

Report to the Annual General Meeting of  
The Psychological Association of Manitoba (PAM)

Thursday, April 26, 2018

Submitted by: John L. Arnett, Ph.D., C. Psych

President, Psychological Association of Manitoba

I am pleased to report on the activities of the Association since our last Annual General Meeting. As always, the regulatory work of PAM continues despite generally being out of the sight of the general membership. By way of brief overview, PAM has hired a new part-time Administrative Assistant (Ms. Lesley Phimister) and she will also serve as the PAM Deputy Registrar, the leadership of the Complaints Committee has changed with the retirement of Dr. Daryl Gill, substantial progress has been made on including Psychology under the *Regulated Health Professions Act (RHPA)* and we now appear to be on the fast-track to coming under the *RHPA*, work continues on securing an exemption regarding the current requirement to release protocols of standardized tests under the *Personal Health Information Act (PHIA)* and the *Freedom of Information and Protection of Privacy Act (FIPPA)*, a practice advisory has been developed to help guide psychologists regarding Manitoba's *Medical Assistance in Dying (MAID)* Act, and Council has been able to hold the 2018 membership dues unchanged once again for 2018.

However, not all has gone the way Council had hoped over the past year. In June 2017, Manitoba Education and Training (MET) unexpectedly signaled its opposition to the inclusion of school psychologists currently regulated by MET in the *RHPA* General Regulation. Thus, after many years of PAM and the Manitoba Association of School Psychologists (MASP) working together to create a unified regulatory framework for all psychologists in Manitoba, the PAM-MASP agreement was not able to be implemented at this time. Not surprisingly, this was very disappointing news for both PAM and MASP as the agreement ended many years of difficult and, at times, acrimonious relations between PAM and MASP and would have permitted the regulation of all school psychology practitioners in the Province. Thus, the provisions in the General Regulation that permitted the registration of master's level school psychologists in the College of Psychologists were removed from the proposed General Regulation as it was clear that psychology's inclusion in the *RHPA* would not likely proceed in the face of significant opposition of a major government department.

As I've said previously, as a comparatively small province by population and by the number of practicing psychologists, PAM relies very heavily on volunteers in order to carry out its primary

mission of protecting the public. Thus I want to express my sincere appreciation and gratitude to the many public volunteers and psychologists who generously contribute their time in order to make it possible for psychology to be a self-regulating health profession in Manitoba. This includes my colleagues on PAM Executive Council and the psychologists and public members who serve on PAM's nine committees and subcommittees. I also want to express my appreciation to our Registrar, Dr. Alan Slusky, for his continued dedication and excellent work on behalf of PAM, our legal team that includes Mr. Ted Bock from Aikins, McAulay & Thorvaldson LLP who provides legal advice to PAM's Executive Council and to Mr. Blair Graham and Ms. Andrea Doyle from Thompson, Dorfman, & Sweatman LLP who provide legal counsel to the Complaints Committee. I also want to thank Ms. Ginny Campbell (who has now left PAM) for her work as PAM's Administrative Assistant. I also want to warmly welcome Ms. Lesley Phimister as our new part-time Administrative Assistant and Deputy Registrar who will work from the PAM office at 584 Pembina Highway. Lesley is an outstanding administrator with very broad regulatory experience and familiarity with health regulation. We are very fortunate to have been able to recruit Lesley to work on behalf of PAM. I also want to acknowledge the excellent work of Mr. Grant Tarr who serves as the PAM bookkeeper.

As you know, PAM's work is accomplished through PAM Executive Council, the Registrar, and the ten PAM Committees and sub-committees of the Association. I want to acknowledge these individuals and express my sincere appreciation and that of the Association as a whole for the significant contributions that they make to the operation of PAM.

### **PAM Executive Council**

Drs. John L. Arnett (President), Diane Hiebert-Murphy (Vice President), Jennifer Laforce (Treasurer), Donna Chubaty (Member-at-Large), Connie Boutet (Member-at-Large), Andy Lubusko (Member-at-Large), Lorne Sexton (Member-at-Large)

### **Registrar**

Dr. Alan Slusky

### **PAM Committees**

- **Registration and Membership Committee: Drs. Donna Chubaty (Chair), William Davis, Lesley Ritchie, Kent Somers, Hal Wallbridge, and James Ediger**
- **Complaints Committee: Dr. Daryl Gill (Chair until March 2018), Dr. Neil Arnason (Public member), Mr. Glen Matsumoto (Public Member), Ms. Val Stanowski (Public Member).**

Drs. Lois Edmund, Steve Feldgaier (**New Chair, effective March 2018**), Adrienne Leslie-Toogood, and Linda Rhodes

- **Inquiry Committee**: **Drs. James Newton (Chair)**, Neil Craton (Public Member), James Ediger, Lesley Koven, Linda Trigg, Sid Frankel (Public Member), Mr. Ian Hughes (Public member),
- **Examinations Committee**: Dr. Naomi Berger(Chair)
- **Publications Committee**: **Drs. Donna Chubaty (Chair)**, Alan Slusky, Ms. Lesley Phimister
- **Standards Committee**: **Drs. Hal Wallbridge (Chair)**
  - **Continuing Education** (subcommittee of Standards Committee): **Drs. Jane Bow (Chair) and Don Stewart**
  - **Jurisprudence Examination** (subcommittee of Standards Committee): **Drs. Hal Wallbridge (Chair)**, Lesley Graff, and Alan Slusky
- **Legislative Review Committee**: Drs. Diane Hiebert-Murphy (Chair), Alan Slusky, and John Arnett (*ex-officio*),
- **Nomination Committee**: Dr. James Newton

The day-to-day work of PAM has continued throughout the past year and includes, for example, responding to requests for information from the general public as well as various government agencies and commissions, receiving and responding to complaints, attending meetings locally, nationally, and internationally related to the regulation of psychology, receiving and processing membership applications, publishing the newsletter, conducting jurisprudence and oral examinations, monitoring legislative proposals related to the practice of psychology in Canada and around the world, responding to and contributing to requests for comment and suggestions from other psychology regulators both nationally and internationally, making recommendations to government regarding legislation related to the practice of psychology, etc. In addition to these routine operations considerable work has been done on a number of specific initiatives over the past year, including but not limited to the following:

1. *Regulated Health Professions Act (RHPA)*: Work on this has picked up considerably over the last year as PAM has been advised by government that our profession is “next in line” to move forward on inclusion in the *RHPA*. As you might anticipate, however, next in line doesn’t necessarily mean that inclusion is imminent. Council continues to work closely with Mr. David Hodgson, who as you know, PAM hired to

assist psychology in navigating the path to inclusion in the *RHPA*. David's work has continued to be outstanding and his organizational skills and detailed knowledge of how government works has been invaluable in moving things along as quickly as is possible. We are nearing completion of what we expect will be very near the final version of the Psychology General Regulation (Draft 7) which defines the psychology membership classes and qualifications for membership, certificates of practice, reserved acts psychologists will be authorized to perform, standards of practice, continuing competency, incorporation, practitioner profiles, and other matters. When this document is approved by government for distribution, it will be widely distributed to psychologists, other health professions, and the general public for comment. The Reserved Acts that psychology has requested that have preliminary government approval include Reserved Act 1 (making a diagnosis relating to a psychological disease or disorder that is within the person's scope of clinical training and competency as a psychologist and communicating it to an individual or his or her personal representative in circumstances in which it is reasonably foreseeable that the individual or representative will rely on the diagnosis to make a decision about the individual's health care), Reserved Act 2 (Receiving reports of screening or diagnostic tests), and Reserved Act 20 (performing a psycho-social intervention with an expectation of modifying a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior, the capacity to recognize reality, or the ability to meet the ordinary demands of life)

2. *Personal Health Information Act (PHIA)*: As I mentioned in my report two years ago, *PHIA* is being reviewed for revision. One of the things that remains unresolved for PAM Members and an issue that PAM continues to raise with government has been revisions to *PHIA* that would protect PAM members from being pressured to release copyrighted raw test protocols in violation of the conditions that they agreed to when they purchased the tests from the publishers or distributors. PAM continues to advise that copyrighted raw test materials should only be released under a specific court order, unless they are to be released to a qualified practitioner. However, as noted previously, the legal opinion obtained by PAM suggests that without changes to *PHIA* the authority to refuse to release the test materials is problematic. The delay in moving on this is very unfortunate as specific language in the health information legislation in some provinces is available that protects psychologists from being compelled to release raw test protocols. This is precisely the legislative change that PAM has been seeking from government to be included in an updated *PHIA*. Please be assured that PAM will continue pursuing the legitimate legislative

changes to *PHIA* that are necessary to protect PAM members from being pressured to do what they have legally agreed not to do.

3. Complaints Committee: I am very pleased to report that the Complaints Committee has been working very efficiently and effectively under the direction of Dr. Daryl Gill for the last few years. However, Dr Gill has made a work career decision to decrease his work hours and to move out of the city to a fairly remote area of Ontario with limited telephone and communications access. This necessitated his need to relinquish his role as Chair of the PAM Complaints Committee. In anticipation of the changes in his work life, Dr. Gill worked diligently to ensure that there was a smooth transition in leadership of this very important PAM committee and PAM Council approved the appointment of Dr. Steve Feldgaier as the new Chair of the Complaints Committee effective in March 2018. PAM owes a substantial debt of gratitude to Dr. Gill for his outstanding work and leadership of the Complaints Committee and to Dr. Feldgaier for accepting this important new responsibility.
4. Office of the Manitoba Fairness Commissioner (OMFC): PAM successfully completed the OMFC 2017 Registration Review and the Fairness Commissioner gave PAM significant praise for PAM's work to ensure a fair and transparent process for international trained applicants.
5. PAM has been very fortunate to bring Lesley Phimister into the Association as Deputy Registrar. Lesley replaces our former administrative assistant, Ginny Campbell. Lesley comes to PAM with 17 years of great experience in health regulation and a solid commitment to the highest ethical standards. She is very familiar with health policy legislation which is particularly crucial to PAM at the present time and that will continue to be critical to PAM moving forward. In her other part-time work she is also the Registrar for the Manitoba Naturopathic Association and Administrator for the College of Podiatrists of Manitoba. She is a year 2000 graduate of the University of Winnipeg and has completed Human Resource Management and Organizational Behavior courses at George Brown College.
6. Dr. Alan Slusky was recently elected to the Board of Directors of the Association of State and Provincial Psychology Boards (ASPPB). This will require substantial travel and his consequent absence from the PAM office. Thus, Ms. Phimister's hiring came at a great time and will facilitate the continuing operation of the PAM office during Alan's absence from the Province.

Again, thank you to all the volunteers and staff that enable PAM to carry out its day to day operations. Please feel free to contact myself, any Council member, or the Registrar with questions or feedback.

Respectfully submitted,

John L. Arnett, Ph.D., C. Psych.

President