

REPORT TO THE ANNUAL GENERAL MEETING OF
THE PSYCHOLOGICAL ASSOCIATION OF MANITOBA

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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 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.