

MANITOBA PSYCHOLOGIST

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THE PSYCHOLOGICAL ASSOCIATION OF MANITOBA
L'ASSOCIATION DES PSYCHOLOGUES DU MANITOBA

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

Michael Stambrook, Ph.D., C.Psych.

Dr. Michael Stambrook stepped aside from P.A.M. work as of the recent AGM, and in doing so ended a 16-year-long run of committed service to P.A.M. This issue of *Manitoba Psychologist* seemed like a good place to acknowledge Michael's work with P.A.M. and also to say a bit about his professional activities beyond the organization.

Michael was Chair of P.A.M.'s Discipline Committee (now Complaints Committee) from 1991 to 1993, then served as President for 12 years (1993-2005). He has served on Executive Council since 2005 as Member-at-Large. During these same years, he was active in the Council of Provincial Associations of Psychology in Canada, the Association of State and Provincial Psychology Boards.

Michael earned his B.A.(Honours) and M.A., as

well as his Ph.D. in Clinical Psychology, with specialization in Clinical Neuropsychology, from the University of Manitoba. He interned in Child Clinical and Neuropsychology at the Kitchener-Waterloo Hospital, and completed a Residency in Clinical Neuropsychology / Rehabilitation/ Medical Psychology at the University of Manitoba.

He maintains a busy practice as a Clinical Psychologist and Neuropsychologist, and is registered in Ontario, North West Territories, Nunavut, and Saskatchewan, as well as Manitoba. He is Associate Professor in the Section of Rehabilitation Medicine, Department of Internal Medicine, at the University of Manitoba, and has been Associate Professor of Clinical Health Psychology (1994-2009) and Associate Professor in the Section of Behavioural Science, Department of Psychiatry (1989-1994).

Some areas of current clinical focus are rehabilitation, forensic, and mental health, and Michael has extensive experience working with clients who have suffered traumatic injuries. He has consulted, or currently consults to, the Workers Compensation Board of Manitoba, the Manitoba Development Center in Portage La Prairie, Youth Residential Services of AFM, Manitoba Adolescent Treatment Centre, Child Development Centre, Probation and Parole Services (Kenora District Jail), Veterans Affairs Canada, the Royal Winnipeg Ballet, and numerous Child and Family Services agencies. Michael has also been involved in disaster planning and disaster recovery work.

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From the P.A.M. Registrar Alan Slusky, Ph.D., C.Psych

It's my pleasure at this time to provide members with an update on issues relevant to the regulation of Psychology in Manitoba. Some of what I will comment on below has been presented to you already at our recent Annual General Meeting; however, there have been recent developments around the Regulated Health Professions Act which will also be of interest to members. As always, questions or comments regarding any of the information contained in this article or the newsletter in its entirety may be directed to the Registrar or any of your current Executive Council members.

As many of you already know, the Regulated Health Professions Act has been read into the Manitoba Legislature, now for a second time, and we anticipate an announcement in the near future of committee hearings to address concerns from interested stake holders. PAM was pleased to learn from Ms. Barbara Millar, Senior Policy Analyst for Manitoba Health and Healthy Living, that our concerns with regards to the use of the title "Doctor" by Registered Doctoral Psychologists has been addressed. Doctorally trained Registered Psychologists are now one of

eight professional groups authorize to use this title.

Concerns were expressed at our AGM over whether Psychologists would be required to qualify their use of this title in causal conversation (for example, "Hi, I'm Dr. Smith, Psychologist"). A lively discussion ensued around this issue, with Ms. Millar reassuring members that the qualifications proposed in the RHPA are intended for written communication, where we currently identify ourselves as Registered Psychologists in any event. The tone of the discussion was collegial and reassuring to members, and we are pleased that the Department of Health has responded in this manner.

The RHPA also holds the promise of the introduction of new concepts and programs into the regulation of Psychology in Manitoba, including a continuing competency program, the presence of lay person representation on committees beyond only Complaints and Inquiries, where they already serve, and on Executive Council. Under the RHPA, members will be able to incorporate their practices, should they wish to.

In order to take the next step towards coming under the RHPA, profession specific regulations must be written. PAM has offered to be one of the first professions ("in the first wave") to come under the RHPA, and as such work has begun, with the assistance of our legal counsel, Mr. Dave Wright, to identify issues relevant to Psychology, which need to be addressed in these regulations. These issues include the designation of a scope of practice for Psychology, determination of which Reserved Acts Psychologists are entitled to perform, the official adoption of a Code of Ethics and Standards of Practice, and numerous others with potential implications for the ways in which Psychologists practice in

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The Fairness Commissioner

Richard Steinecke

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If one had to choose the area of professional self-regulation that attracts the strongest feelings among the general public, it is probably the registration of international graduates. This subject garners significant ongoing media attention and regularly becomes an issue during elections.

Ontario is the first jurisdiction to create an office like the Fairness Commissioner. Manitoba has recently enacted similar legislation. Thus the choices made by Ontario's first Fairness Commissioner will have a significant impact for all jurisdictions.

The well respected Jean Augustine was appointed in March of 2007 as the first Fairness Commissioner.

She is a former principal, past chair of the Metro Toronto Housing Authority and was the first African-Canadian woman to be elected to the House of Commons.

Role

The Fairness Commissioner is quite candid about her role. It is to bring systemic change to the registration process of regulated professions to ensure that there are fair ways for professionals to become registered in Ontario.[1] This is a challenging mandate.

The Fairness Commissioner has some constraints in how she achieves this mandate. For example,

she is prevented from participating in individual registration decisions and she cannot be an advocate for individual applicants. This constraint makes sense as having such powers would overwhelm her office, would politicize decisions that require special expertise and would prevent her from focusing on the system.

Members of P.A.M. Executive Council recently attended a meeting with Manitoba's new Fairness Commissioner to discuss her expectations of Psychology and other regulated professions in terms of ensuring fairness in registration processes. This article by Richard Steinecke focuses on the experience of Ontario, whose Fairness Commissioner has been working for some time.

Rather, her role is to require information from regulators and audit their registration practices. She can report on the performance of regulators but cannot direct them to make specific changes to their registration requirements.

The focus of her scrutiny is on the registration process rather than the registration requirements themselves. For example, she examines whether the registra-

tion practices of a regulator are transparent, objective, impartial and fair. The assumption is that if a regulator has to set out all material aspects of its registration requirements and justify why they are necessary, inappropriate or discriminatory requirements will soon disappear.

This approach is a recognized one in our legal system. In fact most judicial review of regulatory action operates on the same basis. If a decision making process is transparent and fair, the result will be as well. In addition, to the extent that regulators have to articulate reasons for their registration criteria, unjustifiable or unnecessary

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The 7 Biggest Sources of Licensing Disciplinary Actions Against Psychologists in Canada and the U.S.

Ken Pope, Ph.D., ABPP & Melba Vasquez, Ph.D., ABPP

We present multi-year data on licensing complaints, malpractice suits, and ethics complaints against U.S. psychologists and against Canadian psychologists in the 3rd edition of *Ethics in Psychotherapy & Counseling: A Practical Guide* (<<http://kspope.com/ethics/ethics.php>>).

The statistics, patterns, trends, and historical context are followed by a separate chapter on useful steps to take when "Responding To Ethics, Malpractice, or Licensing Complaints."

For Canadian psychologists, the most frequent causes among the 109 disciplinary actions during 1983-2006 were (in descending order of frequency):

- 1) Unprofessional/unethical/negligent practice
- 2) Dual relationships (including sexual relationships)
- 3) Breach of confidentiality
- 4) Malpractice
- 5) Conviction of a crime
- 6) Failure to meet conditions of candidacy
- 7) Improper termination of therapy.

For U.S. psychologists, the most frequent causes among the 2,858 disciplinary actions during 1983-2005 were (in descending order of frequency):

- 1) Dual relationships (including sexual relationships)
- 2) Unprofessional/unethical/negligent practice
- 3) Conviction of a crime

- 4) Fraudulent acts
- 5) Improper/inadequate record keeping
- 6) Failure to comply with continuing education requirements
- 7) Breach of confidentiality.

There are some interesting patterns in the data that we explore in the book. For example, Quebec, which had 7,020 licensed psychologists as of January, 2006, took disciplinary action in 34 cases, while Ontario, which had only 2,870 licensed psychologists as of January, 2006, took disciplinary action in 49 cases.

Similarly, Manitoba, which had 195 licensed psychologists as of January, 2006, took disciplinary action in 9 cases, while New Brunswick, which had 202 licensed psychologists as of January, 2006, never took disciplinary action.

Another interesting pattern in the data reveals how the major sources of licensing, malpractice, and ethics complaints against psychologists continue to change over time. For example, in the 1st edition of our book, published in 1991, "improper billing practices" were the 5th most frequent cause -- among the 16 major causes -- of licensing disciplinary actions against U.S. psychologists, representing 8% of the total. Yet it doesn't appear on the list of major causes in the 3rd edition.

Additional articles, information, and resources on ethics (e.g., informed consent, links to ethics codes & practice standards, links to psychology licensing laws and boards, etc.) are available online at: <http://kspope.com.U.S>.



Reports to the Annual General Meeting of the Psychological Association of Manitoba April 29, 2009

President's Report

—Teresa Sztaba, Ph.D., C.Psych.

I am very pleased to have the opportunity to write to you at the completion of one year of being President of The Psychological Association of Manitoba. My pleasure stems both from the privilege I have had to serve as your President and the fact that I actually made it through one year! I remember watching Dr. Slusky chair last year's Annual General Meeting and hearing him give his final report as President before taking on the role of Registrar. I suspected that, as Vice-President, I might be asked to take on his former role. I recall feeling a great deal of trepidation at the thought, as well as some fear as I imagined what it would be like to be chairing this year's meeting. I truly did not know if, or how, I could fill the big shoes that Dr. Slusky was vacating.

Well, I did make it through a year, with the help of the many excellent and dedicated volunteers on PAM Council and Committees, as well as with Dr. Slusky's advice and assistance. Although there are many duties involved in being President, PAM is run not by one or two people, but by a hardworking team of individuals who have provided much support, with patience and good humour, throughout this past year. As such, my most important task today is to acknowledge and thank all of the members of our PAM team.



Every two weeks, I have the pleasure of meeting with my colleagues on PAM Council: Drs. Hal Wallbridge (Vice-President), Linda Rhodes (Treasurer), Grace Tan-Harland (Member-at-Large), John Arnett (Chair, Standards Committee), Neal Anderson (Chair, Examinations Committee and Newsletter Editor), and Michael Stambrook (Member-at-Large). Dr. Wallbridge also has the daunting task of chairing the Registration and Membership Committee. I can assure you that this team has tackled the mandate of protecting the public and regulating our profession with great commitment and conscientiousness.

In addition to your Executive Council, there are a number of individuals not on Council who serve on our many committees. The work involved in these committees is time-consuming and often challenging, yet essential. I would like to thank all those who have contributed their time and energy to participate in the meat-and-potatoes committee tasks involved in running our organization. In addition to the Committee Chairs I already have mentioned, I would like to thank Dr. Jaye Miles for her long service in the difficult position of Complaints Committee Chair, as well as members of her committee and her assistant, Lorna Leader. I also would like to thank members of the Inquiry Committee. Their often thankless PAM jobs require a large degree of commitment to service, and many of these volunteers have remained on committees for lengthy periods. We also appreciate new committee members who have come forward with willingness to offer their assistance.

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For the third year, in addition to psychologists, we are fortunate to have equally dedicated and valuable public members serving on our Complaints and Inquiry Committees. These representatives have served a critical function in ensuring that we are, indeed, accountable to the public, and that our actions are transparent and justifiable. We are indebted to Dr. Neil Arnason, Mr. Herb Thompson, and Mr. Chris Somerville, public representatives on the Complaints Committee, as well as to Dr. George Webster, Dr. Neil Craton, and Mr. Ian Hughes, of the Inquiry Committee.

I would like to extend appreciation as well to Dr. Jim Newton, who has served as our one-man Nominations Committee. Dr. Newton has years of experience in various PAM as well as community roles, and that experience, coupled with his committed and collegial attitude, make working with him a particular pleasure.

During the past year, we also have been fortunate to have Ms. Launey Chudy serve as assistant to PAM council and to the Registrar. She brings years of experience, great organizational skills, and a “can-do” attitude to her new role, and her help has been invaluable.

With this meeting, PAM Council will be bidding farewell to two of our members, Drs. Michael Stambrook and Linda Rhodes. Dr. Stambrook has served many years in various roles on Council, including a very long tenure as President. Dr. Rhodes joined council as our Treasurer and has done a formidable job in that challenging role. They both will be sorely missed.

My final thank you goes to Mr. Dave Wright, Counsel to PAM Executive and Mr. Blair Graham, who serves as Counsel to the Complaints Committee. They are great resources in their respective advisory roles and, in particular, have been a great help with some of the regulatory legislation issues that we continue to face each year. We are lucky to have two individuals with such commitment to our work, and who are so highly respected and skilled in their field.

As I indicated, PAM, with Dr. Slusky continuing as our representative, has been very active this year on the working group developing the Regulated Health Professions Act, an important and necessary step toward quality standards and procedures in the regulation of health care professions. We appreciate having had an active role in its development and

wish to thank Ms. Barbara Miller, Senior Policy Analyst for the Manitoba Department of Health and Healthy Living, for being receptive to our feedback about the draft legislation. The new legislation, which should be enacted very soon, will allow for a number of positive changes in the regulation of our profession. Psychologists, as one of the professions covered by this legislation, will be able to incorporate, a right long-afforded many of our colleagues and long-sought by our own profession. As well, PAM, as the newly-named College of Psychologists of Manitoba, will be on firmer ground in recovering costs of investigations and hearings, and potentially in assessing fines when psychologists are found negligent in practice. We also welcome the upcoming requirement to have public

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Dr. Teresa Sztaba (PAM President, Right), thanks departing members for their contributions. From left to right, Drs. Alan Slusky, Linda Rhodes, Michael Stambrook.

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representation on PAM Executive Council.

PAM responded quickly to a portion of the proposed legislation that would have disallowed the use of the title “Dr.” by psychologists in health care settings. We also met with representatives of the Manitoba Psychological Society to present our perspective on this issue, and to be informed about the wishes of the psychological community. Given that psychologists have been duly granted doctorates in the completion of their graduate studies, we are of the opinion that we have the right to utilize the title that is commensurate with our degrees. As well, psychologists have long worked as essential members of teams in various health care settings, working with the use of the title “Dr.” and have worked appropriately, collegially and with the respect of the public in those settings. We are pleased that our concerns were considered and that psychologists now are among those expressly listed as carrying the title “Dr.” in healthcare settings.



Dr. Alan Slusky (PAM Registrar) and Dr. Teresa Sztaba (President), thank Ms Barb Miller (centre) for her presentation at the PAM AGM April 29, 2009.

There are other issues that have not yet been finalized in the upcoming legislation, in particular, that relating to reserved acts. P.A.M remains firm in our stance that psychologists must have the right to make diagnoses of mental disorders, as we have been well-trained to do and have done so successfully to date in practice.

Another significant change, but on the national front, involves the government-developed Agreement on Internal Trade, which was passed on April 1 of this year. The revision of this legislation formally ends the Mutual Recognition Agreement, a document developed by psychologists across Canada (our own Dr. Rallo was instrumental in its development). The MRA was

remarkable in that it brought together all regions of Canada, with many different standards of admission to the profession and regulation of psychology, in agreement about the means by which psychologists could have mobility across provinces and territories. While not without some challenges, we have been working successfully with the MRA for eight years. The revised AIT brings with it government-imposed requirements for registration of out-of-province applicants who now may not meet the standards that we have set for those within the province. Our profession, as well as others such as physicians, has voiced a number of concerns about these revisions. However, given the disparate standards for registration and title in psychology across Canada, it has been difficult to speak with a united voice in large numbers. PAM, through our participation in ACPRO, has attempted to be effective in mandating for acceptable standards for registration and continuation of the use of two titles for differently-prepared practitioners, and continued use of ju-

risprudence and EPPP exams. As yet, our status with respect to these issues is unclear and we remain vigilant and active, as we may face possible challenges in the future.

On the local front, our requirement for continuing education has received excellent support and compliance. PAM was at the forefront of developing CE requirements in Canada, but these requirements now are becoming quite standard across the country. We have considered the idea of adopting a system like that of Ontario, where psychologists develop an individualized Continuing Competency plan based on need for skill development or upgrading. We welcome

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your comments and suggestions on Continuing Education and appreciate your cooperation to date.

We also will continue to explore ways of assessing competencies for registration, in keeping with the current zeitgeist in regulation across North America. Similarly, Council plans to examine ways to assess and mandate competencies in supervisors, a task that our neighbours in Ontario have tackled with some rigour already.

Last, but certainly not the least, with respect to the business of PAM, I am very pleased that our financial situation during the past year has stabilized. We have striven to make all of our decisions with attention to the need for fiscal responsibility to our members and for the survival of our ability to self-regulate. Our success this year is due partly to reduced costs of the discipline process. Although these costs are largely dependent on situations not within the control of the Complaints Committee or Council, we have actively considered ways in which they can be kept as low as possible. As I alluded to previously, our ability in the future to recover costs in at least some disciplinary cases may buffer us against unpredictable and uncontrollable costs in this area. The credit for our improved financial position is also partly due to our prudent, organized, and sometimes necessarily hard-nosed Treasurer Dr. Rhodes, who will provide more details about our finances in her report.

Before I close and you all, I hope, enjoy a lovely dinner, I would like to mention the passing of two long-time members of our psychological community, Drs. James Hardy and Morgan Wright. Dr. Hardy, as the 13th individual to become registered in Manitoba, practiced for many years in the Brandon area, and continued to be registered until his death this year. Dr. Wright was the first President of the Manitoba Psychological Society, and the first recipient of the Robson Distinguished Psychologist Award. We wish to acknowledge the valuable lifetime contributions of both of these individuals to the field of Psychology in Manitoba.

The last few years have been characterized by an unprecedented degree of change in the regulation of psychology in Manitoba (new bylaws; the MRA and AIT; the proposed Regulated Health Professions Act; the development of Continuing Education requirements; the Psychological Associate, Independent Practice category). PAM has remained strong and stable, moving forward flexibly into the future, thanks to the collective efforts of many dedicated psychologists and community representatives. The whole truly is greater the sum of its parts.

The next few years almost certainly will bring new challenges, some predictable and others less so. However, our mandate and commitment to protecting the public by advancing high standards in the practice of psychology will continue to be our unwavering guide.

Treasurer's Report (Fiscal Year 2008)

—Linda Rhodes, Ph.D., C.Psych.

I am happy to report that we have been able to hold fees at the 2008 rates as a result of an exceptionally good year for the Psychological Association. At this time, I'd like to thank Ms. Launey Chudy for her assistance with the PAM bookkeeping this year. As you can see by the Profit and Loss statement produced by our electronic bookkeeping program, Quick Books, we ended the fiscal year on December 31, 2008 with a surplus of \$59,368.33. This surplus is due to slightly higher levels of income (\$179,044.41) and considerably lower levels of expenses than projected (\$119,676.08). As always, our biggest expense was the legal fees paid to counsel for our Complaints Committee and counsel for the Executive Council. However, our legal fees were considerably less than they have been in recent years. As a result, we are able to bank the surplus funds for future

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years when expenses could exceed income again. As you may recall, PAM had been advised by the Chartered Accountants we have retained in previous years that a full scale professional audit of our books was not really required for an association of our size. As such, council voted last year to exercise our right to

Financial statements available on
the website of P.A.M. website:
(www.cpmb.ca).

use two members of the association as auditors as per our bylaws. We are very grateful for the enthusiastic and thorough audit conducted by Dr. Michelle Warren and Dr. John Walker. Please see their letter attesting to their audit of our books (*Page 14, this issue - Ed*). Council is also very appreciative that Drs Warren and Walker have agreed to conduct the audit again next year.

The budget for the next year is presented in a document entitled Financial Statement 2008 and Budget 2009. As you can see from this document, your council expects the cost of running our association to be similar in 2009. The costs associated with legal fees are always very difficult to predict; as such, we estimate costs based on the highest levels in recent years. The increase in funds budgeted in some categories reflect cost overruns in 2008. For instance, the travel budget has been increased. In past years, Dr. Joe Rallo's attendance at some conferences was supported by ASPPB because of his leadership role in that association. Now that we have a new registrar, we must fund more of the cost of attending this Association's meetings. The meeting of Canadian regulators (ACPRO) continues to be fully subsidized for one delegate per

meeting. We have also budgeted more for the examinations budget as the jurisprudence examination begins to be implemented.

Inquiry Committee

—James H. Newton, Ph.D., C.Psych.

The Government of Manitoba enacted new by-laws for the Psychological Association of Manitoba on February 8, 2006. In doing so, the former Discipline Committee ceased to exist, and two (2) new committees were created, one of which is the Inquiry Committee.

The task of the Inquiry Committee is to serve as a three (3) person hearing panel in those instances in which the Complaints Committee recommends charges be laid against a Member and that a hearing be held. One (1) matter was brought to the Inquiry Committee during the past year.

Hearing Panels are comprised of two (2) Psychologist Members and one (1) Lay Member of the Inquiry Committee, the members of which are:

Psychologist Members:

Dr. Michelle Warren
Dr. Diane Hiebert-Murphy
Dr. Robert Martin
Dr. Linda Trigg
Dr. James Newton

Lay Person Members:

Dr. Neil Craton
Mr. Ian Hughes
Dr. George Webster

Dr. Neal Anderson resigned from the Committee this year and has been replaced by Dr. Michelle Warren. On behalf of the Committee

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please accept my thanks Neal for your generous contribution of time and expertise over the past two years.

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

Standards Committee

—John Arnett, Ph.D., C.Psych.

The Standards Committee reviewed two concerns from the public during the past year in relation to the use of the title psychologist and/or improper use of wording suggesting that the individual was a psychologist and/or providing psychological reports.

The first concern related to an individual who holds a psychology graduate degree but who does not hold PAM registration. This individual was engaged in preparing reports and using titling that clearly implied that he or she was a psychologist and that the reports prepared were psychological reports. Legal counsel forwarded a letter prepared by Standards outlining requirements for the use of the title psychologist and similar words under the *Psychologists Registration Act* to which the individual responded that the *Act* was not in force. Standards advised the individual that the *Act* was indeed in force at which point compliance with the *Act* was promised by this individual. Standards will monitor compliance with this.

The second issue related to the Canadian Professional Counsellors Association (CPCA) awarding a designation entitled “Master Practitioner in Counselling Psychology” (MPCP) to individuals who were not registered psychologists. The CPCA website states that it is a national association with head offices in British

Columbia. After conferring with other psychology regulatory bodies in Canada, PAM Council decided not to proceed with further action on this, despite titling concerns, based in part on jurisdictional considerations and the absence of intent of other psychology regulatory bodies to proceed with action.

Dr. Jane Bow of the Continuing Education Committee (CE) reported no new developments with respect to the CE Committee. Dr. Bow is currently considering various means of improving the audit system regarding Member reports of CE credits that they have obtained.

Dr. Hal Wallbridge from the Jurisprudence Examination Committee reported that the Jurisprudence examination is now complete and applicants are studying for the examination. Although, no examination has been administered yet, administrations are anticipated in the near future. An official passing score has not yet been formally set. All new C. Psych. Applicants will be required to write the examination as part of the registration process.

Registration and Membership Committee

—Hal Walbridge, Ph.D., C.Psych.

The PAM Registration and Membership Committee has been functioning well over the past 12 months. The Jurisprudence Exam is finished, but no one has yet had occasion to take it. There are several pending administrations over the next several weeks. The committee membership of R&M has remained the same over this past year and I would like to take this opportunity to thank these committee members for their time and efforts: Bill Davis, Andrea Kilgour, Gail Robertson.

I am pleased to announce the new registrants for 2008-2009.

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Registered Psychologists

Rehman Abdulrehman
Geraldine Brousseau
Hilary Cartwright
Meera Chohan
Becki Cornock
Patricia Ann Malain
Maria Medved

Psychologist Candidates

Mitch Bonin
Anne-Marie Carlson
Teresa Grosko
Cheryl Harris
Maxine Homlqvist
Andrew Lubusko
Lori Mac
Alicia Ordonez de Campos
Nicole Taylor
Melissa Tiessen
Zachary Walsh
Craig Yury

Publications Committee

—Neal D. Anderson, Ph.D., C.Psych.

I took on the role of Publications Committee Chair, vacant since the departure of Andrew Jones, Ph.D., C.Psych., simultaneous with my appointment to Executive Council in October 2008. Other members of the Publications Committee are Alan Slusky, Ph.D., C.Psych. (P.A.M. Registrar) and Morry A.J. Schwartz, Ph.D., C.Psych.

The Manitoba Psychologist (ISSN0711-1533) is currently the only publication of the Psychological Association of Manitoba, although the Publications Committee remains open to managing other publications as directed by Executive Council. As of November 2008, plans are to publish The Manitoba Psychologist twice each

year, in late Fall and early Summer, and to distribute it electronically to members and specific non-members. Current and many back issues are also available on the P.A.M. website. A few members have requested printed copies of the newsletter, and hard copies are prepared and mailed from our Registrar's office when they are requested. Should any other P.A.M. member wish to receive the newsletter in hard copy, he or she should contact Dr. Slusky.

The purpose of *The Manitoba Psychologist* is to assist P.A.M. in fulfilling its legal responsibilities concerning the protection of the public and regulation of psychology in Manitoba, and to foster communication within the psychological community, among psychologists, and within the larger community. As such, *The Manitoba Psychologist* will continue to include columns by the P.A.M. President and Registrar, and current information about Membership, Standards, Discipline, Regulatory, and other issues.

I invite members and others to contact me to discuss P.A.M. publications. In particular, I would appreciate feedback about *The Manitoba Psychologist*, and about how we might make it more useful to members and the wider community.

Nominations Committee

—James H. Newton, Ph.D., C.Psych.

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.

On January 23, 2009, the Registrar issued a call for nominations to Council for the upcoming term of office (2009 – 2011). Unfortunately, no

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nominations were received. As a result, the Nominations Committee canvassed various members of the Association which resulted in the following two candidates for election (by acclimation) to Council:

Jeannette Filion-Rosset
Bruce Hutchison

In addition, the following current members of Council have agreed to stand for re-election (by acclimation) to Council:

Teresa Sztaba
Hal Wallbridge
Grace Tan-Harland
John Arnett
Neal Anderson

The work of the Association is largely 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.

Complaints Committee

—Jaye Miles, Ph.D., C.Psych.

The Complaints Committee of PAM is composed of PAM members Drs. Daryl Gill, Jule Henderson, Bill Leonhart, Mary-Jane Robinson, Bruce Tefft, and I as Chair, as well as public representatives Neil Arnason, Chris Summerville and Herb Thompson. Longstanding member Dr. April Phillips retired this year, and we miss her thoughtful contributions to our deliberations. Dr. Henderson joined the Committee in September 2009, and we welcome her fresh perspective to the work of the Committee. Blair Graham, Q.C., and Rob Olsen of Thompson Dorfman Sweatman LLP served as the Committee’s legal counsel, and Lorna Leader continued as assistant to the Committee. During this past year the transition to operating under the new

By-laws has concluded, with additional information about the appeal process being integrated in 2008 into the disposition letters sent to complainants. The Committee has utilized the services of the Assistant to the Committee in undertaking fact finding inquiries in a number of complaints, where appointment of an Investigator was not deemed a requirement. As well, in the interest of resource and time efficiencies, the Committee has, where appropriate, used a model of sub-team complaint reviews, prior to consideration of complaints by the Committee as a whole.

The Complaints Committee met seven times in 2008. This year marked the completion of most longstanding complaints before the Committee. Of those carried forward into 2009, two dating from 2006 dealing with related matters involving one member, are nearing resolution. The remaining five complaints carried into 2009 were received in 2008.

Of the seven complaints closed in 2008, six were dismissed. One of the six was concluded after an agreement for a period of supervision was negotiated between the Committee and the member. Another of the six was dismissed with an educative letter to the member. A longstanding complaint in which charges of professional misconduct had been brought forward against a member went to hearing in front of Executive Council, pursuant to the former By-Laws. As a result of many issues which arose during protracted proceedings, the prosecution was discontinued. One complaint resulted in charges of professional misconduct and a hearing before a panel of the Inquiry Committee. A guilty plea was entered, and the outcome of the hearing was expulsion of the non-psychologist member.

The trend toward fewer complaints being received continued from 2007 into 2008, with six new complaints being received in each of the last two years. Overall, complaints involve all areas of practice; however, custody and access assessments continue to be a recurring context of complainants. As well, issues and concerns related to

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cross-jurisdictional practice, including telephone and internet services, has the potential to become an emerging area of concern. I, along with Mr. Graham and a number of Committee members, participated in the November Town Hall meeting. Of particular interest was the discussion of the ADR Committee report with alternatives to the formal complaint process in streamlining the current complaint process. As Chair, I have continued to collaborate with the Registrar and Executive Council with respect to broader regulatory issues that relate to complaint and disciplinary issues.

As always, appreciation and “thank-you’s” are due to many. The Committee was again assisted in its work by the generous support of the membership acting as investigators, consultants and supervisors. On behalf of the Committee, I

thank Drs. Jane Bow, Michael Stambrook and Craig Turner for their recent contributions. As always, thank-you to Mr. Blair Graham for his ongoing support and guidance to the Committee, to my psychologist and public member colleagues on the Complaints Committee who conscientiously and generously give their time and expertise to this important function, and to the PAM membership and the public, for addressing important psychology practice issues.

Examinations Committee

—Naomi Berger, Ph.D., C.Psych.

The mandate of the P.A.M. Committee on Oral Examinations is to arrange, conduct and report on the outcome of oral examinations for those individuals seeking registration for independent practice in psychology in Manitoba. In addition, the Committee is charged with ar-

ranging, conducting and reporting on oral interviews for those individuals registered to independently practice psychology in other jurisdictions, who are seeking to practice in Manitoba under the terms of the various reciprocity agreements.

During the 2008 calendar year, the Oral Examinations Committee was busy, with seven regular oral examinations and two reciprocity interviews taking place. Moving into 2009, two oral exams are scheduled to take place during the month of April, with others anticipated to take place later in the spring.

	2008	2007	2006	2005
Carried Forward (from previous year)	8	15	12	8
<u>New Complaints</u>	<u>6</u>	<u>6</u>	<u>12</u>	<u>13</u>
Total Reviewed	14	21	24	21
Outcome of Committee Review				
Closed	7	13	9	9
<u>Carried Forward (to next year)</u>	<u>7</u>	<u>8</u>	<u>15</u>	<u>12</u>
Total	14	21	24	21

I would like to thank the following individuals who have provided excellent service to the Committee by serving as oral examiners during 2008: Drs. Ali El-Khatib,

James Ediger, Michael

Burdz, Carey Mintz, Valerie Holms, Daryl Gill, Gary Shady and Hilary Cartwright. Two thousand and eight has been a growth year for the Committee. In addition to maintaining our entire roster of volunteer examiners from the previous year, we have benefited from a number of new additions. The Committee continues to seek individuals willing to sit on oral examination committees. Any registered psychologist who is available to contribute to the activities of the Committee on Oral Examinations is encouraged to contact me for more information.

Allow me once again to thank the members serving on examinations committees this year, and to welcome new members to the association.



COGNITIVE BEHAVIOUR THERAPY INSTITUTE OF MANITOBA

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Registered Psychologists - *Independent Practices in Psychology*

February 2, 2009

Lay Auditors' Report

To the Members of the
Psychological Association of Manitoba

We have audited the statement of financial position of the Psychological Association of Manitoba as at December 31, 2008 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 our audit we reviewed the financial statements and Treasurer's reports. We examined the evidence supporting the amounts and disclosures in the financial statements considering both the documents on file and the electronic system 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 well considered measures to control expenditures while continuing to provide a high quality of service to members and the public. The budget proposed for the 2009 year appears to be realistic given the results in the 2008 year.

In our opinion, these financial statements present fairly the financial position of the organization as at December 31, 2008 and the results of its operations, changes in net assets and cash flows for the year ending in December 31, 2008.

Sincerely,

Michelle Warren, Ph.D., C.Psych.
Member
Psychological Association of Manitoba

John R. Walker, Ph.D., C.Psych.
Member
Psychological Association of Manitoba

(Registrar, Continued from page 2)

Manitoba. I am working closely with your Executive Council, in consultation with Mr. Wright, to ensure that this process moves Manitoba Psychology to a contemporary standard of regulation, consistent with other provinces that currently operate under similar RHPAs.

As of April 1, 2009, the amended Agreement on Internal Trade came into effect, and PAM is in the process of revising its Reciprocity Application materials to coincide with this new legislation. It is our current understanding that the amended AIT compels jurisdictions to register individuals who have been duly registered/chartered/licensed in other jurisdictions in a way that ensures access to an equivalent scope of practice in their new/destination jurisdiction.

We will very shortly be registering our first member under this amended AIT and I am pleased to report that the process has run smoothly. Members may rest assured that the sharing of information amongst jurisdictions is permissible under these new provisions, and psychologists seeking reciprocity registration under the amended AIT are vetted for past and current disciplinary actions. While not in agreement with all of the provisions of the amended AIT, PAM and other psychology regulatory bodies are working together through our national organization – ACPRO – to ensure a smooth transition to this new system of reciprocity registration, and also to ensure that the high standards of public protection assured under the previous Mutual Recognition Agreement are maintained.

As a final note, information relevant to independent practice by Psychological Associates

has now been posted on the PAM website. PAM council has voted to put in place a two year grand-parenting provision to current Psychological Associates (and those who may wish to register at this level) to allow for potential recognition of supervised experience and work experience (obtained prior to registration with PAM) toward the completion of the four years of supervised experience required for Psychological Associate (Independent Practice) status. The above noted grand-parenting provision is in effect only until April 2011, and any interested PA's are encouraged to contact me with questions about taking advantage of this registration opportunity.

PAM has offered to be one of the first professions (“in the first wave”) to come under the RHPA...

I am working closely with your Executive Council, in consultation with Mr. Wright, to ensure that this process moves Manitoba Psychology to a contemporary standard of regulation, consistent with other provinces that currently operate under similar RHPAs.

Members with the PA (IP) designation practice autonomously, with a scope of practice equivalent to that of Registered Psychologists. I am in the process of organizing meetings with relevant third party funders, to educate them about this registration designation.

Current PA's should be aware that from this point forward the correct designation for those with supervised practice designation will

be for their registration category will be P.A. (SP), while P.A. (IP) is the correct designation for those who may practice autonomously. Members are encouraged to use the correct designation in all their written communication.

This year's AGM brings to a close my first full year as Registrar and I would like to thank members of Executive Council for their support in this challenging but rewarding transition for me. I would also like to extend my heartfelt appreciation to Dr. Joe Rallo for his ongoing availability and guidance in this process.

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(Continued from page 3)

ones will be challenged either in the media, the courts or perhaps even before the Human Rights Commission.

One key issue to watch is whether the Fairness Commissioner is prepared to focus on the process or whether she will attempt to venture into the substantive registration requirements of regulators.

Approach

The Fairness Commissioner has two main tools for accomplishing her goal of system change: regulator self-reports and audits. Each regulator will have to make an annual report to the Fairness Commissioner on its registration practices. Additional reports on specific topics can be required as well. Within the mandate of her enabling legislation, the Fairness Commissioner can specify what information is to be provided and in what format.

Audits will be performed every three years (or such other period as is selected by the Fairness Commissioner) from a pool of auditors approved by her. Preliminary indications are that she will be pursuing an accounting-audit approach to this task.

A fundamental choice that the Fairness Commissioner has to make is whether these tools will be used in a continuing quality improvement (CQI) model or in a compliance enforcement model. The preliminary indications, including from the language used on her website, are that she will be using the latter model. This is not to say that

the Fairness Commissioner will not consult with regulators and try to use informal methods first in effecting change. However, unless she clearly indicates that regulatory reports are not intended to be used as the basis of enforcement compliance activities, including as a basis for the audits, she will reduce the chances of genuine CQI.

Focus on Regulators

The implicit assumption in much of the Fair Access to Regulated Professions Act, 2006 is that the regulators are the problem. While there may well be room for improvement by regulators, it is also possible that even if all credentials for international professionals are promptly and fully recognized, that gaps might still exist for many professionals before they are ready for practice in Canada.

If that is so, the solution is to find a means to fill in the gaps that do exist. That is not the role of regulators and it may well be that government and educational institutions will have to increase their efforts in this area. That will, of course, take money.

A very significant choice for the Fairness Commissioner is to whether she will confine her scrutiny to regulators, or whether she will also cast her gaze at other components of the system.

The choices made by the Fairness Commissioner over the next year or two will have significant consequences for regulators across Canada and for international graduates themselves.



From the Manitoba's Fairness Commissioner's website (www.gov.mb.ca/fairnesscommissioner):

True	False	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regulators must lower their standards to be fair to immigrants.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manitoba's Fairness Commissioner will be an advocate for internationally educated immigrants.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Government of Manitoba's new Act and Commissioner will want regulators to reduce standards of professional practice to the lowest common denominator rather than uphold the highest possible standards.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regulators will be inflexibly subject to the fairness obligations of the Act.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Immigrants want to be recognized without having to write exams or be tested.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Government wants regulators to give special "backdoor" treatment to make licensing and certification easier for immigrants than for their Canadian-born counterparts.

Ethical Guidelines for Psychologists Providing Psychological Services through Electronic Media

Neal Anderson, Ph.D, C.Psych.

Adapted from an article first published in The Society Page, newsletter of the Manitoba Psychological Society, October, 2006.

Canadian psychologists increasingly use video-conferencing, e-mail, chat rooms, bridge-lines, as well as the telephone, in their professional work with clients or patients. In June 2006, the Canadian Psychological Association Board of Directors approved in principle new ethical guidelines for psychologists who provide services through electronic media. Recognizing that electronic technology evolves quickly, and trying to avoid focusing upon specific technologies, Dr. Sinclair and the CPA Ethics Committee have considered electronic communication tools, and thought about how they relate to the ethical principles and values of the Canadian Code of Ethics for Psychologists (CPA, 2000).

The Committee notes that, while the new guidelines address issues unique to the use of electronic media in professional practice, they should be used in conjunction with the most recent version of the Code. The Committee also points out that the guidelines apply to professional activities where there is a contractual relationship between a psychologist and a client, but not to the use of electronic media for providing general educational or resource information.

In its draft guidelines, the CPA Ethics Committee presents four principles for psychologists to consider when using electronic tools. "Respect for the Dignity of Persons" addressed special issues around informed consent.

Clients need to understand the nature of the medium in which they're going to be served, the Committee proposes, and informed consent for treatment via electronic devices would require that a truer review of the risks and limitations inherent in the medium (limited information from non-verbal cues, the possibility of communications being intercepted), as well as its benefits (such as greater accessibility and convenience). Psychologists should review with clients reasonable alternatives to electronic-based services, and verify the identity of substitute decision makers where appropriate. "Respect for the Dignity of Persons" also refers to psychologists keeping up to date with

electronic security to protect clients' privacy, and making agreements with clients about security practices and what psychologist and client each need to do to maximize security, and to manage the risk of an impostor posing as either psychologist or client.

The second principle, which the Committee calls "Responsible Caring," relates to the requirement for psychologists not only to be competent in the service they are providing electronically (as they must be if they provide a service in person), but also to stay up to date with the e-service research literature and considering this literature when deciding whether, when, and how to provide services to specific clients. Extensions of current Code guidelines include psychologists keeping hard copies of online communications as well as normal contact notes, planning for emergencies, where a client is not necessarily local, including plans for referral to qualified health care providers who can provide local back-up to a client, and local crisis and emergency telephone numbers. Psychologists need to plan for alternative communication where there is a technology failure, and for the possibility that a client will receive significantly greater benefit from in-person services than electronic ones and therefore that the client will need to be seen in person or referred to a qualified professional who can provide such service.

The principle, "Integrity in Relationships" relates to ethical boundary management. For example, the Committee notes, psychologists must ensure that the possible convenience and financial advantages of providing e-services never outweigh the best interests of clients, and that psychologists be aware of the jurisdictional requirements around licensure and the possibility that a jurisdiction may require a psychologist to be licensed both in a client's home jurisdiction and the psychologist's own home jurisdiction in order to provide e-services.

Also extending the current Code to electronic me

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(Electronic Communication, Continued from page 17)

dia is the fourth principle “Responsibility to Society.” Here, the Committee addresses such matters as the security of psychological assessment instruments potentially administered on-line, and the need for psychologists to obtain liability insurance coverage for their e-services. Psychologists need to provide clients with contact information for appropriate regulatory bodies, and be familiar with and honour the laws and regulations of jurisdictions to which they provide e-services, including such matters as age of consent and mandatory reporting requirements.



(Dr. Stambrook, Continued from page 1)

He has published widely in medical, surgical, rehabilitation, and psychological journals, with papers focused in critical illness, chronic illness, and neurological disability. He has served as Consulting Editor for the *Canadian Journal of Rehabilitation* (1987 -1994), and on the editorial boards of *Journal of Clinical Neuropsychology*, *Brain and Cognition*, *Mosaic*, and *Merrill-Palmer Quarterly Journal of Developmental Psychology*.

Michael is a Fellow of the Association of State and Provincial Psychology Boards, and a Member of P.A.M., Canadian Psychological Association, American Psychological Association, Canadian Register of Health Service Providers in Psychology, International Neuropsychological Society, Association of Rehabilitation Medicine in Manitoba, National Academy of Neuropsychologists, Manitoba Psychological Society, Canadian Pain Society, International Association for the Study of Pain, and the International Society for Traumatic Stress Studies.

Thanks, Michael, for your huge contribution to Psychology in Manitoba, and best wishes for the future.



**THE PSYCHOLOGICAL ASSOCIATION OF MANITOBA
L'ASSOCIATION DES PSYCHOLOGUES DU MANITOBA**

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