

March 2014

Frequently Asked Questions to the BCASP Executive

Regarding Regulation by the British Columbia College of Psychologists

The purpose of this document is to provide clarification and consistent information to the BCASP membership by addressing concerns raised to the Executive in regards to regulation by the BC College of Psychologists (CPBC).

Historical Context

The Executive of BCASP has been working diligently on the behalf of school psychologists since 1992, to have our work recognized by the public as a part of a larger professional body, and to be governed by the same professional guidelines as other psychologists in British Columbia.

There have been ongoing intermittent conversations (dating back to the 1990's) between the Ministry of Health and the Ministry of Education in regards to repealing the Exemption Clause, Section 3(2) of the Psychologist Regulation, BC Reg. 442/99, which is encompassed within the Health Professions Act (2000/2005).

The Health Professions Act was developed in the late 1990s to bring all health professions under one Act; previously, psychologists were regulated under the Psychology Act (1977). The Health Professions Act sets out rights and responsibilities that all Colleges must address to ensure public safety. The three pillars of a college are: Registration, Inquiry and Quality Assurance. In the early 2000s the CPBC also added a Continuing Competency component.

BCASP members have been able to use the title "Certified School Psychologist" under the existing Exemption Clause, Section 3(2) of the Health Professions Act (2000), which is reflected in BCASP's Bylaws (Section 2.3). The original intention of the Exemption Clause was to permit Master's level psychologists use of the title "psychologist" in certain specified work environments (i.e., schools, hospitals, universities). The Exemption Clause was to be a temporary measure. In the case of Certified School Psychologists it was to allow the Ministry of Education sufficient time to negotiate with the Ministry of Health about the process and conditions by which Certified School Psychologists would eventually be regulated by the CPBC, with the least disruption in psychological services to schools.

In 1999, the BCASP Executive submitted an application to the Health Professions Council to form a separate College of School Psychologists. The Health Professions

Council was discontinued prior to the application being reviewed, and as a result, the application to form a new College was not pursued. Currently, the Ministry of Health has stated that they are not willing to consider the formation of any additional Colleges, in the province of BC.

At the BCASP Annual General Meeting (AGM) in 2002, Dr. Andrea Kowaz, Registrar of the CPBC, presented to the BCASP membership. She reviewed the impact the Mutual Recognition Agreement would have on the practice of psychology in BC. It was suggested, during this presentation, that BCASP members would need to be regulated by the College in order to continue to perform psychological services in schools, when the Exemption Clause was removed. Members were encouraged to submit an application to the CPBC.

In response to the impending removal of the Exemption Clause, in 2003 the CPBC introduced an “extra-ordinary” period for school psychologists to take advantage of becoming registered with the CPBC. At that time, it was uncertain as to whether the removal of the Exemption Clause may disrupt services to schools. The “extra-ordinary” period involved a lengthy process consisting of updating coursework, writing the EPPP, writing the WJE, and completing two oral exams. The CPBC provided a five year window for “extra-ordinary” applicants in order to complete the process. As a result, the limited number of school psychologists in BC who took advantage of this “extra-ordinary” period, and completed all components successfully, were given the title, Registered Psychological Associate (still Full Registration, which included the option to pursue private practice). This title was changed in 2010 as a result of CPBC by-law changes, to Registered Psychologist. With the exception of Master level clinicians becoming fully registered during the 2003-2008 extra-ordinary period, the CPBC has not given Full Registration status to Master level psychologists through a “grandfathering” mechanism, since 1980. Currently, Full Registration for new applicants is reserved to Doctoral level practitioners.

In 2007, the Ministries of Health and Education agreed to extend the Exemption Clause for an additional five year “grace period”, expecting that there would be a resolution to the regulation of Certified School Psychologists with a minimum of a Master’s Degree, within this time frame. Prior to the agreement to extend the Exemption Clause, representatives of BCASP (Bill Benson and Peter Molloy) met with the Deputy Minister of Education, Emery Dosedall, and Susan Kennedy, Executive Director of Diversity and Equity, to discuss the CPBC concerns regarding public safety. The impact of the CPBC being the regulatory body was discussed, as well as BCASP having the ability to enter into the CPBC as a group. Due to the discussion of issues that related to porting over as a group, potentially having supervision, and the ability to do private practice, it was

felt that more time was needed in order to have a resolution that would protect the education structure within British Columbia and avoid disruption to service. As a result of these discussions, the Ministry of Education required School Districts to submit to the Ministry two pieces of information on an annual basis. Firstly, the number of substantive complaints against School Psychologists; and secondly, the number of employees working in a School Psychologist position that were either a Registered Psychologist, and/or Certified School Psychologist, or neither. There were only two complaints submitted to the Ministry during this period. These complaints were colleague to colleague, and were not considered substantive

The BCASP Constitution, states: The purposes of the society are to represent the interests of school psychologists and to further the standards of school psychology practice in order to promote effective service to all students and their families by: (1) encouraging and initiating activities appropriate to the strengthening and unifying of the profession of school psychology; (2) assisting and promoting the development of high professional and ethical standards within its membership; (3) promoting the advancement of educational standards in school psychology; (4) promoting sound personal practice in school psychology; and (5) representing the needs, concerns and interests of school psychologists in areas of public relations, education programs, and legislative matters.

In the spirit of this statement, a motion was presented at the 2010 AGM, to have the BCASP Executive advocate on behalf of its members to ensure that this move to regulation was not overly onerous on its members (passing with a unanimous vote). This motion was predicated on the fact that school psychology has a specific and definable scope of practice and that school psychologists would be professionally enriched by being part of a larger community of professional practice within the CPBC. Specifically, the motion read as follows:

The membership endorses the BCASP Executive entering into formal conversations with the CPBC of Psychologists of BC for the purpose of members of BCASP being regulated by the CPBC with an understanding that entry requirements, scope of practice (psycho-educational assessment within a school setting), knowledge of jurisprudence and code of conduct, continuing competency requirements (professional development expectations) and access to restricted activity are key regulatory elements which would frame these discussions. Further, the BCASP Executive was given the mandate to:

- Ensure that current BCASP membership criteria will be prominent in the development of entry requirements for School Psychologists practitioners with a master's degree.*
- Ensure that while it is understood that each applicant must be considered on its own merits, that avenues of appropriate accommodation or modification of entry requirements based on training and experience of BCASP members be discussed.*
- Ensure that any sunset provisions which are typically in place for regulatory transitions of this nature are in place in any transition to regulation by the CPBC.*

At the 2011 AGM the BCASP Executive reported on formal discussions with the CPBC (from November 2010-November 2011), as per the request of the attendees at the 2010 AGM. The BCASP position with regard to regulation by the CPBC, as developed by the Executive, was presented to the membership at the AGM. This position included the following points:

- Acceptance of BCASP membership in “good standing”
- Continuation of the “spirit” of the exemption clause – where practising school psychologists employed by Boards of Education do not require external supervision; however, if one chose to enter into private practice they would require supervision by a Full Registrant of CPBC or
- Opportunity for BCASP members with extensive experience to apply for Full Registrant status – Registered Psych – through the “substantial equivalencies” process
- Recognition of School Psychology as a distinct scope of practice
- BCASP members would use Registered School Psychologist as their title, rather than a reference to being a “limited” registrant with CPBC.

Membership requirements:

- A Masters' degree with a strong course component of school psychology specific courses – psychometric principles, intervention, Level B and C assessment, emotional/behaviour assessment and interpretation/intervention course work, etc.
- A 1200 hour internship

- Successful writing of the NASP (PRAXIS II) competency exam
- On-going professional development

The result of discussions to date between the Ministries of Health and Education, BCASP and the CPBC is an agreement, in principle, that:

1. BCASP members will have their existing professional and academic qualifications recognized as meeting the standard for membership into the College's limited class for school psychology.
2. That "school psychologist" will be the title of registrants in this class.
3. That the practice of school psychology occurs in the school setting and requires employment or contract with a Board of Education constituted under the School Act, and independent school or school authority, or by a Provincial, federal or municipal government or government agency, or by a university as defined by the University Act.
4. Each BCASP member, who is not currently a registrant of the College, will be required to complete an individual application; successfully pass a Jurisprudence examination on current laws and standards governing the practice of psychology in British Columbia (College Bylaws; Code of Conduct; provincial and federal legislation); and provide letters of reference.
5. Attend a mandatory one day workshop on responsibilities as registrants of the College.
6. To obtain and maintain professional liability insurance, if necessary (this is related to private practice), in compliance with the College's bylaws.
7. The College will establish a transition committee comprised of College Board members, staff and BCASP designates to help facilitate the transition of school psychologists from a non-regulated work environment to that of a regulated health profession environment.
8. It is important to note that these are the minimum expectations for entrance into the College.

On January 27, 2014, the most recent meeting occurred at the Ministry of Education offices, involving Assistant Deputy Minister, Rod Allen, representatives from the CPBC, and Doug Agar, President of BCASP. The CPBC presented a proposal to the Assistant

Deputy Minister regarding the repeal of the Exemption Clause. Please see Appendix 1 for the proposal in its entirety. BCASP principles have been noted above. At this time, Rod Allen from the Ministry of Education is reviewing the information provided and seeking further input from stakeholders (such as School Districts and The British Columbia Teachers Federation).

The Saskatchewan and Manitoba models that have recently been shared with the BCASP Executive, have also been forwarded to the Ministry of Education as examples of how other jurisdictions have resolved the regulation of school psychologists within a College framework.

Frequently Asked Questions

1. Ultimately, who is responsible for making this decision about how Certified School Psychologists will be regulated?

Representatives from the Ministries of Health and Education will be making the decision.

2. Is this a merger between BCASP and CPBC?

No, this is not a merger. This is a resolution to the issue of having the practice of school psychology governed by a regulatory body, as directed by the Minister of Health. The Minister of Health has directed the CPBC to be the regulatory body.

3. Why can't things stay the same?

The Health Professions Act outlines that all health practitioners need to be regulated by a College. The Exemption Clause extension has expired as of 2012.

4. Describe the process of applying to the college including: the application process, what the college will use as their criteria, fees, exams, vetted or not, credentials, time line, what will the final stages look like?

Criteria: The CPBC has indicated that they will use the same membership criteria as BCASP in terms of determining eligibility in their new limited class. The proposal from the CPBC is that BCASP members can move over as a group, and not have to go through individual vetting. Please see Appendix 1 for more information.

Each BCASP member will also require a letter of “good standing” from BCASP, that states that there are no complaints against him or her and is a suitable candidate for registration with the CPBC. It is important to understand that in order to be a BCASP member in good standing an individual must have a current (2013-2014) verification of employment on file with the Secretary-Treasurer, and has up-to-date membership fees.

Fees and Exams: The CPBC has indicated that BCASP members will be required to pay the fee structure for applying for registration with the College as follows: \$500 application fee; \$150 processing fee for the Written Jurisprudence Examination; and membership dues currently set at \$1200 per annum.

Description of the final stages: This is unknown at this time.

5. What is the time line for this process?

As more information becomes available it will be shared with the membership.

6. Why should our annual fees be the same as full registrant members, if there are limits on our practice?

The BCASP Executive cannot address this question at this time. This concern has been raised with the Ministry of Education and to date we do not have an update on this matter.

7. Explain what it means if a member chooses not to move to the college/what will be their abilities as a school psychologist from that moment forward?

At this point, we do not have enough information to accurately answer this question. The specific parameters of an agreement are unknown at this time.

8. Why can't CPBC take our credentials as is and not the application?

The CPBC has agreed to accept BCASP members' credentials as is; this has been outlined as part of the porting process. An application will need to be completed so that the CPBC has a record of individual members, and this is a standard requirement across the entire CPBC membership.

9. What is the benefit to us by being a member of the college?

As a registered member of the CPBC, BCASP members would enhance their professional status by having the public recognize that they are part of a larger professional body, and are governed by the same professional guidelines as other psychologists in British Columbia. We as school psychologists would be regulated by the CPBC which would afford students and their families the same degree of protection that the general public receives through the CPBC. Registration with the CPBC includes the requirement to adhere to the CPBC's Code of Conduct. This would further enhance the ability of school psychologists to advocate for higher standards with regard to issues such as informed consent, record keeping, supervision, and so on. From a public protection standpoint, parents, teachers, and other persons affected by the services of school psychologists, would have access to a fully developed complaint process to ensure fairness and due process.

10. Explain why the scope and sequence (practice) is for work place only.

The discussion with the Ministries to date has been to repeal the Exemption Clause. As such, the Exemption Clause has always determined the scope and setting for Certified School Psychologists. Thus, the limited registry continues to follow these guidelines.

11. Will the fees be shouldered by individual employees?

This is unknown at this time. It is unknown how the final negotiations will conclude.

12. Are we going to have the same rights and privileges as other members of the College?

We do not have a definitive answer to this question as it is unknown how the final discussion between the Ministries will conclude.

13. What would be the distinction between a registered school psychologist on the limited registry and a fully registered psychologist with a declared competency in school psychology?

The distinction is that a registered psychologist has the ability to conduct private practice, whereas a registered school psychologist will still have limits to his or her scope of practice to school settings.

If a Certified School Psychologist wished to be fully registered, he or she could apply for full membership with the CPBC, and would need to meet the current criteria for membership (including the EPPP, oral exam, WJE, doctorate degree, supervision) or through substantial equivalencies.

14. What are the plans for new registrants within a limited class as it relates to becoming fully registered with the college?

The CPBC addresses this issue with substantial equivalencies within their proposal. Please refer to Appendix 2.

15. Will there be some accountability for registered psychologists who are not working within their scope? In other words, will the CPBC be putting out a memorandum stating that all registered psychologists are to be working within their current scope of practice and not working in other areas such as a counselling psychologist doing school psychology work?

This question is more appropriate for the CPBC to address. If someone has concerns, they could follow the CPBC complaint process.

16. What are the implications for ability to diagnose?

The ability to diagnose comes with the title of psychologist. If one chooses not to be Registered (Limited or Full Registry), he or she will not be able to diagnose, as per the Psychology Regulation of the Health Protection Act.

17. What will the process for registration into the college look like for new graduates from School Psychology programs in BC?

The CPBC proposal states that they will continue to use the BCASP criteria on an individual basis.

18. What will happen to BCASP if we become regulated by the CPBC?

We will still have the need to maintain continuing competency requirements, and it seems appropriate that BCASP may continue as a professional development association.

19. Will BCASP still be certifying?

No.

20. Will there be an opportunity for BCASP members to provide feedback on the proposal to the College or the College's proposal to us?

Yes, there will be an opportunity to provide feedback. The intention of this document is to provide current information to the membership.

21. Will there be an AGM with BCASP members to discuss the implications?

An update in regards to Ministry discussions will occur at the next scheduled AGM. In the interim, as new information becomes available, it will be distributed to the membership.

22. Will there be an opportunity for members to vote on a proposal?

The Ministries have all information provided by BCASP and CPBC that has been detailed earlier in this document. Therefore, this situation does not lend itself to a vote. Currently, there are ongoing discussions between the Ministries: The BCASP Executive and the CPBC are not party to these discussions.

23. Should we hire a lawyer to assist with the negotiations?

Given that the two Ministries are currently in discussions, there is not an opportunity for lawyers representing BCASP or CPBC to enter into these discussions.

24. Interprovincial mobility – is this an issue? Should this be referred to the Labor Mobility Coordinator? Refer to Chapter 7 of the Labour Mobility Agreement. Are the restrictions being placed on potential BCASP entrants into the college legal?

The current process of becoming regulated by the CPBC has to do with the removal of the Exemption Clause, not the Labour Mobility Agreement. Mobility is sanctioned by the Ministry of Labour, and this Ministry is separate from the CPBC. At this time, the BCASP Executive cannot provide an answer, as it would be based on speculation, until the current discussions have a resolution.

25. Why have the discussions in British Columbia seeming to be occurring differently than what has occurred in other provinces?

The CPBC are not changing their requirements for full registration, they are amending their bylaws to allow entrance into a limited registry which

includes classes that would have previously been included in the Exemption Clause.

The changes that took place in Saskatchewan and Manitoba involved creating and implementing provincial legislation, involving Orders in Council, to make a more significant shift. If this is to occur in BC, it would require a Ministerial Order. The examples of legislative change, in such provinces as Saskatchewan and Manitoba, have been forwarded as information to the Ministry of Education.

26. Will this make it harder for under served school districts to recruit school psychologists?

The BCASP Executive cannot address this question at this time as it is unclear if or how this may impact recruiting practices for districts across the province.

27. What happens if we get audited by the college in our school districts?

The CPBC requires continuing competency hours. Every registrant of the CPBC is open to having their continuing competency requirement audited on an annual basis, and individual members are chosen randomly.

28. What would the complaint process be, given that we are also employees of a District?

Currently there are two complaint processes, depending on where a complaint is filed. The first one is within the school district whose process is outlined within Section 11 of the School Act. The second process is a direct complaint to the CPBC.

29. Why doesn't the College implement the extra-ordinary period again?

The BCASP Executive is not able to answer this as it is outside its purview.