

Manitoba Psychologist

THE PSYCHOLOGICAL ASSOCIATION OF MANITOBA /
L'ASSOCIATION DES PSYCHOLOGUES DU MANITOBA

PAM is legally constituted by the Psychologists Registration Act (R.S.M. 1987) as the regulatory body for the practice of all branches of Psychology in Manitoba.

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Dr. John Arnett Elected P.A.M. President



At the May 1st Annual Meeting of Council, Dr. John Arnett was elected President for the remainder of the current Council term. He fills the vacancy left by the resignation of Dr. Teresa Sztaba. Prior to his election as President, Dr. Arnett was Member-at-Large on P.A.M. Executive Council. He is currently Director of Clinical Psychology Training at the University of Manitoba.

Town Hall Meeting February 9, 2010

About fifty people attended a Town Hall Meeting hosted by P.A.M. the evening of February 9, 2010 at the Chown Building at the UofM on McDermot Avenue in Winnipeg.

This year's Town Hall heard wide-ranging discussion on subjects ranging from the Registered Health Professions Act (RHPA) to implications of the Agreement on Internal Trade, to the status of the relationship between Registered Psychologists and their Associates as it relates to billing for services to clients.

Dr. Mary Jane Robinson Leaves Complaints Committee

After many years of dedicated service, Dr. Mary

Jane Robinson has left her position on the P.A.M. Complaints Committee to pursue other interests. She will be missed by her colleagues on Complaints,

especially for her contribution to discussions around child psychology, family dynamics, academic skills, and psychometric issues. Upon her departure, the Committee awarded her an



honorary Bachelor of Butter Tarts, in recognition of her zeal over the tarts supplied to the Committee in hopes of boosting its mental stamina.

Thanks, Mary Jane, for your enormous contribution to the regulation of Psychology in Manitoba.

Val Stanowski Appointed Complaints Public Member

P.A.M. Council was recently very pleased to appoint Ms Val Stanowski, MSW, RSW to the Complaints Committee as a Public Member. Val brings deep experience in social work practice to the Committee, after many years at HSC and (currently) at 17 Wing Health Services.

Continuing Education Documentation Form Online

The PAM Continuing Education Sub-Committee has developed a form for members to use in documentation of participation in CE events where formal certificates of participation are not provided.

The form can be downloaded from the PAM website at:

[www.cpmb.ca/documents/PAM
%20Verification%20of%20Attendance
%20document%20-%202010.pdf](http://www.cpmb.ca/documents/PAM%20Verification%20of%20Attendance%20document%20-%202010.pdf)

Psychological Association of Manitoba VERIFICATION OF ATTENDANCE

Use this form to document Continuing Education (CE) participation only if other verifying documents are not available.

Name: _____ Membership #: _____

Membership Category: ___ C.Psych. ___ C.Psych. Candidate ___ P.A. ___ P.A. Candidate

DESCRIPTION OF EVENT:

Date(s) Attended: _____

Title of Presentation: _____

Presenter/Instructor/Leader: _____

Event Sponsor/Organizer: _____

Location of Event: City: _____ Province/State: _____

Duration of Event: _____ # of Hours of CE Credit Claimed: _____

According to PAM regulations, CE Credits are offered for events that are "materially psychological in nature" with one hour of credit claimable for each hour of participation. Please describe below how this event meets this requirement:

ATTESTATION: I attest that I attended the above event:

Member Signature: _____

Date: _____ I attest that the above signed member attended the above event:

Sponsor/Organizer/Presenter/Psychologist Co-Attendee (Please circle one)

Signature: _____

Name and Position: _____

Special Section - P.A.M.'s Annual General Meeting 2010

The 2010 Annual General Meeting of The Psychological Association of Manitoba was held Wednesday April 28th, 2010 at the Greenwood Inn in Winnipeg. The event opened with a reception at 5:00 pm, and Dr. Teresa Sztaba, P.A.M. President opened the meeting at 6:00 p.m.



Dr. Jennifer La Force (above) brought greetings to to the A.G.M. from the Manitoba Psychological Society. Dr. Craig Turner (left), from the Canadian Register of Health Service Providers in Psychology, and Mr. Eric Alper, from the Manitoba Association of School Psychologists.



Shane Perlmutter

At the conclusion of the business meeting, Shane Perlmutter of the law firm Thompson Dorfman Sweatman, spoke about self-regulation among health care professions in the era of Manitoba's Regulated Health Professions Act (RHPA).

In speaking about self-regulation and the public interest, Perlmutter quoted from a paper by Paul D. Paton of the University of the Pacific McGeorge School of Law, titled "Between a Rock and a Hard Place: The Future of Self-Regulation—Canada between the United States and the English/Australian Experience" and published in Journal of the Professional Lawyer (and available at <http://www.abanet.org/cpr/pubs/paton.pdf>), opens:

Professional self-regulation is a remarkable privilege, as well as an enormous conceit. In the conventional sense, three deceptively simple elements are key to the concept of self-regulation: setting standards, monitoring compliance with standards, and instituting mechanisms for enforcing standards. For the legal

profession in the province of Ontario, Canada, as well as for its counterparts in the United States, England and Australia, self-regulation has moved well beyond this functional conception and is instead closely linked to the preservation of independence of the bar, as part of the "self-conscious ambition of the legal profession to act as a bulwark against both public and private tyranny." It has also been described as a key component of the bar's service as an "institutional safeguard lying between the ordinary citizen and the power of government."

President's Report

*Teresa Sztaba, Ph.D., C.Psych. President
The Psychological Association of Manitoba*

It is a pleasure to be here with you all and to address you at this 2010 Annual General Meeting of The Psychological Association of Manitoba, at the completion of my second year as your President. Last year at this time, I mentioned having survived my inaugural year, thanks to the patience and support of my colleagues. Their continued support has served as a firm foundation from which to have handled the many additional challenges that have arisen during this past year. Various government initiatives and actions have resulted in a hectic year and a heavy load, with the need for active involvement, many extra meetings and, often, quick and decisive response.

I am extremely thankful for, and appreciative of, the excellent volunteers on P.A.M. Council and Committees, as well as our efficient and knowledgeable Registrar, Dr. Slusky, with all of whom I have had the privilege of working on these challenging issues that have been imposed upon our organization. My colleagues on Council are a supportive, dedicated, and committed group of individuals, who tackle tasks and debates with exceeding good will, quick wit, and astute perspective. Regardless of the length of our agenda, I look forward to our bi-weekly meetings and other contacts as an opportunity to share work that is essential to the regulation of Psychology and to enjoy collegial interactions with some fine individuals. As such, my first key task today is to acknowledge and to thank these dedicated people who have been working on your behalf.

P.A.M. Council is comprised of Drs. Hal Wallbridge (Vice-President and Chair, Registration and Membership), Grace Tan-Harland (Treasurer), John Arnett (Chair, Standards Committee), Neal Anderson (Publications), and Jeanette Fillion-Rosset and Bruce Hutchison (Members-at-Large). With such capable individuals, our meetings often are filled with lively discussion and, to be sure, all important issues are examined in a conscientious manner, from every angle.

In addition to the work done by your Executive Council, the business of P.A.M. is conducted by the many individuals who serve on Association committees. The work done by committee members is essential to the functioning of P.A.M., often involves considerable time commitment, and can be challenging. As such, I also would like to extend my thanks and heartfelt appreciation to all those who are not on Council and who serve on the following committees: Complaints, Examination, Legislative Review, Nominations, Registration and

Membership, and Inquiry, as well as the Continuing Education Sub-Committee and the Code of Conduct working group. Many committee members are of longstanding service and all are highly committed to their tasks. Thank you to Dr. Jaye Miles, who for many years now has served in the difficult role of Complaints Committee Chair, and to this Committee's assistant, Lorna Leader. In addition, the following able Chairs deserve recognition and thanks for their commitment and hard work: Dr. Naomi Berger, Chair of the Examinations Committee; Dr. Jay Brolund, Chair of the Legislative Review Committee; and Dr. Jim Newton, our one-man Nominations Committee. Dr. Jane Bow continues to lead the Continuing Education sub-committee, which has been responsive to changing requirements stemming from legislative changes.

We are fortunate as well to have several Public Members of the Complaints and Inquiry Committees, who are invaluable in the workings of these Committees because of their unique perspectives, the breadth that they add to Committee functioning, and their commitment to public protection. The role of these public representatives is critical in our work as Regulators, given that it helps to ensure that we are accountable to the public, transparent in our decisions, and conscientious in our deliberations. We are indebted to Dr. Neil Arnason, Mr. Herb Thompson, and Ms. Val Stenowski, public representatives on the Complaints Committee, as well as to Dr. George Webster, Dr. Neil Craton, and Mr. Ian Hughes, of the Inquiry Committee.

For the second year, we have been fortunate to have Ms. Launey Chudy serving as assistant to P.A.M. Council and to the Registrar. I can attest that not only is her work of high calibre, but that she does it with efficiency, ingenuity, and a cooperative, helpful attitude. My frequent contacts with her have always been a pleasure and her assistance has been invaluable.

Last, but certainly not least, I would like to thank Mr. Dave Wright, Counsel to P.A.M. Executive and Mr. Blair Graham, Counsel to the Complaints Committee. These two gentlemen bring considerable knowledge and experience, along with good humour, to their respective roles of advising with respect to organizational functioning and legislation, and tricky complaints issues. During the past year, in our efforts at improving our organizational practices, as well as in responding to numerous political requests and initiatives, Dave Wright's ready assistance has been of great benefit.

While I am recognizing the contributions of various individuals to Psychology, I would like to acknowledge the passing, on December 19, 2009, of a long-time member of the Manitoba psychological community, Dr. Clifford Anderson. Born in Lucky Lake, Saskatchewan in 1932, he taught school from 1951 to 1955, before obtaining a Ph.D. in Psychology at McGill University. He taught at Brandon

University for many years, and was viewed as an innovative teacher, inspiring speaker, and dedicated advocate for Psychology in rural Manitoba. Dr. Anderson was awarded the Robson Award for excellence in Psychology in 1994 and Distinguished Life Membership in the Manitoba Psychological Society in 2006. His contributions to Psychology will be remembered.

My second key task today is to summarize the issues with which we have been dealing during the past year, and the activities and responses of P.A.M. Council on your behalf.

Council began the year with initiatives to get our house in order. Over the years, P.A.M. had been focused on immediate demands, such as complaints and legislative/political issues, and there never seemed to be enough time to do any long-range planning or critical self-evaluation. As a result, some basic organizational functions had not been evaluated or addressed in some time.

Therefore, Council held its first ever Organizational Review/Planning meeting, to examine our internal functioning and to consider changes that might result in efficiencies in processing and costs, as well as responsiveness to membership. Our inaugural seven-hour marathon meeting was productive and led to a number of initiatives, most of which are already well underway. Changes in the collection and monitoring of documents received from applicants, as well as in Council's process of approving Registration and Membership committee recommendations, have resulted in efficiencies in the processing of applications. Council also agreed that descriptions of psychology practice areas would be posted on the P.A.M. website. The addition of this information to the website facilitates decisions of applicants with respect to the practice area with which they wish to be identified.

As I have mentioned at previous meetings, all other provinces in Canada may publish the names of psychologists found guilty of professional misconduct, as well as information about charges. Especially given that the Regulated Health Professions Act soon will compel P.A.M. to publicize the names of members found guilty of professional misconduct, Council has asked the Complaints and Inquiry Committees to consider the options of publication, cost recovery and fines.

Council also has begun to develop formal contracts for our contractors! Although we have functioned to date on good faith, it could be argued that we are not serving our membership with due diligence if we do not at least have basic legal contracts in place. As well, we decided to initiate formal performance evaluations of paid contractors—the Registrar and the Assistants—beginning with investigating processes for conducting these evaluations.

Finally, a working group to develop a Code of Conduct for Manitoba psychologists was formed. This group decided to model Manitoba's Code of

Conduct document after the comprehensive guidelines developed by the College of Psychologists of British Columbia, thereby saving much time and effort. This document will serve as a guide for the practical application of ethical guidelines, standards, and the Act governing health professions and Psychology.

Items for future planning meetings include the development of a formal mechanism by which registrants can change their declared areas of practice, and examination of ways in which the complaints process can be conducted as efficiently as possible, while maintaining due process.

The most significant changes to our regulatory functioning, as well as challenges, have followed from the adoption by the provincial government of the Regulated Health Professions Act (RHPA) and subsequent requests from Manitoba Health. Overall, the RHPA is vital in the maintenance of uniform and quality standards in the regulation of health care professions. As well, the new College of Psychologists will have the ability to choose to recover the costs of investigations and hearings, and potentially to assess fines when psychologists are found negligent in practice. The new College also will have welcome public representation on its Executive Council. The RHPA also will allow Psychologists to incorporate, a right long-afforded many of our colleagues and long-sought by our own profession.

As such, we viewed our governance under the new RHPA in a positive light and, therefore, we submitted a request to Manitoba Health to be allowed to be among the first professions to develop profession-specific regulations. We were granted that request and, with guidance from our legal council, the Legislative Review Committee has been working diligently toward this end. Dr. Slusky and I recently met with representatives from Manitoba Health to review the decisions of the Legislative Review Committee and to gather additional information about specific aspects of the content and wording of our regulations.

It was only a few years ago that P.A.M. determined that 20 hours of continuing education annually would be a requisite for membership renewal. Compliance overall has been excellent and random audits have revealed few problems. The RHPA does require that continuing education be geared toward the development of continuing competencies. As such, there will be further changes to the expectations for continuing education/competence that will necessitate a change in the documentation to be completed by members. Drs Jane Bow and Don Stewart have developed a new form for documentation of Continuing Education events where a certificate of attendance is not provided. If approved by Council, it will be available on our website. As well, given the requirements under the RHPA, the Continuing Education sub-committee is

in the early stages of developing a system for self-assessment of areas requiring increased competence and the forms for documenting continuing education needs and attendance. A continuing competence system has been used in Ontario for a number of years, with good participation. I would like to give you a "heads-up" that this type of competence evaluation demands more consideration and documentation than does our current system. Dr. Arnett, Chair of Standards, or Dr. Slusky will be available to respond to questions about changes in continuing education documentation later, if requested.

It is of concern that we have not yet been given any assurance that, under the RHPA, we will be granted the right to perform the reserved act of diagnosis. We had assumed, given that our accepted scope of practice includes diagnosis and treatment, that our right to do so under the reserved acts of communication of a diagnosis and psychosocial



Dr. Teresa Sztaba

intervention would quite readily be enshrined in legislation. However, in the other provinces that have Regulated Health Professions Acts (Alberta, British Columbia, and Ontario), thus far only Ontario psychologists have been granted the right to communicate a diagnosis. The B.C. College is awaiting a decision but is not optimistic. P.A.M. remains firm in our stance that psychologists must have the right to make diagnoses of mental disorders, in keeping with our appropriate scope of practice.

The most significant development with which P.A.M. has been faced arose in January of this year, when I received a letter signed by the then Deputy Minister of Health, Arlene Wilgosh. In that letter, she informed us that Manitoba Health had decided that all exemptions to the requirement for registration to practice as a Psychologist were to be eliminated. She also directed us to meet with the Manitoba Association of School Psychologists to collaborate toward developing our profession-specific regulations and to form the new College of Psychologists. We were informed that, if we could

not come to an agreement with M.A.S.P. by November 30 of this year, then the matter of how to incorporate exempt groups would be referred to the soon-to-be-formed Health Advisory Council, which will act as an advisory body to the Minister.

Dr. Slusky and I quickly requested a meeting with Ms. Wilgosh and with the author of the letter, her chief Legislative Analyst, Ms. Donna Hill. The meeting was very positive, in that we emphasized that we were supportive of the creation of regulations that encompass psychological practitioners across all practice settings, given that the task of protection of the public by a regulator cannot be performed adequately when numbers of practitioners are not governed by regulation and when the public does not have recourse to a Complaints/Inquiry process.

We noted that P.A.M. has attempted, for over 30 years, to create a new Act that is inclusive and that allows us to function in accordance with contemporary regulatory practice. We emphasized our role as regulators and our extensive familiarity with legislation in other provinces, as well as with the broadly accepted entry-to-practice standards across Canada and North America. We also noted recent moves by a number of provinces to adopt a doctoral entry-to-practice standard for Psychologists. We assured Ms. Wilgosh and Ms. Hill that we would fulfill our legislatively designated role as regulators to develop a working proposal to incorporate currently exempt members in a manner in keeping with current standards of entry to practice, title, and scope of practice.

With respect to the role of M.A.S.P., in our meeting we highlighted that we have always been open to meeting with M.A.S.P. membership to explain how, even under current regulations, they could register for independent practice, but that we have never been given access to its membership. We agreed to consult with M.A.S.P. again with respect to how to develop inclusive regulations and to hear their input, questions, and concerns. However, we did emphasize at our meeting, as well as in numerous subsequent written communications, that it is not appropriate for an educational/advocacy group to be given the same regulatory role as has P.A.M., the legislated Regulatory body. We also repeatedly have noted that the removal of exemptions will have an impact on a number of groups now practicing in exempt settings, as well as on employers.

I personally consulted with a number of individuals in the Psychology community, including some who had been involved in extensive past discussions with M.A.S.P., prior to responding to Ms. Wilgosh's letter. As well, P.A.M.'s stance on this issue was discussed at length at our winter Town Hall meeting, where it was unanimously supported. Therefore, we believe that our position on this

matter is both conceptually sound and broadly supported.

Lastly, in our meeting with government as well as in subsequent correspondence, we indicated that we planned to schedule appropriate and timely consultation with representatives from all exempt settings to guide us in the creation of inclusive regulations, most certainly including representatives from M.A.S.P. Dr. Slusky's and my impression, following our meeting with Ms. Wilgosh and Ms. Hill, was that they were supportive of our proposed consultation process.

To that end, we subsequently contacted representatives from other exempt settings, as well as the Minister of Education, to invite them to consult with us in the development of inclusive regulations. However, Ms. Dawn Hansen, on behalf of M.A.S.P., requested in writing that we meet only with her and with Mr. Eric Alper and that we collaborate as equals in developing regulation. We agreed to consult first with M.A.S.P., prior to meeting with other stakeholders. Unfortunately, M.A.S.P. thus far has declined our invitations to meet, and recently suggested that we jointly hire a professional mediator to meet with two representatives each from M.A.S.P. and P.A.M. We consider it premature to meet with a mediator, given that neither party has yet heard the stance of the other, nor that we do not view the current process as either dispute resolution or negotiation. Rather, we had hoped for fruitful dialogue to assist us in proposing regulation that would be in keeping with current accepted practice, and would not result in hardship or employment disruption for any involved party.

At a recent meeting with representatives from Manitoba Health, Dr. Slusky and I requested a letter of clarification with respect to the process that we are expected to follow. We have provided the new Deputy Minister of Health, Milton Sussman, with correspondence to date, and have been told that he and his legislative analysts have met to discuss this issue and that we can expect a letter of clarification.

On the national front, the Agreement on Internal Trade (AIT), passed on April 1, 2009, has presented some challenges to regulators across Canada, including P.A.M. Dr. Slusky already has been told by individuals who are not eligible to register as Psychologists in Manitoba that they

plan to register in another province and then return to Manitoba, at which point P.A.M. would be required to register them under the AIT. When the AIT was being developed, Regulators were informed that specific concerns or objections related to the need to register individuals who would be viewed as not meeting provincial standards would not be heard. We were told that, post-hoc, we would be able to file "Legitimate Objectives" about specific individuals or programs. As such, P.A.M., following the lead of Nova Scotia, who made a successful Legitimate Objective about certain programs that do

not include training toward required competencies, filed a similar Legitimate Objective. After a number of requests for additional information from Dr. Slusky, he was informed that our provincial AIT representatives do not support the Legitimate Objective because, essentially, if such programs are good enough for another province, they should be good enough for us.

On P.A.M.'s behalf, Dr. Slusky and I regularly attend meetings of ACPRO, the organization of Canadian regulators. I have been disappointed that ACPRO, during the development of the AIT and subsequently, has not been vocal about concerns about the AIT. However, the extent of influence with respect to the AIT on the part of regulators is questionable. As well, differences between registration standards and practices between provinces have led to difficulties. ACPRO has received grant funding to gather data about the varying registration practices among provinces, with the ultimate goal of some unity or harmonization. However, one College has requested that certain aspects of registration in its province not be put on the table. These types of dynamics are significant impediments to beneficial changes in the Canadian Psychology community.

As well, the over-arching goal of mobility and ease of regulation for Canadians as well as for immigrants appears to be resulting in an increasing usurping of the role of Regulators by government. Given the current zeitgeist in terms of the goals of Government, there also have been an increasing number of legal challenges by applicants to many aspects of registration requirements and a high rate of success in these challenges. We can expect, therefore, that many of the requirements that we have deemed sacrosanct, such as examinations, degrees from Psychology programs, etc. may be judged by government or the courts to be contrary to fairness or mobility. In two other large provinces, Psychology Colleges have been informed that they cannot have two titles for independent practice if the scope of practice for each is the same. The solution appears to be to have only one title, associated with a doctoral degree. However, under the AIT, those with Masters degrees registered as Psychologists in other provinces would have to be registered as Psychologists in provinces with only one title for independent practice. In Manitoba, we do need to be prepared to be told in the future that we cannot justify having two titles for independent practice with the same scope of practice.

The Association of State and Provincial Psychology Boards recently held a meeting to discuss the status of distance education and TeleMentalHealth, as well as the need for regulations. The issue of distance education, particularly for basic preparation as a Psychologist, was viewed by all as a pressing and significant matter, and ASPPB was asked to give expeditious guidance to regulators with respect to the development of appropriate standards. Similarly, TeleMentalHealth is being practiced

increasingly and it was agreed that Psychology Regulators need to move quickly to develop regulations and standards before extensive marketing of services takes the ball out of our court.

I do apologize that my report this year has been much lengthier than the one I presented last year (which seemed to be appreciated at least partially because of its brevity). However, it truly has been a year that cannot adequately be summarized in just a few pages. Your P.A.M. Council has been challenged by a number of significant issues, within the context of a rapidly changing regulatory scene dominated by the actions of Government.

When I accepted the role as President of P.A.M., I made a number of promises to you, as documented in the "objectives" that I listed in our newsletter. I indicated that I would work to ensure that P.A.M. Council would be transparent about our activities and accessible to registrants, providing information in a timely fashion. To that end, we have continued with our Town Hall meetings and, through the expertise and creativity of our Publications Chair, Dr. Neal Anderson, have published regular, informative, and appealing newsletters. We have utilized our funds in a responsible and accountable manner, with the hard work of our Treasurer, Dr. Grace Tan-Harland, and we continue to be fiscally sound, with high ratings from our Auditors. We have achieved the objective of involving more members on Council and committees, including some who are more recently registered. We have continued to support appropriate standards for registration and practice, even in the face of external pressure to lower standards. As well, we have provided representation from Manitoba psychologists to Canadian and North American regulatory associations, keeping up-to-date on current issues in regulation and, consequently, responding quickly to the need for change and for action.

P.A.M. Council surely will continue to respond effectively to the many challenges that undoubtedly will continue to arise in this tumultuous regulatory climate. It is with much confidence in the many volunteers on Council that I am announcing today that I will be stepping down from my role as President. Recently, my workload for P.A.M. has increased considerably, because of the issue involving Manitoba Health and M.A.S.P. Concurrently, family concerns have demanded my attention – I truly understand what it means to be in the "sandwich generation." Unfortunately, it therefore has been necessary for me to make a choice between continuing as President of P.A.M. and reallocating time to my family.

It has been a great honour and, truly, a privilege to have been entrusted with this leadership opportunity. I have been very pleased to have been immersed in issues critical to our community of Psychologists, of which I am so proud to be a member, and I have experienced great satisfaction in

the tasks that I have undertaken and in having had some influence, however small.

This job has been a tremendous learning experience and I am grateful that I had the chance to fill it.

My participation in P.A.M. will not entirely be done yet, however. I do plan to remain on Council during the coming year, as I was elected to do. It will be my tenth year on Council, I believe, but I still have a lot to say – and plan to do so! I don't know how I arrived at being one of the "seniors" (it sort of sneaks up on us) but I do know that we all need to be gracious about making room for others who have lots of energy and a fresh perspective.

I again want to thank all of Council for their tremendous support over the past two years, and to thank Dr. Slusky for his dedication and hard work. Thank you as well to all of you, the members of our Manitoba psychology community, for your support and collegiality, and for attending tonight's meeting. It is a pleasure to see you all here and I do hope that you enjoy the rest of our meeting – and dinner.

Treasurer's Report for Fiscal Year 2009

*Grace Tan-Harland, Ph.D., C.Psych., Treasurer
The Psychological Association of Manitoba*

Having managed to complete my first year as Treasurer of PAM, I am certainly pleased to report that we have ended the fiscal year with another surplus. As a result, we are able to hold fees at the same rate for the second year in a row.

As indicated by the Profit and Loss statement, we had a surplus of \$60,081.54 as at December 31, 2009. We took in more revenues (182,054.10) and had lower expenditures than projected (121,972.56). In particular, there were less legal costs paid to counsel in the Complaints Committee's work and for counsel to Executive Council, than in most recent years. This year's surplus, together with last year's, has enabled Council to achieve its previously set goal of building a reserve fund equal to more than half a year's expenditures for future unexpected shortfalls.

Once again this year, Council has exercised our right to use two members of the association as auditors as our bylaws allow. Drs. Michelle Warren and John Walker have again most graciously donated their time to this cause and we are very grateful. Please see their Lay Auditors' Report to the membership dated Feb. 2010. At this time, Council extends its appreciation to Dr. John Walker for agreeing to help us conduct the audit in 2011, and to Dr. Jacqueline Walker for agreeing to be the second member in this endeavour.

The 2010 budget is presented in the document entitled Financial Statement 2009 and Budget 2010. We expect the cost of running our association in 2010 to be similar to 2009. As our history indicates, the costs of legal counsel are not readily predictable. Council has therefore agreed to continue to base our cost estimate in this area on the highest past projections. Travel costs this past year has included a trip made by Dr. Jaye Miles to ASPPB. Council made the decision to send Dr. Miles, as chair of the Discipline Committee, to attend some workshops on discipline related issues. With the points we now have accumulated from the use of PAM's Visa card, which we expect to redeem toward travel this year, the budgeted amount for Travel will remain unchanged for 2010. The increases to the budgeted Office Costs, including the Registrar's fee, as well as the increases to Committees costs and to Council's legal costs mainly reflect the anticipated activity for our association related to upcoming phases in the development of the proposed Regulated Health Professions Act.

In closing, I would like to express my sincere appreciation to Ms. Launey Chudy, our assistant to the Registrar, for the invaluable help she has provided to me this past year. I must also express my gratitude to Dr. Linda Rhodes, our past Treasurer, for her guidance, support, and availability at all hours, without which I would not have survived this first year as Treasurer.

Registration and Membership Committee Annual Report

*Hal Wallbridge, Ph.D., C.Psych. Chair
Registration and Membership
Psychological Association of Manitoba*

The Jurisprudence Exam has been successfully

Financial Information on the P.A.M. website:

<http://www.cpmb.ca/AGM%20Reports%202010.htm>

[2009 Audited Financial Statements](#)

[2010 Budget and 2009 Financial Statement](#)

[2009 Profit and Loss Statement](#)

implemented. 14 have been administered, with an

average grade of 88%. Council has recently set a passing grade of 80%, which will apply to any new applicant.

We are working on the issue of registering Applied Behaviour Analysis doctoral graduates from the University of Manitoba. The specifics of this are being affected by the as yet unknown implications of the coming Regulated Health Professions Act (RHPA).

The committee membership of R&M has remained the same over this past year and I would like to take this opportunity to thank these committee members for their time and efforts: Dr. Bill Davis, Dr. Andrea Kilgour, Dr. Gail Robertson and Dr. Kent Somers. Gail Robertson has decided to step down from this committee after many years of service and we are in the process of recruiting two new members. Anyone interested in participating in this important and interesting committee, please contact me.

I am pleased to announce the new registrants for the 2009-2010 administrative year.

Registered Psychologists

- Dr. Anna-Marie Carlson
- Dr. Mirosław Grygo
- Dr. Solange Lavack
- Dr. Alicia Ordóñez
- Dr. Daniel Rothman
- Dr. Melissa Tiessen
- Dr. Trudi Walsh

Psychologist Candidates

- Dr. Julie Beaulac
- Dr. Michael Ellery
- Dr. Garrett Kafka
- Dr. Andrea Lee
- Dr. Sonia Marrone
- Dr. Shelley Rhyno
- Dr. Leslie Ritchie

Psychological Associates (IP)

- Ms Sandra Hayhow

Psychological Associate Candidates

- Ms Bonnie Heidebrecht
- Ms. Kristin Rinn

Complaints Committee Report

Jaye Miles, Ph.D., C. Psych. Chair, Complaints Committee, The Psychological Association of Manitoba

The Complaints Committee of the Psychological Association of Manitoba (PAM) is composed of PAM members Drs. Daryl Gill, Jule Henderson, Bill Leonhart, Bruce Tefft, and I as Chair, and public representatives Neil Arnason, and Herbert Thompson. Longstanding member Dr. Mary-Jane

Robinson left the Committee this year. We have missed her spirited contributions to our deliberations. This year marked the appointment to the Committee of the first Psychological Associate licensed for Independent Practice under the new By-law of 2006. We welcome Sandra Hayhow to the Committee in this capacity. Public member Chris Summerville resigned from the Committee during 2009 due to multiple competing demands. His strong consumer focused perspective will be missed. Blair Graham, Q.C., and Rob Olsen of Thompson Dorfman Sweatman LLP have continued to serve as the Committee's legal counsel with their characteristic generosity and geniality. Lorna Leader remains as the Committee's invaluable assistant and support.

The Complaints Committee met 9 times in 2009, reviewing 16 complaints over this period. Of the sixteen complaints reviewed in 2009, five complaints were closed. All five were dismissed, including one which was formally investigated, with the appointment of an Investigator. Two of the five had been received in 2008, and three in 2009.

Of the eleven complaints carried into 2010, two dated from 2006, dealing with related matters involving one member, and remain open pending the successful completion of a period of supervision. Five complaints were received late in the year and were not discussed by the Committee during 2009. The remaining four complaints (two from 2008 and two from 2009) are at various stages of deliberation and decision.

Areas of forensic practice, including custody/access and disability/compensation assessments, continue to be contentious matters and common practice areas in which complaints are received. Large volumes of written material are often submitted in support of these complaints. The committee has continued to focus on efficient resolution of complaints and in ensuring their timely resolution without jeopardizing thoroughness and fairness. Analysis of data about complaints received from 2005 to 2008 shows that the average time from initial review by the Committee to decision is 3.9 months for complaints which are dismissed. The time for decision and closure on other dispositions is considerably longer, averaging 13.4 months, with censure and agreement outcomes taking the most time, often as a result of negotiation of outcomes and remedial outcomes such as supervision agreements. The time from the date of the complaint receipt to first review by the Committee averages 5.4 months. This time is accounted for, in part, by the legislative and practical requirements for procedural fairness in allowing for adequate response times by respondent members and complainants. The Committee is noticing a trend towards complaints which require requests for more detail and information from complainants before the Committee can review them, and delays on the part of both complainants

and respondent members in replying to requests for information or in responding in a timely manner.

Complaint Summary for 2009	2009	2008	2007	2006
Carried Forward (from previous year)	7	8	15	12
New Complaints	9	6	6	12
Total Reviewed	16	14	21	24
Outcome of Review				
Closed	5	7	13	9
Carried Forward (to next year)	11	7	8	15
Total	16	14	21	24

As Chair, I have maintained ongoing contact with PAM Executive Council throughout the year to discuss broad matters of mutual interest, which have included: procedural matters related to the Complaint Appeal Process; complaint issues arising from the April 2009 mid-term meeting of the Association of State and Provincial Psychology Boards, which I attended on PAM's behalf; the new Regulated Health Professions Act and the implication for the complaints process; and current practices related to cost recovery and publication of complaint findings. I wish to thank Mr. Blair Graham for his ongoing and generous contributions of time and expertise in such discussions with Council.

Committee member Dr. Bill Leonhart has agreed to represent the Complaints Committee on an Ad Hoc committee which is developing a Code of Conduct handbook. The Committee welcomes this opportunity for input in providing and clarifying guidelines in a variety of practice areas.

The Committee is assisted in its work by the members who act as investigators, consultants and supervisors. Without them, we could not carry out our responsibilities. On behalf of the Committee, I thank Drs. Leslie Graff, Jay Brolund, and Jane Bow for their generous assistance to the Committee over the last year.

Inquiry Committee Report

James H. Newton, Ph.D., C.Psych. Chair, Inquiry Committee, The Psychological Association of Manitoba

The Government of Manitoba enacted new by-laws for the Psychological Association of Manitoba on

February 8, 2006. In doing so, the former Discipline Committee ceased to exist, and two (2) new committees were created, one of which is the Inquiry Committee.

The task of the Inquiry Committee is to serve as a three (3) person hearing panel in those instances in which the Complaints Committee recommends charges be laid against a Member and that a hearing be held. Two (2) hearing panels were convened during the 2009 – 2010 reporting period.

Hearing Panels are comprised of two (2) Psychologist Members and one (1) Lay Member of the Inquiry Committee, the members of which are:

- Psychologist Members:
- Dr. James Ediger
 - Dr. Diane Hiebert-Murphy
 - Dr. Robert Martin
 - Dr. James Newton
 - Dr. Linda Trigg
 - Dr. Michelle Warren

- Lay Person Members:
- Dr. Neil Craton
 - Dr. Ian Hughes
 - Dr. George Webster

All of the members of the Inquiry Committee are volunteers and as such, freely contribute many hours to the demanding work of participating on panels. On behalf of the Association, I thank each of them for their ongoing and valuable contribution of time, commitment, and expertise.

Standards Committee Report

John L. Arnett, Ph.D., C.Psych. Chair, Standards Committee, The Psychological Association of Manitoba

The Standards Committee reviewed four concerns from the public and psychologists during the past year.

The first involved the improper use of the words "Psychological Assessment" in a report by an individual who held a doctoral degree in psychology but who was not registered with the Psychological Association of Manitoba. A letter was sent to this individual advising that this action contravened the Psychologists Registration Act and demanded that the individual refrain from any further use of the terms and titles referred to in Section 11(1) of the Act in describing the services provided.

The second concern related to a fully registered psychologist from another Canadian Province intermittently practicing psychology in Manitoba

without registration in Manitoba with the Psychological Association of Manitoba (P.A.M.). The individual was advised that such practice violated the Psychologists Registration Act and was asked to cease this practice immediately. The psychologist was also advised to contact the PAM Registrar to discuss the membership opportunities available should the individual wish to continue to practice in Manitoba.

The third issue revolved around an individual who is not a psychologist but has frequently been referred to in various media reports as a "sports psychologist". This appears to be an increasing problem for psychology regulators across Canada and it does not appear to be specifically related to the Olympics that were recently held in Vancouver. In the Manitoba case, a very careful review of statements to the media by the individual who was the object of the concern failed to reveal a single instance in which the individual self-identified as a "psychologist" or "sports psychologist". Although there was no indication that the individual had acted to correct the incorrect attributions that he/she was a psychologist, it was decided to advise the media outlets of their incorrect designation of this individual as a psychologist and/or sports psychologist.

The fourth concern related to an individual who complained about medical reports prepared by two physicians. A careful review of the physician reports indicated that nothing in the reports violated any provisions of the Psychologists Registration Act. In our response to the complainant we stressed the point that we were not expressing any opinion about the content or substance of the physician reports but only that they did not violate the Act governing the practice of psychology. We indicated that further concerns about the physicians' reports could be directed to the College of Physicians and Surgeons of Manitoba if the individual so desired.

Dr. Jane Bow, Chair of the Continuing Education Committee (CE), reported that the Committee completed the first audit of continuing education claims by the P.A.M. membership. The audit, which involved about 10% of the P.A.M. membership, will now be conducted annually. The recent audit appears to have gone fairly smoothly although the Continuing Education Committee is working on revising the guidelines to clarify questions and concerns from the membership about continuing education. The Committee is also working on a documentation form for continuing education events that do not provide certificates of attendance for P.A.M. verification purposes. A complete update on the Continuing Education Committee's activities may be found in the Manitoba Psychologist, Volume 26 (Number 2), December 2009 which is available on the P.A.M. web site.

Dr. Hal Wallbridge, Chair of the Jurisprudence Examination Committee, reported that the Jurisprudence Examination, which is now

mandatory for all new applicants for P.A.M. membership, has established a passing score of 80% correct. The examination has been generally well received by applicants.

Examinations Committee

Naomi Berger, Ph.D., C. Psych. Chair, Examinations Committee, The Psychological Association of Manitoba

The mandate of the P.A.M. Committee on Oral Examinations is to arrange, conduct and report on the outcome of oral examinations for those individuals seeking registration for independent practice in psychology in Manitoba. In addition, the Committee is charged with arranging, conducting and reporting on oral interviews for those individuals registered to independently practice psychology in other jurisdictions, who are seeking to practice in Manitoba under the terms of the Mutual Recognition Agreements (MRAs).

During the 2009 calendar year, the Oral Examinations Committee was busy, with six regular oral examinations and two MRA interviews taking place. Moving into 2010, three oral exams and one MRA interview have already taken place, with others anticipated to take place later in the spring.

I would like to thank the following individuals who have provided excellent service to the Committee by serving as oral examiners during 2009 and early 2010: Drs. Gerri Brousseau, Michael Burdz, Donna Chubaty, Karen Dyck, James Ediger, Ali El-Khatib, Lesley Koven, Valerie Holms, Darrell Lindsay, Carey Mintz, Bailey Rayer, Michael Teschuk and Norah Vincent.

Two thousand and nine has been a growth year for the Committee. In addition to maintaining our roster of volunteer examiners from the previous year, we have benefitted from a number of new additions. The Committee continues to seek individuals willing to sit on oral examination committees. Any registered psychologist who is available to contribute to the activities of the Committee on Oral Examinations is encouraged to contact me for more information.

An additional initiative undertaken by the Oral Examination Committee this year involves development of a set of standardized scoring procedures for the oral examinations. An ad hoc committee has been meeting on a monthly basis to refine these scoring procedures. I would like to thank Drs. Michael Burdz, James Ediger, and Carey Mintz for their contributions in this regard.

Allow me once again to thank the members who have provided service to the Oral Examinations Committee this year.

Publications Committee Report

Neal D. Anderson, Ph.D., C.Psych Chair, Publications Committee, Psychological Association of Manitoba

The Manitoba Psychologist (ISSN0711-1533) was the only publication of the Psychological Association of Manitoba during 2009. The general purposes of the newsletter are to help P.A.M. to fulfill its legal responsibilities around the protection of the public and regulation of Psychology in Manitoba, and to foster communication within the psychological community and within the larger community.

Volume 26 of The Manitoba Psychologist included two issues, published in June and December, 2009. We developed content aimed at keeping members and the broader community up to date around membership, standards, complaints, continuing education, regulatory, and other matters facing Psychology in Manitoba and elsewhere. Both numbers included reports from our President and Registrar, and we published original articles (for example, Ken Pope's), as well as reprinted or adapted pieces from other print or on-line publications.

For Volume 27 (2010-2011), we plan two issues, again in Summer and Winter, with continued mainly electronic distribution to members and selected non-members, and posting of current and back-issues on P.A.M.'s website. The Registrar's office prints and mails hard copies of the The Manitoba Psychologist to those who request it. (Please contact Dr. Slusky if you would like to receive the newsletter by regular mail.) This committee remains open to publishing items in addition to The Manitoba Psychologist as directed by Council.

In this my second report to the P.A.M. AGM as Chair of the Publications Committee, I write on behalf of the committee's two other members, Drs. Alan Slusky and Morry A.J. Schwartz, and thank them for their work. I invite members and others to get in touch with me to discuss P.A.M. publications, and I always appreciate your feedback about The Manitoba Psychologist and about how we might be able to make it better.

Nominations Committee Report

James H. Newton, Ph.D., C.Psych. Chair, Nominations Committee, The Psychological Association of Manitoba

The mandate of the Nominations Committee is two-fold: (a) to provide candidates for PAM Council's consideration for membership on the various committees of the Association and (b) to provide

candidates for the consideration of the general membership for election to Council during the election cycle of the Association.

As this past year was not an election year for Council, the focus of the efforts of the Nominations Committee has been the recruitment of members to the various committees of the Association. Therefore, I am pleased to report that Council has approved the following nominations:

Membership & Registration Committee:

- Donna Chubaty
- Graham Watson

Auditor:

- Jackie Walker

Inquiry Committee:

- James Ediger

Complaints Committee:

- Valerie Stanowski (Public Member)

As noted in previous reports to the Membership, the work of the Association is largely accomplished by its members who serve on Council and the various committees of the Association. All of these individuals are volunteers who freely contribute many hours to this work. In the future, please consider saying "yes" when opportunities arise to serve our Association.

Legislative Review Committee

Jay W. Brolund, Ph.D., C. Psych. Chair, Legislative Review Committee, The Psychological Association of Manitoba

I would like to begin by expressing thanks on behalf of the Psychological Association of Manitoba to Dr. Kenneth Enns, who served as Chair of the Committee for many years, and Dr. Garry Hawryluk, who served as a member of the Committee for as many years as I can remember. After many years of contributions to the committee and the Psychological Association of Manitoba, Dr. Enns resigned in early 2009 and Dr. Garry Hawryluk in late 2009. Their expertise and extensive knowledge of legislative matters pertaining to the Psychological Association of Manitoba is clearly missed and should not pass without being acknowledged. Thanks to Ken and Garry!

The Legislative Review Committee membership presently includes Dr. Michael Stambrook, Dr. Alan Slusky, Dr. Teresa Sztaba (Ex-Official Member), and Dr. Jay Brolund (Chair). With the introduction of the Regulated Health Professions Act into legislation, the Executive Council of the Psychological Association of Manitoba has charged the Legislative Review Committee with the task of reviewing the Regulated Health Professions Act and making recommendations to the Executive Council on the new Psychology regulation, to bring Psychology under the Regulated Health Professions Act.

Given the mandate of reviewing the Regulated Health Professions Act, the Psychologists Registration Act and relevant Bylaws, and recommending regulations pertinent to Psychology, the Committee has been very active. To date, the Committee has made recommendations for new psychology regulations with respect to the Scope of Practice, Reserved Acts, Delegation of Reserved Acts, Council Composition, Committees, Committee Appointments, Official Directory, Special Meetings of Membership, Establishment of Registers, Board of Assessors, Compliance with Labor Mobility requirements, Certificates of Registration and Practice, Practice in Association with other Regulated Professions, Code of Ethics, Standards of Practice, Continuing Competency Program, Complaints Procedures, Practice Auditors, Practitioner Profiles, Annual Reports, Website, Discipline Issues, and other miscellaneous issues. The Committee continues in the process of reviewing proposed regulations with respect to Health Professions Corporations and Continuing Competency requirements.

I would assure all members that the PAM Executive Council is planning for broad based consultation with constituent psychology members and groups to discuss the proposed regulations for Psychology's inclusion under the Regulated Health Professions Act.



Issues: Prescriptive Authority Update; Psychologist Impairment

CPA Prescriptive Authority Task Force Update

The Winter 2010 issue of the CPA's *Psynopsis* presented an update by Dr. Lorne Sexton about the work of the Prescriptive Authority (RxP) Task Force, which he chairs. Dr. Sexton, a P.A.M. member, has chaired the (RxP) Task Force since it began its work in late 2008.

Dr. Sexton writes that, often overlooked in debate about psychologists and prescribing is that Level 3 pharmacotherapy training with prescription privileges is only one point on a continuum of psychologist pharmaceutical knowledge and decision making. Psychopharmacological training at Level 1 involves basic knowledge, and Level 2 training is aimed at effective collaborative with prescribers. Level 3 training (toward independent prescriptive authority) would involve extensive post-doctoral training and practicum supervision,

something that presumably only a minority of psychologists would pursue.

The RxP Task Force appears intent upon raising the bar for pharmacological training and continuing education for clinical, school, and neuro-psychologists, so that students receive both basic training at Level 1 and training for collaboration at Level 2. Level 1 training should acquaint students with the mechanisms and effects of relevant medications and street drugs, and would involve at least a one semester course in pharmacopsychology, with physiological psychology prerequisites. Collaborative practice education (Level 2) would involve classroom and case work aimed at providing recommendations to patients and collaborating with licensed medical practitioners, without independent prescriptive authority for the psychologist. Dr. Sexton notes that, although many Canadian professional psychology programs require psychopharmacological courses toward basic Level 1 training, not all do.

He argues that contemporary primary health care models emphasize collaborative practice, and that the patients of psychologists frequently use, or consider the use of, prescription medications simultaneous with psychological treatment. Psychology is historically a biopsychosocial discipline, Dr. Sexton argues, with brain-behaviour relationships as intrinsic to the science as behavioural approaches. Psychologists can only serve their patients well if they can offer biopsychopharmacological as well as psychosocial knowledge, and Level 2 trained psychologists would be well positioned to provide knowledgeable input into medication decision making.

Dr. Sexton notes that discussion about RxP for psychologists has been less heated in Canada than it has been in the US. "In Canada," he says, "we often seek political evolution rather than revolution, and there is wisdom to approaching RxP as evolution. Regardless of whether psychologists ultimately take the Level 3 RxP step, psychopharmacological

knowledge and credibility are required in order to serve patient needs. It cannot be evolutionarily unwise to build a broader foundation of expertise, and keep an open mind as to what will be required in the future."

Dr. Sexton's article is on <http://www.cpa.ca>

Psychologist Impairment

Clinical Psychology: Science and Practice (Vol 16, #1, March, 2010) includes a paper titled, "Psychologist Impairment: What is it, how can it

be prevented, and what can be done to address it?" by Penni L. Smith & Shannon Burton Moss.

The abstract reads:

"Research indicates that psychologists self-report a variety of problems related to their personal and professional functioning, such as depression, substance abuse, and burnout. These difficulties not only lead to psychologist distress, but can also result in impairment and have a negative effect on patient care. This review of the psychologist impairment literature provides information on the historical movement toward colleague assistance, rates of impairment, identifying distress and

impairment, intervening with an impaired colleague, barriers to treatment, and preventing impairment. It is suggested that, through education of psychologists and graduate trainees, impairment may be prevented or its effects minimized."

The full article is available online with subscription:

www3.interscience.wiley.com/journal/122207856/abstract



P.A.M. Policy on Censures Adopted by P.A.M. Council May 28, 2010

As new processes for complaint resolution under the amended By-law #1 of The Psychologists Registration Act of February 2006 came into effect, the Complaints Committee noted that PAM members responding to complaints were in need of comprehensive information about what the censure process entails and how a censure is viewed within the parameters of the new By-law and about the possible outcomes outlined in the legislation.

A censure is a mutually agreed upon expression of criticism of the actions or behaviour of a member, by the member and the PAM Complaints Committee. It is not a determination that professional misconduct has occurred. It is not considered a "Disciplinary Action".

Acceptance of a censure does not indicate an agreement on the part of the member that professional misconduct has occurred.

A censure may be proposed by the Complaints Committee only if the Committee has determined no action will be taken against a member other than a censure.

A censure is one measure among a number of alternatives outlined in the PAM By-laws for disposition of complaints. In addition to a censure, the other alternatives include dismissal or mediation of the complaint, acceptance of a voluntary surrender of a member's registration, an agreement with the member (which can include a variety of possible alternatives, such as an assessment of a member's fitness to practice, counselling or treatment, monitoring or supervision, or conditions on a member's right to practice), and referral to the Inquiry Committee with charges and a formal hearing.

The censure process is undertaken if the member agrees to accept a censure. Normally this includes a meeting between the member and at least two members of the Complaints Committee. Legal counsel is not normally present and minutes are not taken.

In the event that a member does not accept a censure, the Complaints Committee will consider the other alternatives for disposition outlined in the By-law, and may conclude that an appropriate outcome is a referral to the Inquiry Committee with formal charges and a hearing.

The censure meeting provides an opportunity for the Committee to explain its reasoning to the member and engage in dialogue with the member. It is not viewed by the Committee as a venue for negotiation of the acceptance of a censure by the member. However, it does provide an opportunity for a member to provide explanations and engage in dialogue.

Potential changes to the censure wording, mode of delivery of the censure (in person before the Complaints Committee, or in written form), and publication of the name of the psychologist may be discussed at a censure meeting and are subject to ratification by the Complaints Committee as a whole.

"Publication" refers to publication in any formal publication of PAM, including The Manitoba Psychologist and the PAM website at www.cpmc.ca. Publication of the member's name and/or identifying facts may be negotiated by the Complaints Committee and the member during the censure process. The Complaints Committee reserves the right to publish the complaint issues

and circumstances on an anonymous basis for the education of the membership or the public and it is generally not negotiable.

A censure becomes part of the permanent record of a PAM member. A censure would be forwarded to another jurisdiction inquiring about the record of a psychologist seeking registration or licensure in that jurisdiction. A record of a censure alone would not necessarily cause another jurisdiction to refuse registration or licensure. A censure is not reported to the ASPPB Disciplinary Data System. In accordance with the By-laws, an existing censure can be taken into consideration in future related complaints filed with PAM. Censures are of indeterminate duration and are not normally removed from PAM records.

A censure is not disclosed in response to public inquiries about the disciplinary history of a psychologist. It is disclosed to the complainant, consistent with the By-law requirement that the Complaints Committee advise both complainant and PAM member of the decision and the reasons for the decision.

A censure as a complaint disposition is subject to the normal appeal process to Council, by a complainant. A member's response to a complaint is normally made available to the complainant for response during the complaint process. The Committee's reason(s) for decision on the disposition of a complaint is reported in detail to both the complainant and the respondent psychologist.



By-Law Amendment In Force May 10, 2010

Editor: The following is an Amendment to By-Law #1, but does not replace By-Law #1.

THE PSYCHOLOGISTS REGISTRATION ACT
(C.C.S.M. c. P190)

**Psychological Association of Manitoba By-law
No. 1, amendment**

Regulation 57/2010
Registered May 10, 2010

Manitoba Regulation 31/2006 amended

1 The *Psychological Association of Manitoba By-law No. 1, Manitoba Regulation 31/2006*, is amended by this regulation.

2 Subsection 4(2) is replaced with the following:

Limits and privileges: Life Members

4(2) A person enrolled as a Life Member is not entitled to practise, but may serve on council or a committee and is entitled to vote at meetings of members.

3(1) The following is added after subsection 27(2):

Appointing an appeal panel

27(2.1) Upon receiving notice of an appeal from the registrar, the chair of the council must

- (a) appoint an appeal panel consisting of not less than three members of the council; and
- (b) appoint a member of the panel as chair.

LOI SUR L'INSCRIPTION DES PSYCHOLOGUES
(c. P190 de la C.P.L.M.)

**Règlement modifiant le Règlement
administratif n° 1 de l'Association des
psychologues du Manitoba**

Règlement 57/2010
Date d'enregistrement : le 10 mai 2010

Modification du R.M. 31/2006

1 Le présent règlement modifie le *Règlement administratif n° 1 de l'Association des psychologues du Manitoba, R.M. 31/2006*.

2 Le paragraphe 4(2) est remplacé par ce qui suit :

Restrictions

4(2) Les personnes inscrites à titre de membres à vie ne peuvent exercer la psychologie, mais elles peuvent siéger au Conseil ou à un comité et ont le droit de voter aux réunions des membres.

3(1) Il est ajouté, après le paragraphe 27(2), ce qui suit :

Constitution d'un comité d'appel

27(2.1) Dès que le registraire lui fait parvenir un avis d'appel, le président du Conseil :

- a) constitue un comité d'appel composé d'un minimum de trois membres du Conseil;
- b) nomme le président du comité.

Non-council members may be appointed

27(2.2) Despite clause (2.1)(a), the chair of a council may appoint one or more members of the college who are not members of the council to an appeal panel, if there are an insufficient number of council members without a conflict of interest, or potential conflict of interest, in the case under appeal.

Exclusion from appeal panel

27(2.3) No person may be appointed to the appeal panel who has taken part in the review or investigation of the matter that is the subject of the appeal.

Decision of appeal panel

27(2.4) A decision or action of an appeal panel is a decision or action of the council.

3(2) Subsection 27(3) is amended in the part before clause (a) and in clause (c) by striking out "council" and substituting "appeal panel".

3(3) Subsection 27(5) is amended by striking out "council" and substituting "appeal panel".

4 The following is added after section 27 and before the centred heading that follows it:

SUSPENDING A MEMBER BEFORE
A DECISION IS MADE

Suspension or conditions pending decision

27.1(1) Despite any other provision of the by-laws of the association, the complaints committee or the chair of that committee may direct the registrar to suspend or place conditions on the investigated member's certificate of registration pending the outcome of proceedings arising from a complaint or other matter referred under section 20, but only if the committee or the chair, as the case may be, considers it necessary to protect the public from exposure to serious risk.

Nomination de membres autres que les membres du Conseil

27(2.2) Par dérogation à l'alinéa (2.1)a), le président du Conseil peut nommer à titre de membre du comité d'appel un membre de l'ordre qui ne fait pas partie du Conseil si un nombre insuffisant de membres du Conseil ne se trouveraient pas en situation de conflit d'intérêts, réel ou potentiel, en cas de nomination.

Exclusion

27(2.3) Ne peuvent faire partie du comité d'appel les personnes qui ont participé à l'étude ou à l'examen de la question portée en appel.

Décision du comité d'appel

27(2.4) Les mesures ou décisions du comité d'appel sont celles du Conseil.

3(2) Le passage introductif du paragraphe 27(3) est modifié par substitution, à « Conseil », de « comité d'appel ».

3(3) Le paragraphe 27(5) est modifié par substitution, à « Conseil », de « comité d'appel ».

4 Il est ajouté, après l'article 27 mais avant l'intertitre, ce qui suit :

SUSPENSION

Suspension de l'inscription ou ajout de conditions

27.1(1) Par dérogation aux autres dispositions des règlements administratifs de l'Association, le comité des plaintes ou son président peut ordonner au registraire de suspendre le certificat d'inscription d'un membre faisant l'objet de l'enquête ou de l'assortir de conditions jusqu'à ce qu'une décision définitive soit rendue sur une plainte ou sur toute autre question renvoyée en application de l'article 20 et ce, uniquement s'il l'estime nécessaire pour protéger le public d'un risque grave.

Notice of suspension or conditions

27.1(2) Upon receiving a direction under subsection (1), the registrar must give written notice of the suspension or conditions and the committee or chair's reasons for the suspension or conditions to the investigated member and, where applicable, to the member's employer.

Appeal of conditions

27.1(3) An investigated member whose certificate of registration has conditions placed on it under subsection (1) may, by giving notice in writing to the registrar, appeal the imposition of conditions to the council.

Hearing by council

27.1(4) The council must hold a hearing as soon as reasonably possible but no later than 30 days after receiving the notice of appeal from the registrar.

Right to appear and be represented

27.1(5) The association and the investigated member may appear and be represented by counsel at a hearing before the council, and the council may have counsel to assist it.

Powers on appeal

27.1(6) On an appeal under this section, the council must decide whether the conditions are to be quashed, varied or confirmed, and may make an order as to any costs that may arise from its decision.

Application for stay

27.1(7) The investigated member may apply to the court for an order staying a decision of the council under subsection (6) to vary or confirm the conditions pending the outcome of proceedings arising from the complaint or other matter referred under section 20.

Application served on the registrar

27.1(8) The application must be served on the registrar.

Avis de suspension ou d'imposition de conditions

27.1(2) Lorsqu'il reçoit un ordre en vertu du paragraphe (1), le registraire remet sans délai un avis de suspension ou d'imposition de conditions au membre et, le cas échéant, à son employeur; l'avis est accompagné des motifs du comité ou du président pour décider de la suspension ou de l'imposition de conditions.

Appel de l'imposition de conditions

27.1(3) Le membre dont le certificat d'inscription est assujéti à des conditions en vertu du paragraphe (1) peut, par avis écrit envoyé au registraire, interjeter appel de l'imposition des conditions au Conseil.

Audience

27.1(4) Le Conseil tient une audience le plus rapidement possible mais au plus tard le trentième jour suivant la date à laquelle il reçoit l'avis d'appel du registraire.

Droit de comparaître et de se faire représenter

27.1(5) L'Association et le membre peuvent comparaître à l'audience et s'y faire représenter par un avocat. Le Conseil peut également avoir recours aux services d'un avocat.

Pouvoirs du Conseil

27.1(6) Après avoir entendu un appel en vertu du présent article, le Conseil décide si l'imposition de conditions doit être annulée, modifiée ou confirmée et peut rendre une ordonnance quant aux frais qui peuvent découler de sa décision.

Demande de suspension de la décision

27.1(7) Le membre peut, par dépôt d'une requête auprès du tribunal, lui demander de surseoir par ordonnance à la décision du Conseil rendue en vertu du paragraphe (6) jusqu'à ce qu'une décision définitive soit rendue sur la plainte ou sur toute autre question renvoyée en application de l'article 20.

Signification de la requête

27.1(8) La requête est signifiée au registraire.

5 Subsection 49(5) is amended by replacing everything before clause (b) with the following:

Audit or review of association accounts

49(5) The following provisions apply to association accounts:

(a) once a year as soon as possible after the end of the fiscal year, the accounts of the association must be examined, and the correctness of the statements of receipts and disbursements ascertained by

- (i) a qualified accountant,
- (ii) a qualified firm of accountants, or
- (iii) a pairing of any two members of the association,

that has been appointed as auditor of the association;

5 Le paragraphe 49(5) est modifié par substitution, au passage qui précède l'alinéa b), de ce qui suit:

Vérification ou examen des comptes de l'Association

49(5) Les dispositions qui suivent s'appliquent aux comptes de l'Association :

a) Une fois par année, le plus tôt possible après la fin de l'exercice de l'Association, les comptes de celle-ci sont examinés et l'exactitude de l'état des encaissements et décaissements est vérifiée par un comptable ou un cabinet de comptables compétent ou par deux membres de l'Association, lequel comptable ou cabinet ou lesquels membres sont nommés à titre de vérificateur.

March 19, 2010
19 mars 2010

**The Psychological Association of Manitoba/
Pour l'Association des psychologues du Manitoba,**

Theresa Sztaba, President/présidente

Alan Slusky, Registrar/registraire

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—As of May, 2010

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