



CRPO / OPAO

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

COUNCIL MEETING MINUTES Thursday, September 8, 2016

Approved by Council: November 24, 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
Shauna Grey, Manager, Communications
Sean Knight, Policy & Communications Analyst (Recorder)
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 staff, Shauna Grey, who joined the College as the new Communications Manager.

2. Approval of Agenda

The Chair presented the meeting agenda for approval.

C-8 Sept 2016- M01

MOTION: Moved by K. Marlowe, seconded by M. Kardos Burton.

That the agenda for the September 8, 2016 meeting of Council be approved as presented.

CARRIED

3. Conflict of Interest Declarations

Council members were asked to declare any conflicts concerning business on the agenda. No conflicts were reported.

4. Approval of June 23, 2016 Minutes & Business Arising

The Chair introduced the minutes from the June 23, 2016 Council meeting for approval.

**C-8 Sept 2016
- M02**

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

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

CARRIED

5. President's Report

C. Cowan-Levine, President, reported on her work with the Registrar regarding the consensus document further defining the controlled act of psychotherapy, as well as legal, financial and human resources matters, the search for a new Registrar, and the development of a Memorandum of Understanding between CRPO and COMPASS regarding administration of the registration exam.

6. Committee/TG Chairs' Reports

Quality Assurance Committee

P. Rayman reported on ongoing development of the Peer and Practice Assessment component of the Quality Assurance Program, noting that initial telephone interviews with randomly selected participants will conclude in October. Members falling below the expected standard will participate in an in-person interview with assessors.

Inquiries, Complaints and Reports Committee

C. Cowan-Levine, on behalf of K. VanDerZwet Stafford, described at a high level the ongoing work of ICRC panels, including the most frequent allegations raised in complaints/reports, and the range of possible outcomes reached.

Registration Committee

A. Benedetto reported on matters considered by Registration Committee since the last Council meeting, including finalizing a policy for Inactive Members wishing to return to active practice, possible implementation of a criminal record check requirement for applicants and/or Members, and determining additional requirements for clinical supervisors beginning in April 2018.

Nominations & Elections Committee

K. Marlowe reported on the outcome of the first meeting of the Nominations & Elections Committee. The Committee was asked to meet to consider: the continued vacancy in District 6 – Central West, when another by-election should be called to elect a new member of Council, and next steps if no one comes forward as a candidate. He also reported that Council will be asked to approve the Committee's Terms of Reference.

Executive Committee

C. Cowan-Levine reported that the Executive Committee held one meeting and two teleconferences since the June Council meeting. Some of the matters considered by the Committee included the consensus document clarifying the controlled act of psychotherapy, transparency by-law amendments proposed by the Advisory Group for Regulatory Excellence (AGRE), hiring a firm to conduct the search for a new Registrar, the second sitting of the registration exam, and publication of a guide for candidates sitting the exam.

7. Registrar's Remarks

M. Pioro, Acting Registrar, provided Council with updates on publication of the 2015-16 Annual Report, stakeholder consultations for proposed amendments to the *Professional Practice Standards*, hiring of new College staff, development of a communication strategy and survey for stakeholder input, and upcoming registration appeals sent to the Health Professions Appeal and Review Board.

8. Controlled Act Consensus Document

M. Pioro provided Council with the history involved in proclamation of the *Psychotherapy Act* and the deferral of proclamation of the controlled act of psychotherapy. The Registrar introduced the consensus document, developed to further define the controlled act to provide clarity to those performing it, and informed Council that all six regulatory bodies whose members would share access to the controlled act are asked to approve the document.

Council discussed the development process of the consensus document; approval by other college councils; which categories of membership would be granted access to the controlled act by other regulators; and possible consultation of the consensus document following approval by the six colleges. Council also discussed a second document, which did not require approval, which provides general information about psychotherapy and is targeted towards the public.

**C-8 Sept 2016
- M03**

MOTION: Moved by K. Marlowe, seconded by P. Rayman.

That Council approve *The Controlled Act of Psychotherapy: A Clarification*.

CARRIED

9. Stakeholder Consultation – By-law Amendments

M. Pioro reviewed a series of by-law amendments proposed by the Advisory Group for Regulatory Excellence (AGRE), which would increase transparency concerning College Members, by posting additional information to the Public Register.

Names of Former Members

The proposed amendment would extend the amount of time that information about former Members of the College would remain on the Public Register, from two years to five years.

**C-8 Sept 2016
- M04**

MOTION: Moved by B. Billingsley, seconded by S. Kawarsky.

That Council approve for stakeholder consultation, the following proposed amendment to by-law article 21.08 (xvi): Deleting the word “two” and replacing it with “five”.

CARRIED

In conjunction with the proposed amendment, AGRE has recommended that Colleges publish information regarding the fact and date of death of a Member, if known. The Registrar explained that he believes the by-laws, as currently written, allow the College to post this information.

Criminal Charges (Relevant to Practice)

The Registrar discussed reasons in favour of publishing current criminal charges against a Member. Council members also received a draft policy for determining relevancy to practice, which would be considered when/if the by-law was adopted.

Council discussed whether specific charges would be posted to the Register, and who would be included in the decision-making process to post a given criminal charge. Members also discussed avenues available to a Member to appeal the decision to post a criminal charge.

**C-8 Sept 2016
- M05**

MOTION: Moved by S. Kawarsky, seconded by M. Kardos Burton.

That Council approve for stakeholder consultation, the following proposed addition to by-law article 21.08:

(xix) where a Member has been charged with an offence under the *Criminal Code of Canada* that the Registrar believes is relevant to the Member's suitability to practise, and the charge is outstanding and is known to the College, the fact and content of the charge and, where known to the College, the date and place of the charge.

CARRIED

Undertakings

Several by-law amendment proposals made by AGRE include information about a Member resulting from a complaint/investigation, imposed by the Inquiries, Complaints and Reports Committee (ICRC). One of the outcomes may be that a Member agrees to an undertaking, meaning a voluntary, serious promise to take or refrain from taking particular actions. The Registrar explained the reasons for the proposal and how it would be put into practice.

**C-8 Sept 2016
- M06**

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

That Council approve for stakeholder consultation, the following proposed addition to by-law article 21.08:

(xx) a summary of any existing restriction on the Member's right to practise that has resulted from an undertaking given by the Member to the College or an agreement entered into between the Member and the College.

CARRIED

In-Person Cautions

M. Piore reviewed ongoing reporting by the Toronto Star concerning information related to in-person cautions which has been unavailable for members of the public. In the range of options that can result from an ICRC investigation, receiving a caution is essentially one step away from being referred to the Discipline Committee. Because of the interest expressed by members of the public to know this information, and the risk of harm that justifies providing a caution, AGRE has recommended that in-person cautions be published on the Public Register.

**C-8 Sept 2016
- M07**

MOTION: Moved by S. Lymburner, seconded by B. Billingsley.

That Council approve for stakeholder consultation the following proposed by-law additions:

Adding to article 21.08:

“(xxi) where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after [DATE] includes a requirement that the Member attend before a panel of that committee to be cautioned as authorized by paragraph 3 of subsection 26(1) of the Code,

- a. a notation of that fact, including a summary of the caution,
- b. the date of the panel’s decision, and
- c. if applicable, a notation that the panel’s decision is subject to a review or appeal and therefore not yet final,”

and, adding as article 21.12:

“21.12 Removal of Cautions

The information required by paragraph xxi of article 21.08 (Additional Register Information) shall be removed from the Register after twenty-four months once the Registrar is satisfied that the Member has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.”

CARRIED

SCERPS

As the result of an ICRC investigation, a Member may be directed to complete a specified continuing education or remediation program (SCERP). Owing to the risk involved with concerns leading to a SCERP, AGRE has recommended Colleges publish SCERPs ordered by ICRC.

C-8 Sept 2016 - M08

MOTION: Moved by M. Kardos Burton, seconded by S. Kawarsky.

That Council approve for stakeholder consultation, the following proposed by-law additions:

Adding to article 21.08:

“(xxii) Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after [DATE] includes a requirement that the member complete a specified continuing education or remediation program as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code,

- a. a notation of that fact, including a summary of the continuing education or remediation program,
- b. the date of the panel’s decision, and
- c. if applicable, a notation that the panel’s decision is subject to a review or appeal and therefore not yet final.”

and, adding as article 21.13:

“22.13 Removal of specified education or remediation program

The information required by paragraph xxii of article 21.08 (Additional Register Information) shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the specified continued education or remediation program that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.”

CARRIED

Registration Category Transfer Fee

When a Member transfers from one category of registration to another, they are subject to a transfer fee. The fee may create a barrier for non-practising Members entering the Inactive category, which may prevent the College from properly scrutinizing the Member’s knowledge, skill and judgement upon return to active practice. Council was presented with a proposed amendment which clarifies that a Member would not need to pay the transfer fee when entering the Inactive category.

C-8 Sept 2016 - M09 **MOTION:** Moved by P. Rayman, seconded by K. Marlowe.

That Council approve for stakeholder consultation, the following proposed amendment to by-law article 19.03 (x):

That by-law article 19.03(x) be deleted and replaced with the following:

(x) The fee to transfer from the Qualifying or Inactive classes of registration to the Registered Psychotherapist class of registration is \$75;

CARRIED

10. ICRC Policy on Reporting to Police

M. Piore gave Council an overview of scrutiny regulatory colleges have received, including for not sharing information about member misconduct with police. Council was asked to consider a draft policy setting out steps leading to possible disclosure of relevant information to appropriate authorities. Council provided minor amendments to the draft policy.

C-8 Sept 2016 - M10 **MOTION:** Moved by K. Marlowe, seconded by M. MacFarlane.

That Council approve the draft policy, *Reporting Information on Criminal Acts*, as amended.

CARRIED

[M. Piore left the meeting.]

11. Stakeholder Consultation – Criminal Record Checks

A. Benedetto reviewed current disclosure requirements for applicants and Members concerning professional conduct and other events which may call into question a practitioner’s ability to practise safely and professionally. He explained that as part of an ongoing review of registration requirements, Registration Committee has considered whether to require a completed criminal record check at initial registration and/or renewal. Council reviewed the types of criminal record checks available in Ontario, and upcoming changes due to the *Police Record Checks Reform Act*.

As such a change would be a significant additional requirement that is not included in the Registration Regulation, Council agreed to seek stakeholder input on this additional requirement.

12. Clinical Supervisor Competency Requirements

A. Benedetto reviewed the definition set out in policy for which practitioners qualify to act as a clinical supervisor for registration purposes. Accordingly, beginning in April 2018, clinical supervisors must be a member in good standing of a regulatory body whose members may practise psychotherapy, have extensive clinical experience in the practice of psychotherapy, and who have demonstrated competence in providing clinical supervision. Registration Committee had spent a significant amount of time reviewing requirements of various professional associations and regulatory bodies in order to develop criteria to demonstrate competency in providing clinical supervision. Following its July 2016 meeting, Registration Committee approved the following criteria:

1. *The supervisor must be a Member in good standing of a regulatory college whose members may practise psychotherapy.**
2. *The supervisor must have five years' extensive clinical experience.*
3. *The supervisor must meet CRPO's "independent practice" requirement (completion of 1000 Direct Client Contact hours and 150 hours of clinical supervision).*
4. *The supervisor must have completed 30 hours of directed learning in providing Clinical Supervision. Directed learning can include course work, supervised practice as a Clinical Supervisor, individual/peer/group learning, and independent study that includes structured readings.*
5. *The supervisor must provide a signed declaration that they understand CRPO's definitions of clinical supervision, clinical supervisor, and the scope of practice of psychotherapy.*

CRPO staff may request evidence of 30 hours of directed learning in providing Clinical Supervision and may also request a letter of verification and a statement describing the supervisor's approach to providing supervision.

It is recommended that a Clinical Supervisor be able to provide their supervisee with a letter attesting to their competency, as set out in 1 through 5 above, that the supervisee would submit as evidence of supervision in the supervisee's application to CRPO.

**College of Nurses of Ontario; College of Occupational Therapists of Ontario; College of Physicians and Surgeons of Ontario; College of Psychologists of Ontario; College of Registered Psychotherapists of Ontario; Ontario College of Social Workers and Social Service Workers.*

Criteria numbers 3, 4, and 5 listed above will not take effect until April 1, 2018. Supervision received prior to this date must be provided by a Member in good standing of one of the regulatory colleges whose members may practise psychotherapy, who has extensive clinical experience (generally five years or more) in the practice of psychotherapy and who is competent in providing clinical supervision, in order for those hours to count for registration purposes with CRPO.

Council discussed aspects of the criteria established for clinical supervisors, including options for education and training.

S. Briscoe-Dimock expressed concern regarding the lack of an approved course in clinical supervision as a requirement for clinical supervisors.

13. Registrar Search Update

C. Cowan-Levine provided Council with an update on the work of the Phelps Group, the firm selected to conduct the search for a new Registrar, and meetings scheduled with Executive Committee to consider candidates.

14. Nomination & Elections Committee Terms of Reference

K. Marlowe introduced the Terms of Reference adopted by the Nominations & Elections Committee, following its first meeting in July, for Council's endorsement.

**C-8 Sept 2016
– M11**

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

That Council endorse the Terms of Reference of the Nominations and Elections Committee adopted July 18, 2016.

CARRIED

15. Appointments to Indigenous Registration Task Group

C. Cowan-Levine informed Council that in order for the Indigenous Registration Task Group to complete its report outlining next steps for implementing an Indigenous registration pathway, its subject matter experts must be reappointed.

**C-8 Sept 2016
– M12**

MOTION: Moved by M. Kardos Burton, seconded by B. Billingsley.

That Council approves the reappointment of the following individuals to serve on the Indigenous Registration Task Group until November 30, 2016: Aimee Bailey, Peter Beaucage, Megan Cahoon, Betty Carr-Brant, Roxane Manitowabi, Sandra Wong, as well as former Council member Banakonda Kennedy-Kish.

CARRIED

16. Question Period

Council discussed the process for determining committee membership and how membership lists are developed and presented to Council. The President explained how the process unfolded for the first Council established after proclamation of the *Psychotherapy Act*. In order to increase transparency about the process, it would be brought to Council at its next meeting.

17. Council Member Feedback

The President reviewed feedback from Council members following the past several Council meetings, and some changes that have been made in response.

Council discussed how agenda items could be introduced, either from individual Council members, or through discussions at Committee.

18. 2015-16 Audited Financial Statements & Financial Update

As the business before Council concerned financial matters, Council moved that the meeting be held *in camera* for its discussion of the 2015-16 audit.

**C-8 Sept 2016
- M13**

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.

20. Adjournment

**C-8 Sept 2016
– M15**

MOTION: Moved by M. Kardos Burton, seconded by B. Billingsley.

That the Council move out of an *in camera* session.

CARRIED

**C-8 Sept 2016
– M16**

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

That the Council meeting be adjourned.

CARRIED

The meeting was adjourned at 3:45

Carol Cowan-Levine, President

Date