

## **Council Meeting Highlights** **February 22, 2018**

At its meeting on February 22, 2018, Council reviewed and approved a policy and funding form for the primary partner of an individual alleging sexual abuse by an RP, discussed prescribed regulatory education for members, were provided with updates surrounding the controlled act of psychotherapy, reviewed proposed amendments to CRPO's By-laws and addressed a question from a stakeholder about the cost of professional corporation registration.

### **Funding for the Primary Partner of an Individual Alleging Sexual Abuse by an RP**

As part of its discussion on the funding of therapy or counselling for clients alleging sexual abuse by an RP, the Client Relations Committee heard that the partners of survivors of sexual violence often experience their own struggles. In these situations, a primary partner can benefit from psychotherapy themselves, which could contribute to increased well-being of the survivor. The Committee determined that it would be a best-practice for CRPO to provide funding for therapy or counselling for the primary partner of a client alleging sexual abuse by an RP and recommended this to Council with a formal policy and proposed application form. This was approved by Council and the information can now be found on the [Sexual Abuse by Members](#) page of CRPO's website.

### **Prescribed Regulatory Education for Members**

When the structure of the Quality Assurance (QA) Program was originally presented in 2014, prescribed regulatory education (PRE)-type tools were introduced as a requirement that would fall under the self-assessment and professional development component of the Program. Today, this component is simply called Professional Development. Even in the earliest days of the Transitional Council, it was anticipated that the QA Committee would develop and launch broad-reaching tools intended to provide subject-specific education for members. At the meeting, Council heard a presentation that continued the dialogue regarding the development of the QA Program. The presentation slides are attached to these highlights beginning on page 2.

### **Controlled Act of Psychotherapy**

Council was provided with an update regarding the steps that are being undertaken related to the Minister's direction that CRPO provide further clarity regarding the controlled act of psychotherapy. A Controlled Act Task Group (CATG) has been set-up and has begun the work of responding to the Minister's direction. Council reviewed and approved the Terms of Reference for the CATG and were then provided with an update and work plan from the CATG's Chair. The letter from the Minister of Health and Long-Term Care compelling CRPO to complete this work was also shared at this meeting. This letter is attached to these highlights beginning on page 11.

### **By-law Review**

College staff and Executive Committee recommended amendments to CRPO's By-laws, which fall into two categories: (1) technical, administrative changes and (2) fee changes. Council discussed the proposed amendments and approved their circulation for 60-day public consultation. The slides presented at the meeting with the proposed amendments are attached to these highlights beginning on page 14.

### **Stakeholder Question**

A question was posed to staff from a member regarding the fees for registering professional corporations. The member indicated they would like their question to be addressed publicly. Accordingly, the answer that was provided at the meeting is attached to these highlights on page 25.



# Prescribed Regulatory Education

February 2018

**Lene Marttinen**  
Manager, Quality Assurance

# What is it?

- A learning experience combined with some form of evaluation or reflection, for example:

Learning Experience	Evaluation / Reflection
<ul style="list-style-type: none"><li>• Online lesson or learning module</li><li>• Workbook</li></ul>	<ul style="list-style-type: none"><li>• Short answer questions</li><li>• Case study</li></ul>

- Prescribed Regulatory Education (PRE) can be used to educate members about regulation and professional practice.
- Another way of thinking of PRE: compulsory professional development.

# Why PRE?

- There will be times when it may be necessary to broadly communicate information and take steps to assure that members have taken in the information.
- PRE offers a solution
- Example: Bill 87: Protecting Patients Act.
  - This Act will change how regulators address sexual abuse by members of a regulated health profession.
  - How will CRPO assure that members are aware of these important changes?

# Other uses for PRE

- To deliver information about changes to law, regulation, and standards.
- To respond to Ministry requests or directives.
- To address questions or issues that are common in health professions, or common to members of this profession.
- To address issues that have been identified based on College inputs, e.g. General Inquiries and/or data gathered from Registration, QA and ICRC.

# Analysis

Benefits	Costs
<ul style="list-style-type: none"><li>• Offers a consistent learning experience.</li><li>• Demonstrates to the public that the College is proactive.</li><li>• Provides members a low-cost PD opportunity.</li><li>• Enhanced knowledge combined with self-reflection may lead to practice improvements.</li></ul>	<ul style="list-style-type: none"><li>• Resource-intensive to develop and administer – must explore how to leverage existing resources.</li><li>• May be considered onerous – must strike a balance.</li></ul>

# Where does PRE fit in?

- The QA Program is equipped to reach members, provide learning opportunities and administer assessments.
- PRE was always a part of the QA Program's design.
- See excerpts of "Initial QA Program Outline," approved in principle by the transitional Council on March 12, 2014.

## SECTION A- Self-Assessment & Professional Development

Recognizing that self-reflection and ongoing personal and professional development are intrinsic to the psychotherapy profession, the self-assessment and professional development components of the Quality Assurance Program will prompt each Member to reflect on his/her own professional practice and act on self-identified learning needs.

All Members are required to fulfill self-assessment & professional development activities on a two year cycle. At the end of the two year cycle, the following items must be completed and submitted to the College via the IOMS:

- a self-assessment tool;
- a learning plan.
- a e-learning module (if available) and
- a log of professional development undertaken during the previous two years.

### Self-Assessment Tool

To assist Members in exploring the range and limitations of their knowledge, skill and judgement, the Quality Assurance Committee is developing a self-assessment tool which will guide each Member through a reflection on various aspects of his/her practice. The



previous two years. They may be asked to describe the activities they participated in and assess whether the activities were

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## E-Learning Module

E-learning modules may be developed to address specific topics related to practice and professional self-regulation. These modules would be designed to guide Members through the subject matter and evaluate learning.

Members would be asked to complete an available module as part of the two year participation cycle and would be provided prior notice if this was required.

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## SECTION B-Peer & Practice Assessment

Each year, a selection of Members will undergo peer & practice assessment (see Selection Criteria below). These one-to-one style assessments will evaluate a Member's knowledge, skill and judgement, and may consist of the following:

- a telephone interview conducted by a peer assessor using a structured interview tool;
- a review of the Member's records – may involve securely transmitting a small

# Recent QAC Considerations

- This same information was presented to the Quality Assurance Committee on February 15, 2018.
- QAC was amenable to the idea of implementing some form of PRE:
  - Informed consent as the first topic
  - Careful consideration of terminology to ensure it accords with the profession
  - Staff to conduct research on specific formats for a PRE module on informed consent (workbook? online lesson?)
  - Staff analysis to determine how existing policies can be amended to incorporate PRE

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**Andrew Benedetto  
President  
College of Registered Psychotherapists and  
Registered Mental Health Therapists of Ontario  
375 University Avenue Suite 803  
Toronto ON M5G 2J5**

Dear Mr. Benedetto:

Since March 31, 2015, it has been the Ministry of Health and Long-Term Care's expectation that the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (CRPMHTO), College of Physicians and Surgeons of Ontario, College of Nurses of Ontario, College of Occupational Therapists of Ontario, College of Psychologists of Ontario and the Ontario College of Social Worker and Social Service Workers would work together to bring clarity to the controlled act of psychotherapy. This work was necessary to allow individuals to determine whether or not they must be a member of one of the six colleges above.

I appreciate the work of the colleges in providing a document intended to clarify the controlled act. However, I determined that there was a need for a different perspective and I sought the advice of the Health Professions Regulatory Advisory Council (HPRAC). HPRAC has provided me with an alternative clarification document, including activities that are not considered to be the controlled act of psychotherapy.

I am also aware of the ongoing concerns from individuals and organizations expressing the need for more information on the controlled act. To be effective, that information must be provided early during the two-year transitional period that our government established to allow for the adjustment to the new regulatory environment that is the result of the proclamation of subsections 19(1) and (2) of Schedule R of the *Health System Improvements Act, 2007*.

Andrew Benedetto

Therefore, pursuant to clause 5(1) (c) and (d) of the *Regulated Health Professions Act, 1991* am requiring the Council of the College to:

1. Use its regulation-making authority under section 11 of the *Psychotherapy Act, 2007* to make a regulation "prescribing therapies involving the practice of psychotherapy, governing the use of prescribed therapies and prohibiting the use of therapies other than the prescribed therapies in the course of the practice of psychotherapy";
2. Develop policies, guidelines and other supporting resources that clearly articulate the activities that the Council does not consider to be part of the controlled act of psychotherapy. This would assist individuals in determining whether their activities fall within the public domain or whether they would need to register with the College.
3. Consider HPRAC's report entitled, "The Therapeutic Relationship as the Cornerstone of the Controlled Act of Psychotherapy" in the development of the policies, guidelines and other supporting resources referenced in 2 above;
4. Consider other Canadian jurisdictions' approaches to the oversight of psychotherapeutic services.
5. Provide the proposed regulation, policies, guidelines and supporting resources to me no later than July 1, 2018.

I am requiring that the College take this action in the best interest of the public and to ensure that individuals who are performing the controlled act of psychotherapy are competent and providing services in a manner that is consistent with patient safety. In addition, in my opinion, this action is necessary to carry out the intent of the *Regulated Health Professions Act, 1991* and relevant health profession Acts.

If you have any further questions about my requirements, please contact Denise Cole, Assistant Deputy Minister, Health Workforce Planning and Regulatory Affairs Division at [denise.cole@ontario.ca](mailto:denise.cole@ontario.ca).

Yours sincerely,



Dr. Eric Hoskins  
Minister

- c: Hon. Helena Jaczek, Minister of Community and Social Services  
Dr. Bob Bell, Deputy Minister of Health and Long-Term Care  
Denise Cole, Assistant Deputy Minister, HWPRAD  
Deb Adams, Registrar, CRPMHTO  
Dr. Steven Bodley, President, College of Physicians and Surgeons of Ontario  
Dalton Burger, President, College of Nurses of Ontario  
Lynette Eulette, President, College of Psychologists of Ontario

Andrew Benedetto

Jane Cox, President, College of Occupational Therapists of Ontario

Shelley Hale, President, Ontario College of Social Work and Social Service Work

# By-law Review

Thursday, February 22, 2018

**Deborah Adams**  
Registrar

**Jo Anne Falkenburger**  
Director, Operations & HR

**Mark Pioro**  
Director, Professional Conduct and  
Deputy Registrar

# Background

College staff and Executive Committee are recommending amendments to CRPO's By-laws. These fall into two categories:

- 1) Technical, administrative changes
- 2) Fee changes

## 1) Technical, administrative changes

These proposed amendments are intended as 'housekeeping' items, removing out-of-date content and correcting non-controversial issues. The table on the following pages (see attachment **13.1 Proposed By-law Amendments** below) sets out the current By-law provision, proposed change with changes tracked and explanation.

## 2) Fee changes

The proposed amendments are intended to incorporate reasonable fee changes, which are in alignment with other regulatory bodies with similar membership size, to best position the College to carry out its regulatory mandate over the longer term. The table on the following pages (see attachment **13.1 Proposed By-law Amendments** below) sets out the current By-law provision and an explanation of why fees increases are being proposed. At the time of meeting package preparation, these amounts were yet to be finalized. Further review will take place at the February 13, 2018 Executive Committee meeting and a revised version of the table will be provided at the Council meeting following this review.

## Proposed Motion:

**[Be it moved]** That the Council approve the attached proposed by-law amendments as presented or amended for 60-day public consultation.

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>5.04 – Maximum Term Exception</b></p> <p>Article 5.03 does not apply to the full-year term of office immediately following the first election of officers after section 6 of the Act is proclaimed into force, to an officer who held that office prior to that election.</p>	<p><del><b>5.04 – Maximum Term Exception</b></del></p> <p><del>Article 5.03 does not apply to the full-year term of office immediately following the first election of officers after section 6 of the Act is proclaimed into force, to an officer who held that office prior to that election.</del></p>	<p>This by-law article will be repealed. Article 5.03 states that the President and Vice President may only serve in the same position for three consecutive full-year terms. Article 5.04 made an exception for the first Executive Committee election following the first election of Council. This was to allow for an effective transition from transitional Council to College Council. The first election of officers took place in late 2015. Article 5.04 no longer has any effect and can be repealed.</p>



## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>17.01 – Duty of Confidentiality</b></p> <p>Members of the Council and Committees, staff and persons retained or appointed by the College are required to maintain confidentiality of information that comes before them in the course of discharging their duties unless disclosure is authorized by the Council or is otherwise permitted under section 36(1) of the RHPA.</p>	<p>The footnote will be updated.</p>	<p>Article 17.01 makes reference to section 36(1) of the RHPA. This section of the RHPA was amended by bill 87, so the footnote will be updated.</p>

## Proposed By-law Amendments

<b>Current By-law Provision</b>	<b>Proposed Change</b>	<b>Explanation</b>
<p><b>21.08 Additional Register Information</b></p> <p>(xvii) where there has been a finding of guilt of which the College is aware, against a member under the Criminal Code, made on or after April 1, 2015, a brief summary of:</p> <ul style="list-style-type: none"> <li>a. the finding,</li> <li>b. the sentence or penalty,</li> <li>c. where the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of, and</li> <li>d. where known to the College, the dates relevant to the summary required under this section;</li> </ul>	<p><b>21.08 Additional Register Information</b></p> <p>(xvii) where there has been a finding of guilt of which the College is aware, against a member under the Criminal Code <u>or <i>Controlled Drugs and Substances Act</i></u>, made on or after April 1, 2015, a brief summary of:</p> <ul style="list-style-type: none"> <li>a. the finding,</li> <li>b. the sentence or penalty,</li> <li>c. where the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of, and</li> </ul> <p>where known to the College, the dates relevant to the summary required under this section;</p>	<p>This article will be amended due to an oversight when it was originally enacted. Council had decided that findings of guilt about Members for criminal offences made after April 1, 2015, should be posted on the public register. It is commonly understood that drug offences (e.g. trafficking narcotics) is a criminal offence. However, these offences are contained in the <i>Controlled Drugs and Substances Act</i> (CDSA). In order for findings of guilt relating to these offences to be posted on the public register, the CDSA needs to be listed in the by-law article.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>21.12 – Removal of Cautions</b></p> <p>The information required by paragraph xx of article 21.08 (Additional Register Information) shall be removed from the Register twenty-four months after the Member has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.</p>	<p><del><b>21.12—Removal of Cautions</b></del></p> <p><del>The information required by paragraph xx of article 21.08 (Additional Register Information) shall be removed from the Register twenty-four months after the Member has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.</del></p>	<p>This article is to be repealed. Council’s original intention was that in-person cautions posted on the public register should be removed after two years. This is no longer legally possible because bill 87 indicates that in-person cautions are to be posted indefinitely. This article should be repealed to avoid giving the wrong impression that College can or will automatically remove cautions after two years.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>21.13 – Removal of Specified Education or Remediation Program</b></p> <p>The information required by paragraph xxi of article 21.08 (Additional Register Information) shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the specified continued education or remediation program that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.</p>	<p><del><b>21.13 – Removal of Specified Education or Remediation Program</b></del></p> <p><del>The information required by paragraph xxi of article 21.08 (Additional Register Information) shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the specified continued education or remediation program that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.</del></p>	<p>See immediately above re in-person cautions.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>SCHEDULE 1 TO THE BY-LAWS</b></p> <p>Process for Election of Officers</p> <p>...</p> <p>The above process shall be followed for every election of officers after section 6 of the Act is proclaimed into force, with the exception of the first election of officers, which may deviate from the above process to the extent deemed necessary by the Registrar.</p>	<p><b>SCHEDULE 1 TO THE BY-LAWS</b></p> <p>Process for Election of Officers</p> <p>...</p> <p>The above process shall be followed for every election of officers after section 6 of the Act is proclaimed into force, <del>with the exception of the first election of officers, which may deviate from the above process to the extent deemed necessary by the Registrar.</del></p>	<p>The first election of officers took place in late 2015; therefore, reference to that first election can be removed.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>19.03 – Fee Amounts</b></p> <p>Fees are as follows and such amounts do not include the applicable taxes which must also be paid as part of the fee:</p> <p>(i) The fee to create an online account and undertake the jurisprudence learning module is \$60;</p> <p>(ii) The application fee is \$125;</p> <p>(iii) The registration fee and the annual renewal fee for a Registered Psychotherapist certificate of registration is \$550;</p> <p>(iv) The registration fee and the annual renewal fee for a Temporary certificate of registration is \$550;</p> <p>(v) The registration fee and the annual renewal fee for an Inactive certificate of registration is \$275;</p> <p>(vi) The registration fee and the annual renewal fee for a Qualifying certificate of registration is \$300;</p>	<p><b>19.03 – Fee Amounts</b></p> <p>Fees are as follows and such amounts do not include the applicable taxes which must also be paid as part of the fee:</p> <p>(i) The fee to create an online account and undertake the jurisprudence learning module is <del>\$60</del><u>145</u>;</p> <p>(ii) The application fee is <del>\$125</del><u>160</u>;</p> <p>(iii) The registration fee and the annual renewal fee for a Registered Psychotherapist certificate of registration is <del>\$550</del><u>589</u>;</p> <p>(iv) The registration fee and the annual renewal fee for a Temporary certificate of registration is <del>\$550</del><u>589</u>;</p> <p>(v) The registration fee and the annual renewal fee for an Inactive certificate of registration is <del>\$275</del><u>295</u>;</p> <p>(vi) The registration fee and the annual renewal fee for a Qualifying certificate of registration is <del>\$300</del><u>321</u>;</p>	<p>This by-law article will be amended to reflect new amounts for each of the fees. The increases are based on:</p> <ul style="list-style-type: none"> <li>- aligning with other regulatory bodies with similar membership and longer history of providing similar services;</li> <li>- cost recovery related to undertaking work (e.g., JRP module maintenance, mapping tool evaluation);</li> <li>- transferring cost recovery directly to member versus having cost spread across membership (e.g., cost for penalty fees and reminder letters that are only applicable to members who are not in compliance);</li> <li>- creating a stronger incentive for members to comply with responsibilities of self-regulating according to established timelines and deadlines;</li> <li>- keep pace with inflation (roughly 7% anticipated between when the fees were set in 2013, and 2018);</li> <li>- ensuring that CRPO has sufficient reserves to fulfil its regulatory mandate.</li> </ul>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>19.03 – Fee Amounts (continued)</b></p> <p>(vii) The penalty fee for the late renewal of a certificate of registration is \$75;</p> <p>(viii) The fee for each letter after the first one reminding the Member of an obligation that has not been performed is \$50;</p> <p>(ix) The reinstatement fee for a person applying to the Registrar to lift a suspension or issue a new certificate is \$150;</p> <p>(x) The fee to transfer from the Qualifying or Inactive classes of registration to the Registered Psychotherapist class of registration is \$78;</p> <p>(xi) The fee for requiring a recount in an election is \$200.</p>	<p><b>19.03 – Fee Amounts (continued)</b></p> <p>(vii) The penalty fee for the late renewal of a certificate of registration is <del>\$75</del><u>\$150</u>;</p> <p>(viii) The fee for each letter after the first one reminding the Member of an obligation that has not been performed is <del>\$50</del><u>\$54</u>;</p> <p>(ix) The reinstatement fee for a person applying to the Registrar to lift a suspension or issue a new certificate is <del>\$150</del><u>\$350</u>;</p> <p>(x) The fee to transfer from the Qualifying or Inactive classes of registration to the Registered Psychotherapist class of registration is <del>\$78</del><u>\$80</u>;</p> <p>(xi) The fee for requiring a recount in an election is <del>\$200</del><u>\$214</u>.</p> <p>(xii) <u>The fee for reviewing an applicant’s education and training under subsection 6(1), paragraph 1, sub-paragraphs iii or iv of Ontario Regulation 67/15: Registration, is \$100</u></p>	<p>This by-law article will be amended to reflect new amounts for each of the fees. The increases are based on:</p> <ul style="list-style-type: none"> <li>- aligning with other regulatory bodies with similar membership and longer history of providing similar services;</li> <li>- cost recovery related to undertaking work (e.g., JRP module maintenance, mapping tool evaluation);</li> <li>- transferring cost recovery directly to member versus having cost spread across membership (e.g., cost for penalty fees and reminder letters that are only applicable to members who are not in compliance);</li> <li>- creating a stronger incentive for members to comply with responsibilities of self-regulating according to established timelines and deadlines;</li> <li>- keep pace with inflation (roughly 7% anticipated between when the fees were set in 2013, and 2018);</li> <li>- ensuring that CRPO has sufficient reserves to fulfil its regulatory mandate.</li> </ul>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>19.05 – Fee Increases</b></p> <p>Every three years the fees described in these by-laws shall be increased by the percentage increase for that three year period in the Consumer Price Index for goods and services in Canada as published by Statistics Canada or any successor organization.</p>	<p><b>19.05 – Fee Increases</b></p> <p>Every <del>three</del><u>two</u> years the fees described in these by-laws shall be increased by the percentage increase for that <del>three</del><u>two</u> year period in the Consumer Price Index for goods and services in Canada as published by Statistics Canada or any successor organization.</p>	<p>The automatic inflation-based fee increase frequency is to be reduced from three years to two years. This is to keep pace with inflation more efficiently, and to make the increases smaller, which will be more manageable for members.</p>



## **Stakeholder Question**

### **re: Cost of Professional Corporation Registration with CRPO**

When the College set its professional corporation fees in 2013, it adopted amounts that were within the range of what other health profession colleges in Ontario charge for the same services.

CRPO's membership fees have been the lowest of the five newly proclaimed colleges and among the lowest of all the health regulatory colleges in the province. This, even though our membership is still in its growth stage. It is important to note that larger, more established colleges benefit from economies of scale that we do not yet have.

Since Member fees are the College's only source of income, they must provide the financial means to develop and manage all the CRPO programs required by the Regulated Health Professions Act, 1991. The College must maintain adequate reserves to process and dispose of complaints and reports, including those that result in disciplinary proceedings, in a way that is timely, consistent and fair as well as to be in a position to provide funding for therapy and counselling for clients who were sexually abused by a Registered Psychotherapist.

Decisions around revenue are made after careful deliberation and in consideration of the College's responsibilities. Initiatives to keep fees as low as possible have and continue to include careful investments in technology and efficient operations.

With respect to a member using a professional corporation for the delivery of psychotherapy services—for example, to hire other mental health providers or provide workshops as suggested in the Stakeholder question—it is important to acknowledge that Ontario law concerning professional corporations existed before the College was established and is beyond the control of the College. There may be many ways to structure business ventures to achieve differing objectives and CRPO recommends speaking with your own professional advisors.