

Chronicle

NEWS AND INFORMATION FROM THE BOARD

Volume 3 • Number 1 • Spring 2000

Annual General Meeting, May 11

AT THE EXECUTIVE INN, RICHMOND, AND
CLARION HOTEL GRAND PACIFIC, VICTORIA

The AGM on May 11, 2000, represents the start of annual May meetings. Many factors have led to this time change, not least of which is financial management of the College.

The Board has been conducting a complete review and audit of its financial, statutory and administrative functions. The Finance

Committee, under Chair Blake Williams, is trying to determine College costs under the new structure. As you were informed at AGM 1999 in November, the fees would be altered as the new costs were better identified. Please plan to attend to be fully informed on this process.

See details page 4.

Introduction

This edition of the *Chronicle* contains important news items. Many have a direct and immediate effect on your practice of psychology. Other items concern changes in the College.

Change of Registrar

Dr. Ed Kramer resigned his position as Registrar in December, 1999, and has resumed his private practice. Over his many years of service Dr. Kramer has made significant contributions to the regulatory process and other aspects of the profession of psychology in British Columbia for which the College is most appreciative.

In January the Board appointed a Registrar, Dr. Andrea Kowaz, for a six month period. She has been diligently engaged in organizing the complaint files and assuming management of the complaint process. The Board, with Dr. Kowaz, Ms. Vicki Huxtable, Mr. Anthony Tobin, legal counsel, Ms. Barbara Passmore, and Dr. Amell undertook a complete review of all open complaint files. The members of the Inquiry Committee are hard at work continuing to process these files.

Full Financial Review Underway

The Finance Committee and the full Board is working diligently to manage the finances of the College during a challenging transition. This includes an intensive and detailed financial audit (to be presented at the Annual General Meeting), new financial policies, and an administrative review of all statutory and legal costs. Computers have been upgraded, database developments and plans for an internet presence to make the College accessible are underway. The Finance Committee is working with the Board, College staff, the auditor and external bookkeeper to finalize the budget to be presented at the AGM with the announcement of the fee adjustment required to fund the College's operations until the end of the year.

Submitted by B. Williams



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BOARD MEMBERS

Chair

Verna Amell, R Psych.

Vice Chair

Stephen Flamer, R Psych

Secretary Treasurer

Blake Williams, Lay Member

Inquiry Committee Chair

Marvin McDonald, R Psych

Barbara Passmore, Lay Member

Registration Committee Chair

Stephen Flamer, R Psych

Art Kube, Lay Member

Quality Assurance

Committee Chair

Bill Borgen, R Psych

Members at Large

Anastasia Mirras, R Psych

(Psychologist vacancy to be filled by appointment from government soon)

Governance by the *Health Professions Act (HPA)*

As of January 1, 2000, the College is governed by the *HPA*. Please review the enclosed official copy of the *Health Professions Act* and the *Psychologist Regulation* (purchased by the College).

As a consequence of coming under this legislation, the government has appointed all directors as the first Board for the College for this year. Election of officers for continuing terms will be held in October/November. Please consider standing for election. Submit your name!

BOARD STRUCTURE AND DIRECTORS

There are six full registrants (currently appointed by government but will be elected) and three appointed lay members. The government recommends that there be public representatives on important committees. These may include the appointed board members but can be drawn from the public at large. If you are aware of individuals with interests and skills relevant to the College, please encourage them to submit their names to the College.

Under *HPA* the names of committees and, to some extent, their function have changed. The committees required under *HPA* are the Inquiry Committee (formerly the Professional Standards Committee), the Discipline Committee, the Registration Committee (formerly the Membership Committee), the Patient Relations Committee and the Quality Assurance Committee. The Discipline Committee assumes responsibility for Hearings, a role formerly undertaken by the Board. The Patient Relations Committee will address issues relating to sexual misconduct, harm and rehabilitation of professionals.

SCOPE OF PRACTICE UNDER THE *HEALTH PROFESSIONS ACT*

In December, 1999, the College with other health regulatory bodies and public agencies made presentations to the Health Professions Council. The preliminary recommendations of the Council included the removal of exemptions (currently legislated in the now repealed *Psychologists Act*, and expanded by an Order in Council December 17, 1999, see enclosed *Psychologist Regulation*) for persons practicing psychology in schools, regional health authorities, and other institutions. The Council also recommended the reserved

activity of diagnosis for psychologists. This received a very favourable response from other parties.

The College made representation to add the use of psychodiagnostic tests as a reserved activity. This was disputed by private vocational services providers. The BCPA made

a presentation to have psychotherapy also a reserved act, however, this was not well supported by a number of other parties. We are still awaiting the final report and recommendations of the Council.

DRAFT BYLAWS

In January the Board appointed Dr. Carol Solyom as Deputy Registrar for six months. Her primary task is to assist the Board in the preparation of bylaws for the College under the *HPA*. These will be circulated in the near future for your review.

In addition to the committee structure changes highlighted on this page, other changes include increased flexibility in discipline and complaint matters such as alternate dispute resolution, bundling of complaints when warranted, and the ability to assign fines and recover costs from sanctioned

psychologists. A major change and the subject of previous issues of *Chronicle* with regard to registration will be the expanded classes/categories of registrants.

An annual Certificate to Practice Psychology, specifying the right of access to any reserved activities, e.g., the reserved act of diagnosis, and any limitations on your practice, will soon be issued. You must post the Certificate in your office.

The Regulatory Role of the College

The mandate of professional regulatory colleges in Canada is to serve the public interest and to protect the public. Typically, the regulatory role includes at least the following:

- registration or certification of members, and maintenance of the register of members;
- review of applications for membership;
- determination and updating of criteria for membership;
- examination of applicants;
- monitoring of temporary registrants;
- ensuring that the process of registration is fair, equitable and valid;
- drafting bylaws and guidelines in keeping with the Act;
- enforcing the Act, bylaws and guidelines;
- investigating complaints against members;
- disciplining members who are incompetent, unethical, or otherwise contravene the Act, bylaws and guidelines; taking action against non-members who present

themselves to the public as if they were members;

- conducting hearings;
 - maintaining a record of and disseminating information about disciplinary actions;
 - informing the public about the value and nature of regulation;
 - informing the profession about the value and nature of regulation;
 - facilitating and/or requiring continuing education of members;
 - informing members about standards of practice;
 - educating members on difficult practice issues or ethical dilemmas; and
 - promoting the regulatory perspective, in order to best serve and protect the public.
- (With thanks to H.G. Edwards)

UPDATE ON LEGISLATIVE CHANGES

The *Act* spells out a clear role for the registrar as the conduit of information between complainants and respondents and the Inquiry Committee. While the Registrar is an inspector under the *Act*, the Inquiry Committee handles the adjudicative aspects of complaint investigation. Thus the decision-making component of the complaint process is shared by the Inquiry and later, if required, by the Discipline Committee.

The *Act* also articulates clear expectations for the College's role in implementing suspension of registration for nonpayment of fees. Note, for example, Section 22 (3): *The registrar must cancel the registration of a registrant in the register if (b) the registrant has failed to pay a fee for the renewal of registration or another fee within the required time.*"

The College has made changes in the complaint process. A comprehensive tracking system is being implemented. A complaint file is opened upon initial receipt of a written complaint, at which point notification is sent to the respondent(s). In addition a concerted attempt is being made to achieve earlier and, when appropriate, more informal resolutions to complaints.

Registrants who call the College about ethical issues of late will have noticed a change in the kind of response the College is able to provide. Input and advice with regard to specific ethical situations will not be provided. Such advice may create unfortunate complications for subsequent complaint investigations.

A useful guideline applicable to all ethical situations may be found in Keith-Spiegel and Koocher (1985) *Ethics for Psychology Practice* (adapted from Alexander Tymchuk, 1981):

1. Describe the parameters of the situation
2. Define the potential issues involved
3. Consult the guidelines, if any, already available that might apply to the resolution of each issue.
4. Evaluate the rights, responsibilities and welfare of all affected parties (including institutions and the general public)
5. Generate the alternative decisions for each issue
6. Enumerate the consequences of making each decision
7. Present any evidence that the various consequences or benefits resulting from each decision will actually occur.
8. Make the decision

This eight point process is a useful starting point for working through difficult situations

Submitted by: A Kowaz

LAWYER REQUEST FOR RAW TEST DATA

A meeting was held with the Trial Lawyers Association concerning requests from lawyers for raw test data with no guarantee that such data will be viewed by another psychologist. From their perspective, the lawyers find such requests appropriate since they do challenge the foundations of reports and question the validity of expert opinion in court. All expert testimony, including that of a psychologist, is subject to public accountability through cross-examination. The lawyer must be knowledgeable enough to determine the necessity for an expert opinion. In efforts to control legal costs, consultation with an expert should be done only when needed; the "need" to be determined by counsel.

The important issues for psychologists are:

- that questioning in cross-examination is based on common sense, uninformed reasonableness, or face validity; and
- that the raw data and test materials will be kept confidential and protected

Psychologists should advise the requesting lawyer of the sensitivity of the material and may obtain an undertaking from him or her. In case law there is an expectation that the data will be used solely for the purposes of the particular case, will not be copied or disseminated, and will be destroyed or returned after decisions have been made.

The Psychological Corporation which holds the copyright of many tests has requested that the court not make the material publicly available as part of the record of the case, either by sealing the record, or by not including the materials in the record at all. Similarly, they ask that testimony regarding the items, particularly that which makes clear the content of the items, should be sealed and, again, not included in the record.

NEW LEGISLATION AFFECTING YOUR PRACTICE

On February 28, 2000, new legislation, the *Health Care (Consent) and Care Facility (Admission) Act* concerning the *Adult Guardianship Act* was enacted and is described in the enclosed letter from Mr Alan Moyes, Director, Ministry of Health. The possibility of presenting a workshop later this year in conjunction with BCPA is under

discussion. For more detailed information, contact the web-sites listed or your hospital administration.

MOBILITY UNDER THE AIT

The Council of Provincial Associations of Psychologists (CPAP) meets regularly twice a year to discuss issues common to both the Regulatory and Association bodies of the ten provincial, the Northwest Territories and Nunavut jurisdictions. Over the past two years additional meetings of only the Regulators have discussed mobility requirements under AIT. There is an intent to promote the development of the Psy.D. as a professional practice alternative to the scientist practitioner Ph.D., and a developing consensus on the requirements for the independent professional practice of psychology. This emphasis is particularly important, because regulation in every jurisdiction is to protect the public and reduce the risk of harm. Additional pursuits of the profession or its members are outside this arena.

Drs. Amell and Solyom attended the regulators meeting in early March and are working on incorporating some of the recommendations on registration requirements into the Bylaws. While there are a number of differences among the jurisdictions, more importantly there are a greater number of similarities. At the CPAP meeting in July it is expected that draft agreements for mutual recognition among jurisdictions will be developed. The work on these agreements also has benefit for psychological practitioners within B.C. who have to date not been regulated by the College. Given the ongoing nature of this process, and considering the immensity of the task to expand categories, the bylaws on registration will be sent to government as proposed draft bylaws, with the expectation of graduated implementation. The remainder of the bylaws will be submitted for immediate approval.



Call for Volunteers

The College needs volunteers with experience and an interest in:

- developing a website for the College
- development of policy manuals
- administrative tribunals
- development of written professional standards
- serving on committees

Position Opening – July 2000

Registrar of the College of Psychologists of British Columbia.

Required knowledge and skills:

- Ph D., Registered Psychologist (or eligible for registration in B C)
- Knowledge of ethics, professional standards, current legislation and case law affecting psychologists practice in B C.
- Skill in applying and interpreting bylaws and regulations
- Excellent organizational, time management and interpersonal skills.
- Ability to effectively manage demanding and diverse responsibilities.

Please send résumé and covering letter indicating your availability and salary expectations to:

Dr Verna Amell
College of Psychologists of B C.

Annual General Meeting

Thursday
May 11, 2000
at 5:30 pm

Fraser Ballroom
Executive Inn
7211 Westminster Hwy.
Richmond, B.C.

and

Executive Boardroom
612
Clarion Hotel
450 Quebec Street
Victoria, B.C.



Please Note:

Under new by-laws to be submitted shortly, the lapsed category will be abolished. Please contact the College if this applies to you and you wish to maintain some form of registration with the College.

Website and e-mail

The College will be developing a website and an e-mail system. We would appreciate receiving from you, your e-mail address. Please fill out this tear off portion of the page and send it back to us – snail mail for now.

Name: _____ Registration No. _____

Telephone: _____ Date: _____

E-mail address: _____

Signature: _____

Please sign, date and return to:

College of Psychologists of British Columbia
Suite 404, 1755 West Broadway, Vancouver, B.C. V6J 4S5
Telephone: 604-736-6164; 1-800-665-0979; Facsimile: 604-736-6133