CRPRMHTO / OPATASMO

Transitional Council of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

Conseil transitoire de l'Ordre des psychothérapeutes autorisés et des thérapeutes autorisés en santé mentale de l'Ontario

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Draft regulations presented to Council

The transitional Council was busy this year crafting the draft Registration and Professional Misconduct Regulations – and now their work is starting to bear fruit.

At November's transitional Council meeting, Registration Committee Chair, Pat DeYoung, detailed the draft Registration Regulation for the first time, and Kevin VanDerZwet Stafford, Chair of Professional Practice Committee, won Council approval for the draft Professional Misconduct Regulation.

These are important milestones. It means the misconduct regulation is ready to go forward to consultation, and the draft Registration Regulation will be presented to Council for approval-in-principle in January, with final approval expected in March.

Both regulations must be in place and approved by government before the *Psychotherapy Act, 2007* can be proclaimed and the College can begin registering members. Work on a third regulation, Quality Assurance, will begin in January. The hope is that all three will be ready for presentation at consultation meetings in the spring. (See "Stakeholder Consultations", p.3).

Registration requirements

The draft Registration Regulation sets out registration requirements for five classes of members, including Registered Mental Health Therapist, Registered Psychotherapist, Student, Inactive and Temporary categories.

Transitional Council members at a recent meeting.

Provisions cover entry-to-practice requirements, self-reporting obligations, education and training, clinical experience, and examinations. Click here to see a summary of registration requirements.

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President's Message

It's hard to believe that just a year ago we embarked on our journey as a newly-appointed transitional Council to commence work on what ultimately will be the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario. It's a large and complex task, but I'm very pleased with the progress of the past 12 months, thanks to the dedication and hard work of Council members, committee chairs, the registrar, and her staff.

Since our first Council meeting in November 2009, the Professional Practice Committee has completed a draft Professional Misconduct Regulation and will soon begin work on a Quality Assurance Regulation as part of its mandate to establish high standards for practitioners who serve the public.

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President's Message (cont'd)

The Registration Committee is nearing completion of the draft Registration Regulation, including grandparenting provisions for established practitioners, to ensure the public continues to be served through the transition to regulation.

Both the draft Registration and Professional Practice Regulations will be released for public consultation in 2011 so that stakeholders will have an opportunity to provide input.

Much progress has also been made in defining the differences between the two restricted titles, Registered Psychotherapist and Registered Mental Health Therapist. This will enable a diverse profession to find its place in the regulatory environment, contributing to better service and enhanced public protection.

It is a respectful atmosphere that speaks to our shared desire for fair regulation that strengthens the profession and protects the public it serves.

These accomplishments are worthy of praise, but I'd be remiss if I didn't recognize the help of numerous stakeholders along the way. On a voluntary basis, practitioners, academics and associations have provided research, information and recommendations to help Council better understand the issues at hand and the profession it will regulate. To these contributors, I say thank you, and I encourage others to participate.

Finally, it has been heartening to see private citizens and representatives of various organizations attending Council meetings as observers. Substantive issues are discussed by Council at these public meetings, and not once have the proceedings been delayed or disrupted.
It is a respectful atmosphere that speaks to our shared desire for fair regulation that strengthens the profession and protects the public it serves.

Transitional Council members at a recent committee meeting.

It has been a good start, but much work lies ahead before the College is ready to register members, expected within the next two or three years. I'm confident we will achieve this goal with so many good people pulling in the same direction.

I bid all a joyful and safe holiday season and look forward to a collaborative and productive 2011.

Julius Nathoo
President

Our Values

Leadership

Excellence

Accountability

Equity

Integrity

Teamwork

Respect

Openness

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Draft regulations (cont'd)

The Chair also outlined grandparenting provisions for established practitioners who may not meet the full registration requirements. This is an alternate route to registration to ensure that qualified, experienced practitioners may continue to practice and serve their clients.

'Dos and don'ts' of professional practice

The draft Professional Misconduct Regulation, now approved for circulation, sets out standards of professional conduct, particularly the 'don'ts' of professional practice – those behaviours that sometimes get members into trouble with their regulatory college. Specific provisions cover conflict-of-interest, client confidentiality, discontinuation of services, fee structures, record-keeping, and advertising, among others.

The most controversial provision may be one prohibiting members from using specialist titles and designations in conjunction with their restricted title – at least until such time as the College chooses to develop a program to officially recognize specialized areas of practice. Members will still be able to list their degrees beside their name and to describe their area of practice, for example, "practice in music therapy" but may not call themselves a "music therapist."

The Professional Misconduct Regulation is enforceable in law, unlike the Code of Ethics, which is also being developed. The latter sets out ideals to strive for – intended to motivate and inspire.

Members who contravene the Professional Misconduct Regulation may be subject to disciplinary action, which, if serious enough, could result in suspension or revocation of their license. ◄

January elections for Executive Committee

Elections will take place at the next transitional Council meeting January 13th, for the positions of President, Vice-President and three additional members of Executive Committee.

All Council members are eligible to stand for election for a one-year term of office. At this time, all current Executive Committee members have indicated their intention to stand for re-election to their current positions.

Stakeholder consultations this Summer

Your opinions matter!

A key activity of the transitional Council is broad consultation with stakeholders and the public.

To this end, Council is planning at least two rounds of consultations on the draft Registration and Professional Misconduct Regulations for spring / summer 2011. The Quality Assurance Regulation may also be included if it's completed in time.

Public meetings in four key locations, most likely London, Sudbury, Toronto and Ottawa, are planned for the first round of consultations. And for those unable to attend in person, we're hoping to host a live webcast of the Toronto session, to be posted later on our website.

The draft regulations will also be posted to the website, and stakeholders invited to provide comments. At each stage, Council will review stakeholder feedback and consider possible changes to the regulations, as appropriate.

A second round of consultations involving formal written submissions will take place sometime in the summer. ◄

Mission

To develop standards and procedures to regulate psychotherapists and mental health therapists in the public interest, striving to ensure competent and ethical practice within a professional accountability framework.

Vision

Leadership in professional self-regulation, dedicated to the principles of excellence, fairness, openness, responsiveness and respect for diversity.

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Differences between the two titles

To the surprise of many, the final version of the *Psychotherapy Act, 2007* included a second restricted title, Registered Mental Health Therapist, in addition to the original title, Psychotherapist (the third title, Registered Psychotherapist, was added last year).

Why was the second title added, and what's the difference between a Reg. Psychotherapist and an RMHT?

From what we know, the second title was added to strengthen regulation by including practitioners whose work falls within the scope of practice of psychotherapy, but who do not necessarily identify themselves primarily as "psychotherapists" – certain kinds of counsellors, for instance. They are practitioners who employ psycho-therapeutic means to assess and treat clients within the context of therapeutic relationship (see Scopes of Practice, p.5), but may also provide a range of other services.

Typically, future RMHTs may work in agency or institutional settings with built-in employer oversight, such as community mental health and addictions programs, child and youth services, correctional institutions, family service teams and other community agencies. Often they will have received their education and training at the community college level in programs with built-in practicums. Some may have undergraduate degrees and additional training in counselling or forms of therapy.

Future Reg. Psychotherapists, on the other hand, are more likely to work independently in their own practice, doing one-to-one, couple or group therapy on a contractual basis, often for extended periods. Their education and training is typically at the master's level or through a professional training program in psychotherapy, involving extensive client contact and one-to-one clinical supervision.

If their work is limited to narrow forms of counseling… they would not need to be registered.

Future members of the College will decide for themselves which category of membership to apply for – depending, of course, on which category they qualify for. Click here for a summary of registration requirements.

For counsellors wondering whether they should become members of the College, there is no simple answer. If the work they do falls into the scope of practice of psychotherapy, they should be regulated; if they perform the controlled act of psychotherapy (see "Controlled Act," p.5) they will have to be regulated. If their work is limited to narrow forms of counselling, described by the Health Pro-fessions Regulatory Advisory Council as "the provision of information, advice-giving, encouragement and instruction," they would not need to be registered. *The Regulated Health Professions Act* includes an exemption for this limited type of counselling, as well as for spiritual counselling. ◄

If you choose not to be regulated

Therapists and counsellors who choose not to be regulated will not be able to use any of the restricted titles, or variations of those titles, or hold themselves out as qualified to practice psychotherapy in Ontario.

They will also need to be careful how they advertise their services and how they describe what they do. And they will have to take care not to do work that falls within the controlled act of psychotherapy. In other words, they may not work with clients who have serious disorders that may seriously impair their functioning (see "Controlled Act," p.5).

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Controlled act raises questions

Since its first appearance in the draft *Psychotherapy Act*, the controlled act of psychotherapy has been the focus of comment and concern.

Initially, some argued that the first task of the transitional Council should be to define the words "serious disorder," as well as the meaning of "seriously impair." Legal counsel advised otherwise, however, saying it will be up to the courts to determine the meaning of legislation.

What we *can* do is try to interpret the meaning of the controlled act using illustration and example – and development of an interpretive guideline is now an important (and challenging) task on the Council's 'to do' list.

A frequent question is "who will have access to the controlled act of psychotherapy?" Some assumed that one category of members would be authorized to do the controlled act, while the other might not. That approach is problematic, however, as the legislation states that members of the new College will be authorized to perform the controlled act. Implicit is the assumption that *all* members will be authorized to perform the controlled act – unless a limitation is placed on an individual member's license. To bar an entire category of members from performing the controlled act, therefore, would be legally problematic.

A year into the work of the transitional Council, the controlled act is starting to come into focus. The larger issue may be the College's quality assurance program.

Ultimately, the Registration Committee, under the leadership of Chair, Pat DeYoung, determined that both Registered Psychotherapists and Registered Mental Health Therapists, should have access to the controlled act. This means that mainly non-members need worry about whether they're performing the controlled act. If they are, they'll be in violation of the legislation, unless they're a qualified member of one of the other regulated professions whose members are permitted to practice psychotherapy.

But this doesn't mean CRPRMHTO members will be able to practice in all areas of the profession or work with all types of clients – not at all. In fact, the draft Professional Misconduct Regulation places constraints on what members may do; specifically, they're required to practice within their competencies and skill set. When they find they're out of their depth with a certain client, they have a duty to refer that client to another professional. In addition, they're required to report a colleague's unsafe practice to the College when there's reasonable cause for concern. So, to ensure safe practice, there are definite limitations on what a member may do.

A year into the work of the transitional Council, the controlled act is starting to come into focus. The larger issue may be the College's quality assurance program, designed to support the continued professional growth and competence of members. Drafting the Quality Assurance Regulation is the next major task of the Professional Practice Committee, expected to begin in January. ◄

Controlled Act

The controlled act of psychotherapy, when it comes into effect, will be one of 14 controlled acts included under the *Regulated Health Professions Act*. It is unique in that it's based on the severity of the condition being "treated," rather than the specific technique being used (other than a reference to the use of psychotherapy technique delivered through a therapeutic relationship).

> *In the course of engaging in the practice of psychotherapy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to treat, by means of psychotherapy technique delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.*

Scope of Practice

Scopes of practice describe the type of work undertaken by members of regulated health professions. Scopes are not exclusive to any one profession; they may overlap, and many do. Unregulated people may also perform activities included in one or more scopes of practice; however, they're prohibited from doing so when there's reasonable expectation that harm may occur. Unregulated practitioners and lay people may not perform controlled acts.

> *The practice of psychotherapy is the assessment and treatment of cognitive, emotional or behavioural disturbances by psychotherapeutic means, delivered through a therapeutic relationship, based primarily on verbal or non-verbal communication.*

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Challenging year ahead

2011 promises to be another busy and challenging year. In addition to completing the draft regulations (see "Draft regulations," p.1), and taking them through the consultation process, Council has several large projects on its agenda.

Core competencies

One is development of competency profiles ("essential competencies") for Registered Psychotherapists and Registered Mental Health Therapists. These profiles will be used to support registration requirements, inform curriculum development of education and training programs, assist the work of a national team developing a pan-Canadian examination for counsellors and psychotherapists, and aid future members in meeting requirements of the College's quality assurance program.

The competencies project has a huge head start, thanks to earlier work by the Ontario Coalition of Mental Health Professionals, which produced a comprehensive set of competencies for psychotherapists and mental health therapists in 2008. That document will provide an excellent starting point for the work of the transitional Council.

Professional practice exam

A second priority will be development of a Jurisprudence and Professional Practice examination for all members. It will be based on Ontario law relevant to the practice of psychotherapy and mental health therapy, dealing with topics like consent, confidentiality, record-keeping, obligation to report, and other requirements, as well as the content of the College's Professional Misconduct Regulation. In addition to the exam, a handbook of information and/or a course on the subject will need to be created.

Program recognition

Another major piece of work is developing a framework for assessing education and training programs. Since there are no standardized programs and no accreditation system in place, the Council has identified a need to develop a framework (set of criteria and process) to recognize education and training programs.

Other projects

The 'to do' list also includes development of a prior learning assessment (PLA) tool, used in the assessment of internationally trained applicants; an interpretative guideline on the controlled act of psychotherapy; various professional practice guidelines on topics like record-keeping, conflict-of-interest and the client-therapist relationship, among others. A Code of Ethics is also scheduled for completion in 2011.

Needless to say, our tiny staff of four won't be doing all of this work. Most likely, task groups of Council members and outside experts will be formed, working with consultants and subject experts, supported by staff. Occasionally we may be looking for volunteers with particular skills or backgrounds to round out a task group. You can help make a difference for the profession, so keep your eye on our website for volunteer opportunities. ◄

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