relations between the College and members, colleges, key stakeholders and the public.*

* Recent emphasis – transparency, accountability, trust

Objects of the College

9. Promote inter-professional collaboration with other colleges.
10. Promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.
11. Any other objects relating to human health care that the Council considers desirable.

Duty

In carrying out its objects, the College has a duty to serve and protect the public interest.

RHPA Code, s. 3(2)

Different than mandate of professional associations

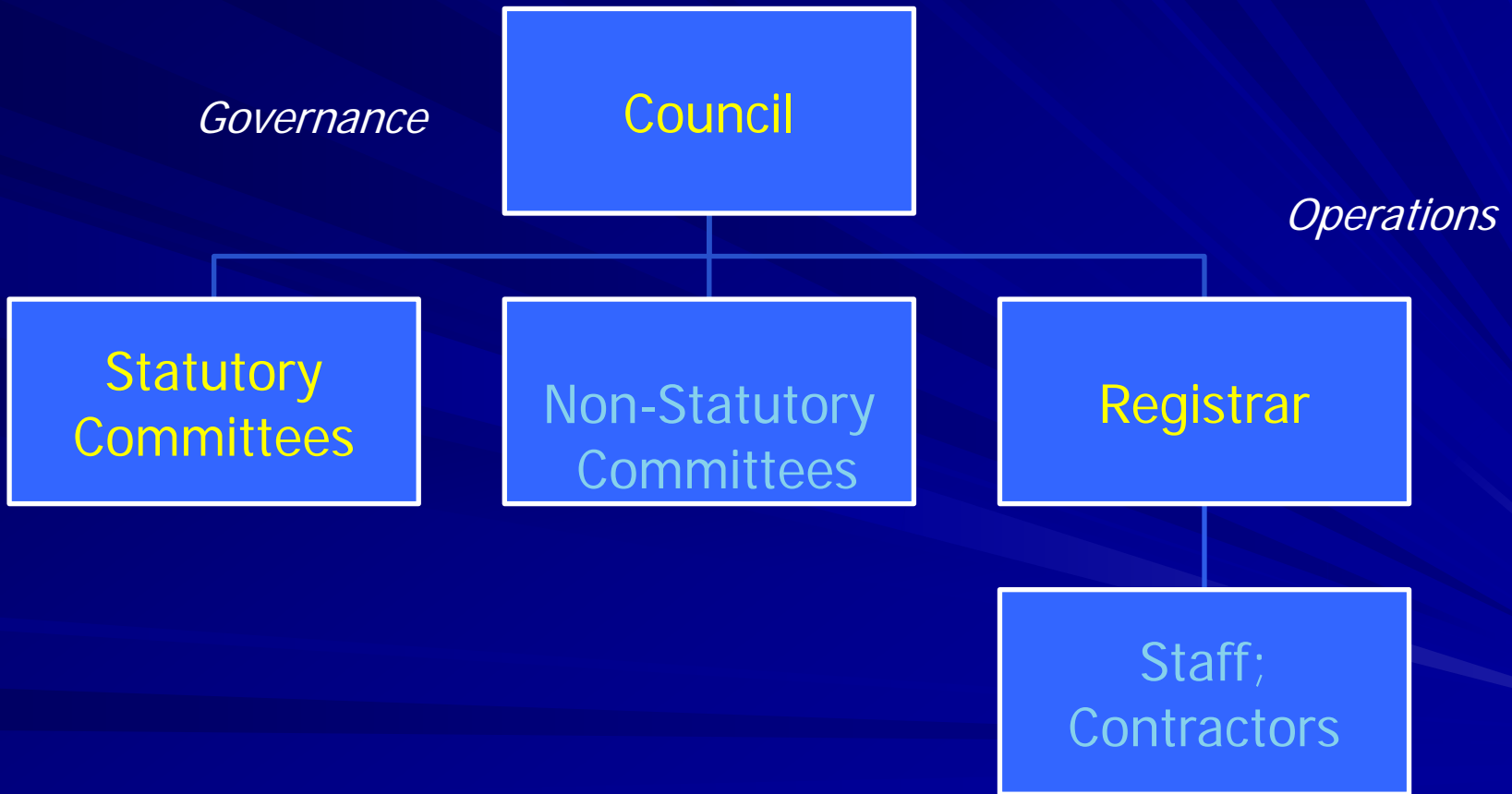
Duty of the College

It is the duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals.

RHPA s. 2.1 added in 2008

Labour mobility (AIT), international applicants; fairness

College Structure



Statutory Committees

- Executive
- Fitness to Practice
- Registration
- Quality Assurance
- Discipline
- Patient Relations
- Inquiries, Complaints & Reports

Duty of Confidentiality

Every person employed, retained or appointed for the purpose of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

Exceptions specified in RHPA s.36.(1)

Recent expectation that more information will be made public (transparency)

Bylaw making authority

Scope of Practice

The practice of psychology is

- the assessment of behavioral and mental conditions
- the diagnosis of neuropsychological disorders and dysfunctions and psychotic, neurotic and personality disorders and dysfunctions
- the prevention and treatment of behavioral and mental disorders and dysfunctions, and
- the maintenance and enhancement of physical, intellectual, emotional, social and interpersonal functioning

Authorized Act

In the course of engaging in the practice of psychology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration,

- to communicate a diagnosis identifying, as the cause of a person's symptoms, a neuropsychological disorder or a psychologically based psychotic, neurotic or personality disorder.

Possible Future Authorized Act

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.

Proclamation uncertain
Still in public domain

Council College of Psychologists

- Professional members: five to seven (7)
 - elected by members
- Academic members: two or three (2)
 - appointed on recommendation of DCT's
- Public members: five to eight (6)
 - appointed by government

Council Meetings

- Open to the public (limited exceptions)
 - Notice of meeting dates on College web site
- Governance, policy, regulations, bylaws, standards

Regulation Making Authority

- registration requirements
- defining professional misconduct
- quality assurance program

Plus others, listed in the Code s.95
Regulations must be approved by government

Bylaw Making Authority

- Finances
- Council elections
- Committee appointments
- Code of ethics
- Information in the Register*
 - In addition to information prescribed in Code s.23
- Fees*
- Liability insurance*

Plus others, Code s.94

Bylaws do not require government approval

* Require 60 days circulation before Council approval

Statutory Programs & Activities

- Registration
- Quality Assurance
- Investigations & Inquiries

Registration Process

- Applicant meets requirements - certificate of registration
- Applicant does not meet a requirement - refer to Registration Committee
- Applicant may seek review of any adverse registration decision by
 - Registration Committee
 - Health Professions Appeal and Review Board (HPARB)

New Registration Regulation

In force as of April 7, 2015

www.cpo.on.ca - Announcements

Ontario Regulation 74/15 – Psychology Act,
1991

<http://www.e-laws.gov.on.ca/>

Classes of Certificates of Registration (9)

Psychologist & Psychological Associate

- Certificate for autonomous practice
- Certificate for supervised practice
- Certificate for interim autonomous practice

Inactive certificate

Academic certificate

Retired certificate

Requirements - Psychologist Autonomous Practice Certificate

- Doctoral degree from a psychology program which is
 - accredited by the Canadian Psychological Association;
 - equivalent to a program accredited by CPA; or
 - offered outside of Canada or the United States and substantially similar to a CPA accredited program;

No longer “primarily psychological in nature”
Accredited psychology program is now the standard

Continued...

Requirements - Psychologist Autonomous Practice (Cont'd)

Doctoral degree (Continued)

Applicant from a “substantially similar” program must have successfully completed such further assessment, training or supervised experience, if any, which in the opinion of a panel of the Registration Committee is required to ensure that the applicant has competencies equivalent to graduate of CPA accredited program.

Continued...

Requirements - Psychologist Autonomous Practice (Cont'd)

- Approved postdoctoral supervised practice: supervised practice certificate
 - minimum 1,500 hours
 - criteria for supervisors
- Examinations
 - Examination for Professional Practice in Psychology
 - Jurisprudence and Ethics Examination
 - Oral examination

Continued...

Requirements - Psychologist Autonomous Practice (Cont'd)

- All further professional training or experience that,
 - in the opinion of a panel of the Registration Committee, is required to ensure the competence of the applicant for autonomous practice as a psychologist in his or her intended area of practice.

Requirements – Psychologist Supervised Practice Certificate

- Doctoral degree (see autonomous practice)
- Signed undertakings from two supervisors who
 - agree to supervise, train and evaluate the applicant and provide reports
 - are authorized to practice autonomously in same area and with same client groups as those of supervisee

See regulation for additional criteria

Requirements – Psych. Associate Autonomous Practice Certificate

1. Masters degree from a psychology program which

i. is offered at an institution legally authorized to grant the degree in Canada or accredited degree granting institution in U.S. or institution in another country deemed, by accredited foreign credentials evaluation service, to be equivalent to Canadian degree granting institution;

Degree must be deemed equivalent in level to a Canadian master's degree. **Continued...**

Requirements – Psych. Associate Autonomous Practice (Cont'd)

- ii. requires as a prerequisite 576 hours of undergraduate instruction in psychology; and

- iii. includes:
 - A. at least 36 hours of instruction in each of psychological assessment; psychological intervention; professional ethics and standards for psychology; research design, methodology and statistics; biological bases of behaviour; cognitive-affective bases of behaviour; social bases of behaviour; and psychology of the individual;

Requirements – Psych. Associate Autonomous Practice (Cont'd)

B. a supervised psychology practicum or internship;

C. at least one academic year of full-time resident graduate study and training or equivalent part-time resident graduate study and training;

Part or all of the **foundational course** requirement may be met through equivalent coursework completed at undergraduate level beyond that of a first year course

Continued...

Requirements – Psych. Associate Autonomous Practice (Cont'd)

Where applicant has master's degree from a psychology program from recognized institution but program does not meet content requirements, applicant considered to have met content requirements if,

- (a) the program is considered by panel of the Registration Committee to be substantially similar to a program that meets the content requirement; and
- (b) the applicant successfully completes the additional education or training, if any, specified by a panel of Registration Committee.

Continued...

Requirements – Psych. Associate Autonomous Practice (Cont'd)

2. Post master's supervised practice
 - at least 6,000 hours over four years
3. Supervised practice while holding a certificate authorizing supervised practice
 - at least 1,500 hours
- 4.-6. Examinations – EPPP, JEE, oral
 - Same as for psychologist autonomous practice

Continued...

Requirements – Psych. Associate Autonomous Practice (Cont'd)

7. All further professional training or experience that,

- in the opinion of a panel of the Registration Committee, is required to ensure the competence of the applicant for autonomous practice as a psychological associate in his or her intended area of practice.

Requirements - Psych. Associate Supervised Practice Certificate

1. Master's degree

- same degree requirement as for autonomous practice certificate

2. Post master's supervised practice

- at least 6,000 hours over four years

Continued...

Requirements – Psych. Associate Supervised Practice (Cont'd)

3. Signed undertakings from two supervisors who

- each agree to supervise, train and evaluate the applicant and provide reports
- are authorized to practice autonomously in same area and with same client groups as those of supervisee

Mobility within Canada

- Applicant already holds an “out-of-province” certificate of registration and applies to the College for equivalent certificate of registration
 - Equivalence means same scope of practice and same professional title (if available)

Mobility within Canada

Applicant entitled to registration by the College subject to the following:

- Applicant must be registered and in good standing in the other Canadian jurisdiction(s)
- Applicant must pass the College's Jurisprudence and Ethics Examination
- If applicant has not practiced at all during the two years preceding the application, may be required to take additional training, supervised experience, examinations or assessments

Quality Assurance Program Required Elements

- Continuing education or professional development
- Self, peer and practice assessments
- Mechanism for College to monitor members' participation and compliance

Continuing Education or Professional Development

- Promote continuing competence & continuing quality improvement
- Address changes in practice environments
- Incorporate standards of practice, advances in technology, changes made to entry to practice competencies and other relevant issues in the discretion of the Council

RHPA Code s.80.1; see also amended Quality Assurance regulation O.Reg. 209/94 Part III.

Investigation of Complaints or Reports

- Informal resolution by staff of minor concerns
- Alternative dispute resolution for complaints available if Registrar initiates & parties agree
- Formal investigation by a panel of Inquiries, Complaints and Reports Committee (ICRC), with investigator

After Investigation Disposition by Panel of ICRC

- Take no action
- Oral caution
- Refer allegation(s) of professional misconduct or incompetence to Discipline Committee
- Refer to another panel of ICRC for incapacity proceedings
- Take other action consistent with Act

ICRC - Other Actions Consistent with the Act

- Seek a voluntary undertaking/remediation
- Require completion of a specified continuing education or remediation program

Other Action ICRC May Take

- If the panel is satisfied that a complaint was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process
 - the panel takes no action with respect to the complaint

Discipline Hearing

- Open hearing - limited exceptions
- If the discipline panel makes a finding of misconduct or incompetence, options:
 - reprimand
 - imposition of terms, conditions and limitations
 - suspension
 - revocation
 - fine, costs

Incapacity

- the member is suffering from a physical or mental condition or disorder
- that makes it desirable in the interest of the public
- that the member no longer be permitted to practise or that the member's practice be subject to terms, conditions or limitations

Incapacity Proceedings

- Referral from a panel of ICRC or report from Registrar
- Considered by a different panel of ICRC
- Panel makes inquiries, may require physical or mental examination in specified circumstances
- Provides examination report to member
- May refer to Fitness to Practice Committee

Fitness to Practice Hearing

- Closed hearing
- If finding of incapacity, panel may order:
 - Revocation
 - Suspension
 - Imposition of terms, conditions and limitations

Helpful Websites

■ www.e-laws.gov.on.ca

- RHPA, Psychology Act, other statutes, regulations

■ www.cpo.on.ca

- bylaws, standards, registration requirements

■ www.asppb.org

- registration/licensure/mobility in Canada/U.S.

■ www.cpa.ca

- program accreditation, code of ethics

■ <http://www.regulatedhealthprofessions.on.ca>

- public information re health professions