



CRPO / OPAO

College of Registered Psychotherapists of Ontario
Ordre des psychothérapeutes autorisés de l'Ontario

COUNCIL MEETING MINUTES
Thursday, June 23, 2016

Approved by Council: September 8, 2016

Present

Andrew Benedetto
Shelley Briscoe-Dimock
Carol Cowan-Levine
Barbara Billingsley
Mary Kardos Burton
Shikha Kasal
Sheldon Kawarsky
Sue Lymburner
Malcolm MacFarlane
Keith Marlowe
Pat Rayman
Steven Stijacic
Kevin VanDerZwet Stafford

Staff

Jo Anne Falkenburger, Director of Operations and HR
Sean Knight, Policy & Communications Analyst (Recorder)
Lene Marttinen, Quality Assurance Manager
Monica McPherson, Registration Manager
Mark Piro, Acting Registrar

Regrets

Len Rudner

1. Call to Order

C. Cowan-Levine, Chair, called the meeting to order at 9:30 am, welcoming Council Members and observers. She introduced a new member of Council, Steven Stijacic, who was appointed in February.

The President addressed the cancellation of the last Council meeting scheduled for April 7, due to workload arising from registration renewals, the first submission cycle of the Quality Assurance Program, and lack of agenda items for consideration for a full day meeting.

The President also addressed recording of meetings, reading the policy approved by Executive Committee which prohibits audio or video recording of Council meetings, and reviewed reasons discussed for the policy decision.

2. Approval of Agenda

The President presented the meeting agenda for approval.

**C-23 June
2016- M01**

MOTION: Moved by K. Marlowe, seconded by S. Lymburner.

That the agenda for the June 23, 2016 meeting of Council be approved as presented.

CARRIED

3. Approval of February 1 Minutes

The President introduced the minutes from the February 1 Council meeting.

**C-23 June
2016 - M02**

MOTION: Moved by P. Rayman, seconded by B. Billingsley.

That the minutes of the February 1, 2016 meeting of Council be approved as presented.

CARRIED

4. President's Report

The President reflected on comments made at the recent convocation of the Adler Professional Graduate School regarding the value of change and the role change plays in leadership. The President wished to note her appreciation for the many contributions of Joyce Rowlands in her years as Registrar of the transitional Council and College of Registered Psychotherapists.

The President reported on her presentation given to the Mennonite New Life Bridge Training Program, her attendance at panel meetings for both Registration Committee and the Inquiries, Complaints and Reports Committee, and collaboration with the Acting Registrar on ongoing College business. She noted specifically the growth in familiarization with issues, and knowledge of regulatory work that has enhanced decision making.

5. Committee Reports

Quality Assurance Committee

P. Rayman reported that the Quality Assurance Committee met six times since the last Council meeting. She reviewed participation statistics from the first cycle of submissions of Members' professional development tools for the Quality Assurance Program. The Chair also reviewed the Committee's work in developing the second phase of the Program, Peer and Practice Assessment, and outlined the work before the Committee in developing an evaluation matrix for reviewing participation during this phase of the program.

Inquiries, Complaints and Reports Committee

K. VanDerZwet Stafford reported that a number of items discussed by the Inquiries, Complaints and Reports Committee were currently before Council, including consultation for two professional practice standards and a policy for reporting unauthorized practice. He added that the Committee had also considered other policy matters, including guidelines for scenarios involving a duty to warn where there is a risk of significant bodily harm to a client or other identified persons; providing services to anonymous clients; concerns about Members working with children and separating families; maintaining clinical records in languages other than in English or French; a Member's role in medical assistance in dying; and developing a template consent form for Members.

The Committee has also discussed questions related to the panel process, such as informing police when the College learns, through the course of an ICRC process, that a Member may have committed a crime, and when a Member is informed that they are under investigation in the case of a Registrar's Report.

The Chair reported that in the 2015-16 fiscal year, 15 formal complaints were received, and four Registrar's investigations were initiated. In addition, one formal complaint was received and two

investigations initiated to date in the 2016-17 year. Four matters had been closed, and one file was referred to the Discipline Committee for a hearing.

Registration Committee

A. Benedetto reported on discussions undertaken by Registration Committee since the last Council meeting, including competency requirements for clinical supervisors, requirements for Inactive Members returning to active practice, investigations into education institutions considered to provide students with suspect or fraudulent credentials, and a requirement that applicants and/or Members provide a criminal background check.

The Chair also reported that Registration Committee developed a policy position on Registered Psychotherapist (Inactive) Members practising in another jurisdiction. The Committee agreed that if a Member is practising the profession in a jurisdiction that does not regulate the profession of psychotherapy, the Member must be registered in the Registered Psychotherapist category. However, should the other jurisdiction regulate the profession and the Member meets the requirements of that jurisdiction's statutory regulatory body, an RP (Inactive) can continue to practise in that jurisdiction.

Council was also informed that 50 panel files had been reviewed to date in 2016, significantly reducing the queue awaiting a panel review.

Executive Committee

C. Cowan-Levine reported that had held Executive Committee's three meetings and four teleconferences since February 1. It had considered a number of interim Committee appointments, reviewed a proposed 2016-17 budget, discussed elections to fill the vacant Council seat in Peel, addressed the question of whether Council meetings should be recorded, and spent significant time on HR matters including the departure of Registrar, Joyce Rowlands. The President also reported that Members of the Committee were also involved with further clarification of the consensus document, currently under development, to further define the controlled act of psychotherapy.

6. Registrar's Remarks

M. Pioro, Acting Registrar, gave Council an update on the ongoing search for a communications specialist and an administrative assistant, the current number of registered Members, registration decisions under review by the Health Professions Appeal and Review Board, upcoming automatic fee increases taking effect in September, and the first sitting of the registration exam.

The Registrar also reported that he had recently administratively revoked a Member's Certificate of Registration for failure to make several disclosures in their application, which was later discovered by the College.

7. Revised Executive Committee Terms of Reference

C. Cowan-Levine reviewed changes to Executive Committee's Terms of Reference following proclamation of the *Psychotherapy Act*, which were presented for Council's endorsement.

**C-23 June
2016 - M03**

MOTION: Moved by P. Rayman, seconded by M. Kardos Burton.

That Council endorse the reviewed Executive Committee Terms of Reference.

CARRIED

8. Committee Appointments

A. Benedetto reviewed interim appointments made by Executive Committee since the last Council meeting, and explained that Council was asked to confirm them.

**C-23 June
2016 - M04**

MOTION: Moved by A. Benedetto, seconded by S. Kawarsky.

That Council appoint the following individuals to the following committees:

Client Relations Committee

Carol Cowan-Levine (as Committee Chair)
Steven Stijacic

Examinations Committee

Steven Stijacic

Inquiries, Complaints and Reports Committee

Steven Stijacic

Nominations and Elections Committee

Barbara Billingsley
Keith Marlowe (as Committee Chair)

CARRIED

9. Authorizing Alternate Signing Officer

J. Falkenburger explained that following M. Piore's appointment as Acting Registrar, the role of alternate signing officer was unfilled, which could create problems if the Registrar was unavailable to sign financial instruments. Council was asked to appoint Monica McPherson as the new alternate signing officer.

**C-23 June
2016 - M05**

MOTION: Moved by A. Benedetto, seconded by M. Kardos Burton.

That Council appoint Monica McPherson as signing officer for the College with the same authority and financial limits as the Registrar.

CARRIED

10. Transparency in the 21st Century

I. Fefergrad, Registrar of the Royal College of Dental Surgeons of Ontario, gave a presentation to Council outlining the mandate of a regulator, accountability mechanisms applying to regulators in Ontario, controversies involving decisions made by regulators and conduct of members, and the Minister of Health and Long Term Care's letter asking regulatory colleges to develop measures to enhance transparency about decision making processes and information concerning regulated professionals.

I. Fefergrad reviewed the process for developing transparency principles undertaken by the Advisory Group for Regulatory Excellence. This led to a series of by-law amendment proposals for each regulator's Public Register.

11. Approving Standard for Stakeholder Consultation – Affirming Gender Identity and Sexual Orientation

K. VanDerZwet Stafford reviewed legislation passed in 2015, which prohibits health care practitioners from engaging in “conversion” or “reparative” therapy meant to change the sexual orientation or gender identity of an individual under 18 years of age, as well as a directive from the Minister of Health and Long Term Care to ensure such practices are not engaged in by regulated health professionals.

K. VanDerZwet Stafford reported that the draft standard indicates that Members must not engage in “conversion” or “reparative” therapy with any client, not only those under 18. It also addresses legitimate services that a Member can provide to a client concerning sexual orientation or gender identity matters.

**C-23 June
2016 - M06**

MOTION: Moved by K. VanDerZwet Stafford, seconded by K. Marlowe.

That Council approve the draft standard, *Affirming Sexual Orientation and Gender Identity*, for public consultation.

CARRIED

12. Approving Standard for Stakeholder Consultation – Client Confidentiality in Team Settings

K. VanDerZwet Stafford explained that in developing the *Professional Practice Standards*, the College opted to have a higher standard than the “circle of care” standard under the *Personal Health Information Protection Act* for sharing information with other practitioners. CRPO’s standards currently require Members to obtain written consent from the client before disclosing health information with other health professionals.

Following feedback received from Members and other healthcare providers about the difficulties posed by the College’s higher standard, the Inquiries, Complaints, and Reports Committee considered amendments to Standard 3.1: Confidentiality. The amendment proposed for stakeholder consultation would allow a Member to receive verbal consent from a client to release information to another health provider, provided that a note is made in the client record that consent was given.

**C-23 June
2016 - M07**

MOTION: Moved by K. VanDerZwet Stafford, seconded by B. Billingsley.

That Council approve the draft amendment to the *Confidentiality* standard, for public consultation.

CARRIED

13. Publishing Names of Unauthorized Practitioners

K. VanDerZwet Stafford presented a policy developed by the Inquiries, Complaints and Reports Committee for publishing the names of unauthorized practitioners, and reviewed escalating steps involved when the College is informed of a non-Member using titles protected by the *Psychotherapy Act*. The process begins with an educational letter, and is followed by a cease and desist letter, and then referral to ICRC to determine if further action is warranted. Further

action may include an undercover investigation or an additional cease and desist letter from legal counsel, concluding with possible initiation of legal proceedings against the practitioner.

Council discussed the timing of publishing an unauthorized practitioner's name on the College's website, as well as the length of time given to a non-Member to comply with requests to cease the use of unauthorized titles. The policy was revised to reduce the number of steps involved in escalating matters against unauthorized practitioners, and clarified that when legal proceedings have begun, the name of the unauthorized practitioner would be published on the College's website.

**C-23 June
2016 - M08**

MOTION: Moved by K. VanDerZwet Stafford, seconded by B. Billingsley.

That Council approve the processing names of unauthorized practitioners, as amended.

CARRIED

14. Registrar Criteria

In order to assist in the search for a new Registrar, Council discussed criteria, skills, and experience that members felt necessary for a candidate filling the position.

15. Open Discussion for Council Members

C. Cowan-Levine invited Council members to discuss topics of interest that had not been addressed on the meeting's agenda. Council discussed:

- Development of a comprehensive preparation document for the Registration Examination.
- The eligibility of Registered Psychotherapists to provide particular services currently being offered by other mental health professionals.
- Anxiety on the part of Members and applicants regarding the Quality Assurance Program and application process.
- Communication between the College and Members, including a revised website.

16. Question Period

M. Piore responded to a request by a Member for the College to pursue an exemption from charging HST for services provided by Registered Psychotherapists. The Registrar provided a number of reasons why such pursuits are not within the mandate of a regulatory body and that other regulators have encountered problems with similar types of advocacy. He noted that the College has repeatedly suggested that professional associations are the most appropriate body for undertaking the type of advocacy requested by Members.

The President also addressed concerns regarding various College fees, and acknowledged that while initial fees for registration (including Jurisprudence, application and registration fees) when invoiced in a short period of time, may seem high, the recurring annual registration fee continues to be among the lowest of regulated health professions in Ontario.

17. Approval of 2016-17 Budget

As the business before Council concerned financial matters, Council moved that the meeting be held *in camera* for its discussion of the 2016-17 budget.

**C-23 June
2016 - M09**

MOTION: Moved by S. Kawarsky, seconded by K. Marlowe.

That Council move the meeting *in camera*.

CARRIED

In accordance with 7(2)b. of Schedule 2 of the *Regulated Health Professions Act*, discussions concerning financial matters are held *In camera*. Minutes of the in camera meeting were recorded and approved by Council and are maintained separately.

18. Adjournment

**C-23 June
2016 – M11**

MOTION: Moved by K. Marlowe, seconded by S. Kawarsky.

That the Council meeting be adjourned.

CARRIED

The meeting was adjourned at 3:40.

Carol Cowan-Levine, President

Date