

# ψ Chronicle

College of Psychologists of British Columbia

NEWS AND INFORMATION FROM THE COLLEGE OF PSYCHOLOGISTS

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## Letter from the Chair

As my six years on the Board draw to a close, I am pleased to have this opportunity to share some thoughts and observations with fellow registrants. As per our new policy of setting a theme for each issue of the *Chronicle* – this issue is devoted to a number of important changes that have impact on the regulation of our profession. Specifically, this issue will describe the changes to the *Health Professions Act*, the *Psychologists Regulation*, and the *Criminal Record Review Act*, which are under the purview of the provincial government, as well as changes to the *Agreement on Internal Trade*, which is federal legislation. I encourage you to read through this issue carefully as these changes impose new requirements on both the College and the profession.

I want to take this opportunity to express my heartfelt gratitude and appreciation to Michael Elterman and Derek Swain, both of whom join me in completing our sixth year as Board members. Michael served as Chair of the Board and as Chair of the Registration Committee during his tenure on the Board. I have appreciated his humour and clarity, along with his uncanny ability to sit quietly through a lengthy and complex discussion only to summarize the key issues in a succinct and brief statement at the very end. Derek served as Chair of the Finance Committee – his skillful stewardship in this role is validated by the fact that the College was within budget for each of these years and renewal fees have not been increased in six years. I have also much appreciated his careful thought and input on how best to practically address the

many difficult issues we have grappled with as a Board. Continuing on the Board are our capable and dedicated colleagues, Lee Cohene, Rebecca England, and Valerie Whiffen, along with our three stalwart public members, Daniel Fontaine, Marguerite Ford, and Wayne Morson. We have had a wonderfully cohesive and hardworking Board, and I look forward to the accomplishments of the next Board. I urge registrants with an interest in the future and development of our profession to consider running for the open Board positions. In particular, registrants who have experience on the Inquiry, Registration or Quality Assurance Committee are encouraged to put their names forward as this is invaluable expertise to bring to the Board table.

The College is a complex organization, which has to function at the highest levels in the realms of ethics, the profession of psychology, administration, business, legislation and law. I wish to acknowledge the exemplary work of our Registrar, Andrea Kowaz, and her very capable team of College staff, and on a more personal note I wish to thank Andrea publicly for her patience and excellent tutelage in helping me understand the complexities involved in the Board's role in superintending our profession.

It has been my privilege to serve on the Board, and I am very thankful for the opportunity to have done so.

*Michael Joschko, Ph.D., R.Psych.*

**Letter from the Chair**

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## Board of Directors

- Lee Cohene, Ph.D., R.Psych.  
*Chair, Quality Assurance Committee*
- Michael Elterman, MBA, Ph.D., R.Psych.  
*Chair, Registration Committee*
- Rebecca England, Ph.D., R.Psych.  
*Chair, Inquiry Committee, Professional Member  
Patient Relations Committee*
- Daniel Fontaine, *Public Member*  
*Chair, Patient Relations Committee  
Public Member, Discipline Committee*
- Marguerite Ford, *Public Member*  
*Vice-Chair, Board of Directors,  
Public Member, Inquiry Committee*
- Michael Joschko, Ph.D., R.Psych.  
*Chair, Board of Directors*
- Wayne Morson, *Public Member*  
*Chair, Discipline Committee,  
Public Member, Registration and Finance Committee*
- Derek Swain, Ed.D., R.Psych.  
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- Valerie Whiffin, Ph.D., R.Psych.  
*Professional Member, Quality Assurance Committee*

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- Andrea Kowaz, Ph.D., R.Psych.  
*Registrar*
- Amy Janeck, Ph.D., R.Psych.  
*Deputy Registrar*
- Susan Turnbull, Ph.D., R.Psych.  
*Deputy Registrar*
- Colleen Wilkie, Ph.D., R.Psych.  
*Deputy Registrar*
- Alyson Budd  
*Administrative Assistant*
- Avigail Cohen  
*Office Assistant*
- Wendy Harris  
*Registration Coordinator*
- Gina Rowan  
*Inquiry Coordinator, Special Projects Manager*



In response to requests for additional time to review the revised *Code of Conduct* and *Draft Practice Advisories*, the College is extending the deadline for registrants to provide feedback to **October 15, 2008.**

## What Bill 25 Means to You

In May 2008, the provincial government amended the *Health Professions Act* and announced it would replace the regulations under the *Act*, including the *Psychologists Regulation*. The amendments to the *Act* and the proposed changes to *Psychologists Regulation* include significant changes to the College's regulatory processes. The government has indicated that these changes are seen as necessary to achieve increased transparency and accountability among the self-regulated health professions.

In addition, registrants should be aware that these changes to legislation stem from government's decision-making related to the public perception that regulatory bodies are not putting forth sufficient information about their inquiry and disciplinary processes.

Three of the most significant changes to the *Act* are the creation of a Health Professions Review Board, the implementation of mandatory publication of inquiry and disciplinary matters, and a requirement that the College establish a program for funding therapy and counselling for persons harmed by registrant misconduct.

The Health Professions Review Board is empowered to review various matters, including registration decisions, complaint dismissals by the Inquiry Committee, and actions taken or undertakings obtained by the Inquiry Committee following complaint investigations. Reviews initiated by applicants, registrants and complainants under this new review process, without expense to the persons who seek review, could reasonably be expected to result in significant additional expenses to the College in responding to these reviews. The sections of the *Act* relating to the Review Board have not yet been brought into force, but the Ministry of Health Services has advised that it intends to bring these sections into force as soon as possible.

The implementation of mandatory publication of inquiry and discipline matters is expected to result in an increase in disciplinary hearings and associated expenses, and a potential decrease in consensual resolutions. The Ministry has announced that these provisions will be brought into force on November 1, 2008. Practically speaking, the impact of legislated requirements for publication will be seen in the publication on the College website of information about consensual agreements as well as discipline decisions.

An additional requirement of the legislative changes is that the College must establish a program for funding therapy and counselling for persons harmed by registrant misconduct. As psychologists, we recognize the complexity

of practically implementing a program involved in identifying who has been harmed, the extent of the harm, and the appropriate treatment. The professional resources required to fashion such a program, and to fund such a program, could result in a substantial increase to operational costs. The College hopes to consult with the Ministry prior to these provisions being brought into force.

In August 2008, the government announced its intention to repeal the current regulations under the *Health Professions Act*, and replace them with new regulations, including a new *Psychologists Regulation*. The proposed new regulation, which will be made into law on November 1, 2008, changes title protection for psychologists. Under the new proposed *Psychologists Regulation*, only the terms "psychologist", "registered psychologist", "psychological associate" and "registered psychological associate" are protected. This is a substantial departure from the current *Psychologists Regulation*, which provides a prohibition on terms implying training, experience or expertise as a psychologist.

The amended *Act* contains a number of other changes, which may have significant impact on the College's budget and expenses. The amended *Health Professions Act* and the proposed regulations are available through the College's website or through the government website: <http://www.healthservices.gov.bc.ca>. The sections now in force are outlined in the table at the end of the *Health Professions Amendment Act*.

The College is involved with other health regulatory bodies in reviewing these upcoming legislative changes and in providing information and feedback to government.

Registrants are encouraged to attend the information meetings (details in this *Chronicle*) to find out more about how these changes in legislation will impact on the regulation of our profession.

## An Overview of Upcoming Changes to Chapter 7 of the Agreement on Internal Trade

Under the revised Agreement on Internal Trade (AIT), mutual recognition is assumed to exist among the different Canadian jurisdictions for each profession, with mutual recognition meaning that qualified workers of one province or territory will be recognized in another province or territory without any additional re-training, re-testing, or re-assessment. Any additional requirement set by a regulatory body for a worker coming from another province

or territory must be approved in advance by the provincial/territorial government as a "legitimate objectives".

The federal government has indicated that it is planned for Chapter 7 to be amended by January 1, 2009 with the amendments to come into force on April 1, 2009. We are informed that any necessary amendments to mutual recognition agreements need to be in place by August 1, 2009.

There is a relationship between the proposed amendments and other trade agreements already in place. TILMA is an agreement signed by the provinces of BC and Alberta. There is also a planned agreement between Quebec and France. France is a part of the European Union (EU). If all provinces are obliged to accept workers from Quebec, which in turn has an agreement to recognize workers from France, and France has an obligation to accept all workers from the EU, the implications could be significant across all of the implicate professions under the Agreement on Internal Trade.

In line with the increased emphasis on mobility, the Registration Committee of the College of Psychologists of British Columbia invited individuals fully licensed as registrants of another Canadian psychology regulatory body, but whose main residence was in British Columbia, to apply for registration in BC as reciprocal applicants. The intent of this policy is to ensure that individuals who are eligible for reciprocal application, but are not aware of the requirement to be actively practicing in their home jurisdiction prior to applying for registration in BC, are given the opportunity to make an application. This policy will apply to Reciprocal applications received at the College by December 31, 2008.

## Proposed Changes to the Code of Conduct and Practice Advisories

In response to feedback from registrants, the timeline for providing feedback on proposed changes to the *Code of Conduct* and Practice Advisories has been extended to **October 15, 2008**.

The College appreciates the thoughtful and constructive comments of registrants. A total of 8 individual registrants and 2 small groups of registrants have provided their feedback to the College. A preliminary review of feedback provided to date suggests that clarification of the distinction between a Practice Advisory and a standard of the *Code of Conduct* may be useful. Practice Advisories are guidelines

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## **SPECIAL ISSUE:** Update on Changes to the Regulation of Our Profession

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written in reference to the *Code of Conduct*. Once published to the profession, registrants are presumed to have knowledge of Practice Advisories and it is recommended that they be guided by them in their practice of psychology. Practice Advisories may be referred to and relied upon by the Inquiry Committee or the Discipline Committee to assess the conduct of a registrant and determine if a registrant has: contravened a provision of the Bylaws, including the *Code of Conduct*, has engaged in professional misconduct, unprofessional conduct, unethical conduct, or is competent to practice psychology. While intended to have broad application, not all Practice Advisories apply to all work settings or circumstances.

Registrants facing questions or decisions about appropriate conduct or competence in their practice should reflect on their answer to the following:

*Do other competent psychologists who practice in my area conduct themselves in the same way or practice in the way that I am contemplating?*

If your answer is to the affirmative, then you are likely meeting minimum standards. If your answer is no, or you do not know the answer, then you should reconsider and seek consultation with competent colleagues practicing in your area.

**Be sure to use your R.Psych. or R.Psych. Assoc. designation in all professional materials and advertisements.**

## **SPECIAL ISSUE:** Update on Changes to the Regulation of Our Profession

### Changes to the *Criminal Records Review Act* and Requirements for a Criminal Record Check

On July 22, 2008, all registrants whose surnames began with the letters A-E were sent a letter providing the forms required to complete the re-check required under changes to the Criminal Records Review Act (CRRRA). The relevant section of the new CRRRA is excerpted in the box below.

#### **CRIMINAL RECORDS REVIEW ACT**

RSBC 1996, CHAPTER 86

Part 4 – Registered Members

SECTIONS 13 and 15

##### **General duty of governing body**

- 13** (1) A governing body must ensure that every member of the governing body who is registered and every individual who applies for registration undergoes a criminal record check in accordance with this Part.
- (2) The governing body must inform individuals of the requirements of this Act if those individuals are registered members or are applicants for registration as a member of the governing body.

##### **Existing registered members**

- 15** (1) A registered member must provide a criminal record check authorization to his or her governing body
- (a) before the date prescribed by regulation, and
  - (b) at least once every 5 years after the date on which the authorization is provided in compliance with paragraph (a).
- (2) If a registered member does not provide the criminal record check authorization as required by subsection (1) or section 17,
- (a) the registered member must not work with children until the registered member has provided the criminal record check authorization, and
  - (b) the governing body must investigate or review the registration of the registered member and take appropriate action under the Act that governs the governing body.
- (3) If a registered member carries on his or her occupation as an employee, the governing body must take reasonable steps to notify the registered member's employer that it is taking action under subsection (2) (b).

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# **SPECIAL ISSUE:** Update on Changes to the Regulation of Our Profession

## Changes to the *Criminal Records Review Act* and Requirements for a Criminal Record Check continued from page 3

### When Will You be Re-Checked?

- by December 31, 2009, for registrants whose surname begins with the letters **F - J**;
- by December 31, 2010, for registrants whose surname begins with the letters **K - P**;
- by December 31, 2011, for registrants whose surname begins with the letters **Q - U**;
- by December 31, 2012, for registrants whose surname begins with the letters **V - Z**.

New registrants will be required to undergo a re-check within 5 years of the date of the Criminal Record Check that was performed as part of their Application process.

A total of 244 registrants were required to submit the completed consent form and the required payment to the College by August 29, 2008. A total of 224 (92%) registrants provided information to the College by the deadline of August 29, 2008. This number had risen to 238 (98%) by September 17, 2008. Of those registrants who submitted information to the College, 51 (21%) submitted incorrect and/or incomplete information that needed to be returned to the registrant for correction.

Below are some FAQ's prepared by the College regarding this Criminal Record Check requirement.

#### 1. Why is this necessary?

Under the *Criminal Records Review Act* (CRRRA), the College is required to ensure that each registrant undergoes a criminal record review conducted by the Criminal Records Review Program (CRRP). There have been some recent changes to the CRRRA including expanded definitions for conviction, the addition of six new offenses, and the requirement that registrants have a criminal record review every five years. Registrants should review the CRRRA to ensure that they are aware of changes to the Act that apply to their practice.

The College is required to ensure that the following registrants complete a Criminal Record Review in 2008: Registrants whose surname begins with the letter A through E and who completed a Criminal Record Review through the Criminal Records Review Program in 2003 or earlier. If a registrant refuses to consent to and undergo a criminal record re-check, the College will not be able to renew the registrant's registration.

For further information:

- March 2008 issue of the *Chronicle*
- Information on the College's website (letter to registrants, forms to complete): [www.collegeofpsychologists.bc.ca](http://www.collegeofpsychologists.bc.ca)
- Criminal Records Review Program: <http://www.pssg.gov.bc.ca/criminal-records-review/index.htm>
- Bill 16 (outlines the amendments to the Criminal Records Review Act): [www.leg.bc.ca/38th3rd/3rd\\_read/gov16-3.htm](http://www.leg.bc.ca/38th3rd/3rd_read/gov16-3.htm)

#### 2. Can a Police/RCMP Check be completed to fulfill this requirement?

No. The check needs to be conducted by the Ministry of Public Safety and Solicitor General in compliance with the *Criminal Records Review Act*. Under this Act, the College of Psychologists of BC must ensure that each registrant provides a consent to a check as outlined by the Criminal Records Review Program. This includes registrants completing the forms in compliance with the Criminal Records Review Program.

#### 3. Can a Criminal Records Review check completed by the Criminal Records Review Program by another agency fulfill this requirement?

No. Each agency or institution must maintain the original signed consent form. The College must have an original signed consent form on file, and the other agency or institution is similarly obligated.

#### 4. What are the common reasons why forms are being returned to registrants?

- Birth date completed with current year
- mailing address not complete
- no Driver's License number indicated
- credit card declined
- personal cheque provided
- original signed consent form not sent to the College (i.e., forms faxed by the registrant to the Criminal Records Review Program)

#### 5. What are the specific requirements?

- (a) Complete the Consent Form. This form was included in the letter to registrants. It is also available on the College's website and at the Criminal Records Review Program website.
- (b) Provide the appropriate payment. The \$20 fee is required by the Criminal Records Review Program. Appropriate payment is in the form of: (i) credit card payment via Credit Card Usage Form included with your letter, or available on the College's website or the Criminal Records Review Program website; or (ii) certified cheque or money order payable to the Minister of Finance. Personal cheques or cheques made payable to the College are not accepted by the Criminal Records Review Program.
- (c) Send the original signed Consent Form and the appropriate payment to the College. The College will send the form and payment to the Criminal Records Review Program.

#### 6. What happens if registrants do not complete this request?

The College is obligated by law (the *Criminal Records Review Act*) to ensure that all registrants complete a criminal records review as outlined by the Criminal Records Review Program. Registrants who do not complete this request will not be able to renew their registration with the College for the 2009 year.

#### 7. How are results communicated to registrants?

Each registrant will get a letter from the College regarding the results the College received from the Criminal Records Review Program. These will be sent out shortly.

### **Full Time Deputy Registrar Position**

*The College is pleased to announce that Dr. Amy Janeck will be joining College staff in the full time position of Deputy Registrar starting January 1, 2009.*

*Dr. Janeck has commenced working with the College on a part time basis.*



## Annual Registration Renewal – NOTABLE REQUIREMENTS AND POLICIES (Renewal Deadline: DECEMBER 31 of each year)

### A. General Requirements (see Bylaw 53)

1. **Due Date:** The following is due at the College office on or before December 31: (1) registration renewal package including signed attestation (Form A), (2) Quality Assurance Committee's Continuing Competency Program attestation (Form B), and (3) renewal fee paid via cheque or money order.

2. **Reinstatement:** The registrar must cancel the registration of a registrant who has failed to pay a renewal fee or another fee within the required time: see *Health Professions Act* s. 21 (3). Registrants should also refer to Bylaw 53(3)(g) which requires payment of any "outstanding fees, levies or debts owed to the College". Reinstatements are governed by Bylaw 54, \*Note: Bylaw 54 refers to HPA 21(4), which has been repealed.

3. **Possible Disciplinary Action:** Individuals who have been removed from the Register but continue to practice as psychologists or psychological associates will be considered in violation of the Psychologists Regulation and the *Code of Conduct*.

4. **Annual Certificate:** Please see Bylaw 53(8). Each registrant will receive an annual registration certificate by mail at the completion of renewal. Additional copies of certificates can be requested for a fee from the College office. *Bylaw* 53(8) requires that current certificates be prominently displayed.

### B. Fees

1. **No Late Payments:** The College will accept cheques post-dated no later than December 31. Please see HPA s. 21(3)(b).

2. **Amount Due:** As noted above, Bylaw 53(3) paragraphs (g) and (h) require every registrant to deliver the amount of any outstanding fees, levies or debts owed to the College, as well as applicable fees for renewal, in order to maintain registration. The full amount for renewal is due on or before December 31. The College does not accept or provide for payment plans.

3. **Returned Cheques:** Registrants whose cheques are returned by the bank for any reason will be considered to have not paid their renewal fee. In addition, an administrative fee of \$50.00 will be charged.

### C. Professional Executor

The primary responsibility of the professional executor is to facilitate appropriate access to practice records and the appropriate referral of current clients to other mental health professionals. The requirement of naming a professional executor will commence with renewal for the 2010 calendar year and requires naming the designated registrant on the renewal form. **For 2008 and 2009, registrants are encouraged to designate another registrant, but this will not be a requirement for renewal until renewal for 2010.** Professional wills are not required, but are suggested as one way to facilitate discussion and review of the issues, which may arise in appointing a professional executor. One advantage of completing a professional will is the opportunity it provides to spell out expectations in careful detail. Additional information may be found in the September 2007 issue of the *Chronicle* and on the College website.

### D. Supporting Documents

1. **Quality Assurance Committee Continuing Competency Program:** Registrants requesting a partial exemption from the Program's requirements due to parental leave, medical reasons, or disability must submit a letter from a physician.

2. **Limited Register – Out of Province:** Registrants placing themselves on the Limited Register – Out of Province must submit documentation of their registration/licensure to practice psychology by a regulatory body in the other jurisdiction.

3. **Limited Register – Non-Practicing:** Registrants placing themselves on the Limited Register – Non-Practicing for medical reasons should provide a note from a physician.

4. **Moving to Full Register:** Registrants who were on the Limited Register - Non-Practicing due to medical reasons must submit documentation attesting to their readiness to resume the practice of psychology if they are planning to move to the Full Register.

### E. Changes/Additions to Information on the Renewal Form

1. **Change of Register Address:** Registrants should refer to HPA ss. 21(2) and 54(1), and *Bylaw* 50(3). An address for physical premises is required (i.e., post office boxes are not acceptable, except for rural addresses, in which case a registrant should provide both a land address and a post office box).

2. **Change of Address where Records are Kept or Change of Directory Address:** Registrants should indicate such changes in the space provided on the renewal form.

3. **Change of Name:** Registrants who have changed their legal name over the past year under the *Name Act* must provide the College with their full legal names for inclusion on the Register. The College may request supporting documentation. Registrants who have adopted new professional, business or trade names, as a result of marriage or otherwise, must also provide these names the College, exactly as spelled or punctuated in actual use. The College's policy on names is available on the College website.

#### 4. Change of Registration Categories:

a) Registrants moving to the Limited Register - Out of Province or Limited Register - Non-Practicing must provide the supporting documentation as above (under D.2 and D.3).

b) Registrants may remain on the Limited Register – Non-Practicing for a maximum of two consecutive years. Registrants who were on the Limited Register - Non-Practicing due to medical reasons must submit documentation attesting to their readiness to resume the practice of psychology if they are planning to move to the Full Register.

c) Registrants seeking to move from the Limited Register – Retired to the Full Register should make a request to the Registration Committee. The committee will review the registrant's length of time away from active practice, current competence, and fitness to practice in evaluating the request to resume active practice.

5. **Change of Credentials:** Registrants who are currently registered at the masters' level and wish their registration status to reflect a recently acquired doctorate degree must make a written request to have the doctorate reviewed by the Registration Committee. The request must include an original transcript sent directly to the College by the degree-granting institution. The doctorate degree will be reviewed according to current registration criteria for regular applicants (available on the College website under "Applying for Registration").

6. **Change of Area of Practice:** Registrants should refer to *Bylaw* 52, and *Code of Conduct* 3.3. Competence to practice in an area requires a combination of training, education, and experience. Requests to change or add an area of practice will be reviewed by the Registration Committee and registrants may be asked to submit documentation to support the change.

## Reminder – Continuing Competency Program

To ensure registrants comply with the Continuing Competency Program (the "Program") at the time of registration renewal on December 31, 2008, registrants should turn their minds to planning to achieve all required hours. In mid-November, the College will be sending out renewal application packages, including declarations of compliance with the Program. These declarations must be signed and are necessary for renewal under the Bylaws. They must be submitted as part of the renewal application before December 31, 2008. Registrants must be in compliance with the Program when they sign the declaration, or else the declaration will be invalid. Fraudulent declarations may result in discipline. The absence of a valid declaration may also result in cancellation of registration. The College performs checks on randomly selected registrants each year to verify hours and to verify that logged activities qualify for the Program.

Registrants should be familiar with the Program, which requires 35 hours of documented activity in 3 categories, including 5 hours of ethics-related work, each calendar year. The details of the Program are on the College's website under both "Quality Assurance Program" and "FAQs for Registrants" (search for "Continuing Competency"). All registrants on both Registers must comply with the Program, including registrants "on sabbatical", except where: (a) a registrant has "limited register out of province" or "retired" status for the whole of the year; (b) a registrant first joins the College in or after April of the current year, in which case reduced requirements apply; or (c) a registrant has banked hours, or has taken non-practicing medical or parental leave, in which case reduced requirements apply.

Registrants are advised that any courses or other requirements done pursuant to an undertaking with the College, an order of the Discipline Committee or some other condition of registration, are additional to and do not count towards the Continuing Competency Program. Registrants who question whether an activity counts towards the Program should refer to the definition of "practice of psychology" in the Psychologists Regulation and consider if a responsible and competent body of registrants would consider the activity as enhancing the registrant's practice of psychology.

To assist registrants, the following is a checklist to consider in reviewing the current status of your hours.

- Review your 2008 calendar for professional development activities appropriate for meeting the Program.
- Review your 2007 calendar for any "banked" hours applying to your 2008 Program hours.
- Review activity logs to make sure they are up-to-date. This will assist you in tracking and proving your hours.
- If you do not have enough hours, plan ahead to achieve your hours before the December 31, 2008 renewal deadline.
- Diarize to reassess the status of your hours on September 30, October 31 and November 30.

December is a busy time for many registrants. Every registrant should plan to send his or her renewal application package in time to ensure the College receives it by December 31, 2008.

### Information Meetings

The College will be holding two Information Sessions for Registrants.

#### Victoria:

October 21, 2008 at 4:30 pm  
Queen Alexandra Centre  
2400 Arbutus Road, Victoria, BC.

#### Vancouver:

November 20, 2008 at 7:00 pm  
in the East Ballroom, Holiday Inn West Broadway,  
711 West Broadway, Vancouver, BC.

If you are planning to attend either of the Information Meetings, please RSVP by fax to (604) 736-6133 or by telephone to (604) 736-6164 and enter "307" as soon as the Auto Attendant answers.

## Requirement for Registrants to name a Professional Executor

Starting with Renewal 2010, all Registrants will be required to designate another registrant who has agreed to be responsible for his/her practice records in the event of his/her incapacity or death. In order to assist registrants with this requirement, the College held a third series of workshops presented by Dr. Thomas McGee on appointing a professional executor and preparing a professional will in Nanaimo, Nelson, Vancouver and Prince George. The professional wills materials are available for downloading from the College's website.

### Board Election

College Board  
Nomination Forms  
are enclosed  
with this issue.

The deadline for nominations is  
**4 p.m., October 24, 2008.**

Election materials  
will be mailed  
on or before  
November 5, 2008.

### Annual Renewal of Registration

Registration Renewal  
packages will be mailed out  
by the College by  
**November 17, 2008.**

If you have not received your  
package by  
**December 8, 2008,**  
please contact the College.

Please see the article in  
this issue of the *Chronicle*  
reminding registrants of all  
policies related to  
registration renewal.

# When Psychologists are stalked by their clients

Health care professionals have sometimes been the victims of stalking by their clients. Psychologists may be especially vulnerable to being stalked as the very nature of their work entails dealing with clients with psychological and emotional issues. This article examines what psychologists and the College can do to help prevent and manage stalking.

### What is stalking?

Stalking is generally defined as a long-term repetitive pattern of unwanted, harassing or threatening behaviour committed by one person against another. Such behaviour can include:

- repeated phone calls, phone messages, or emails that annoy or threaten the individual
- sending the individual unwanted correspondence, gifts or objects
- following the individual, or his/her friends, family, or anyone else close to them
- stealing the individual's mail
- showing up uninvited at work or home
- trying to get private information about the individual from other people
- entering the individual's home
- vandalism
- harming pets
- threats or assaults

Stalking can lead to stress, anger or anxiety on the part of the victim, leading to greater psychological injury. Stalking may also have an indirect impact on family members, friends and co-workers of the victim, who may feel frustrated in their inability to stop the stalking behaviour.

### Is stalking a crime?

In Canada, stalking is a crime. Section 264 of the Canadian Criminal Code characterizes the behaviour of stalkers as **Criminal Harassment**:

**264.(1)** No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

(2) The conduct mentioned in subsection (1) consists of

(a) repeatedly following from place to place the other person or anyone known to them;

(b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;

(c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or

(d) engaging in threatening conduct directed at the other person or any member of their family.

Note that the conduct listed in 264(2) consists of repeated acts with the exception of 264(2)(d). In other words, a single incident of engaging in threatening conduct to a person or member of their family could potentially support a criminal harassment charge.<sup>1</sup>

### Who is vulnerable to stalking?

A 2001 American study<sup>2</sup> found that psychologists who were stalked had no specific demographic profile. In other words, gender, age, place of employment and other demographic factors had no bearing on whether a psychologist was vulnerable to being stalked by a client. On the other hand, the same study revealed that clients who stalked psychologists had very specific demographics:

- 80% single or divorced at the time of the stalking
- 94% Caucasian
- 93% graduated high school or had a GED
- 62% had mood disorders
- 76% had personality disorders
- 64% had Borderline Personality Disorder
- 79% had one or more negative childhood experiences with a caregiver
- 68% underwent childhood abuse (emotional, physical, or a mixture)
- 73% had one or more recent losses or stressors
- 41% experienced a divorce or breakup of an intimate relationship

### What is the College doing to assist in the prevention and management of stalking?

The College is reviewing the *Code of Conduct* to ensure sensitivity to situations in which psychologists are stalked by their clients. Currently, section 5.23 of the *Code* states psychologists have a duty not to abandon their clients and section 5.27 states that a psychologist must terminate psychological services if a client no longer needs or is not benefitting from services. However, the *Code*

is currently silent as to a psychologist's ethical duties when it comes to terminating services if a client exhibits threatening behaviour toward the psychologist.

The College is proposing new *Code of Conduct* provisions to allow psychologists more easily to terminate psychological clients who exhibit threatening behaviour toward a psychologist or any other person. Under section 5.20(d) of the amended *Code of Conduct*:

*A registrant*

...

*(d) may terminate psychological services if threatened or otherwise endangered by the client or another person with whom the client has a relationship.*

These proposed provisions have been sent to all College registrants for comment and feedback.

### What precautions can psychologists take to prevent or manage stalking?

Psychologists can take the following precautions to help prevent or discourage stalking behaviour from their clients:

- From the beginning of services to the client, establish and reinforce the reality that the psychologist-client relationship is purely professional.
- Be mindful of professional boundaries and any attempts by the client to push beyond the professional relationship. For example, psychologists should take care to begin and end all sessions on time to prevent clients from trying to stretch session time. Other behaviour to be mindful of is a client asking personal questions or complimenting on a personal level.
- When providing services to clients, avoid giving personal information or details about personal or family life unless absolutely necessary for therapeutic purposes.
- Have an unlisted home address and phone number.
- Utilize call display or call blocking services.
- Maintain a home alarm security system.
- Maintain an office security system.
- Avoid a home-based clinical practice.
- Avoid leaving mail or magazines around the practice that may have personal address information on them.
- If the psychologist works for an institution, consider asking the institution to develop and adopt:

*continued on page 8*

<sup>1</sup>R. v. C.D.F. [1998] B.C.J. No. 1441, R. v. Kosikar (1999), 138 C.C.C. (3d) 217

<sup>2</sup>Gentile, S. R., Asamen, J. K., Harmell, P. H., Weathers, R. (2002) "The Stalking of Psychologists by Their Clients," *Professional Psychology: Research and Practice*, 33, (5).

## What precautions *continued from page 7*

- policies and programs to educate and assist staff regarding recognition of stalking behaviour;
- risk management strategies; and
- policies for dealing with stalking, and - advising and supporting staff who may be stalked.

If a psychologist suspects that a client is stalking them, he or she should:

- Keep a record of the behaviour. Caller ID records, logs of phone calls or phone messages, copies of threatening letters, pictures of injuries, or of the stalker

sitting outside the home, are examples of evidence that may help build a case. Even if the behaviour seems innocuous at first, it is sometimes necessary to note in order to establish a pattern over time.

- Contact the College. The College cannot offer legal advice or act for psychologists but it can provide practical advice and practice information.
- Review the relevant *Code of Conduct* provisions. If the behaviour exhibited by the client is threatening or endangering, consider terminating psychological services to the client.

- Develop a safety plan. Inform friends, neighbours, and co-workers about the situation (being mindful of professional obligations regarding client confidentiality).
- Keep emergency phone numbers easily accessible and consider carrying a cellular phone.
- Consider contacting the police.
- Consider seeking legal counsel.
- Consider seeking support services such as consultation with a colleague or other mental health professional.

## New Registrants – March 1, 2008 to September 18, 2008

Rishi Kant BHALLA  
Debby Alison BOYES  
James Charles BROAD – Limited Register  
Out-of-Province  
Christy BRYCELAND  
Lee Denise BUTTERFIELD  
Margaret M. DELASALLE  
Katherine Mary DISKIN  
Susan Jane EADIE  
Robin M. FERGUSON  
Adam Frizzell GAMBOURAS

William Greg HAMILTON  
Kathryn Anne HORNE  
Sharon Leela Elizabeth JEYAKUMAR  
Erin Colleen KADERLY  
Jennifer Dawn KLAGES  
Mark Anthony LAU  
Jocelyn Alexandra LYMBURNER  
Conrad Francis MACNEIL  
Michael Nicholas MANDRUSIAK  
David Eugene MOROSAN  
Tracey Lynn Bilan NIGRO

Phyllis OHM  
Tricia Leigh ORZECK  
Kelly John PRICE  
Sharon Elaine RAE-POWELL  
Ursula ROCH  
Robert Joseph Edmund ROY  
Daria Olha SHEWCHUK  
Anna Tamar SIMPSON  
Vaneesa Joy WIEBE  
Erica Margaret WOODIN

## Registrants with Change in Register Status Since March 1, 2008

Karianne AXFORD  
from Limited Register -  
Registration Committee to Full Register

Karen Marie BENTLEY  
from Limited Register -  
Registration Committee to Full Register

Jeannette BITTMAN  
from Limited Register -  
Registration Committee to Full Register

Gerald Cyril BLOMME  
from Limited Register -  
Registration Committee to Full Register

Elizabeth BRISTOWE  
from Resigned from Register to  
Limited Register – Retired

David Joseph CREIGHTON  
from Cancelled to Limited Register –  
Registration Committee

Julian GRAY  
from Limited Register –  
Inquiry Committee  
to Full Register (Feb. 14/08)

Helen MACISAAC  
from Limited Register Non-Practicing  
to Full Register

Harriet Elizabeth REEH  
from Limited Register -  
Registration Committee to Full Register

Amy Susan REIN  
from Cancelled to Full Register

Erica REZNICK  
from Full Register to Limited Register  
Non-Practicing

Ronald SLOSKY  
from Limited Register Out-of-Province  
to Full Register

Kimberly Ann STRINGER  
from Cancelled to Full Register

Todd WILLOUGHBY  
from Limited Register –  
Registration Committee to Full Register

 College of Psychologists of British Columbia

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