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

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****Office Hours****

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Manitoba Psychologist is published twice each year, by the Psychological Association of Manitoba (ISSN0711-1533) and is the official publication of the Association. Its primary purpose is to assist P.A.M. in fulfilling its legal responsibilities concerning the protection of the public and regulation of psychology in Manitoba. It also seeks to foster communication within the psychological community and between psychologists and the larger community. Feedback and story suggestions are welcomed! Contact the Editor: Donna Chubaty, Ph.D., C.Psych. dchubaty@mail.com

ANNOUNCEMENTS



PAM Annual General Meeting

The April 30, 2020 has been cancelled due to the COVID-19 pandemic.

We hope to see you at the April 2021 AGM!!

Appointments:

Dr. Sonia Marrone, C.Psych. Chair, PAM Truth & Reconciliation Commission Report Task Force

Expression of Interest

Psychological Association of Manitoba's Truth and Reconciliation Commission Report Task Force

In May 2018, the Canadian Psychological Association published a report titled "Psychology's Response to the Truth and Reconciliation Commission of Canada's Report". This report, prepared by the Task Force on Responding to the Truth and Reconciliation Commission of Canada's Report, was developed as a call to action to the field's many scientists, practitioners and educators to improve the scope of psychological services provided to the Indigenous Peoples of Canada in light of the findings of the Truth and Reconciliation Commission's Report.

PAM Council is currently seeking PAM members who may be interested in participating in a task force to provide guidance and recommendations to PAM Council on psychological practices for Indigenous Peoples in Canada based on the calls to action of the Truth and Reconciliation Commission of Canada's Report (2015) and the Canadian Psychological Association's report titled "Psychology's Response to the Truth and Reconciliation Commission of Canada's Report" (2018). This Task Force will be chaired by Sonia Marrone, Ph.D., C. Psych. Those who are interested can contact Dr. Marrone via email at dr.sonia.marrone@gmail.com for more information.

P.A.M. 2019 Annual Report

**Report to the Annual General Meeting of
The Psychological Association of Manitoba (PAM)
Wednesday, April 30, 2020
Submitted by: John L. Arnett, Ph.D., C. Psych
President, Psychological Association of Manitoba**

I am pleased to take this opportunity to update the membership on a number of important developments in the regulation of psychology in Manitoba, over the past year.

RHPA

Psychology's inclusion under the *Regulated Health Professions Act (RHPA)* now appears to be reasonably close to fruition and thus I will outline some of the major elements likely to be included in the regulations and how these will impact registrants of the College of Psychologists.

First, the new legislation will expand the classes of psychologists and psychological associates who will be registered under the *RHPA*. At present, the *Psychologists Registration Act* is primarily focused around regulating the more traditional areas of psychology practice including clinical, counselling, clinical neuro-psychologists as well as doctoral-level school psychologists. The psychologists in these areas of practice, along with applied behavioural analysis, forensic, health, and rehabilitation psychologists, will be registered under the *RHPA* as "**Health Service Psychologists**". Under the *RHPA* a new class of psychologists would be added to the legislation under the title "**General Applied Psychologists**". This class of psychologists will accommodate smaller but established and emerging areas of psychology practice including industrial-organizational, consulting, community psychology, etc.

The rationale for adding a new class of psychologists is to ensure that the new legislation is better able to accommodate some existing areas of current psychology practice and in anticipation of new and emerging areas of practice in the future. It's increasingly evident that psychologists in a number of areas of psychology whose professional activities have to date largely involved work in the academic, laboratory, and/or teaching domains are broadening their professional activities to include practical applications of their work (i.e., practice). Thus, in the spirit of public protection, psychology regulators must ensure that regulatory legislation is able to accommodate not only the more traditional areas of psychology practice but also areas that may have been under-regulated in the past as well as new and emerging areas of psychology practice.

In addition to the two new major classes of psychologists and psychological associates, the regulated membership classes will include **provisional members** (members who are in the process of fulfilling the registration requirements to be full regulated members), **temporary members** (allowed to practice for limited period of time), **non-practicing members** (members who are not practicing but intend to return to practice), and **retired members** (members who are non-practicing and do not intend to return to practice). Overall, these membership classes are sufficiently inclusive to meet both present and future regulatory requirements for the practice of psychology.

In addition to the membership classes, their defined requirements, and the provisions for changing from one membership class to a different class, there are a number of new elements in the new regulations that will impact members. All regulated members will receive a **certificate of registration**. However, this certificate does not permit a member to engage in professional practice. In order to practice, the member must also hold a **certificate of practice**. For example, retired and non-practicing members may hold certificates of registration but are not entitled to hold certificates of practice. In addition, if a member previously holding a certificate of practice has been a non-practicing member for three or more years, they will be required to meet specific requirements designed to ensure continued competency before being issued a certificate of practice. Also, applicants must provide satisfactory criminal record, child abuse registry, and adult abuse registry checks with their first application and, for members, these checks must be updated every five years.

(continued)

The new legislation stipulates which regulated members may perform which *RHPA Reserved Acts #1* (Making and communicating a diagnosis), *#2* (Ordering or receiving screening or diagnostic tests), and *#20* (Performing a psychosocial intervention). It also addresses the delegation of Reserved Acts to others deemed competent to perform them if the member delegating the Reserved Act meets certain obligations. Standards of Practice address issues related to what constitutes a professional relationship and a professional service as well as issues related to records, confidentiality of information, collaborative care, client care, accepting clients, client records, and the transfer of client records. The college Council must establish a continuing competency program and a continuing competency committee. Also, regulated members who hold a valid certificate of practice may establish a health profession corporation.

The Council must make available to the public a profile of each regulated member or associate member who is registered in the full or provisional class of membership (on the College website, orally in response to telephone inquiry, and in writing in response to a written request). The content of the profile must contain the following information:

- a. The member's name as shown on the applicable register
- b. The member's gender (unless the member requests in writing that this information not be included)
- c. The date of the member's initial registration in Manitoba
- d. The member's class of psychologist registration in Manitoba
- e. Subject to certain limitations, the date and a brief description of any final disciplinary action taken against the member within the last 10 years by the body named in the profile as regulating the profession that the member is or has been licensed to practice, whether in Manitoba or elsewhere, unless the action has been reversed on appeal
- f. If a final disciplinary action taken against a member is appealed, a notation that it is under appeal until the appeal is finally disposed of
- g. The date and a brief description of any censure of the member published under subsection 36(2) of the *RHPA*
- h. Any current restrictions, terms, or conditions of the member's registration or license, including any geographic, or practice restrictions pending qualification for full registration, but not including information respecting restrictions, terms or conditions imposed as part of a final disciplinary action that is already included in the profile under bullet e above
- i. The commencement date of any current interim suspension from the practice of psychology imposed on the member
- j. Subject to certain limitations, the date of any judgment made against him or her in relation to a civil claim in Canada or elsewhere respecting the member's professional practice or professional activities in the current calendar year and the 10 previous calendar years, the name of the issuing court, and whether the member has initiated an appeal respecting the judgment
- k. A description of any offence under:
 - a. The Criminal Code (Canada)
 - b. The Controlled Drugs and Substances Act (Canada), or
 - c. The Food and Drugs of which the member has been convicted within the past 10 years, if the Council determines that the conviction is reasonably relevant to the member's competence or to the safe practice of psychology. The description must include the date of the conviction and the name of the court imposing the conviction.

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EPPP Part 2

PAM Executive Council approved a motion on November 14, 2019 to adopt Part 2 of the Examination for Professional Practice in Psychology (EPPP). Effective January 1, 2021, all candidates for registration will be required to pass both Parts 1 and 2 of the EPPP. Until January 1, 2021, passing Part 1 of the EPPP will meet that portion of the requirements for registration. There are no changes to any other registration requirements.

As you know, Part 1 of the EPPP has been the widely accepted standard for assessing applicants' foundational knowledge related to the practice of psychology. This test measures knowledge of the biological bases of behavior (10% of the exam), cognitive-affective bases of behavior (13%), social and cultural bases of behavior (11%), growth and lifespan development (12%), assessment and diagnosis (16%), treatment, intervention, prevention, and supervision (15%), research methods and statistics (7%), and ethical/legal/professional issues (16%). However it does not test the applicant's skill in applying the knowledge or doing what is appropriate in an applied setting. Thus, the EPPP (Part 2) is designed to assess an applicant's skills in an applied setting. Part 2 of the EPPP was developed to meet the increasing emphasis on assessing applicants' competence in applying knowledge in practice. Part 2 of the EPPP assesses:

1. Scientific Orientation (6%)
2. Assessment and Intervention (33%)
3. Relational Competence (16%)
4. Professionalism (11%)
5. Ethical Practice (17%)
6. Collaboration, Consultation, Supervision (17%)

CPA Response to the Truth and Reconciliation Report

In May 2018 the Canadian Psychological Association published a report entitled "Psychology's Response to the Truth and Reconciliation Commission of Canada's Report" in response to the 2015 Truth and Reconciliation Commission of Canada Report, to call to action psychology's scientists, practitioners, and educators to improve the scope of psychological services provided to the Indigenous Peoples of Canada. Responses to the Commission's report by psychology's provincial regulatory bodies have been variable. Some regulators have taken substantial steps, while others are in the process of developing task forces or formulating responses. PAM is in the process of establishing a Task Force aimed at providing guidance and recommendations to PAM members on psychological practices for Indigenous Peoples in Manitoba. The PAM Task Force is charged with developing recommendations regarding the implications for the practice of psychology of current PAM members, the implications for the preparation of candidates, and the implications for educational programs for those intending to practice psychology in Manitoba. In addition, the Task Force is expected to develop a framework for ongoing consultations between PAM and representative members of the Indigenous Peoples of Manitoba to inform psychological practices and services to the Indigenous communities to create a sustainable model of alliance with the Indigenous communities in Manitoba.

Other PAM Activities

In addition to the above, the usual business activities that PAM engages in continues--- processing new and renewal membership applications; responding to inquiries from members of the public, government, and other regulators; developing and releasing practice advisories; dealing with complaints and appeals; representing the practice of psychology in various forums; attending psychology and inter-disciplinary meetings sponsored by a wide range of government and non-governmental organizations; managing the office; informing government of needed legislative changes, etc. Despite the hopefully relatively soon inclusion of psychology under the *RHPA*, PAM continues to work on the details of bringing psychology under the *Act*.

As always, PAM continues to rely on both member and public volunteers in carrying out its primary mission of protecting the public. Thus, on behalf the PAM Executive Council, I want to express sincere appreciation and gratitude to the many volunteers who generously contribute their time and considerable effort in order to make it possible for psychology to continue to be a self-regulating health profession in Manitoba. This includes my colleagues on PAM Executive Council and the psychologists and public members who serve on PAM's nine committees and

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subcommittees. I also want to express Council's appreciation to our Registrar, Dr. Alan Slusky, for his continued strong commitment, dedication, and excellent work on behalf of PAM. As many of you know, Alan has become much more involved over the last year with the Association of State and Provincial Psychology Boards (ASPPB) which has highlighted Manitoba's role in Canadian and American regulation of psychology. I also want to recognize our strong legal team that includes Mr. Ted Bock from MLT Aikins (formally Aikins, McAulay & Thorvaldson LLP) who provides legal advice to PAM's Executive Council and to Mr. Blair Graham from Thompson, Dorfman, & Sweatman LLP (TDS) who provide legal counsel to the Complaints Committee. After many years of service to PAM, Mr. Bock has been appointed a judge in the Court of Queen's Bench. We wholeheartedly congratulate him on this significant professional accomplishment and look forward to working with his replacement, Ms. Nicole Watson, also of MLT Aikins. I also want to thank Lesley Phimister for her outstanding work as PAM's Deputy Registrar and Doreen Phimister for her excellent work with the PAM Complaints Committee. I also want to acknowledge the excellent work of Mr. Grant Tarr who serves as the PAM bookkeeper.

I want to express my sincere appreciation to Dr. Lorne Sexton who is now chairing the Membership and Registration Committee and to Dr. Andy Lubusko who agreed to serve as PAM's Treasurer. These are busy and very important portfolios within PAM.

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

PAM Executive Council

Drs. John L. Arnett (President), Diane Hiebert-Murphy (Vice President), Andy Lubusko (Treasurer), Val Holms (Member-at-Large), Connie Boutet (Member-at-Large), Andy Lubusko (Member-at-Large), Sonia Marrone (Member-at-Large); Lorne Sexton (Member-at-Large)

Registrar

Dr. Alan Slusky

PAM Committees

- **Registration and Membership Committee: Drs. Lorne Sexton (Chair)**, Anne-Marie Brown DeGagne, William Davis, Kent Somers, Hal Wallbridge, and James Ediger
- **Complaints Committee: Dr. Steve Feldgaier (Chair)**, Ms. Monica Allen, Dr. Neil Arnason (Public member), Dr. Lois Edmund, Mr. Glen Matsumoto (Public Member), Dr. Linda Rhodes, Dr. Lesley Ritchie, Ms. Val Stanowski (Public Member), Dr. Adrienne Leslie-Toogood
- **Inquiry Committee: Dr. James Newton (Chair)**, Neil Craton (Public Member), Dr. James Ediger, Dr. Sid Frankel (Public Member), Mr. Ian Hughes (Public member), Dr. Lesley Koven, Dr. Linda Trigg
- **Examinations Committee: Dr. Maxine Holmqvist (Chair)**
- **Publications Committee: Drs. Donna Chubaty (Chair)**, Alan Slusky (Registrar), and Ms. Lesley Phimister (Deputy Registrar)
- **Standards Committee: Dr. Hal Wallbridge (Chair)**
 - **Continuing Education (subcommittee of Standards Committee): Dr. Don Stewart (Chair)**, Dr. Tiffany Lippens
 - **Jurisprudence Examination (subcommittee of Standards Committee): Dr. Hal Wallbridge (Chair)**, Dr. Lesley Graff, Dr. Alan Slusky (Registrar)
- **Legislative Review Committee: Dr. Diane Hiebert-Murphy (Chair)**, Dr. John Arnett (*ex-officio*), Dr. Alan Slusky (Registrar)
- **Nomination Committee: Dr. James Newton (Chair)**

Respectfully Submitted,

John L. Arnett, President

April 14, 2020

Lay Auditor's Report

To the Members of the Psychological Association of Manitoba:

We have audited the statement of the financial position of the Psychological Association of Manitoba as of December 31, 2019 and the statements of operations and net assets for the year then ended. These financial statements are the responsibility of the Association's management. Our responsibility as lay auditors is to express an opinion on these financial statements based on our audit.

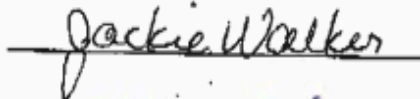
In conducting the audit, we carefully reviewed the financial statements and the Treasurer's reports. We examined the evidence supporting the amounts and disclosures in the financial statements considering the documents on file used for bookkeeping. We also reviewed the minutes of the Council concerning issues related to the Treasurer's reports and financial decisions. In our opinion the treasurer's reports, the documentation concerning decisions, and the minutes of Council suggest a prudent use of Association funds and careful attention to financial decisions. The Council has taken measures to control expenditures while continuing to provide a high quality of service to members and the public. There is a healthy amount in reserve to cover unanticipated expenses.

The budget proposed for the 2020 year is realistic given the experience in 2019.

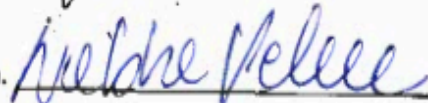
In our opinion, these financial statements present fairly the financial position of the organization as at December 31, 2019 and results of its operation, changes in net assets and cash flows for the year ending in December 31, 2019.

Sincerely,

Dr. Jackie Walker, C.Psych.



Dr. Wiebke Peschken, C.Psych.



Members

Psychological Association of Manitoba

PSYCHOLOGICAL ASSOCIATION OF MANITOBA
Treasurer's Report Fiscal Year 2019
2020 Annual General Meeting

It has been another financially healthy year for PAM. We continued to operate within annual revenue. Legal expenses overall were under budget, due to a pending Legal to Inquiry that did not occur as anticipated. Legal to Council was also lower than anticipated. There has been no increase to fees and we continue to try to keep our budget very close to expenses (despite sometimes unpredictable Inquiry expenses) to minimize collecting more fees from members than what is needed to operate effectively.

As has been established over the past few years, we continue to expect we will use savings for (a) atypical Inquiry costs and (b) special projects (currently only the RHPA Consultant). There is no change to this policy for 2020. We did not use any money from savings this year.

There are no significant changes from how we functioned financially last year. These are minor changes and discrepancies you will find in this year's statements:

- We are continuing to rent limited space and access to the College of Podiatrists of Manitoba (COPOM), starting in April 2019. This item appears under *Income* in the 2019 budget.
- *Late fees* are listed separately by Grant and in my detailed statement. It is grouped together under *Membership Dues* on Financial Statement 2018 & Budget 2019.
- The \$2 *miscellaneous revenue* was paid by the Registrar while testing to see if the e-transfer system works as part of our switch from using PayPal for membership dues, applications, exam fees, etc.
- Continuing with the format started by the previous Treasurer, I have separated the Deputy Registrar salary as a separate line on the Financial Statement and Budget (whereas before it was grouped under Office Expenses). This was done simply to provide greater clarity and visibility to all members of significant line items. (This information always was separately listed on the detailed statement and available to all members).
- As in 2017, our bookkeeper, Grant, continues to include an entry for *Depreciation and Amortization* of computers, office equipment and leasehold improvements. Given this is a noncash item, I have listed it separate from the Budget and Financial Statement. Grant included it in his Income statement. The difference between these two formats for Total Expenses and Surplus is exactly, \$2,690.87, the amount of the depreciation and amortization.

Warm Regards,

Andy Lubusko PAM

Treasurer

PAM Financial Statement 2019 and Budget 2020

	Budget 2019	Actual 2019	Budget 2020
INCOME			
<i>membership dues</i>	213,000.00	214,614.00	218,000.00
<i>exam fees</i>	3,000.00	3,100.00	3,000.00
<i>application fees</i>	4,000.00	7,775.00	7,000.00
<i>interest</i>	10,500.00	13,299.51	12,500.00
<i>rent from COPOM</i>	2,700.00	2,700.00	3,600.00
<i>misc income</i>	0.00	2.00	0.00
TOTAL INCOME	233,200.00	241,490.51	244,100.00
EXPENSES			
Meetings	3,500.00	5,424.00	3,500.00
PAM Dues	3,700.00	3,625.93	3,700.00
Office expenses	27,000.00	25,233.56	28,000.00
Registrar	44,000.00	45,249.93	48,999.96
Deputy Registrar	31,500.00	29,534.40	32,000.00
Space rental/ storage	37,000.00	36,625.80	37,000.00
TOTAL OFFICE COSTS	139,500.00	136,643.69	145,999.96
Legal to Council	5,000.00	1,399.85	5,000.00
Legal to Inquiry	7,000.00	-	7,000.00
Complaints Committee Costs	69,000.00	33,346.35	69,000.00
TOTAL LEGAL/COMPLAINTS	81,000.00	34,746.20	81,000.00
Travel (ASPPB, ACPRO)	5,000.00	3,414.64	6,000.00
Project expenses		-	
TOTAL EXPENSES	232,700.00	183,854.46	240,199.96
Ordinary Expense Surplus (Deficit)	500.00	57,636.05	3,900.04
Depreciation & amortization		2,690.87	
expected expenses from savings in 2019			
additional Inquiry or Council legal expenses RHPA consultant			

Registration & Membership Committee

Report for 2020

PAM's Registration & Membership Committee consists of Dr. Anne-Marie Brown-De Gagne, Dr. Bill Davis, Dr. James Ediger, Dr. Kent Somers, Dr. Hal Wallbridge and myself as Chair. Ms. Lesley Phimister, Deputy Registrar, provides invaluable support to the Committee. The Registration & Membership Committee meets monthly and reviews new applications as well as requests from existing PAM Members to expand areas of competency.

Respectfully Submitted,

Lorne Sexton
Chair, Registration & Membership Committee

Registrations 2019-2020 membership year:

In Memorium	C.Psych.	C.Psych (Cand.)
Dr. David Martin	Dr. Kathryn Sexton	Dr. Robert Santos
Dr. Seymour OPOCHINSKY	Dr. Heather Simister	Dr. Julia Riddell
Dr. Michael Teschuk	Dr. Hayley Chartrand	Morena Miljkovic
	Dr. Chad Graves	Sarah Germain
Resignations	Dr. David Willoughby	Dr. Kylee Clayton
Dr. Jonathan Jette	Dr. Michelle Conan	Dr. Karis Callaway
Dr. Linda Trigg	Dr. Heather Finnegan	Dr. Tara Galaugher
Dr. Brenda Lee	Dr. Judy Kienas	Dr. Kristene Cheung
Dr. Debby Hirsch	Dr. Jennifer MacMullin	Dr. Maia Kredentser
	Dr. Sarah Yachison	Dr. Leslie Roos
	Dr. Rénee El-Gabalawy	Dr. Julian Torres
	Dr. George Stones	Dr. Ryan Nicholson
	Dr. Erin Johns	Dr. Katterina Powers
	Dr. Jonathan Jette	
Life Members	Dr. Matthew Keough	PA (Cand)
Dr. Rosemary McVicar	Dr. Chantal Darzi	Marisa Costa
	Dr. Terri-Lynn Mackay	
	Dr. Darren Neufeld	
	Dr. Lindsay Woods	

Complaints Committee Report Annual General Meeting, April 2020

Purpose of the Committee: One of the major functions of PAM is to respond to complaints from the public. The Committee's response is regulated by our By-law #1, which seeks a process that is fair to both the person with a complaint, and the psychologist who responds. The Committee then follows the same two documents that our members use in their work: PAM's Code of Conduct and the Canadian Code of Ethics for Psychologists.

Nature of Complaints: In 2019, the Committee received 10 new complaints involving a range of issues including professional conduct, professional relationships, representation to the public, confidentiality, and assessment procedures. The 10 additional cases that were carried over from the previous year also involved many of those same issues.

Membership: We continue to be very fortunate in having many Committee members who have now served with us for a number of years and have brought careful reflection, expert guidance, and insightful thoughts to our deliberations. Our 3 members representing the public remain: Dr. Neil Arnason, Mr. Glenn Matsumoto, and Ms. Val Stanowski. Their perspectives and years of experience serving on the Committee have been much appreciated by us all. The psychologists on the Committee continue to be: Drs. Lois Edmund, Adrienne Leslie-Toogood, Linda Rhodes and Lesley Ritchie. The psychologists on the Committee not only provide a broad range of expertise but their many years of experience working in various settings and with differing client groups have served the Committee well as we continue to address increasingly complex cases. Ms. Monika Allan has also continued as a member in her capacity as a Psychological Associate and she has very ably brought this much-needed perspective to our Committee as well.

Assistance to the Committee: At various times, other members of PAM agree to serve in a variety of important roles as Investigators, Expert Opinions, and Remediation Supervisors. The Committee would once again like to acknowledge and thank Dr. Lesley Enns for her continued assistance during this past year in providing ongoing remediation supervision to a PAM member. We rely on the volunteer time of those who provide ongoing assistance when called upon and we greatly appreciate their support. Our Committee requests that PAM members consider our Committee's requests to serve in these roles when opportunities arise. Your willingness to volunteer would be much appreciated by the Committee and; in many instances, your volunteer support is a critical component in the effective review of complex complaints.

The Committee would also not function as effectively as it does if it wasn't for the superb assistance of Ms. Doreen Phimister, Complaints Committee Assistant. Doreen keeps us organized, on track, and looks after the ongoing operations of the Committee. The Committee very much appreciates all of her hard work on our behalf. Doreen has continued in this position for a number of years now and her vast experience and broad knowledge has served our Committee exceedingly well. On a personal level, Doreen continues to be immensely helpful to me in my role as Chair of the Committee.

Additionally, the Committee wishes to express its ongoing gratitude to Mr. Blair Graham, our legal counsel. His legal acumen, years of experience providing guidance to the Committee, and his very supportive nature has been very much appreciated by the Committee. As cases have become increasingly complex Blair is literally called upon at every meeting to provide us with a legal opinion on one matter or another. In addition, he has also very ably carried out his role in serving as a much-needed liaison between the Committee and legal counsel representing other parties in many of our cases. On a personal note, Blair has also made my job as Chair easier as well. I have had the opportunity to learn much from him and his guidance has proven most invaluable.

(continued)

Finally, the Committee would like to thank Dr. Alan Slusky, PAM Registrar, as well as PAM Council for its ongoing support of the Committee's important work.

Number of Complaints: The chart below indicates that the number of complaints in process in 2019 was higher than in the previous few years.

Complaint Statistics 2015 – 2019

	2019	2018	2017	2016	2015
Number of Complaints Reviewed	20	13	15	18	20
Carried Forward (from previous year)	10	7	10	7	9
New Complaints	10	6	5	11	11
Outcome of Committee Review					
Closed	8	3	8	8	13
Carried Forward (to next year)	12	10	7	10	7

In 2019, the Committee closed 8 cases with cases taking, on average, just over 14 months from opening until closure. However, the range overall remains quite broad going from a low of 1 month to, at the higher end, a case that continued for 46 months and another that remained open for 28 months.

While the Committee continues to work diligently to close cases in a timely fashion, in many instances cases take extended periods of time due to the need for both an Investigator and extensive legal involvement. As a result of this increased complexity, the Committee is also finding that despite its best efforts, a number of cases continue to remain open for extended periods of time. At the end of 2019, there were still several cases that had not yet been resolved despite being open for several years. While the Committee is hoping that these will finally be resolved in the coming months, it also recognizes that such lengthy deliberations are neither beneficial to the complainant nor to the psychologist. The Committee continues to examine ways in which the process can be shortened and become more efficient. In the coming year the Committee hopes to review strategies being used by other regulatory bodies that may prove effective for us as well.

Online Resources: PAM's website has information to help both our members, and the person who is making a complaint. There is a form for making a complaint, and for making an appeal of the Committee's decision. In addition, members can access on our website PAM's Code of Conduct and the Canadian Code of Ethics for Psychologists.

Outcome of Complaints: Many complaints are dismissed as the Committee's deliberations frequently conclude that no professional misconduct, ethical breach, or other possible violation has been sufficiently demonstrated. None of the 8 complaints that were closed in 2019 resulted in charges being drafted. However, in one case, the member agreed to a Censure and in another, the Committee (while dismissing the complaint) provided the member with further direction in strengthening their professional practice in order to avoid further potential complaints. Other outcomes can include a Caution, or an agreement for additional education, or further training. While the Committee recognizes its critical role in protecting the public and when necessary utilizing the various sanctions available to it, the Committee also sees its role as one in which it can provide members with education, information, and suggestions for strengthening their practice.

Sincerely,
Steven Feldgaier, Ph.D., C. Psych. Chair, Complaints Committee

Standards Committee 2020 Annual Report

A central task of the P.A.M. Standards Committee is looking into situations where a person who is not a Registered Psychologist in Manitoba appears to have contravened C.C.S.M. c. P190 (The Psychologists Registration Act (Manitoba)), which states that the professional designation "C. Psych." may only be used in Manitoba by persons duly Registered with the Psychological Association of Manitoba. The Act provides that it is an offense for any person not registered under the Act to refer to him/herself as a Psychologist or to describe the services he/she provides using the words "psychological", "psychologist" or "psychology." The approach taken by Standards is normally educational when such situations arise, and that has been the case again this year.

Over the past year, the following issues have been addressed by the Standards Committee:

A person who was not a psychologist was offering a health education course at a community centre that was titled "The Psychology of Eating". The individual was advised by letter of the restrictions under provincial legislation on the use of the word "psychology". This individual did not appear to be intentionally misrepresenting themselves as a psychologist and alternative descriptive terms were offered and accepted.

An individual with a PhD in psychology (research focused, non-clinical) was employed doing psychological testing in the private practice of a psychiatrist. A member of the public was reported to have understood that this person was a psychologist. The individual did not, in fact, use the title Psychologist, but did use to the term "Psychology Consultant". A letter was sent to outline the problem. In a follow-up telephone conversation, the individual, who was receptive to the feedback, was also advised to consider becoming a Psychological Associate of PAM.

A sport performance clinic was advertising a hockey program that contained a "Sport Psychology" component (breathing techniques, mental toughness, etc.). A letter was sent outlining the restrictions on the use of the "Psychology" with recommendations for alternative language offered.

A medical clinic advertising a Sports Medicine service described this service online as potentially incorporating "sports psychology". A letter was sent outlining the restrictions on the use of the term psychology when describing a health service.

I wish to thank those persons who have brought these matters to our attention and for the contribution they have made to maintaining professional standards that protect the public.

Hal Wallbridge, Ph.D., C. Psych. - (Chair)
Standards Committee

Standards Committee

Hal Wallbridge, Ph.D., C. Psych. - (Chair)

Continuing Education Sub-Committee of Standards

Don Stewart, Ph.D., C.Psych. (Chair)
Tiffany Lippens, Ph.D., C.Psych.

Jurisprudence Examination Sub-committee of Standards

Hal Wallbridge, Ph.D., C.Psych. (Chair)
Lesley Graff, Ph.D., C.Psych.
Alan Slusky, Ph.D., C.Psych.

Examinations Committee 2020 Annual Report

A total of twelve oral exams were completed since the last Annual General Meeting.

In response to some concerns raised at a PAM council meeting, a working group with representation from the examinations committee and the registration and membership committee was struck with the goal of further clarifying the respective roles of these committees and considering how examination processes could be improved. There have been two very productive meetings and recommendations will be forthcoming.

The examinations chair would like to sincerely thank the many members of the committee who volunteered their time to act as examiners for their valuable service to the profession.

Maxine Holmqvist, Ph.D., C.Psych. (Chair)

Inquiry Committee
Psychological Association of Manitoba
April 30, 2020

As I have reported previously, the task of the Inquiry Committee is to serve as a three (3) person panel in those instances in which the Complaints Committee recommends charges be laid against a member and that a hearing be held.

During the current reporting period no hearing panels were convened although a hearing is currently being scheduled for June, 2020 to hear a complaint against a registrant.

The Committee currently has one(1) unfilled position and is actively seeking an additional member to complete its compliment of lay person and psychologist members.

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

Respectfully submitted,

James H. Newton, Ph.D., C. Psych.
Chair, Inquiry Committee

Publications Committee

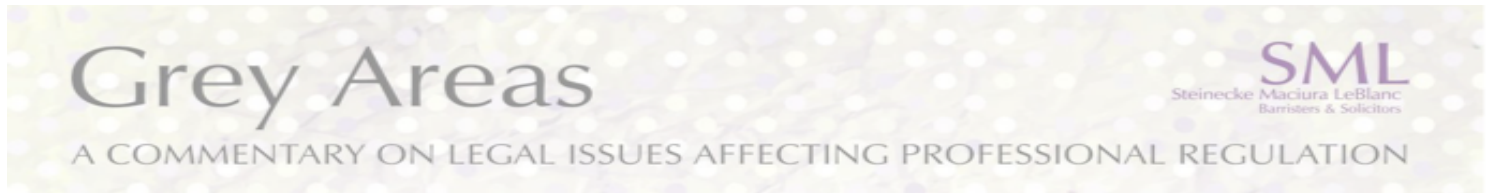
Annual Report 2020

The Publications Committee consists of Dr. Alan Slusky, Ms. Lesley Phimister (Deputy Registrar) and myself as Chair. Since the last AGM, we have published two issues of Manitoba Psychologist. In addition to last year's AGM reports, topics have included governance and regulatory board performance as well as factors important to professional regulation. The purpose of the newsletter is to provide information about regulatory issues both for the psychological community and the wider public, consistent with PAM's central responsibility to protect the public. Content will continue to focus on membership, standards, ethical issues, complaints, continuing education, and other regulation-related matters. Issues are e-mailed to members and selected non-members, with current and back issues available on the PAM website. Anyone with feedback and/or suggestions is more than welcome to contact me.

Respectfully Submitted,

Dr. Donna E. Chubaty

Chair, Publications Committee



Guiding Practitioners on their Privacy and Confidentiality Obligations during COVID-19

by Bernie LeBlanc
April 2020 - No. 245

Regulating the protection of client privacy / confidentiality is now a shared responsibility between professional regulators and privacy commissioners. In recent years privacy commissioners have taken the lead in this area by providing more detailed guidance to practitioners and by operating well-known and comprehensive enforcement mechanisms. This is not to say that professional regulators have no role at all. As recently noted in our blog, in *Dagenais c. Nurses (Professional Order of)*, 2020 QCTP 11, <http://canlii.ca/t/j54cs> a nurse was disciplined by her professional regulator for revealing information about a patient to a journalist.

How then should these separate agencies provide guidance about addressing privacy and confidentiality concerns during the COVID-19 crisis? In particular, are standards relaxed when providing essential services by practitioners who may be unexpectedly practising electronically from their homes using equipment and programs that have not been set up using the usual safeguards? The Information and Privacy Commissioner of Ontario, who oversees privacy by health care practitioners, offers the following guidance:

Should organizations tell staff who are working at home to avoid accessing and collecting personal information of patients/clients? Home computers may not have the same level of security as the devices in the office, which are on a secure network.

We understand that these are exceptional circumstances and it may not be possible for service providers to meet the same standards for security and privacy protection that they normally do. Many organizations are striving to manage service disruptions and continue to provide essential services, especially in the health and child and family services sectors.

If your organization believes that staff (or agents working on the behalf of the organization) should be allowed to handle personal information from home, in order to provide necessary services in an effective and efficient way, you should permit them to do so. You should guide any staff working from home on how to do their work within as privacy-protective an environment as they can, given the realities of our current situation.

FOR MORE INFORMATION This newsletter is published by Steinecke Maciura LeBlanc, a law firm practising in the field of professional regulation. If you are not receiving a copy and would like one, please contact: Steinecke Maciura LeBlanc, 401 Bay Street, Suite 2308, P.O. Box 23, Toronto, ON M5H 2Y4, Tel: 416-599-2200 Fax: 416-593-7867, E-Mail: info@sml-law.com

(continued)

In a public health crisis, it is also understandable that service professionals, especially in the health and child protection sectors, may need to send or receive information by phone, text, email or other messaging services. The above applies to the use of technologies not normally used for business, during this crisis.

We remain available to public organizations for consultation and discussions on access and privacy matters during this time.

The Information and Privacy Commissioner of Ontario goes on to say:

Tips for Working from Home

We understand that these are exceptional circumstances and it may not be possible for you to meet the same standards for security and privacy protection that you normally do. Many organizations are striving to manage service disruptions and continue to provide essential services, especially in the health and child and family services sectors.

Here are some tips for dealing with personal information when working from home:

Mobile devices

- password protect your device
- lock your device when not in use
- if using portable storage devices, such as USBs and portable hard drives, if possible, ensure they are encrypted and password protected
- keep your software up-to-date

Emails

- if possible, use work email accounts rather than personal ones for work-related emails involving personal data
- before sending an email, check that you're sending it to the correct recipient, particularly for emails involving personal data

Paper copies and files

- only remove personal information from the office if it is necessary to carry out your job duties
- securely store any paper files when not in use – lock files away and do not leave files in your car

Most non-health professions in Ontario fall under the jurisdiction of the federal *Personal Information Protection and Electronic Documents Act (PIPEDA)*. The Information and Privacy Commissioner of Canada has also issued guidance relating to COVID-19. However, while helpful, this guidance is more legalistic and, perhaps, less practical than that from Ontario.

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PIPEDA allows organizations to collect, use or disclose information only for purposes that a reasonable person would consider appropriate in the circumstances (subsection 5(3)). Organizations are required to obtain the knowledge and meaningful consent of the individual for the collection, use, or disclosure of their personal information (Principle 3). Consent is only valid if it is reasonable to expect that the individual understands the nature, purpose and consequences of the collection, use or disclosure of the personal information to which they are consenting (section 6.1).

This said, there are some circumstances under which organizations may collect, use, or disclose personal information without the consent of the individual, including:

- If the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way (paragraph 7(1)(a)), such as if an individual is critically ill or in a particularly dangerous situation, and needs help.
- If the collection and use is for the purpose of making a disclosure required by law (paragraphs 7(1)(e), 7(2)(d) and 7(3)(i)). For instance, this would include where a public health authority has the legislative authority to require the disclosure.
- If the disclosure is requested by a government institution under a lawful authority to obtain the information and the disclosure is for the purpose of enforcing or administering any law of Canada or a province (subparagraphs 7(3)(c.1)(ii)-(iii)). Again, this would include instances where a public health authority has the legislative authority to require the disclosure.
- If the disclosure is made on the initiative of the organization to a government institution, which has reasonable grounds to believe that the information relates to a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed (paragraph 7(3)(d)(i)). This would include if an organization believes an individual is in contravention of an invoked quarantine order.
- If the use or disclosure is for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual (paragraphs 7(2)(b) and 7(3)(e)), such as if an individual requires urgent medical attention, and they are unable to communicate directly with medical professionals.

The federal guidance does not appear to address whether the usual privacy safeguards can be relaxed at this time other than to say:

All organizations must continue to operate with lawful authority and exercise good judgment. Government institutions will need to apply the principles of necessity and proportionality, whether in applying existing measures or in deciding on new actions to address the current crisis

Regulators will undoubtedly be asked by practitioners about their privacy and confidentiality obligations during this crisis. Since most regulators of professions define the privacy and confidentiality duties broadly, they probably have greater flexibility in issuing general guidance indicating that all of the circumstances will be taken into account if a complaint comes in. Of course, more detailed guidance is possible and will likely be welcomed. Regulators may also wish to ensure that their messaging is, where possible, consistent with that issued by the applicable Information and Privacy Commissioners.

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Some Canadian regulators of professions have given some carefully worded guidance about recognizing that the exceptional circumstances might result in practitioners adopting procedures that might not generally be considered appropriate. For example, the regulator for registered nurses in Alberta has said:

CARNA supports the use of virtual care platforms that are recommended and supported by the employer. We recognize that in highly challenging circumstances an NP may need to depart from established procedures in order to care for clients and people using health-care services. It is reasonable that if the employer is supporting temporary use of unregulated communication technologies based on the principle of matching intervention to need, then CARNA would also support this use as the Practice Standards for Regulated Members state that the RN and NP follow policies relevant to their practice setting.

Similarly, the legal regulator in Ontario has provided guidance on a number of issues, including proffering an interpretation of requirements for commissioning affidavits that is clearly driven by COVID-19:

Commissioning is governed by the *Commissioners for Taking Affidavits Act* and is not regulated by the Law Society. Although the law is evolving in this area, the best practice for commissioning documents remains for the lawyer or paralegal who is acting as a commissioner to be in the *physical presence of the deponent* to commission the document(s). For more information, please review the Law Society's Virtual Commissioning resource.*

However, as a result of COVID-19, until further notice:

- The Law Society will interpret the requirement in section 9 of the *Commissioners for Taking Affidavits Act* that "every oath and declaration shall be taken by the deponent in the presence of the commissioner or notary public" as not requiring the lawyer or paralegal to be in the physical presence of the client.
- Rather, alternative means of commissioning such as commissioning via video conference will be permitted.
- If lawyers and paralegals choose to use virtual commissioning, they should attempt to manage some of the risks associated with this practice as outlined below....

The guidance went on to provide safeguards to ensure that the client fully understands the nature of the document and the significance of commissioning it and to ensure that the client was not experiencing undue influence.

The guidance documents referred to above can be found at:

- <https://www.ipc.on.ca/newsrelease/ipc-closure-during-covid-19-outbreak/>
- https://www.priv.gc.ca/en/privacy-topics/health-genetic-and-other-body-information/health-emergencies/gd_covid_202003/
- <https://nurses.ab.ca/about/what-is-carna/news/news-story/updates-on-novel-coronavirus-covid19>
- <https://lso.ca/news-events/news/corporate-statement-re-covid-19 - can-a-lawyer-or-paralegal-use-virtual-commissioning-in-the-context-of-covid-19--5>

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