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MANITOBA PSYCHOLOGIST

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

IN THIS ISSUE

- | | |
|--|-------|
| • Announcements | 2 |
| • PAM 2018 Annual Report | 3-17 |
| • Legal Issues Affecting Professional Regulation | 18-22 |
| • Council & Committee List | 23 |

PSYCHOLOGICAL ASSOCIATION OF MANITOBA

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

ANNOUNCEMENTS

Appointments:

Dr. Valerie Holms, C.Psych. PAM Council Member-at-Large

Dr. Sonia Marrone, C.Psych. PAM Council Member-at-Large

Dr. Andy Lubusko, C.Psych. PAM Council Treasurer

Dr. Lorne Sexton, C.Psych. Registration & Membership Committee Chair

Dr. Donald Stewart, C.Psych. Continuing Education Committee Chair

Dr. Tiffany Lippens, C.Psych. Continuing Education Committee Member

Appreciation of Service:

At the April 25, 2019 AGM Dr. John Arnett, PAM Chair presented Drs. Jane Bow, Donna Chubaty and Jennifer Laforce with plaques in recognition of their service and commitment to PAM.



THANK YOU!

P.A.M. 2018 Annual Report

**Report to the Annual General Meeting of
The Psychological Association of Manitoba (PAM)
Wednesday, April 25, 2019
Submitted by: John L. Arnett, Ph.D., C. Psych
President, Psychological Association of Manitoba**

In addition to the regular business activities that all professional regulators engage in— processing new and renewal membership applications; responding to inquiries from members of the public, government, and other regulators; developing and releasing practice advisories; dealing with complaints and appeals; representing the practice of psychology in various forums; attending psychology and inter-disciplinary meetings sponsored by a wide range of government and non-governmental organizations; managing the office; informing government of needed legislative changes, etc., PAM has also worked very hard this past year on the extensive and very detailed work and documentation required to bring Psychology under the Regulated Health Professions Act (RHPA), which now is in sight of occurring in the relatively near future. As you know, the Speech and Language Pathologists were the first health profession to be regulated under the RHPA, then the Registered Nurses came under the RHPA, and in January 2019 the Physicians were finally brought under the new health legislation. Next, the Paramedics will be brought under the RHPA, and then Psychology will finally be brought under the new health legislation. As Psychology is brought under the RHPA, the current legislation governing Psychology—the now-dated Psychologists Registration Act—will simultaneously be repealed. Although this has been a very long process, the new legislation has many enhancements over the existing legislation governing psychology and formally recognizes psychology as one of Manitoba's health professions.

There have been no new developments over the past year in bringing all school psychologists under the same regulatory framework as all other registered psychologists in the Province, despite what we understand have been consistent efforts by the Manitoba Association of School Psychologists (MASP) in this regard. PAM will continue to monitor this situation and believes that the public would be best protected if all psychologists, including all school psychologists, were governed directly by the College of Psychologists under the RHPA. PAM has been asked by the College of Podiatrists of Manitoba (COPOM) to sublet a small amount of space in our offices to house their College and negotiations on this were concluded earlier this year.

Council revisited the issue of payment for supervision by supervised members. In the course of this review, Council examined the policies and practices of other psychology regulators across Canada. In general, most provinces permit charging for supervision under certain circumstances. Normally, supervisors are expected to provide supervision as part of their collegial contribution to the profession. And supervised members should continue not to be charged for supervision when the supervised member provides services to the supervisor's clients. However, in situations in which the supervised member does not have access to supervision in their work setting and is not providing services to the supervisor's clients, under the PAM policy an offsite supervisor may charge a reasonable amount to provide supervision. While PAM did not at this time define precisely what a reasonable charge is, members are reminded that their actions are to be guided by consideration of PAM's Code of Ethics and Code of Conduct.

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The exciting presentation on Medical Assistance in Dying (MAiD) at last year's Annual General Meeting led to much thought and discussion on PAM's Practice Advisory on the matter. The Practice Advisory led to the expression of some concerns by members about their ability to raise MAiD concerns with their clients and/or have MAiD publications displayed in practice settings. PAM welcomes the expression of concerns and thoughts by members and recognizes that as MAiD evolves so will the PAM Practice Advisory. However, the current Practice Advisory is based on current legislation and the processes followed by psychology regulators in other jurisdictions across Canada.

During the past year PAM developed and released a Practice Advisory related to guidelines for practitioners regarding releasing psychological reports conducted at the request of third parties such as lawyers, insurance companies, and various other parties such as Veterans Affairs Canada, Workers Compensation Board, Manitoba Public Insurance Company, etc. This is an issue that can be very confusing as it involves interpretations of the Personal Health Information Act (PHIA) of Manitoba with the possibility that misinterpretations by members may leave them legally and ethically vulnerable.

The PAM office continues to be a great success and now serves as the main focal point for virtually all PAM administrative functions and critical PAM Committee functions. It is easily accessible, has ample parking, and provides a very pleasant working environment in which to conduct the activities of the Association.

As always, PAM relies very heavily on both psychologist and public volunteers in carrying out its primary mission of protecting the public. Thus, on behalf the PAM Executive Council, I want to express sincere appreciation and gratitude to the many volunteers who generously contribute their time and considerable effort in order to make it possible for psychology to continue to be a self-regulating health profession in Manitoba. This includes my colleagues on PAM Executive Council and the psychologists and public members who serve on PAM's nine committees and subcommittees. I also want to express Council's appreciation to our Registrar, Dr. Alan Slusky, for his continued strong commitment, dedication, and excellent work on behalf of PAM and its members, our legal team that includes Mr. Ted Bock from Aikins, McAulay & Thorvaldson LLP who provides legal advice to PAM's Executive Council and to Mr. Blair Graham from Thompson, Dorfman, & Sweatman LLP who provide legal counsel to the Complaints Committee. I also want to thank Lesley Phimister for her outstanding work as PAM's Administrative Assistant and Deputy Registrar. I also want to acknowledge the excellent work of Mr. Grant Tarr who serves as the PAM bookkeeper.

I want to express Council's sincere appreciation to two very hard working Council members and one exceptionally diligent volunteer committee member, who will now be leaving their positions after a number of years of absolutely outstanding contributions. Dr. Donna Chubaty has served and chaired the Membership and Registration Committee which has become increasingly challenging with the changes in the regulatory framework of psychology across Canada and with the inter-provincial agreements on internal trade in goods, services, and labor originally under the Agreement on Internal Trade (IAT) and now under the Canada Free Trade Agreement (CFTA). Dr. Jennifer Laforce has very ably served as PAM's Treasurer and has enhanced the organization and monitoring of PAM's finances which has greatly assisted PAM's budgeting process and ability to project the organization's financial needs. This, in turn, has permitted PAM to maintain its many functions without the need to raise membership dues for the past many years. Both Drs. Chubaty and Laforce have been on Council for many years and their numerous contributions have been greatly appreciated.

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Also leaving her position this year as Chair of the CE Committee is Dr. Jane Bow. Jane has chaired the PAM CE Committee since its inception in 2006. In addition to playing an integral role in developing the CE program, Jane (and her committee member Dr. Don Stewart) has led the CE audit every year, for the past 12 years. We have valued Jane's commitment to ensuring that PAM members adhere to our CE requirements (and thus remain current in their practice activities) and her leadership on these issues will be missed. PAM's work is accomplished through PAM Executive Council, the Registrar, Deputy Registrar, and the ten PAM Committees and sub-committees of the Association. I want to acknowledge these individuals and express Council's sincere appreciation and that of the Association as a whole for the significant contributions that they make to operations of PAM.

PAM Executive Council

Drs. John L. Arnett (President), Diane Hiebert-Murphy (Vice President), Jennifer Laforce (Treasurer), Donna Chubaty (Member-at-Large), Connie Boutet (Member-at-Large), Andy Lubusko (Member-at-Large), Lorne Sexton (Member-at-Large)

Registrar

Dr. Alan Slusky

PAM Committees

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

March 11, 2019

Lay Auditor's Report

To the Members of the Psychological Association of Manitoba:

We have audited the statement of the financial position of the Psychological Association of Manitoba as of December 31, 2018 and the statements of operations and net assets for the year then ended. These financial statements are the responsibility of the Association's management. Our responsibility as lay auditors is to express an opinion on these financial statements based on our audit.

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

The budget proposed for the 2019 year is realistic given the experience in 2018.

In our opinion, these financial statements present fairly the financial position of the organization as at December 31, 2018 and results of its operation, changes in net assets and cash flows for the year ending in December 31, 2018

Sincerely,

Dr. Jackie Walker, C.Psych.

Dr. Becki Cornock, C.Psych.

Members

Psychological Association of Manitoba

PSYCHOLOGICAL ASSOCIATION OF MANITOBA
Treasurer's Report Fiscal Year 2018
2019 Annual General Meeting

It is my privilege to report to PAM membership that it has been another financially healthy year for PAM. Our expenses this year fell under budget at \$208,877.72. We had an overall surplus of \$25,480.15.

We continued to operate within annual revenue. Legal expenses overall were under budget. You will see that legal consultation to council was slightly higher than budgeted but this was more that countered by less than budgeted Complaints Committee expenses. There has been no increase to fees and we continue to keep our budget very close to expenses (despite sometimes unpredictable Inquiry expenses) to minimize collecting more fees from member than what is needed to operate effectively.

As has been established over the last three years, we continue to expect we will use savings for (a) atypical Inquiry costs and (b) special projects (currently only the RHPA Consultant). There is no change to this policy for 2019. We did not use any money from savings in 2018.

Accordingly, the 2019 Budget is largely similar to the 2018 Budget. You will see Deputy Registrar salary as a separate line on the Financial Statement and Budget (whereas before it was grouped under Office Expenses). This was done simply to provide greater clarity and visibility to all members of significant line items. (This information always was separately listed on the detailed statement and available to all members). The amount allocated to the remaining office expense is, therefore, less than that line item in previous years.

The 2019 Budget and Financial statement for 2018 is presented in the document entitled, PAM Financial Statement 2018 & Budget 2019, posted on the PAM website. The Balance Sheet for 2019 has not been posted but is available upon request to those members who wish to review it.

Drs. Jackie Walker and Becki Cornock served as lay auditor to our association's 2018 books, in accordance with our bylaws. Please see their Lay Auditors' Report to the membership. On PAM Council's behalf, I take this opportunity to thank Drs. Cornock and Walker for their service.

Respectfully submitted,

Jennifer C. Laforce, Ph.D., C.Psych.
Treasurer,
Psychological Association of Manitoba

PAM Financial Statement 2018 and Budget 2019

	Budget 2018	Actual 2018	Budget 2019
<u>INCOME</u>			
<i>membership dues</i>	211,000.00	214,750.00	213,000.00
<i>exam fees</i>	3,000.00	1,130.00	3,000.00
<i>application fees</i>	2,500.00	7,050.00	4,000.00
<i>interest</i>	8,000.00	11,427.87	10,500.00
<i>Rent from Copom</i>			2,700.00
<u>TOTAL INCOME</u>	224,500.00	234,357.87	233,200.00
<u>EXPENSES</u>			
Meetings	3,900.00	1,406.98	3,500.00
PAM Dues	3,000.00	3,623.35	3,700.00
Office expenses	50,000.00	45,761.74	27,000.00
Registrar	44,000.00	43,999.93	44,000.00
Deputy Registrar*			31,500
Space rental/ storage	37,000.00	35,626.18	37,000.00
TOTAL OFFICE COSTS	131,000.00	125,387.85	139,500.00
Legal to Council	5,000.00	10,841.13	5,000.00
Legal to Inquiry	7,000.00	4,881.94	7,000.00
Complaints Committee Costs	69,000.00	55,041.60	69,000.00
TOTAL LEGAL/COMPLAINTS	81,000.00	70,764.67	81,000.00
Travel (ASPPB, ACPRO)	5,000.00	4,765.37	5,000.00
Project expenses*		2,929.50	
TOTAL EXPENSES	223,900.00	208,877.72	232,700.00
Ordinary Expense Surplus (Deficit)	600.00	25,480.15	500.00

Depreciation & amortization

2,027.92

expected expenses from savings in 2019

-additional Inquiry or Council legal expenses

-RHPA consultant

* Deputy Registrar (and previous Office Manager) services were included as part of Office Expenses through 2018. In 2019, this appears as a separate budget line

Registration & Membership Committee

Report for 2018

PAM's Registration & Membership Committee consists of Dr. Anne-Marie Brown-Degagne, Dr. Bill Davis, Dr. James Ediger, Dr. Kent Somers, Dr. Hal Wallbridge and myself as Chair. Ms. Lesley Phimister, Deputy Registrar, provides invaluable support to the Committee. The Registration & Membership Committee meets monthly and reviews new applications as well as requests from existing PAM Members to expand areas of competency. We are currently finalizing a supervisor information form and are continuing to work towards the development of on-line forms.

Respectfully Submitted,

Donna E. Chubaty

Chair, Registration & Membership Committee

I am pleased to announce the new registrants for the 2018-2019 membership year:

<u>C. Psych.</u>	<u>C. Psych. (Cand.)</u>	<u>PA (Cand)</u>
Dr. Elizabeth Hebert	Dr. Jennifer MacMullin	Ms. Jamie Leung
Dr. David Dozois	Dr. Judy Kienas	Ms. Arnella Myers
Dr. Amy Wendell	Dr. Linette Savage	
Dr. Christine Henriksen	Dr. Ross McCallum	<u>PA (IP)</u>
Dr. Kasmira Sobkow	Dr. Heather Finnegan	Ms. Manon Talbot
Dr. Karen O'Brien	Dr. Michelle Conan	
Dr. Megan Vokey	Dr. Dale Dirkse	<u>Life Members</u>
	Dr. David Willoughby	Dr. Jeannette Filion-Rosset
	Dr. Hayley Chartrand	Dr. Larry Hardy
	Dr. Chad Graves	
	Ms. Pamela Black	

Complaints Committee Report Annual General Meeting, April 2019

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

Nature of Complaints: In 2018, the Committee received 6 new complaints of which 4 centered upon assessment procedures while 1 focused upon professional misconduct and the final one on issues of confidentiality. This has continued a trend in recent years of the majority of complaints being related to psychological assessment primarily for insurance purposes. In addition to the 6 new cases, 7 cases were carried over from 2017 with psychological assessment again being the most frequent complaint.

Membership: We have been very fortunate in recent times to have many Committee members who have now served with us for a number of years and have brought careful reflection, expert guidance, and insightful thoughts to our deliberations. Our 3 members representing the public remain: Dr. Neil Arnason, Mr. Glenn Matsumoto, and Ms. Val Stanowski. Their perspectives and years of experience serving on the Committee have been much appreciated by us all. The psychologists on the Committee are: Drs. Lois Edmund, Adrienne Leslie-Toogood, Linda Rhodes and Lesley Ritchie. The psychologists on the Committee not only provide a broad range of expertise but their many years of experience working in various settings and with differing client groups have served the Committee well as it addresses increasingly complex cases. We were also pleased to welcome Ms. Monika Allan to our Committee this past year as a Psychological Associate. Since last year's AGM, we have also seen the retirement of Dr. Daryl Gill as chair of the Committee. I would like to take this opportunity to formally thank Dr. Gill for his many years of service and for his excellent stewardship of the Committee during that time.

Assistance to the Committee: Other members of PAM agree to very important roles as Investigators, Expert Opinions, and remediation Supervisors. The Committee would like to acknowledge and thank Dr. Lesley Enns for her continued assistance during this past year in providing ongoing remediation supervision to a PAM member. Our appreciation also goes out to Drs. Garry Hawryluk, Ed Johnson, Cathy Moser, Tim Osachuk, and Vivienne Rowan. While their roles as investigators began prior to this past year we have had need on occasion to still follow-up with them on cases that they were involved in and which carried over into 2018. We rely on their volunteer time and greatly appreciate their support. Our Committee requests that PAM members consider our Committee's requests to serve in these roles. Your willingness to volunteer would be much appreciated by the Committee and, in many instances; the work of the Committee could not be effectively and efficiently completed without this additional support.

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The Committee would also not function as effectively as it does if it wasn't for the superb assistance of Ms. Doreen Phimister, Complaints Committee Assistant. Doreen keeps us organized, on track, and looks after the ongoing operations of the Committee. The Committee very much appreciates all of her hard work on our behalf. Doreen has also proven immensely helpful to me in making my transition to Chair much easier.

Additionally, the Committee wishes to express its ongoing gratitude to Mr. Blair Graham, our legal counsel. His legal acumen, years of experience providing guidance to the Committee, and his very supportive nature has been very much appreciated by the Committee. As cases have become increasingly complex Blair is literally called upon at every meeting to provide us with a legal opinion on one matter or another. In addition, he has also very ably carried out his role in serving as a much needed liaison between the Committee and legal counsel representing other parties in many of our cases.

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

Number of Complaints: The chart below indicates that the number of new complaints in 2018 was similar to that in 2017 and down from the previous 2 years

Complaint Statistics 2014 - 2018					
	2018	2017	2016	2015	2014
Number of Complaints Reviewed	13	15	18	20	22
Carried Forward (from previous year)	7	10	7	9	16
New Complaints	6	5	11	11	6
Outcome of Committee Review					
Closed	3	8	8	13	13
Carried Forward (to next year)	10	7	10	7	9

In 2018, the Committee closed 3 cases with each taking respectively 3, 5, and 13 months from initial complaint received until closure. While the Committee works diligently to close cases in a timely fashion, 2 of these 3 cases did not require an investigator to be involved and 2 of the 3 were relatively straightforward for the Committee to act upon. Cases that involve an Investigator naturally take longer for the Committee to work through. In addition, the Committee is finding that many of the more recent complaints received are complex in nature and not only require input from an Investigator but also require extensive legal involvement as well. As a result of this increased complexity, the Committee is also finding that despite its best efforts to reduce the overall time for cases to be open, there are a number of cases that continue to remain open for extended periods of time and have required both comprehensive

(continued)

Investigatory activities and very sensitive and ongoing legal discussions. At present, there are 4 cases that have now been open for between 25 and 50 months. While the Committee is hoping that these will finally be resolved in the coming months, it also recognizes that such lengthy deliberations are neither beneficial to the complainant nor to the psychologist.

Informal Observations: In recent times, the Committee has received several requests from complainants for assistance in either completing their initial Complaint Form or their follow-up reply to the psychologist's response. Clearly, the Committee is not in a position to provide that type of direct assistance but it has raised for Committee members a question with regard to the barriers that may be inadvertently in place for members of the public who may have limited written language skills, learning difficulties, or have English as an additional language. As Manitoba continues to move forward in ensuring that members of the public can be served in ways that facilitate more open and easy access, it may be time for PAM to begin looking more closely at ways in which it can implement strategies that move the organization towards meeting current provincial accessibility legislation standards.

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

Outcome of Complaints: Many complaints are dismissed. For example, none of the 3 complaints that were closed in 2018 resulted in charges being drafted.

Other outcomes can include a Caution; or an agreement for additional education, or training. During the 2018 year, the Committee also had one case referred on to the Inquiry Committee. As a result of the Inquiry Committee's deliberations, conditions were placed upon the psychologist's practice and the Complaints Committee continues to monitor the member's compliance with these conditions. Finally, the Complaints Committee also recommended to the Registrar in 2018 that another psychologist's Certificate of Registration be suspended pending the outcome of proceedings arising from the Complaints Committee's investigation of the complaint against the psychologist. This suspension currently remains in effect and the case remains open to the Committee.

Sincerely,

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

Standards Committee
Report to the Annual General Meeting
of the Psychological Association of Manitoba

Feb 7, 2019

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

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

1. An unlicensed psychologist working in a school setting (an exempt institution) conducted an assessment in a private practise setting that was identified as a "Psychological Evaluation". Moreover, he described his credentials as "R.Psych. (AB)" indicating that he was licensed in Alberta. He was cautioned that he is not allowed to practise psychology outside of an exempt institution unless he is licensed to practise in Manitoba. He was also advised to pursue registration with PAM.
2. An individual was found to be making confusing or misleading representations about his credentials in the media. This included such credentials as "Psy.D, (Clinical Psy)", " PhD (Psychotherapy)", "Clinical Psychologist", "Clinical therapist/Psychologist", "Psychologist (P/T)", and "Medical Psychologist". He was advised to either to seek registration with PAM or to use the terms "counsellor" or "therapist" to describe his work.
3. A counsellor working in a private practise setting submitted a letter to an agency describing his work as "psychological therapy". His website was clear and accurate about his credentials otherwise. He was advised to use the terms "counselling" or "psychotherapy" in similar written correspondence in the future in order to avoid any confusion about whether he was a registered psychologist.

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

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

Standards Committee

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

Continuing Education Sub-Committee of Standards

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

Tiffany Lippens, Ph.D., C. Psych.

Jurisprudence Examination Sub-committee of Standards

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

Lesley Graff, Ph.D., C.Psych.

Alan Slusky, Ph.D., C.Psych.

Nomination Committee
Psychological Association of Manitoba

April 25, 2019

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

2019 is an election year for Council.

A notice for nomination to Council was sent to the membership by the Registrar in February and nominations closed in March. One Registered Psychologist was nominated to Council: Dr. Valerie Holms; to date one Council vacancy remains unfilled.

There being no other nominations, Dr. Holms along with the remaining five currently sitting Council members are elected by acclamation for a two-year term ending April, 2021.

The six (6) nominees for the seven (7) Council positions are:

John Arnett
Connie Boutet
Diane Hiebert-Murphy
Valerie Holms
Andy Lubusko
Lorne Sexton

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

Respectfully Submitted,

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

Report of Examinations Committee, Psychological Association of Manitoba

The Examinations Committee of the Psychological Association of Manitoba is charged with organizing, implementing and reporting the results of oral examinations of candidates seeking registration to practice psychology independently in Manitoba. In addition, the Examinations Committee organizes, implements and reports on oral interviews for psychologists registered to practice independently in other jurisdictions, who are now seeking to be registered in Manitoba under the terms of the Agreements on Internal Trade (AIT). This committee was chaired by Dr. Anne-Marie Brown-DeGagne for the first seven months of two thousand and eighteen, before transitioning to Dr. Maxine Holmqvist, who acted as the chairperson for the latter part of the year.

A total of four oral examinations were conducted, along with two oral interviews for psychologists seeking registration in Manitoba under the terms of AIT. The average wait for a full oral examination was similar to recent years (approximately five weeks), with AIT interviews being scheduled in two to three weeks. There was a significant increase in requests for examinations in the fall. This prompted a review of procedures and the development of two new documents (a Frequently Asked Questions document for candidates and a draft set of guidelines for examination committee chairpersons). The examinations committee chair is currently working with the registrar and deputy-registrar to further clarify and streamline these processes.

Sincere thanks are extended to the following volunteer oral examiners and oral interviewers, who generously gave of their time and expertise to support the work of this committee: Drs. Michelle Warren, Norah Vincent, Sonia Marrone, Naomi Berger, Diane Hiebert-Murphy, Kelly Penner Hutton, Valdine Scott, Lesley Koven, Sharon Gozer-Tritt, Linda Rhodes, Michael Bundz and Gillian Alcolado. The committee also would like to thank Dr. Brown-DeGagne for her five years of dedicated service as the committee chairperson and for her tremendous support to Dr. Holmqvist in this role.

The Examinations Committee is fortunate to have a committed roster of volunteer oral examiners. However, to alleviate the demand on these individuals, additions to the examiners' roster are always welcomed. Interested psychologists are encouraged to contact me for details (maxine.holmqvist@umanitoba.ca).

Respectfully submitted by
Maxine Holmqvist, Ph.D. C.Psych.
Registered Psychologist
Chair, Examinations Committee

Inquiry Committee
Psychological Association of Manitoba
April 25, 2019

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

During the current reporting period one hearing panel was convened on May 7, 2018 to hear a complaint against Dr. Richard Shore.

During this interval of time the Committee has appointed one individual who has graciously agree to serve for a four-year term. Thank you to Dr. S. Frankel (lay member) for agreeing to do so.

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

Respectfully submitted,

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

Publications Committee

Annual Report 2019

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

Respectfully Submitted,

Dr. Donna E. Chubaty

Chair, Publications Committee



The Cayton Report:

The Wolf Finally Arrives

by Rebecca Durcan May 2019 - No. 236

For years observers have been saying that regulators of professions are under intense scrutiny and unless they regained public confidence then self-regulation without systematic oversight would end in Canada. Over time it has become easier to ignore these pleas as self-regulation continued to muddle along, but no longer. While the analogy to the little boy who cried wolf is imperfect (no one would call the author of the report or his agency's ideas "wolves"), the concept of snubbing previous warnings and subsequently facing real consequences is relevant.

On April 11, 2019, the long awaited report of the Professional Standards Authority (PSA) (headed at the time it was written by Harry Cayton) on the Inquiry into the College of Dental Surgeons of British Columbia was released. On the same day the Minister of Health gave the College thirty days to deliver an implementation plan for the recommendations directed at it. The Minister also announced that he has set up a steering committee to examine the recommendations related to the oversight of all regulated health professions.

Governance

Some of the key observations in the report about governance include the following:

- Boards should focus on three things:
 - ensuring the College complies with its mandate and the law
 - setting strategy and monitoring performance and
 - holding the registrar and chief executive to account for delivery.
- Boards should dispense with formal rules of procedure (e.g., motions and votes) and, with rare exceptions, operate through consensus.
- Secret ballots have no place in a public body.
- Secret meetings (in the absence of staff) should be extremely rare and require centrally maintained minutes.
- The Board should partner with staff to achieve the organization's mandate; staff do not just administratively implement Board directions.

- Dysfunction in an organization occurs when Board members and staff no longer respect and trust each other.

The report's recommendations include:

- Candidates for selection to the Board from within the profession should be required to participate in an "induction programme" before being chosen.
- Officers or representatives from the professional association or similar bodies should have a three-year cooling off period before they can serve with the regulator.
- The governance committee should be abolished and Board officers should not attend audit committee meetings unless invited.
- Board members should not procure goods or services directly. Procurement should be through staff pursuant to appropriate policies.
- "The Board must stop seeing itself as the College and recognise that its role is to govern the College and oversee its performance but that the College is run and managed by its professional staff."
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Measuring Regulatory Performance

The report assessed the performance of the College according to the criteria that the PSA uses for the bodies it oversees. The following areas were found to have not met the standard:

- Standards of practice do not identify mandatory expectations upon practitioners and are unclear in some areas.
- There is not a systematic and accountable process for identifying and developing new or revised standards.
- Standards are not clearly worded nor are they effectively communicated to the profession and to the public.
- Complaints are not appropriately assessed for risk and prioritized upon receipt.
- The complaints process is not transparent, fair, proportionate and focused on public protection because of its composition, and because of the excessive role of staff and because of the misuse of undertakings option.
- Complaints are not dealt with promptly with a view to preventing harm to the public while in process.
- Insufficient reasons are provided for actions taken on complaints.
- The regulator does not have an effective process for identifying, assessing, escalating and managing organizational risks.
- Board oversight does not include the effective use of key performance indicators and a corporate risk register.
- The regulator does not collect and use performance and outcomes information about patients and the public as a part of its strategic planning.
- The Board does not work cooperatively, with an appropriate understanding of its role as a governing body and members' individual responsibilities.

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External Relationships

The report identified a broad lack of understanding of the role of the College to regulate the profession in the public interest. This was demonstrated by the election campaign statements, the perceptions of Board members from the profession and in the history of various regulatory initiatives. Examples of the regulatory initiatives of concern was the failure to implement a standard preventing dentists from treating their spouses and the challenges faced by attempts to implement an enhanced quality assurance program. The report states:

The College needs to build a different relationship with its dentist registrants: one of both mutual respect and distance. It cannot do so when its Board is elected by registrants and partially subject to their control. It is hard for it to build a new relationship with the profession when it is so closely tied financially and through personal contact and individuals to the [professional association] and other dental organisations. An independent, effective, efficient, fair and public focussed regulator is good for the dental community as a whole. It is especially good for skilled and ethical dentists who never have a complaint.

The report stated plainly that the relationship between the regulator and the professional association was too close and strongly recommended the severing of many of those ties (e.g., the regulator cease collecting annual fees for membership in the professional association).

The report commended the affiliation of the regulator with the other health regulators in a loose umbrella organization as a model of collaboration.

The report indicated that while the regulator had regular contact with the government, one aspect of the relationship that was not working well was the appointment of public members to the Board. The criteria used in making such appointments were uncertain and there were too many vacancies.

In terms of engaging the public, the report noted a reluctance of the Board to engage with the public and the lack of a strategy to more effectively obtain the input and perspective of the very people it is mandated to protect.

Protecting the Public

This portion of the report is perhaps the most hard-hitting. It definitively states that regulators have no advocacy role. It also says:

A concern for the well-being of dentists rather than a single-minded focus on patient safety and public protection is still a part of College culture.

After providing some quotations of statements made to the inquiry by leaders in the profession, including those working for the regulator, the report states:

I don't think these perspectives are typical but for dentists who are active in the College and dental community to express them suggests a profound misunderstanding of the purpose of professional regulation and lack of concern for the safety and well-being of patients.

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The report noted that the mandate of the regulator “to serve and protect the public” was broad. The report expressed concern that the regulator was reading the mandate too broadly. The report suggests that the mandate of regulators “does not ask regulators to be responsible for public health or for access to health

The report recommends that the mandate of regulators be narrowed to read:

To protect the safety of patients, to prevent harm and promote the health and well-being of the public.

The report illustrates these concerns. One instance was the failure of the regulator to establish, as required by the legislation, a patient relations committee and a program dealing with sexual abuse. The only sexual abuse guideline developed by the regulation was permissive rather than restrictive in nature (i.e., enabling dentists to treat their spouses).

Another example provided was the failure to effectively enforce the standard related to sedation and anaesthesia. This discussion included an example where a young patient experienced permanent brain damage by a practitioner who had disregarded many of the most basic requirements yet was permitted to remain in the profession.

Legislative Reform

In addition to the recommendations described above some of the more significant recommendations for legislative reform for all health regulators include the following:

- Boards be reduced to twelve members, all of whom are appointed (not through the current government process) on the basis of demonstrated skills with only half being members of the profession.
- Smaller regulators should be merged into fewer, larger ones.
- A simplified complaints system with three components: triage, investigation, and adjudication.
- An expanded duty to report publicly on all operations of the regulator including complaints outcomes.
- The Review Board should be able to initiate, on its own, a review of a complaint outcome even if there is no appeal.

Longer term reforms would include:

- Having a single set of ethical rules and conduct expectations for all health professions.
- Removing adjudication of disciplinary disputes from the regulators, to be performed by an independent body.
- That same independent body would also maintain a single register of every health practitioner in the province.
- There should be a separate independent oversight body that reviews the performance of regulators, approves some of the standards developed by them and manages the Board member selection process.
- The independent oversight body would also employ an occupational risk assessment process that would be used to recommend which professions require formal statutory regulation.

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Conclusion

In summary, the Cayton report contains a detailed review of the performance of the College of Dental Surgeons of British Columbia. It identified serious deficiencies in the governance of the regulator. It also concluded that there were gaps in the regulatory performance of the regulator in eleven areas. It commented on a number of areas for improvement in its external relationships with various groups. It concluded that the regulator was not focused exclusively on its public interest mandate, particularly in the area of public safety.

The report makes a number of sweeping short term and long term proposals for regulatory reform for all health professional regulators. These include a completely appointed Board of twelve people, half of whom are public members, merging regulators, separating out the adjudication of discipline matters and the operation of a single public register, and the creation of an oversight agency that would review and report on the regulatory performance of the regulators.

This report is broadly consistent with recent developments in British Columbia, and other provinces including Ontario and Nova Scotia and the regulatory regime that has existed in Quebec for many years.

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