

COLLEGE OF PSYCHOLOGISTS OF BRITISH COLUMBIA

NAMING A PROFESSIONAL EXECUTOR

The requirement to name a professional executor has been in place since renewal 2010. With the enactment of the new bylaws on September 1, 2014, this requirement has been elevated to a bylaw requirement. This requirement is in place to ensure continuity of care for clients. This information will enable the College, in the event of your incapacity or death, to direct members of the public seeking your records to the appropriate registrant or institutional contact, and will facilitate access to and management of practice records. The requirement applies to all registrants who own (i.e. have primary control over) any practice records. Under this requirement, registrants are also obliged to provide contact information enabling access to records created by them but under the control of an institution (e.g., a health authority, a government ministry, a correctional centre, a university, etc.).

Each registrant is responsible for ensuring that the College is kept apprised of current information regarding his or her Professional Executor, and appropriate contact information for institutionally held practice records, as relevant. As example, if your Professional Executor changes, or you begin creating practice records for which you do not have control in a new institutional setting, you are responsible for updating this information with the College. Starting in 2015, you may submit this information online.

Responsibility for Records

Per the *Code of Conduct*, registrants are obligated to maintain practice records which document their professional work (Standards 13.6 and 13.7) and have a duty to provide client access to records (Standard 6.12). Registrants must maintain records for at least seven years (Standard 13.1), and in some cases longer (Standard 13.4).

Key Definitions:

Private Practice: Registrants are, or have been, in **private practice** insofar as they have ownership (or primary control over) of practice records. Ownership arises when a registrant has an enforceable right to retain possession of practice records. Registrants who have worked or are currently working in a **group practice** or **private business** must name a professional executor.

Institutional Practice: Registrants are, or have been, in **institutional practice** where they have no ownership of practice records, but they have, or have had, responsibility for practice records, including creating, maintaining, retaining, securing, or otherwise having care or control over practice records to any significant degree. For the purpose of this requirement, an institution is defined as a public entity and subject to FOIPPA legislation (e.g., a health authority, a government ministry, a correctional centre, school boards, etc.).

Administrative Practice: Registrants are in **neither private nor institutional practice** when they hold exclusively administrative institutional positions, or positions which otherwise lack any responsibility for practice records. While teaching and other activities do fall within the practice of psychology, the naming of a professional executor requirement addresses **client access to practice records**. This does not exempt clinical supervisors from their record keeping obligations.

Frequently Asked Questions - Naming a Professional Executor

I am currently in private practice, and I have practice records. Do I need to name a professional executor?

Yes.

I was in private practice, but I'm not anymore. I have practice records. Do I need to name a professional executor?

Yes.

I work mainly in Alberta, but I have one active client in Vancouver. For the client in Vancouver, I have a practice record. Do I need to name a professional executor in British Columbia?

Yes, you must name a professional executor in BC concerning practice records for work you are, or have been, providing in BC. You must name a professional executor for as long as you are maintaining practice records for work provided in BC.

I now practice entirely in Alberta, but I have practice records from when I practiced in BC. My registration status is Non-Practising (Out of Province). Do I need to name a professional executor in British Columbia?

Yes, you must name a professional executor in BC concerning practice records for work you provided in BC. You must name a professional executor for as long as you are maintaining practice records for work provided in BC.

I was formerly in private practice, but I now work exclusively in an institutional setting. I made this transition several years ago. I have practice records from when I was in private practice. Do I need to name a professional executor?

Yes, as long as you retain ownership of practice records concerning past private practice clients which you have an ongoing duty to maintain under the Code of Conduct. You must provide the required institutional information including the name of a contact person.

I do most of my work in an institutional setting, but keep one or two private patients. I have practice records relating to them. Do I need to name a professional executor?

Yes. You must name another registrant as a professional executor with respect to any and all practice records that you own. For your institutional practice, you must also make a declaration by checking C and provide the required institutional information including the name of a contact person.

I work in a mental health centre. The mental health centre owns all of the records. Do I need to name a professional executor?

No, but you must provide the required institutional information including the name of a contact person.

Who in my institution should I name as a contact person? I work with a part-time psychologist, but there is also a manager.

An institutional contact person need not be another registrant of the College. You should name whoever has primary responsibility for the records within the institution.

Can I name the position responsible for institutional records, or do I need to name a particular person?

You should always name a person, but also provide that person's position. You are always free to update this information at your next renewal, or throughout the year.

I have worked in an institution and it seems like the requirement to name a contact is indefinite. For how long will I have to name a contact?

If the institutional practice records are beyond the 7 year maintenance period (or longer in the case of working with persons under age 19), you may request an exemption from this requirement.

Three years ago, I served as a practicum supervisor for a psychology training program. The practice records for the cases I supervised are owned and maintained by the university. Am I obligated to name someone in this case?

Yes. You must provide the required institutional information including the name of a contact person.

Although I maintain my BC registration, I haven't lived or worked in BC in many years. I don't own or have responsibility for any BC practice records. Am I exempt from this requirement?

You may request an exemption.

SELECTED ADDITIONAL RESOURCES ON PROFESSIONAL EXECUTORS, PROFESSIONAL WILLS, AND RETIREMENT:

There are growing resources available to registrants on the topics of naming a professional executor, drafting a professional will, and planning for retirement. Here is a sample of these resources:

- A. College of Psychologists of BC Website: www.collegeofpsychologists.bc.ca
 1. NEW CHECKLIST – A “Checklist of Activities for Appointing and/or serving as a Professional Executor” can be found in the Library – Resource Document section of the College website.
 2. Check out the Library link on the website: <http://www.collegeofpsychologists.bc.ca/referencedocs.php>. This link will take you to materials on the professional executor requirement, and materials from the professional wills workshops including a template for a professional will.
 3. Under the publication link, click on Chronicles for pdfs of past Chronicles including a number of special articles on preparing for retirement. <http://www.collegeofpsychologists.bc.ca/chronicles.php> In particular, do a search through the aggregate pdf of past chronicles and search the terms retirement or professional executor.
- B. Other resources
 1. Ken Pope’s website has a lot of useful information, including the following specific link: <http://www.kspope.com/therapistas/will.php>
 2. The American Psychological Association website. In particular, see this link: <http://www.apa.org/monitor/2008/06/prepare.aspx>
 3. The APA Practice Organization's guide to professional wills, at <http://www.apapracticecentral.org/business/legal/professional/secure/will.aspx>
 4. Free materials, including guidelines for preparing a professional will; a professional will format; and guidelines for professional executors, from the [San Diego Psychological Association](#).
 5. McGee, T.F. (2003). Observations on the retirement of professional psychologists. *Professional Psychology: Research and Practice*, 34(4), 388-395.
 6. Pope, K.S. & Vasquez, M.J.T. (2005). Preparing a professional will. In Pope and Vasquez, *How to survive and thrive as a therapist: Information, ideas and resources for psychologists in practice*. Washington, DC: American Psychological Association
 7. Spayd, C.S. & Wiley, M.O (2014) <http://www.slideshare.net/psychbuilder/closing-a-psychology-practice>