

## COUNCIL AGENDA

**Date:** Thursday, June 20, 2019

**Time:** 9:30 a.m. to 3:35 p.m.

**Location:** 375 University Avenue, Suite 803; Boardroom

**Chair:** Andrew Benedetto, President

#	Time	Item	Pg	Materials	Action	Lead
1.	9:30	Welcome and Opening Remarks			INFORMATION	A. Benedetto
2.	9:32	Approval of Agenda	1-2	1. Agenda	MOTION	A. Benedetto
3.	9:33	Approval of Minutes	3-10	1. Draft minutes from March 1, 2019	MOTION	A. Benedetto
4.	9:34	Conflict of Interest Declarations			INFORMATION	A. Benedetto
5.	9:35	President's Remarks			INFORMATION	A. Benedetto
6.	9:40	Registrar's Report	11-14	1. Registrar's Report	INFORMATION	D. Adams
7.	9:50	Committee Reports to Council 6.1. <i>Client Relations</i> 6.2. <i>Examinations</i> 6.3. <i>Executive</i> 6.4. <i>Inquiries, Complaints &amp; Reports</i> 6.5. <i>Quality Assurance</i> 6.6. <i>Registration</i>	15-26	1. CRC report 2. Examination Report 3. Executive Report 4. ICRC Report 5. QA Report 6. Registration Report	INFORMATION	Various Presenters
8.	10:00	<u>Governance Review:</u> Darrel Pink			PRESENTATION	D. Pink
<b>BREAK 11:00-11:10</b>						
	11:10	<u>Governance Review (cont'd)</u> Darrel Pink			PRESENTATION, CONT'D	D. Pink
9.	12:00	<u>Governance Review:</u> Council Evaluations			INFORMATION	D. Adams/ A. Benedetto
10.	12:10	Criminal Background Checks	27-29	1. Briefing Note	DISCUSSION/ MOTION	S. Fraser
<b>LUNCH 12:15-1:15</b>						
11.	1:15	<u>Strategic Planning:</u> Cate Creede			PRESENTATION	C. Creede
<b>BREAK 2:30-2:40</b>						
12.	2:40	Update from Ministry of Health and Long-Term Care			PRESENTATION	D. Ross
13.	2:55	<u>By-laws:</u> Public Register By-law Redundancy Review	30-35	1. Briefing Note 2. Suitability to Practise 3. Posting non-College	DISCUSSION/ MOTION	M. Pioro

				conduct on the public register		
14.	3:05	<u>By-laws</u> : Registration History on Public Register	36-41	1. Briefing Note 2. Public Consultation results summary	DISCUSSION/ MOTION	M. Piro
15.	3:15	Tariff Rate Increase for Discipline Hearings	42-44	1. Briefing Note	DISCUSSION/ MOTION	M. Piro
16.	3:20	Filling of Vacancies & By-election	45-46	1. Briefing Note	DISCUSSION/ MOTION	A. Benedetto
17.	3:30	Council Question Period			INFORMATION	A. Benedetto
	<b>3:35</b>	<b>ADJOURNMENT</b>			<b>MOTION</b>	
		<u>Next Meetings:</u> <ul style="list-style-type: none"> <li>September 12, 2019: Strategic Planning session (closed to the public, location TBD)</li> <li>September 13, 2019: Council Meeting</li> <li>November 21, 2019: Council Meeting</li> </ul>				

# COUNCIL MINUTES

Friday, March 1, 2019

9:30 a.m. to 3:30 p.m.

375 University Avenue, Suite 803

## Council Members:

Andrew Benedetto, RP (President & Chair)  
Barbara Locke Billingsley

Shelley Briscoe-Dimock, RP  
Gary Cockman  
Carol Cowan-Levine, RP

Mary Kardos Burton  
Kenneth Lomp, RP  
Malcolm MacFarlane, RP (Vice-President)  
Pat Rayman, RP

## Regrets:

Sheldon Kawarsky  
Miranda Monastero, RP  
Steven Stijacic  
Kevin VanDerZwet Stafford, RP

## Staff Members:

Deborah Adams, Registrar  
Alexandra Brennan, Coordinator, Registration & Program Review  
Jo Anne Falkenburger, Director of Operations & HR  
Amy Fournier, Executive Coordinator (Recorder)  
Sarah Fraser, Manager, Registration (via teleconference)  
Sabina Hikel, Manager, Strategy & Policy  
Andrew Laughton, Coordinator, Registration & QA  
Lene Marttinen, Manager, Quality Assurance  
Mark Pioro, Director, Professional Conduct & Deputy Registrar  
Kelly Roberts, Manager, Operations  
Jenna Smith, Manager, Professional Conduct

## 1. Welcome and Opening Remarks

A. Benedetto, President & Chair, called the meeting to order at 9:30 a.m. and welcomed all present.

The Chair noted that staff received notice from the Public Appointments Secretariat (PAS) late yesterday afternoon informing of the reappointment of public member, Steven Stijacic. As such, Council is properly constituted. S. Stijacic received a six-month reappointment, which ends on August 23, 2019. He sends his regrets today. In addition, regrets were received from Miranda Monastero, Kevin VanDerZwet Stafford and Sheldon Kawarsky.

A. Benedetto noted that the in-camera portion of the meeting will now require a motion to be made in-camera to approve the annual budget. It was also noted that the Quality Assurance Committee report to Council was not included in the package, however, paper copies were provided at the meeting.

## 2. Approval of Draft Agenda & Minutes

A. Benedetto, Chair, introduced the draft agenda.

### **MOTION C-01MAR2019 – M01:**

That the agenda of the March 1, 2019, meeting of Council be approved as presented.

Moved: K. Lomp

Seconded: C. Cowan-Levine  
CARRIED

A. Benedetto introduced the draft minutes from the November 29, 2018 Council meeting.

**MOTION C-01MAR2019 – M02:**

That the draft minutes of the November 29, 2018, meeting of Council be approved as presented.

Moved: C. Cowan-Levine  
Seconded: P. Rayman  
CARRIED

**3. Conflict of Interest Declarations**

None declared.

**4. President's Remarks**

A. Benedetto thanked all Council members for their patience in adapting to the changes that have been faced these past several months with not being properly constituted to make decisions. Council was informed in December of the reappointments of S. Kawarsky and B. Locke Billingsley (both reappointed for 12-month terms) and M. Kardos Burton (six-month term). A. Benedetto thanked S. Kasal and L. Rudner for their contributions and thoughtful perspectives in Council and committee work over the course of their years of service as public council members.

A. Benedetto highlighted the governance discussion (agenda item 7) and the impending modernization of the health regulatory professions. Helen Angus, Deputy Minister of Health and Long-Term Care (MOHLTC), issued an announcement yesterday regarding upcoming changes to the health care system. No mention was made regarding any changes to regulatory process; however, CRPO will follow communications from the MOHLTC and will provide updates to Council.

**5. Registrar's Report**

D. Adams directed Council to her written report in the package and presented highlights.

D. Adams noted that the letter from the Deputy Minister of the MOHLTC about the government's announcement concerning health system transformation that will involve changes to the Local Health Integration Network framework has been reviewed by the Federation of Health Regulatory Colleges of Ontario (FHRCO) and changes will be monitored closely.

Council was provided with an update regarding self-regulation in the province of Alberta, with D. Adams noting that a pan-Canadian meeting being planned to share information, to consider how to collaborate and to explore possibilities for consistency in regulation across Canadian jurisdictions.

D. Adams noted that the Nominations & Elections Committee provided staff with direction to move forward with member outreach and promotional materials related to the upcoming CRPO district elections. D. Adams reported that there has been positive response to the upcoming webinar to generate interest amongst the profession.

Council was updated on the implementation of the Aprio board support software; staff is taking time to train appropriately, build the resource library and create a procedures document to support

users and administrators. Council members are not required to complete training at this time and staff will provide updates to Council and non-Council members regarding training timelines later in the spring.

D. Adams informed Council that she attended a luncheon at the Office of the Fairness Commissioner (OFC) with staff members, L. Marttinen and S. Hikel also in attendance. The luncheon, which was offered as part of acknowledging black history month, featured a panel of speakers on how regulation needs to examine itself with regards to systemic racism.

The Council was reminded of the agenda items that were approved by consensus vote at the November 29, 2019, Council meeting when the Council was not properly constituted. These items included the approval of the Access to Care statement and the approval of the Draft Guideline: *Sexual Contact with Former Clients beyond Five-Years Post Termination of Care*. Council members were asked to reaffirm their support for the above noted documents; both were supported by all in attendance for adoption.

D. Adams noted that the 60-day public consultation to review the Draft *Regulation Defining Client for Sexual Abuse Provisions* and the Draft *Electronic Practice Guideline* were also approved by consensus vote at the November 29, 2018 Council meeting. Please see agenda items 13 and 15 for the motions relating to these documents.

Lastly, D. Adams informed Council that, on December 21, 2018, the Executive Committee approved the reappointment of S. Kawarsky, B. Locke Billingsley and M. Kardos Burton to the committees on which they previously served. Muriel McMahon, RP, was appointed as a Non-Council member to the Registration Committee.

## **6. Committee Reports to Council**

### **6.1. Client Relations Committee**

C. Cowan-Levine, Chair, presented the committee's report to Council noting that she will be presenting agenda item 13 regarding the Draft Regulation Defining Client for Sexual Abuse Provisions. The Council was informed that the committee conducted a panel meeting to approve funding for out-of-country therapy.

### **6.2. Discipline**

G. Cockman, Chair, informed the Council that a Discipline hearing was conducted on February 27, 2019.

### **6.3. Examination**

K. Lomp, Chair, updated Council regarding the committee meeting that took place on February 14, 2019. It was noted that examination preparation resources were being developed by staff in response to discussion at the Education Program Meeting. An update on exam statistics was provided in the report.

### **6.4. Executive**

A. Benedetto, Chair, summarized the report, noting that much time has been committed to addressing committee composition and election and strategic planning timing. A. Benedetto noted that an in-camera Executive Committee teleconference was held on February 21, 2019, to discuss the Registrar's Performance Review.

### **6.5. Inquiries, Complaints and Reports**

In the absence of K. VanDerZwet Stafford, Chair, D. Adams noted that complaints and reports statistics were provided in her written report. M. Piore also made note of the growth in the volume of complaints received; however, this increase in complaints aligns with the growth in membership numbers.

#### **6.6. Nominations & Elections**

P. Rayman, Chair, provided an update noting that member outreach is a priority. An elections webinar and promotional video has been created to inform members of the CRPO election process and to encourage members to run in upcoming district elections.

#### **6.7. Registration**

M. MacFarlane, Chair, presented the report to Council, thanking committee members for their hard work on completing the panel review of grandparenting applications. M. MacFarlane noted that the committee would be presenting Council with a draft policy on Clinical Experience for Registration (agenda item #14).

#### **6.8. Quality Assurance**

M. Kardos Burton, Chair, presented Council with a paper copy of the committee report to Council. Kayleen Edwards was welcomed to the Committee in her capacity as a Non-Council member appointment. It was also noted that S. Kawarsky and M. Kardos Burton were both reappointed to the committee.

### **7. Governance Review**

D. Adams introduced the topic providing Council with background information on the work being done by other regulatory colleges in Ontario and internationally. Messaging from government indicates that they are moving quickly to ensure that Ontario's regulatory model is still fit for purpose – as such, the College should be prepared to respond to incremental changes to the regulatory framework as a way of moving steadily toward significant transformation.

D. Adams asked Council to consider how the CRPO can respond to and drive some of these changes with our current resources. D. Adams highlighted the link between impending governance changes and the upcoming strategic planning session in September and how these processes could complement each other.

In the interim, the Executive Committee was supportive of staff working with Darrell Pink, former registrar of the Nova Scotia Barrister's Society, in order to provide Council members with more information about the emerging best practices that are informing Ministry decision-makers. The proposed education for Council members will build on current, overall knowledge of governance as well as previous presentations on risk-based/right-touch regulation. One of the goals of providing the education is to support each member in contributing to a strategic plan that will position CRPO for the anticipated shift in the province's regulatory scaffolding. D. Adams suggested looking at a portfolio of skills and attributes and asked how we can look at governance when the players are always changing. This could lead to a more codified approach to governance that is less dependent on the individuals serving.

### **8. Self-Assessment Survey**

D. Adams noted that staff would begin conducting research to begin to articulate the general consensus in the regulatory world regarding competencies to provide Council with a broader understanding of foundational competencies. Staff will continue to provide Council with reading

material (many resources are noted in the briefing note) with Council members completing a self-assessment and a Council assessment. These assessments will take place over the next few months and will feed into the strategic planning process that will take place in September and will assist Council in preparing for what modernization will look like. Results of the assessments will be presented to Council in June.

## 9. Update: Strategic Planning

D. Adams informed Council of changes to the timing of strategic planning that have stemmed from Council not being properly constituted over the last several months. Cate Creede from The Potential Group has been consulted on this timing and we will hold a full day of strategic planning on September 12, 2019, followed by a Council dinner. A regular Council meeting will be held on September 13, 2019. Cate Creede will present to Council at the June 20, 2019, meeting, noting that the June 21, Council date has been cancelled. Staff will recirculate the Council 2019 meeting dates.

## 10. IN CAMERA: 2019-2020 Expense Budget

### **MOTION: C-01MAR2019 – M03**

That the public be excluded from the meeting pursuant to clause 7.2 (b) of the *Health Professions Procedural Code* of the *Regulated Health Professions Act*, in that financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public at 11:18 a.m.

Moved: B. Locke Billingsley

Seconded: P. Rayman

CARRIED

### **MOTION: C-01MAR2019 – M04**

That the meeting resumed open session at 12:00 p.m.

Moved: P. Rayman

Seconded: B. Locke Billingsley

CARRIED

## 11. Council Committee Assignments

A. Benedetto introduced the topic and provided Council with information on the process typically used to review committee composition. Committee appointments are usually based on recommendations made by the Executive Committee and are approved at the November Council meeting. The Executive Committee made a decision to hold off on committee appointments in order to have an experienced Registration Committee to review the last of the grandparenting applications. Council agreed that it made sense to keep the current committee assignments until after the election takes place in June, which would allow proper orientation to take place prior to the September Council meeting.

D. Adams noted that, ultimately, committee assignment would link to the self-assessments and determining Council member competencies. The development of desired Council member competencies would likely increase the transparency of the committee assignment process.

**ACTION: Staff to work with Executive Committee to develop and document committee assignment procedures.**

## 12. Committee Composition

D. Adams introduced the topic of committee composition and the shifting workload of committees as the membership grows; in particular, the increase in the number of complaints and reports, more education programs seeking recognition and more exam writers. These shifts will necessarily lead to changes in how committee appointments are considered, as noted in the previous agenda item.

## 13. Draft Regulation Defining Client for Sexual Abuse Provisions

C. Cowan-Levine, Chair, Client Relations Committee, introduced the item and directed Council to the summary included in the briefing note. She provided background information on the Committee's research and review process, including a thorough deliberation and discussion regarding the issues raised in the public consultation feedback.

D. Adams directed Council members to the March 29, 2018, Council materials, which included fifteen pages of research relating to the drafting of the regulation, along with the accompanying policy and guideline.

The Committee deliberated the feedback from the consultation regarding the draft regulation and noted that the results of the consultation regarding the draft policy on Sexual Contact with Former Clients within Five-Years Post Termination of Care, which closed in June 2018, were decidedly different.

D. Adams provided Council with a brief presentation with responses to specific feedback that was received; regarding the comments about the penalty being too harsh, it was highlighted that the penalties for sexual abuse of a client are established in the Regulated Health Professions Act, not by the proposed regulation. Feedback was also received stating that the CRPO was imposing terms that are more restrictive than other colleges whose members provide psychotherapy; however, it was noted that the other colleges each have established their own penalties ranging from total prohibition, one- to two-year bans and five-year bans.

D. Adams noted that the College received feedback independent of the proposed five-year timeframe; most notably, some respondents stated that the language relating to the sexual abuse provisions was heteronormative and racialized. These comments will be further examined and considered by the Committee.

### **MOTION: C-01MAR2019 – M05**

That Council approves the draft Regulation Defining Client for Sexual Abuse Provisions for submission to the Ministry of Health and Long-Term Care.

Moved: K. Lomp

Seconded: G. Cockman



In favour: A. Benedetto; S. Briscoe-Dimock; G. Cockman; C. Cowan-Levine; M. Kardos Burton; B. Locke Billingsley; K. Lomp; M. MacFarlane; P. Rayman.

Opposed: None

Abstained: None

CARRIED

#### 14. **Draft Policy: Clinical Experience for Registration**

M. MacFarlane, Chair, Registration Committee, introduced the draft policy. It was noted that regular route applicants and Qualifying members currently rely on the definitions for the scope of practice of psychotherapy, direct client contact, and clinical supervision as guidance regarding whether their clinical experience will fulfill registration requirements. Applicants and members may wrongly assume their hours will be counted, spend time in roles where the College would not be in a position to recognize the DCC, and necessitate Registration Committee panel and HPARB resources clarifying the acceptability of the experience after-the-fact. The Clinical Experience for Registration policy was drafted to address this issue.

Council members discussed the content of the draft policy and concluded that the draft was unclear and required more work. The draft will be sent back to the Registration Committee for further review.

#### 15. **Draft Guideline: Electronic Practice**

M. Kardos Burton, Chair, Quality Assurance Committee, introduced the guideline. A. Laughton, Coordinator, Quality Assurance, provided a brief presentation on the public consultation feedback that was received, noting that the committee met and amended the guideline as necessary based on this feedback.

##### **MOTION: C-01MAR2019 – M06**

That Council approve the adoption of the Electronic Practice Guideline.

Moved: P. Rayman

Seconded: K. Lomp

CARRIED

#### 16. **By-laws: Registration History on Public Register**

M. Piore, Deputy Registrar, introduced the proposed by-law changes to Council, noting that in the interest of being more transparent and in response to specific concerns that have arisen (for example, insurance companies contacting the College regarding members being in good standing), College staff and the Executive Committee are proposing that a historical representation of an individual member's registration be accessible on the public register. This would include any changes to a member's registration status, including category transfers and suspensions. M. Piore noted that the registration history would not be posted retroactively, and a clear implementation date will be communicated with members when by-law changes are approved by Council at a later date.

##### **MOTION: C-01MAR2019 – M07**

That Council approve circulating the following proposed by-law amendments for public consultation:

Amending article 21.08(vi) by adding “and membership was terminated on or before [Date of Enactment of By-law]” after “non-payment of fees”; and

Enacting as article 21.08(xxiii), “the classes of certificate of registration held by the member and the date on which each certificate was issued.”

Moved: C. Cowan-Levine

Seconded: G. Cockman

CARRIED

## 17. **Update: Education Program Meeting**

D. Adams provided an update on the Education Program Meeting that took place at the CRPO on January 30, 2019; it was a success with 32 programs represented by 30 in-person representatives and 20 who joined the meeting via webinar. The CRPO hopes that this is the first in a series of ongoing opportunities to engage with education programs. Topics covered at the meeting included:

- Registration Requirements and Membership Categories for Applicants
- Controlled Act of Psychotherapy and Supervision
- Review and Recognition
- Private Career Colleges Act

D. Adams noted that evaluations by meeting attendees so far notes that 75% felt that all their questions were answered; 75% strongly agreed that the meeting was a good use of their time; and 100% learned something that they will be sharing with colleagues or students. Clinical supervision and recognition process were the focus of most discussion and much of the commentary in the evaluations. The registration exam was also a topic of interest; staff has taken this forward to the Examinations Committee.

## 18. **Question Period**

Questions included information regarding the public member appointments process, the examination appeals process and clinical supervision.

## 19. **Adjournment**

### **MOTION C-01MAR2019 – M08**

That the meeting be adjourned at 2:40 p.m.

Moved: G. Cockman

Seconded: M. Kardos Burton

CARRIED

## **Registrar's Report to Council**

**June 20, 2019**

**Respectfully submitted by: Deborah Adams**

### **Finance**

The audit of fiscal 2018 has been ongoing with Welsh, LLP staff on site to conduct their work. The Executive Committee received the fiscal 2018 Q4 report from J Falkenburger and will meet June 21, 2019 to review the preliminary audit results.

### **Elections**

Elections for [District 6 – Central West, 7 – Central and 8 – Ontario](#) close June 21, 2019 at 5:00 p.m. Staff will be contacting candidates as soon as ballots have been counted to inform them of the outcome. Once all candidates have been notified, Council will be informed, and results will be posted to the College's website. For more information regarding filling council see agenda item 14.

### **Public Appointments**

In light of delays in the renewals or appointment of new public members for CRPO's council, as well as the short terms that we have been seeing since the current government assumed office, I contacted John Amodeo, Director of the Corporate Management Branch of the Corporate Services Division of the Ministry of Health and Long-Term Care to express concern about the need for timely appointments. Mr. Amodeo responded with assurances that the branch was processing three new appointments and that they would each have three-year terms. Council will be kept updated on this issue.

### **Office of The Fairness Commissioner**

Grant Jameson's term as Fairness Commissioner has ended and government has chosen to appoint [George Zegarac](#) as the Interim Commissioner. Mr. Zegarac is the Deputy Minister, Ministry of Training, Colleges and Universities. CRPO staff has a meeting with OFC staff scheduled for later this summer; an update will be provided to Council after the meeting occurs.

## **UPDATES**

### Registration

The Registration Committee report will include information about the work happening at committee and panels. I am including this item to highlight the increase in applications over recent months. In May:

- 138 individuals started an application; this is the highest number to date with the next highest being 100 in February 2019

- 90 new regular route applications were submitted (68 from recognized programs and 22 from programs that have not been recognized); the most submitted in the past was in September 2018 with 73 applications (34 from recognized programs and 39 from programs that have not been recognized).

### Practice Advisory Service

The Practice Advisory Service is one mechanism (among others) that helps the College to stay abreast of developments in the field. Higher level themes and trends of which staff become aware often inform the work of Council and its committees, contributing to policy and resource development.

In analyzing the first seven weeks of this fiscal year, the Practice Advisory team has completed responses to 170 enquiries. The service typically completes between 20 and 30 responses a week. Staff track the themes that emerge from the questions and post the most frequently asked questions and those that cover new areas of concern – typically quarterly – to the [Practice Matters](#) page of the website. Any issues that are particularly relevant to CRPO’s work, emerging trends in other areas (e.g., complaints) or professional best practice are highlighted in the monthly communique that all registrants receive.

### Social Media

As we continue to develop our social media presence, I would like to offer some high-level analytics of website and social media traffic over the first nine weeks of the current fiscal year:

	<b>Total views</b>	<b>Unique views</b>
<b>Page views - entire site</b>	38,269	35,474
<b>Page views – information for the public</b>		
- find-a-registered-psychotherapist	10032	9343
- contact-us	2414	2227
- discipline	1880	1303
- what-is-psychotherapy	1617	1531
- about-crpo	1015	890
- concerns-about-unregulated-individuals	896	622
- filing-a-complaint-about-a-member	667	576
- sexual abuse	284	267
- join-our-mailing-list	207	196
<b>Page views – French resources</b>		
- les-neuf-etapes	68	43
- normes-de-pratique-professionnelle	35	20
- qui-peut-superviser-qui	31	21
- examen-dadmission	19	12
- renouvellement	17	14
- etapes-pour-rediger-lexamen	10	7

- mesures-dadaptation-pour-passer-lexamen	10	8
- evaluation-de-la-demande	7	7

Twitter followers as of writing: 114 (up from 100 April 1)

Tweets with most engagement:

We have a whole workbook on informed consent to guide Registered Psychotherapists. <https://t.co/k2PWBkyU2Z> <https://t.co/Mx6VoxG27x> 487

Are you clear on who can provide CRPO members with supervision at different points along their professionalization? This handy list explains all: <https://t.co/sYjfSzd3ym> 385

The College of Psychologists of ON have changed their position on psychologists providing clinical supervision for Registered Psychotherapists and other providers. See their revised Q&A for details: <https://t.co/lqWO7IF05r> 320

Facebook followers: 367 (up from 287 April 1)

### **Professional Development**

Several staff and Council professional development activities have been undertaken since the last meeting:

#### For staff:

April 5th –University of Toronto Future of Psychotherapy Conference 2019

April 5th – Professional Self-Regulatory Bodies Cannabis Seminar

May 9th – Reach Out Centre for Kids Walk-in Counselling Symposium

May 15th - Society of Ontario Adjudicators and Regulators (SOAR) Decision Writing

May 27th-28th - Addictions and Mental Health Ontario Annual Conference

May 29th – Canadian Network of Agencies for Regulation Workshop – Emerging Legal Issues in Regulation

#### For Council:

May 3rd – Federation of Health Regulatory Colleges of Ontario Discipline Training

**Stakeholder Engagement**

An association meeting has been scheduled for June 13, 2019. All professional associations were invited to attend this meeting, which will allow CRPO to provide updates on regulatory work that is underway, particularly where there might be opportunities to cooperate with associations. A verbal update about the meeting will be provided at the meeting.

CRPO will be hosting a meeting of representatives from the other regulated provinces in September. This meeting will be coordinated with a meeting organized by Canadian Counselling and Psychotherapy Association (CCPA) with the various federations of associations working toward regulation in the other provinces.

**Staffing**

I am happy to announce that Mark Pioro's title has been changed to better reflect the contribution that he makes to the work of CRPO. Going forward, Mark will be the Deputy Registrar and General Counsel. This gives me the opportunity to acknowledge the excellent work that Mark does and the value he is able to add with his legal expertise.

## 6.1. Client Relations Committee Report to Council June 20, 2019

Committee Members
<ul style="list-style-type: none"> <li>• Carol Cowan-Levine, RP (Chair)</li> <li>• Shelley Briscoe-Dimock, RP</li> <li>• Sue Lymburner, RP (Non-Council Committee Member)</li> <li>• Pat Rayman, RP</li> <li>• Steven Stijacic</li> <li>• Mary Kardos Burton (term ending June 11, 2019)</li> <li>• Barbara Locke Billingsley</li> </ul>

**Committee meetings:**

- n/a

**Panel meetings:**

- n/a

Staff is reporting on Client Relations Committee work completed in between meetings.

At its next meeting, the Committee will further examine feedback from the public consultation regarding the draft Regulation Defining Client for Sexual Abuse Provisions. This will be done to inform discussion of right touch resources that could be developed to assist Council in addressing allegations of sexual abuse by a registrant.

The Committee will receive a report from staff on the association stakeholder meeting that is taking place in June. At this meeting, staff will be sharing information about the regulation development, particularly regarding the research undertaken to arrive at the decision to implement a 5-year prohibition on sexual contact between registrants and former clients.

The committee will be asked to discuss how to raise awareness about the penalties for sexual abuse of a client as established in the Regulated Health Professions Act. In September, the Committee will also review and provide feedback on progress made on the Sexual Abuse Education Program, as per the project plan presented to the Committee.

**Funding for Therapy and Counselling**

Since the last Council meeting, the Committee has not received an application for [funding for therapy and counselling for sexual abuse by members of CRPO](#) in accordance with O. Reg. 59/94: Funding for Therapy or Counselling for Patients Sexually Abused by Members Under the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18.

**Formal Motions to Council**

- n/a

**The Committee Recommends:**

- That the Client Relations staff report to Council be accepted as presented.

Respectfully submitted,

Deborah Adams  
Registrar



## 6.2. Examination Committee Report to Council

June 20, 2019

Committee Members
<ul style="list-style-type: none"> <li>• Andrew Benedetto, RP</li> <li>• Barbara Locke Billingsley</li> <li>• Gary Cockman</li> <li>• Kenneth Lomp, RP (Chair)</li> <li>• Kevin VanDerZwet Stafford, RP</li> <li>• Steven Stijacic</li> </ul>

**Committee meetings:**

- n/a

**Panel meetings:**

- March 18, 2019
- March 21, 2019
- April 3, 2019
- April 30, 2019
- May 24, 2019

**Panel Meetings**

There were five one-hour meetings between March 18 and May 24. Below are the outcomes from these panel meetings.

<b>Total requests reviewed between March 18 and May 24</b>	5
<b>Learning Plan Approved</b>	1
<b>Learning Plan Refused</b>	1
<b>First Exam Attempt Extension Request Granted</b>	1
<b>First Exam Attempt Extension Request Denied</b>	1
<b>Educational Upgrading Extension Request Granted</b>	1

**Formal Motions to Council**

n/a

**The Committee Recommends:**

- That the Examination Committee's Report to Council be accepted as presented.

**Attachments:**

n/a

Respectfully submitted,

Kenneth Lomp  
Chair, Examination Committee

## 6.4. Executive Committee Report to Council June 20, 2019

Committee Members
<ul style="list-style-type: none"><li>• Andrew Benedetto, RP (Chair)</li><li>• Carol Cowan-Levine, RP</li><li>• Sheldon Kawarsky</li><li>• Malcolm MacFarlane, RP</li><li>• Steven Stijacic</li></ul>

### Committee meetings:

- May 30, 2019

At the May 30, 2019 meeting, the Executive Committee considered the following matters:

### Q4 Statement of Operations

J. Falkenburger, Director of Operations & Human Resources, presented the Q4 financial statements to the Executive Committee for information. Executive was satisfied with the report and the financial stability represented.

### Governance Review: Council Evaluations

See agenda item 8.

### Public Register By-law Redundancy Review

See agenda item 11.

### Tariff Rate Increase for Discipline Hearings

See agenda item 13.

### Governance Presentation

Kevin McCarthy, Director, Strategy and Rosanne Jabbour, Strategy Consultant, of the College of Nurses of Ontario presented to the Executive, walking the committee through the CNO's experience in reforming and implementing governance changes. Council will be provided with more detail regarding the work that the CNO is doing over the course of the governance review. Any member of council who has not yet had the opportunity is encouraged to look at the report [A Vision for the Future](#).

### Non-council appointment process

The Executive Committee directed staff to draft a detailed process for recruiting, appointing and reappointing non-council appointments to ensure transparency and consistency.

### Committee Appointments

The Executive Committee appointed Jane Snyder, a public member appointed to CRPO council on March 28, 2019, to the Client Relations, Quality Assurance and Nominations &

Elections Committee. All council members are appointed to the Discipline and Fitness to Practise committees.

**Council vacancies**

The Executive Committee discussed the upcoming changes to council composition with public member terms approaching their end date, pending election results and upcoming resignation of the council member representing District 1 and the anticipated resignation of the Council member representing District 2.

The Executive Committee discussed the appointment of interim committee chairs for the Quality Assurance, Inquiries, Complaints & Reports, and Client Relations Committees. As of the writing of this report to Council, the Executive Committee is being asked to approve the appointment Kenneth Lomp as interim chair of the Quality Assurance Committee; Shelley Briscoe-Dimock as interim chair of the Inquiries, Complaints and Reports Committee; and Sue Lymburner as the interim chair of the Client Relations Committee. An update on this item will be provided at the June 20 meeting.

See agenda item 14 for Council direction on holding a by-election.

**Formal Motions to Council**

n/a

**The Committee Recommends:**

- That the Executive Committee’s Report to Council be accepted as presented.

Respectfully submitted,

Andrew Benedetto  
Chair, Executive Committee

## 6.4. Inquiries, Complaints and Reports Committee Report to Council June 20, 2019

<b>Committee Members</b>
<ul style="list-style-type: none"> <li>• Kevin VanDerZwet Stafford, RP (Chair)</li> <li>• Shelley Briscoe-Dimock, RP</li> <li>• Carol Cowan-Levine, RP</li> <li>• Miranda Goode Monastero, RP</li> <li>• Kathleen (Kali) Hewitt-Blackie, RP (Non-Council Committee Member)</li> <li>• Mary Kardos Burton (appointment expired on June 11, 2019)</li> <li>• Sheldon Kawarsky (appointment expires December 11, 2019)</li> <li>• Kenneth Lomp, RP</li> <li>• Paula (Pat) Rayman, RP</li> <li>• Steven Stijacic (re-appointed February 28, 2019; appointment expires August 27, 2019)</li> </ul>

### Plenary meetings:

- April 5, 2019

### Panel meetings:

- March 8, 2019
- March 14, 2019
- March 29, 2019
- April 5, 2019
- May 2, 2019
- May 29, 2019
- June 6, 2019
- June 10, 2019

### New Complaints & Reports Summary<sup>1</sup>

Current fiscal (to date)	April 1, 2019-Present
<b>Formal Complaints</b>	9
<b>Registrar's Investigations</b>	0

### Complaints and Reports

A panel of the ICRC meets monthly to make decisions on formal complaints and reports. In total, the College is currently processing 55 open formal complaints and 15 open Registrar's Investigations. Of the 34 formal complaints received in 2017-2018, two files remain open. The committee has made a decision on approximately 26<sup>2</sup> of the 57 complaints received between 2018-2019.

<sup>1</sup> Doesn't include ongoing complaints and reports opened in previous fiscal years.

<sup>2</sup> A number of these written decision and reasons are in the process of being drafted.

**Health Professions Appeal and Review Board (HPARB)**

HPARB reviews complaint decisions of the ICRC when the complainant or member chooses to initiate an appeal. In May, the Board released decisions concerning two complaints about use of title, advertising, assessments used in court, and communicating a diagnosis. The Board confirmed ICRC's decision in both cases, which included issuing written advice and taking no action. The College is currently awaiting four decisions on appeals which have been heard by the Board.

**Plenary Meeting**

On April 5, 2019, the ICRC met for its semi-annual committee meeting. The ICRC discussed feedback and updates about the complaints and reports processes including audio-recording investigative interviews. The committee also reviewed new College resources including guidelines, checklists, and workbooks which can be referred to during deliberations. L. Marttinen, Manager, Quality Assurance attended the meeting to present on the Peer and Practice Review process and how it can be used as a tool by ICRC.

Finally, the committee discussed the potential development of resources for members working in the area of custody and access disputes. The Committee directed staff to conduct internal research and bring its results back to the Committee for review. The ICRC discussed how it might share its research with the Quality Assurance department for the purposes of resource development.

Respectfully submitted,

Kevin VanDerZwet Stafford  
Chair, Inquiries, Complaints & Reports Committee

## Quality Assurance Committee Report to Council June 20, 2019

Committee Members
<ul style="list-style-type: none"> <li>• Andrew Benedetto, RP</li> <li>• Kayleen Edwards, RP (Non-Council Committee Member)</li> <li>• Mary Kardos Burton (Chair) (term ending June 11, 2019)</li> <li>• Sheldon Kawarsky</li> <li>• Kenneth Lomp, RP</li> <li>• Malcolm MacFarlane, RP</li> <li>• Miranda Monastero, RP</li> <li>• Pat Rayman, RP</li> </ul>

**Committee meetings:**

- June 4, 2019

**Panel meetings:**

- March 7, 2019
- April 12, 2019

At the June 4, 2019 plenary meeting, the Quality Assurance Committee (QAC) engaged in training and education and considered the following matters:

**Setting Priorities for the QA Program**

QAC supported priorities for development of committee workplan. A key priority was to develop a workplan based on an evaluation of data and other information that emerges from a variety of sources, including: the various departments of the College, member feedback, the broader regulatory sector, government and the public. Committee discussed how to improve input from the public and how the development of a workplan would fit into the development of the College and Council's strategic plan.

A draft workplan will be presented for QAC review in September.

**Panel Decisions**

The table below summarizes the cases that were reviewed by panel in the 2018-2019 fiscal year:

Case Type	Number Reviewed
Deferral requests	11
Incomplete Professional Development (PD) requirements	12
Peer and Practice Review (PPR) – Review of ambiguous Step 1 results	5
PPR – Review of Step 2 results	15

The table below summarizes the cases that have been reviewed by panel since the beginning of the 2019-2020 fiscal year:

<b>Case Type</b>	<b>Number Reviewed</b>
Deferral requests	1
Incomplete Professional Development (PD) requirements	1
Peer and Practice Review (PPR) – Review of Step 2 results	4

### **Message from QAC Chair**

As my tenure as Chair of the Quality Assurance Committee has come to a close, I would like to thank my fellow Committee members for the hard work that you have dedicated to CRPO's QA Program. The tools, policies, and resources that the Committee has developed support the continuing competence of members and simultaneously further the College's mandate to regulate the profession in the public interest. I appreciate the knowledge, judgement, and experience that you have all brought to your work in panel deliberations and policy development.

I extend my best wishes to the Committee and the interim Chair, Ken Lomp, as you continue to build and improve on the established foundation of the CRPO QA Program.

I would also like to thank CRPO staff for their dedication and support, and the College for providing me this opportunity. It was a learning experience that I will carry with me in my future endeavors.

### **Formal Motions to Council**

n/a

### **The Committee Recommends:**

- That the Quality Assurance Committee's Report to Council be accepted as presented.

### **Attachments:**

n/a

Respectfully submitted,

Mary Kardos Burton  
Former Chair, Quality Assurance Committee

## 6.6. Registration Committee Report to Council June 20, 2019

### Committee Members

- Malcolm MacFarlane, RP (Chair)
- Heidi Ahonen, RP (Non-Council Committee Member)
- Andrew Benedetto, RP
- Barbara Locke Billingsley
- Gary Cockman
- Carol Cowan-Levine, RP
- Sheldon Kawarsky
- Muriel McMahon (Non-Council Committee Member)

#### Committee meetings:

- April 25, 2019

#### Panel meetings:

- March 8, 2019
- March 22, 2019
- May 3, 2019
- May 31, 2019

At the April 25, 2019 plenary meeting, Registration Committee considered the following matters:

#### **Clinical Experience Policy**

At the March 1 meeting, Council reviewed a draft clinical experience policy and returned it to the Registration Committee for further review. The Committee has agreed that, based on experiences in recent Regular Route panel meetings, it is not necessary to develop a new policy at this time. Instead, the Committee intends to review current policies to determine whether they require revision and will consider staff research on topics related to clinical experience.

#### **Qualifying Certificate Expiration**

The Registration Committee considered a proposed procedure for referring Qualifying members to the Registration Committee when their certificates of registration expire. This procedure would give members a mechanism for appealing the expiration to HPARB rather than going to court.

#### **Criminal Background Checks**

The Registration Committee considered the matter of requiring criminal background checks for applicants and/or current members. The Committee recommends to Council that a public consultation be held on the questions of requiring applicants to submit criminal record and judicial matters checks and conducting a random audit of current members.



### **Bridge to Registration and Employment in Mental Health (BREM)**

The Registration Committee voted to accept successful completion of the Bridge to Registration and Employment in Mental Health program as satisfying Section 6(1)(1)(iv) of the Registration Regulation.

### **Program Recognition Renewal**

The Registration Committee reviewed and approved the program recognition renewal form and process.

### **QA Clinical Supervision Tools**

The Registration Committee considered the use of tools currently used and developed by the Quality Assurance Committee in the Peer and Practice Review process that could be adopted for use by the Registration Committee.

### **PLAR Policy**

The Registration Committee reviewed and approved draft guidelines for Prior Learning Assessment and Recognition policies.

### **Credential Assessment Policy**

The Registration Committee reviewed and approved a policy on acceptable assessment providers for internationally trained applicants.

### **Regular Route and IRTG Panels**

The Registration Committee discussed recent deliberations on regular route applications and a grandparenting application with Indigenous training. The Committee considered possible changes to the contents and format of regular route panel packages and how to prepare for possible future applications using the Indigenous Pathway to Registration form.

### **Panel Meetings**

The March 8 meeting was three hours in length. The other listed meetings were full-day meetings. Below are the statistics for these meetings up to May 3. At the time this report was written, the May 31 meeting had not yet taken place.

<b>Total applications reviewed between March 8 and May 3</b>	<b>35</b>
<b>Approved</b>	<b>9</b>
<b>Refused</b>	<b>17</b>
<b>Terms, Conditions &amp; Limitations</b>	<b>6</b>
<b>Conditional Approvals</b>	<b>2</b>
<b>Remove Terms, Conditions &amp; Limitations</b>	<b>1</b>

### **Health Professions Appeal and Review Board Update**

Since the March 1, 2019 Council meeting update, the Health Professions Appeal and Review Board (HPARB) has returned seven decisions. HPARB returned the first five of the files to the Registration Committee for reconsideration. HPARB confirmed the panel's refusal for the last two decisions listed below.

HPARB orders and reasons are posted on CanLii. These are linked below:

- [A.B. v College of Registered Psychotherapists](#)
- [D.V. v College of Registered Psychotherapists](#)
- [R.Z.H. v College of Registered Psychotherapists](#)
- [D.F. v College of Registered Psychotherapists](#)

- [S.H.C. v College of Registered Psychotherapists](#)
- [T.L.R. v College of Registered Psychotherapists](#)
- [V.G.V. v College of Registered Psychotherapists](#)

**Committee Membership Changes**

Muriel McMahon, RP was appointed as a Non-Council Committee Member February 7, 2019.

**Formal Motions to Council**

- See agenda item 9.

**The Committee Recommends:**

- That the Registration Committee's Report to Council be accepted as presented.

**Attachments:**

n/a

Respectfully submitted,

Malcolm MacFarlane  
Chair, Registration Committee

## Briefing Note for Council

<b>Meeting Date:</b>	June 20, 2019
<b>Agenda Item #</b>	9
<b>Issue:</b>	Criminal Background Checks
<b>Attachment(s):</b>	-
<b>References:</b>	<ol style="list-style-type: none"> <li>1. <a href="#">CNO's Requirements on Police Checks</a></li> <li>2. <a href="#">What You Need to Know about Police Record Checks by Debra McKenna at WeirFoulds LLP</a></li> <li>3. <a href="#">Criminal Records Redux: The New Posting Requirements in the Regulated Health Professions Act by Debra McKenna at WeirFoulds LLP</a></li> <li>4. <a href="#">Ministry of Community Safety &amp; Correctional Services Police Check Comparison Chart</a></li> <li>5. <a href="#">Registration Regulation</a></li> </ol>
<b>For:</b>	Information <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Decision <input checked="" type="checkbox"/>
<b>Staff Contact:</b>	S. Fraser
<b>Submitted by:</b>	Registration Committee

### Background:

Currently, CRPO requires mandatory self-disclosures at initial registration and annual renewal. A police check is only requested by staff when an individual self-discloses a legal finding. We request a police check in these cases to verify what the individual has reported.

The item of criminal background checks has been discussed previously at the following meetings:

- April 25, 2016 RC Plenary
- July 22, 2016 RC Plenary
- September 8, 2016 Council Meeting
- March 24, 2017 RC Plenary
- June 16, 2017 RC Plenary
- April 25, 2019 RC Plenary

In these meetings, discussions have included the following:

- Police check options available.
- Pros and cons to requiring police checks.
- Legal counsel's opinion about the usefulness of police checks.
- Potential process to audit members.
- What other colleges require (see reference #1 linked above to read what the College of Nurses requires and the third party they use to obtain police checks)
- Feedback from the 12 stakeholder consultation submissions, almost all of which disagreed with implementing police checks, made between October and December 2016.
- A staff administrative revocation of a certificate of registration for failure to disclose a legal finding, which is still the only one that has occurred to date.

The item of criminal background checks is brought forward again for Council's consideration due to changes to the *Police Record Checks Reform Act, 2015* and *Regulated Health Professions Act, 1991*. The changes and associated implications to regulated health colleges are summarized in references #2 and 3 which are linked above.

## **Key Considerations:**

### **Police Check Options**

- a. criminal record check
- b. criminal record and judicial matters check
- c. vulnerable sector check

The Ministry of Community Safety & Correctional Services website has a helpful chart in comparing the differences between and what is disclosed in each police check (see reference #4 linked above).

The other 25 health regulatory colleges were surveyed on their use of police checks in registration. Eighteen responses were received. Eight colleges currently require police checks for applicants. The College of Midwives also requires police checks of current members if there are concerns about the member. The College of Occupational Therapists is considering a random audit of members. Two colleges are currently in the process of requiring police checks for applicants (Colleges of Pharmacists and Podiatrists). Eight colleges do not currently require police checks. Two of those colleges are planning or considering a requirement (Colleges of Medical Laboratory Technologists and Medical Radiation Technologists).

### **Pros of Requiring a Police Check**

- Valuable way to verify conduct statements in the application form.
- Further reassurance to the College and the public that the applicant is being open and honest about their background.

### **Cons of Requiring a Police Check**

- The requirement to submit a police check is not in the Registration Regulation or by-laws. Requiring the police check of applicants can be included under section 3(1) of the Regulation as part of the application form.
- Additional cost to applicants/members.
- Burden to applicants/members to obtain a police check.
- Not 100% effective as some reports do not indicate previous convictions.
- For international applicants, the requirement might have a disproportionate effect, possibly creating human rights challenges. For example, obtaining the checks might be difficult or the statements might not be as reliable.
  - Note: The Fairness Commissioner did not take a position on the implementation of a criminal record check requirement.
- Operational implications for staff to receive and review police checks.

## **Recommendations:**

The Registration Committee recommends requiring all applicants to submit a criminal record and judicial matters check, and that randomly audited current members be required to submit a criminal record and judicial matters check.

Given the implications for making these changes to the registration requirements, the Registration Committee recommends a separate survey regarding the proposed change for (1) applicants and (2) randomly audited members be circulated for 60-day public consultation. To avoid confusion, staff recommends that the surveys not be conducted at the same time. Staff recommends the survey specific to applicants be conducted first with the results coming back to Council before a survey specific to randomly audited members being circulated.

**Implementation date:**

TBD

**Proposed Motion:**

That Council approve the 60-day circulation of the proposal that all applicants be required to submit a criminal record and judicial matters check.

## Briefing Note for Council

<b>Meeting Date:</b>	June 20, 2019
<b>Agenda Item #</b>	11
<b>Issue:</b>	Public Register By-law Redundancy Review
<b>Attachment(s):</b>	<ul style="list-style-type: none"> <li>• Suitability to Practise Policy</li> <li>• Posting non-college conduct on the public register</li> </ul>
<b>References:</b>	<a href="#">CRPO By-laws</a>
<b>For:</b>	Information <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Decision <input checked="" type="checkbox"/>
<b>Staff Contact:</b>	M. Pioro
<b>Submitted by:</b>	Executive Committee

### Background:

There are several sources of legal authority that determine what information goes onto the public register. Section 23(2) of the Health Professions Procedural Code (“Code”) sets out a list of items to be posted on the public register. Paragraph 19 of subsection 23(2) allows the government to make regulations stipulating additional information to be posted on the public register. Paragraph 20 of subsection 23(2) allows colleges to make by-laws requiring information to be kept on the public register. It is possible for redundancy or inconsistency to result from these multiple sources of authority.

CRPO’s Council previously amended the by-laws to promote transparency regarding:

- Criminal findings of guilt
- Current bail and similar conditions
- Undertakings to the College
- In-person cautions
- Specified education and remediation programs
- Criminal charges
- Etc.

More recently, the Code was amended, and a regulation was created, requiring the posting of some of the same items already required by the by-laws. There is currently some duplication between the by-laws and the Code/regulation.

### Key Considerations:

Staff conducted a comparison of by-laws and Code/regulation provisions dealing with the public register. In some cases, it was found that the by-laws offered greater transparency than the Code/regulation. In such cases it is recommended that the by-laws remain as-is. An example is regarding referrals to the Discipline Committee. While the Code requires the status of the hearing be posted on the public register, the by-laws specify in greater detail what status items may be posted, e.g. awaiting scheduling, hearing dates scheduled, awaiting decision.

In contrast, some by-laws have inconsistencies with the Code/regulation that could cause confusion. Examples are as follows:

### ***Findings of guilt***

The by-laws, at article 21.08, states the following shall be posted:

(xvii) where there has been a finding of guilt of which the College is aware, against a member under the Criminal Code or Controlled Drugs and Substances Act, made on or after April 1, 2015, a brief summary of: a. the finding, b. the sentence or penalty, c. where the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of, and d. where known to the College, the dates relevant to the summary required under this section;

Meanwhile, the regulation under the RHPA states that the following shall be posted:

1. If there has been a finding of guilt against a member under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) and if none of the conditions in subsection (2) have been satisfied,

- i. a brief summary of the finding,
- ii. a brief summary of the sentence, and
- iii. if the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of.

(2) The conditions referred to in paragraph 1 of subsection (1) are the following:

1. The Parole Board of Canada has ordered a record suspension in respect of the conviction.
2. A pardon in respect of the conviction has been obtained.
3. The conviction has been overturned on appeal.

The two provisions (by-law and regulation) are highly similar, with the exception that the by-law does not provide for removal of the finding of guilt upon a successful appeal, pardon or record suspension. While the College would interpret the regulation to supersede the by-law, to avoid confusion it is recommended that the by-law be repealed. Findings of guilt under the Criminal Code of Canada (CCC) and Controlled Drugs and Substances Act (CDSA) would still be posted under the authority of the regulation.

### ***Criminal charges***

The by-laws, at article 21.08, states the following shall be posted:

(xxii) Where a Member has been charged with an offence under the Criminal Code of Canada or the Controlled Drugs and Substances Act that the Registrar believes is relevant to the Member's suitability to practise, and the charge is outstanding and is known to the College, the fact and content of the charge and, when known to the College, the date and place of the charge.

Meanwhile, the regulation under the RHPA states that the following shall be posted:

3. If a member has been charged with an offence under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) and the charge is outstanding,

- i. the fact and content of the charge, and
- ii. the date and place of the charge.

The by-law is narrower in that only those charges deemed relevant to a member's suitability to practise would be posted. (In contrast, all CCC and CDSA charges are to be posted according to the regulation.)

To avoid confusion, staff recommends repealing the by-law. All CCC and CDSA charges will still be posted under the authority of the regulation. For clarity, retaining the by-law would not limit posting of charges to those deemed relevant to a member's suitability to practise. Under the regulation, *all* CCC and CDSA charges would still need to be posted.

### ***Suitability to Practise Policy***

CRPO has published a [suitability to practise policy](#), which was approved by Council in May 2017. It outlines the substance and process for determining whether a member's conduct is relevant to their suitability to practise psychotherapy. The policy is based on by-laws that required posting of charges deemed relevant to a member's suitability to practise. These by-laws are now recommended to be repealed. As a result, the suitability to practise policy will be out-of-date. Staff therefore alerts Council that the policy will need to be repealed along with the by-laws. A revised policy regarding suitability to practise and process regarding posting information to the public register are being shared for information.

### **Recommendations:**

That Council circulate for 60-day public consultation, the following proposed by-law changes:  
Repealing paragraphs (xvii) and (xxii) of article 21.08 of the by-laws.

### **Proposed Motion:**

That Council approve circulating the following proposed by-law amendments for public consultation: Repealing paragraphs (xvii) and (xxii) of article 21.08 of the by-laws.



# Suitability to Practise

**Approved by:** Council

**Date:**

## 1. Adoption of Policy

1.1 This policy shall take effect on [redundant bill 87 by-law amendment date].

## 2. Background

2.1 In several situations, the College needs to consider whether information about an applicant or member is relevant to their suitability to practise psychotherapy. These situations include receiving information about an applicant's conduct during the registration process, determining whether the College ought to investigate a report about a member's conduct, and deciding whether to publish or remove information about a member's conduct on the public register after a period of time.

## 3. Considerations

3.1 The mandate of the College is to regulate Registered Psychotherapists (RPs) in the public interest, striving to ensure that practitioners are competent, ethical and accountable. All members of CRPO are expected to practise safely, professionally and ethically, and to abide by standards of professional conduct. The *Code of Ethics* reminds members of their ongoing responsibilities as community members and citizens.

Conduct that goes against professional standards and ethics could include, but is not limited to:

- Dishonesty or a breach of the public's trust, including sexual misconduct
- Disruptive, rude or disrespectful behaviour towards clients or other health care professionals
- Neglecting professional obligations
- Providing services that are not in the client's best interest, including unnecessary treatment or services for personal financial gain
- Violence

3.2 The following factors should be considered in determining whether conduct is relevant to suitability to practise:

- Whether the conduct in question occurred while practising the profession of psychotherapy
- Whether the conduct would bring disgrace or dishonour to the profession
- Whether the conduct put an individual or the public at risk
- Whether the conduct is part of a pattern of behaviour or an isolated event
- Whether the conduct suggests discrimination, disregard or disrespect for people based on a ground protected by the Human Rights Code (race, colour, ancestry, creed (religion), place of origin, ethnic origin, citizenship, sex (including pregnancy, gender identity), sexual orientation, age, marital status, family status, disability, receipt of public assistance)
- Passage of time since the conduct occurred and the absence of more recent concerns about the applicant's or member's conduct
- Any remorse, insight and remediation demonstrated since the conduct occurred

There may be other factors not listed above that will be considered relevant in individual circumstances.

3.3 In applying the criteria, available information should be consulted to decide whether the particular information is relevant to the ability to practise safely and professionally.

#### **4. Potential Changes to Policy**

4.1 This policy will be monitored on an ongoing basis and will be subject to revision or cancellation at any time if approved through Council vote.

## Posting Non-College Conduct on the Public Register

### Process

4.2 This process applies to information about a member's conduct governed by outside bodies (e.g. courts of law, other regulators).

4.3 If the Registrar receives information about a member's conduct that is required to be posted on the public register, the College may follow up with the member or third parties seeking further information, including relevant court filings if applicable.

4.4 CRPO will provide notice to the member that it intends to post the information and an opportunity to respond. If the member provides a response within the allotted timeframe, the Registrar will consider the member's response before making a final decision regarding whether and what information to post on the public register. If the member fails to respond within the allotted timeframe or the Registrar nonetheless concludes that the information is required to be posted on the public register, publication on the public register will occur. If the Registrar determines that the information is not required to be posted on the public register, then the information will not appear on the public register.

4.5 For criminal charges, the College will include a notation on the public register specifying that the charge has not been proven, may be withdrawn or an individual may be found not guilty.

4.6 Information may not be posted if it would or could identify a third party or violate a publication ban. Accordingly, the College reserves the right to limit and withhold the content it publishes on the register.

4.7 If new information becomes available warranting removal of information from the public register (e.g. a finding is overturned on appeal, a charge is withdrawn, or a pardon has been obtained regarding a criminal offence), the College will remove any notation from the public register no more than 5 (five) business days after being satisfied of the charge.

### Authority:

Health Professions Procedural Code,<sup>1</sup> section 23.

Information Prescribed under Subsection 23 (2) of the Health Professions Procedural Code<sup>2</sup>

CRPO by-laws, article 21.08

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<sup>1</sup> *Regulated Health Professions Act, 1991*, SO 1991, c 18, Schedule 2.

<sup>2</sup> O Reg 261/18.

## Briefing Note for Council

<b>Meeting Date:</b>	June 20, 2019
<b>Agenda Item #</b>	12
<b>Issue:</b>	Registration History on Public Register
<b>Attachment(s):</b>	Public consultation results
<b>References:</b>	<a href="#">CRPO by-laws, article 21.08(vi)</a>
<b>For:</b>	Information <input type="checkbox"/> Discussion <input type="checkbox"/> Decision <input checked="" type="checkbox"/>
<b>Staff Contact:</b>	M. Pioro
<b>Submitted by:</b>	Executive Committee

### Background:

At the March 1, 2019 Council meeting, Council approved circulating the following proposed by-law amendments for public consultation:

Amending article 21.08(vi) by adding “and membership was terminated on or before [Date of Enactment of By-law]” after “non-payment of fees”; and

Enacting as article 21.08(xxiii), “the classes of certificate of registration held by the member and the date on which each certificate was issued.”

The public consultation concluded on May 7, 2019 and 29 responses were received. The survey results are presented here for information.

### Key Considerations:

Based on the feedback that was received via the public consultation, CRPO staff reached out to several third-party insurance providers (Manulife, SunLife, Canadian Life and Health Insurance Association) to obtain information on their procedures when considering reimbursing plan members for psychotherapeutic services. Each provider emphasized the importance of having a registrant’s registration history readily available on the public register for insurers to refer to when processing claims.

### Recommendation:

The Executive Committee recommends that Council approve the proposed by-law amendments.

### Proposed Motion:

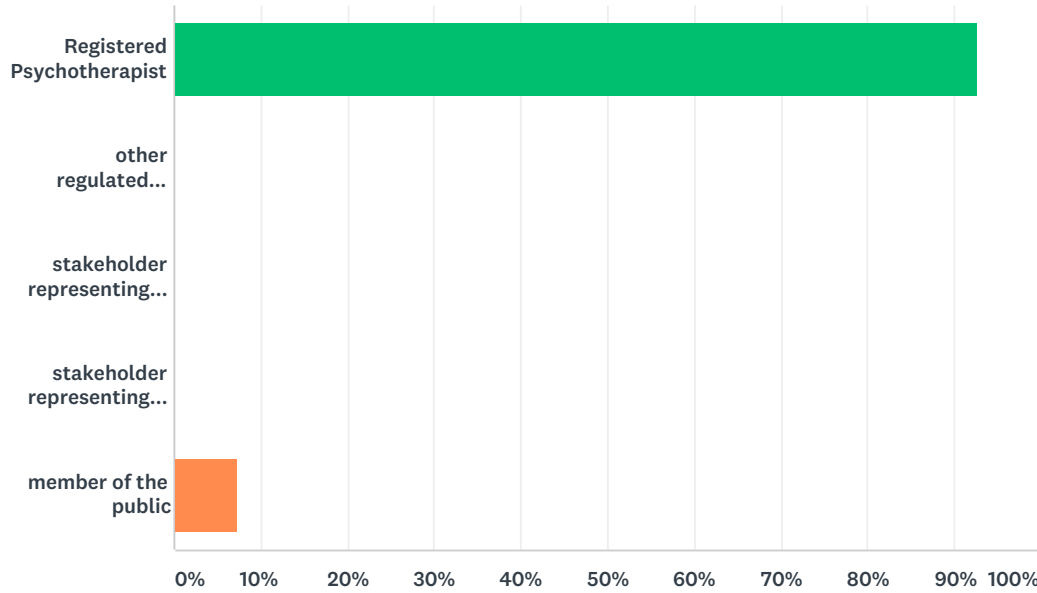
That Council approve the following by-law amendments:

Amending article 21.08(vi) by adding “and membership was terminated on or before [Date of Enactment of By-law]” after “non-payment of fees”; and

Enacting as article 21.08(xxiii), “the classes of certificate of registration held by the member and the date on which each certificate was issued.”

### Q1 Are you a:

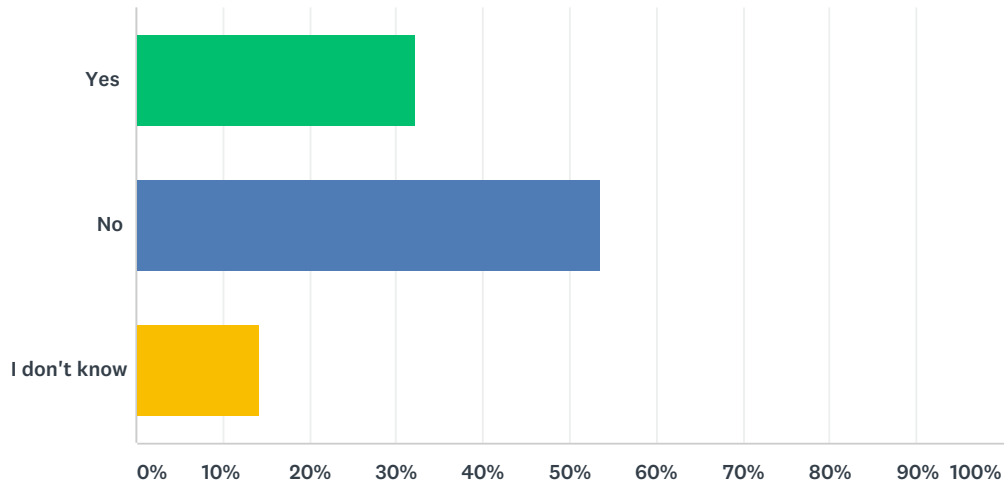
Answered: 27 Skipped: 2



ANSWER CHOICES	RESPONSES	
Registered Psychotherapist	92.59%	25
other regulated professional	0.00%	0
stakeholder representing a professional organization	0.00%	0
stakeholder representing a service-providing organization	0.00%	0
member of the public	7.41%	2
Total Respondents: 27		

## Q2 Do you support the proposed by-law amendments?

Answered: 28 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	32.14%	9
No	53.57%	15
I don't know	14.29%	4
<b>TOTAL</b>		<b>28</b>

### Q3 Please provide your comments here (optional):

Answered: 21 Skipped: 8

#	RESPONSES	DATE
1	I do not support the amendment to vi because RPs are starved by STILL having to submit HST even with 5 provinces now regulated. (Is this even legal?). If an RP can't afford the registration fee they are likely not in any way blame-worthy, it is likely a result of this inequality under the law (discriminating against one group), and they should FOR SURE not have to be unfairly punished with an indefinite mark on their professional record. In fact if someone can't pay their registration fees, there should be a mechanism for the government to pay it for them until such a time as the HST exemption comes into effect.	5/7/2019 4:41 PM
2	Non-payment of fees could occur for completely innocuous or inadvertent reasons and should not remain permanently on public record in these cases.	5/6/2019 5:41 PM
3	This seems punitive to the members. What purpose does it serve and how does it protect the public? There may be reason why a member is not up to date in their fees but perhaps it is better to add a fine to the members thus encouraging them to pay their fees. I don't think this needs to be public. If a member has done something wrong that they hurt the public that is another matter.	5/3/2019 10:32 AM
4	It's my feeling that, if in the past a RP was not able to practice but can now, they have met their obligations and should not be potentially discriminated against moving forward. This information can be made available to the public, etc. when/if requested. Also, transfers of category are between the College and the member. It is up to the member to use proper professional designations and to work within their level of registration. The CRPO can do a lot to monitor this - just do a few Google Searches or look on some popular advertising sites! As far as this regulation is concerned, I'd like to propose that the CRPO treat RPs as professionals and hold them responsible when in breach of terms. The CRPO should not be disclosing information "just in case" a RP acts in a way that is unprofessional or misrepresents his/her designation.	5/3/2019 6:20 PM
5	There is no reason to track these things on the register. Individual timing for switching from categories is based on many factors that are personal and don't reflect anything meaningful for the public. If someone is registered or not should be the only concern unless they have been disciplined. As for the late fee penalties going on...again this is not a credit check. Completely irrelevant to the public if someone had a past due but are now paid up.	4/12/2019 3:53 PM
6	I don't know if it is necessary to have on the public record a suspension for non-payment of fees in case it was a simple oversight by a member in good standing in every other way.	4/11/2019 6:25 PM
7	But I prefer the notifications to be posted after the by law approval, if that happens.	4/10/2019 8:06 AM
8	Not relevant to clients care or fitness to practice etc - borders on publicly airing members' financial situation eg in a case when member allows membership to lapse for financial reasons. People may take a leave for a period of time for other reasons that may be personal (bereavement, surgery, eg) that they may not wish to have to share publicly or with clients, for their own reasons or for reasons of protecting clear boundaries of therapeutic relationship	4/9/2019 8:59 AM
9	Previous penalties for financial non-payment (prior to the by-law being passed) are unnecessary. however other offences involving client harm, misrepresentation, or malpractice should be noted on the public record.	4/9/2019 2:50 AM
10	Although I understand that the reason for the (past) suspension would be posted, I would hold that a) many people would not read past the initial note of "was suspended" and b) any kinds of automatic evaluation as for example by programs of third party websites who want to gather information for any reason would not be able to differentiate between financial suspensions and other suspensions. I absolutely support the posting of ACTIVE suspensions due to finances but I don't believe that this information belongs into a public register after the dues have been paid.	4/8/2019 7:12 PM
11	Listing a registrant's history of suspensions for non-payment is relevant information for the public to have. Not paying fees on time speaks to a registrant's attitude toward professional obligations in that it looks like they don't value them very much. It looks like those registrants don't value their privileges are self-regulated professionals if they neglect that professional obligation.	4/8/2019 2:34 PM



12	I feel the public registry should be a place of reference for the public to determine whether or not a person is registered with CRPO. I feel that displaying dates of when a person was RP Qualifying and when they became RP is irrelevant information and quite frankly could be misleading. For instance, I completed my education program before a classmate of mine and received my RP Qualifying more than 6 months ahead of my classmate because my classmate took longer than me to complete certain components of our education program. We both wrote the exam for CRPO at the same time and both transferred to the RP classification at the same time. If all that is listed on the public registry are dates it's an incomplete story. Was my classmate "faster" at getting through the RP Qualifying process than me? Why did I take "longer"? Posting those dates actually creates questions that in the case I've listed above are pretty irrelevant. Publishing a late payment on the public registry is also not relevant, this isn't a credit report (if it was, it would be confidential and not public). It's punitive and I don't see how a late payment directly affects a person's ability to competently practice as a psychotherapist. The public registry should be a list of people who are registered with the college. This additional information is not transparency.	4/8/2019 2:20 PM
13	I agree with publishing history related to whether a member was qualifying, active, or inactive. I hesitate to agree with publishing reasons such as non payment of fees. I feel this would be detrimental to the practioner when really it could have been due to financial hardship and not any sort of malpractice. However, I think in cases where a member terminates or resigns from the college it is important to post the reason (ie were they kicked out or did they leave voluntarily to say practice as part of another college or move to a different province).	4/8/2019 2:16 PM
14	I feel that temporary moments of poverty shouldn't stigmatize a psychotherapist indefinitely. Just because other colleges do a certain thing, doesn't make it correct. Many other colleges who are embedded in the 'medical model' are quite outdated, and don't consider systemic issues. Psychotherapy thrives best when practiced systemically, and i think we need to honor this by having integrity to these values. I don't support oppressing psychotherapists due to systemic disadvantages. Their inability to pay dues is private and personal.	4/8/2019 2:03 PM
15	Adding the category or registration is important. such as RP independent, or RP qualifying.	3/25/2019 10:17 AM
16	It is unclear as to what this means. If the information would only be made public for individuals who are suspended after the by-law has been made I don't agree. Either everyone's information or no one's information needs to be public, period.	3/18/2019 8:28 PM
17	I believe the information should be added retroactively as it is imperative that if the public register claims to report such information that it is accurate. Otherwise someone who was inactive in 2017 would appear to have never been inactive on the public register.	3/16/2019 2:22 PM
18	posting payment status on the public register is punitive and feels like shaming. Is the suspension of membership and RP status not enough?	3/13/2019 9:05 PM
19	I'm OK with posting all change of status data but I think the current practice of deleting past suspensions -for-non-payment-of-fees is a good one -- a particle of evidence that we still think like therapists and not like police...	3/13/2019 11:10 AM
20	Once a payment issue (late payment) has been cleared it should not be reflected on the public registry. The public registry isn't a credit report. Additionally, the dates for changes in license class on the public registry isn't necessary. What is necessary for the public to know is whether a person is licensed or not.	3/11/2019 6:55 PM
21	I don't think the inability of a member to pay the registration fees/suspension for non-payment status needs to be publicly listed indefinitely. It serves both the regulatory requirements and public interest enough to simply state whether or not a member is actively registered or has been suspended in real-time - I don't see what purpose it serves to keep a historical accounting of this other than perhaps to shame a member for non-payment or make them look unreliable to the public.	3/11/2019 11:50 AM

## Briefing Note for Council

<b>Meeting Date:</b>	June 20, 2019
<b>Agenda Item #</b>	13
<b>Issue:</b>	Tariff Rate Increase for Discipline Hearings
<b>Attachment(s):</b>	-
<b>References:</b>	-
<b>For:</b>	Information <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Decision <input checked="" type="checkbox"/>
<b>Staff Contact:</b>	M. Pioro
<b>Submitted by:</b>	Executive Committee

### Background<sup>1</sup>

The Health Professions Procedural Code (the "Code") allows a panel of the Discipline Committee, "in an appropriate case", to require a member who has committed an act of professional misconduct or who is incompetent to pay all or part of:

1. The College's legal costs and expenses;
2. The College's costs and expenses incurred in investigating the matter; and
3. The College's costs and expenses incurred in conducting the hearing.<sup>2</sup>

While the Code allows the Discipline Committee to award costs in the three categories above, in order for the College to obtain costs in the three categories above, the prosecutor for the College would be required in every case to call or file evidence to prove the actual costs incurred and to make legal argument that the costs incurred were reasonable. Proving and arguing costs is itself a time-consuming and litigious process, essentially resulting in a separate hearing on costs after the hearing on the merits is complete.

The tariff rate represents an exception to the requirement to call or file evidence to prove actual costs incurred and the associated obligation to make argument that those costs are reasonable, with respect to the third category set out in the Code.

More specifically, the Rules of Procedure of the Discipline Committee (the "Rules") provide that where the College's request for costs includes "the cost to the College of conducting a day of hearing" (i.e. the 3rd category set out in the Code), no evidence is needed to prove that cost, provided that the request is equal to or less than the amount set out in Tariff A to the Rules.<sup>3</sup> The amount set out in Tariff A to the Rules is known as the "tariff rate".

Given that it is possible to request and obtain tariff rate costs without the need to call or file evidence to prove actual costs incurred or to make legal argument that the costs incurred were

<sup>1</sup> Acknowledgement: College of Physicians and Surgeons of Ontario background material to CPSO Council.

<sup>2</sup> Section 53.1.

<sup>3</sup> Rule 13.04(3).

reasonable, it has historically been the practice of College counsel to request costs based on the tariff rate per day of hearing.

The College still can, in appropriate cases, call or file evidence to prove the actual costs incurred in all three categories.

***How the tariff rate is calculated***

As indicated above, the tariff rate is defined in the Rules to be "the cost or expense to the College of conducting a day of hearing". The fixed costs of conducting a day of hearing can vary significantly. The tariff rate is based on the elements of a day of hearing time set out in the chart below. The numbers in this chart reflect an example of costs for a day of hearing in 2019, rounded down to the nearest dollar:

<b>Item<sup>4</sup></b>	<b>Estimated Cost per Hearing Day</b>
3 professional Discipline Committee panel members – time <sup>5</sup>	\$775
3 professional Discipline Committee panel members – transportation and maintenance (lodging and food) expenses <sup>6</sup>	\$361
Independent legal counsel – time <sup>7</sup>	\$2250
CRPO prosecutor – time <sup>8</sup>	\$2372
Hearing facility (includes court reporter) <sup>9</sup>	\$1069
<b>Total:</b>	<b>\$6827</b>

The elements included in the tariff rate have not historically included an estimate of the time spent by Discipline Committee panel members for travel time, deliberation days or for writing the decision (for which professional panel members are paid), or for expenses incurred by College counsel (e.g. photocopying costs for briefs of evidence, authorities and argument filed with the Committee). Moreover, the elements included in the tariff rate do not include certain variable costs associated with conducting a contested hearing, such as witness expenses (including travel and lodging), expert fees and expenses (including travel and lodging), and the cost of transcripts of the evidence (prepared by the court reporter) for members of the Committee (if needed). As such, the estimate reflected in the table above represents a conservative estimate of the College's actual costs of conducting a day of hearing, and a fraction of the actual investigative and legal costs and expenses incurred in conducting an investigation and preparing for a hearing.

<sup>4</sup> Costs do not include HST.

<sup>5</sup> Three RPs \*\$225. Public members of the Discipline Committee are paid by the Government of Ontario, not by CRPO.

<sup>6</sup> Travel and lodging costs vary widely depending on where professional members of the panel reside; this is a relatively low example of costs as for one day of hearing, as it does not include airfare travel or overnight accommodation, which would be required if professional panel members were traveling relatively larger distances within Ontario to attend the hearing.

<sup>7</sup> This reflects the actual charge by independent legal counsel for a single day of hearing time.

<sup>8</sup> This reflects the actual charge by independent legal counsel for a single day of hearing time.

<sup>9</sup> This reflects the actual charge by the facility for a single day hearing.

When CRPO's inaugural discipline rules were adopted in 2014, a tariff rate was adopted reflecting approximately 65% of the estimated fixed costs of a day of hearing time (comprised of the elements set out in the table above).

Executive Committee has indicated a desire to recover a greater portion of the College's fixed costs associated with running a Discipline hearing from the member who is the subject of the hearing. Accordingly, the Executive Committee would like the tariff rate to reflect a greater total of the estimated cost of a day of hearing time.

The College can expect costs awards by the Discipline Committee to be challenged by Members and scrutinized by the courts, particularly where there is a significant year-over-year increase in the tariff rate. Staff is aware of court decisions upholding costs awards by other tribunals at rates significantly higher than the College's current tariff rate. In the circumstances at hand, staff is comfortable defending an increase in the tariff rate from \$4,460/day to \$6,827/day.

### **Key Considerations:**

- Placing the costs of a substantiated prosecution on the subject Member rather than the membership as a whole.
- Rising discipline costs.
- Fairness to members facing discipline hearings.

### **Implementation date:**

Immediately

### **Recommendations:**

Executive Committee recommend that Council approve the proposed tariff rate increase.

### **Proposed Motion:**

That Council approve the tariff rate increase for discipline hearings, to \$6,827 per hearing day, effective immediately.

## Briefing Note for Council

<b>Meeting Date:</b>	June 20, 2019
<b>Agenda Item #</b>	14
<b>Issue:</b>	Filling of Vacancies & By-election
<b>Attachment(s):</b>	-
<b>References:</b>	<a href="#">CRPO by-laws, article 21.08(vi)</a>
<b>For:</b>	Information <input type="checkbox"/> Discussion <input type="checkbox"/> Decision <input checked="" type="checkbox"/>
<b>Staff Contact:</b>	D. Adams
<b>Submitted by:</b>	Executive Committee

### Background:

According to the election schedule that is defined in the CRPO by-laws (10.02), the election date for candidates in District 6 (Central West) occurred in 2018 and every third year thereafter; however, when the nomination period closed in 2018, no candidates put their name forward to run for election in this district. Once again, when the nomination period opened on March 22, 2019, for the current election cycle, no candidates in District 6 put their names forward for election. As such, a vacancy remains in District 6, and with more than twelve months remaining on this term of office, a by-election is required to fill the vacancy.

Additionally, Kevin VanDerZwet Stafford (District 1 – West) is resigning from his position on Council effective June 21, 2019, with approximately two years remaining on his term of office (K. VanDerZwet Stafford was re-elected on June 23, 2018). To fill this vacancy, a by-election is required.

### Key Considerations:

The CRPO by-laws (10.33) state that “if the seat of an elected Council member becomes vacant more than twelve (12) months before the expiry of the member’s term of office, Council shall direct the Registrar to hold a by-election in accordance with this by-law.”

In order to continue to fulfil the CRPO’s mandate, filling the above noted vacancies is a high priority.

If the notice of election and nominations is made on June 24, 2019, the election would close on September 23, 2019. The election timelines are detailed in the by-laws (10.07, 10.08, 10.16) and must be adhered to.

### Recommendation:

The Executive Committee recommends that Council directs the Registrar to hold a by-election to fill the vacancies in District 1 – West and District 6 – Central West.

## **Proposed Motions:**

1. That Council directs the Registrar to hold a by-election to fill the vacancies in District 1 and District 6.