



# Statutory Regulation in Canada

Cross-Country Check-Up – May 2014

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## **Introduction**

Each year at its National Conference, CCPA conducts a Cross Country Check-Up on counselling/psychotherapy regulation in Canada.

The focus of the session at the 2014 Conference will be on events which have occurred in the last year (May 2013-May 2014)

This document contains a summary of the history of regulation in each province to ensure that each participant understands the background for the current events.

## **Alberta**

- The Alberta/NWT Chapter of CCPA has been investigating the process within Alberta to regulate counselling.
- They are currently connecting with other like-minded organizations and conducting research to determine the process to be used to introduce legislation regarding counselling and psychotherapy into the province.

## **Saskatchewan**

- No activity at this time.

## **Manitoba**

- An informal coalition has been in existence for three years.
- They have connected with the Ontario Alliance, CCPA National Office, NSCCT to learn about the legislative process.
- Several presentations have been given by Lorna Martin (CCPA, Past President) and Barb MacCallum (CCPA CEO)
- The Manitoba Chapter is also determining what their strategy will be.

## Ontario

- **Type of Regulation:** Protected Title and Controlled Act
- In 2002 the Ontario Alliance of Mental Health Practitioners (formerly the Ontario Coalition of Mental Health Professionals) was formed.
- This group consists of representatives from 14 different organizations, including CCPA.
- The many practitioners represented by the Alliance have a variety of professional titles, including counsellor, therapist, and psychotherapist.
- The Alliance has had significant input related to the regulatory initiatives undertaken by the Ontario Ministry of Health.
- In 2007, the Government of Ontario passed legislation to amend the Regulated Health Professions Act by adding to it a new section entitled [Schedule R: Registered Psychotherapy and Registered Mental Health Therapists Act](#).
- The Act makes provisions for the creation of a regulatory college to regulate professionals with the titles Registered Psychotherapist and Registered Mental Health Therapist.
- In 2009, the Transitional Council (TC) was appointed.
- The TC establishes the regulations and protocols for the new College.
- There are three regulations that must be developed before the College can open: Registration Regulation, Misconduct Regulations, and the Quality Assurance Regulation.
- As of March 2014, the Misconduct Regulations and Quality Assurance Regulations were approved.
- Initially the TC developed two sets of registration regulations – one for the Registered Psychotherapists and one for the Registered Mental Health Therapist.
- In 2012 the Registration Regulations were sent to the Ontario Ministry of Health and Long-Term Care.
- There was a great deal of controversy with regard to the two titles.
- The research conducted by the TC to determine who would fall into the Mental Health Therapist category uncovered the fact that there were practitioners in Ontario who touched on the Controlled Act but who did not practice Psychotherapy.
- In January 2013, the Ministry of Health and Long-Term Care clarified the scope for the regulation of the profession in Ontario.
- The Ministry further announced that it would develop an exclusionary clause for the group of practitioners who touched upon the Controlled Act.
- As of March 2014, this clause is not available.
- The title of Registered Mental Health Therapist has been placed on hold until further studies can be conducted.
- Therefore only the title of Registered Psychotherapist will be available when the new College begins operation.
- In order for the College to begin operations, the Psychotherapy Act, 2007 must be fully proclaimed by the Ontario Government.
- Full proclamation will not occur until the draft regulations have been approved by government, and other programs and processes are in place, now expected in the summer of 2014.

- It is anticipated that pre-registration will begin on April 1, 2014.
- After the new Ontario Psychotherapy Act is enacted and the new Ontario College of Registered Psychotherapists is officially established, if a Registered Psychotherapist wishes to carry on his or her practice through a corporation, he or she must do so as a “professional corporation” incorporated under the provisions of the Ontario Business Corporations Act (“OBCA”).
- There will be a grandparenting option available for two years after proclamation.
- There is a Qualifying category to allow practitioners to be licensed if they do not meet all requirements.
- With regard to the AIT, Ontario has announced that they will recognize practitioners from Quebec and Nova Scotia.
- At this time Nova Scotia and Quebec have not indicated a reciprocal agreement.
- The most up-to-date information may be found at [www.crpo.ca](http://www.crpo.ca)

## Quebec

### Type of Regulation: Titles and Scope

- A number of years ago regulated professions in Quebec each had their own legislation.
- The professional system as it is known today, was created in 1973 by the “Code des professions”.
- Currently 53 professions and 45 Orders/Colleges are monitored by the Office des professions a governmental institution.
- Protection of the public is the primary mandate of the Orders/Colleges.
- The profession of “Conseiller d’orientation” was the first profession in the field of counselling to be regulated. It has been regulated for 50 years in Quebec. Two more professions were added to the professional system in the 2000s – Psychoeducators and Family and Marital Therapists
- Conseiller d’orientation translates into English as a Guidance Counsellor, however the term does not equate to the Guidance Counsellor we are familiar with in other provinces.
- Outside of Quebec, Guidance Counsellors are typically thought to only work in the school system due to their educational formation.
- In Quebec a Conseiller d’orientation does work in the school sector (secondary, college and university) but also in many other sectors such as mental health, employment, organizational development, recruitment, rehabilitation, etc. The regulatory body for Guidance counsellors is the Ordre des conseillers et conseillère du Québec .
- The title “Guidance counsellor” is a protected title by the Ordre des conseillers et conseillère du Québec.
- The profession of Psychoeducators has been regulated since 2000.
- The regulatory body for psychoéducateurs is l’Ordre des psychoéducateurs et psychoéducatrices du Québec.
- Integration of the Thérapeutes familiaux et conjugaux (Family and Marital Therapists) to the Ordre des Travailleurs sociaux occurred in 2001.
- New legislation to reserve activities to the professions in Human relations and mental health and to regulate the practice of psychotherapy in Quebec was introduced in 2008 (Bill 21)
- Bill 21 which reserves several activities in the field of human relations and mental health to Physicians, Psychologists, Guidance Counsellors, Psychoeducators, Social Workers, Family Therapists, Ergotherapists, Mental Health Nurses, and which regulates the practice of Psychotherapy in Quebec was proclaimed on September 21, 2012.
- Those reserved activities can be shared among some of the professions in human relations and the mental health sector.
- All reserved activities must be performed within the context of the scope of practice for which the person is licensed.
- Quebec candidates must be able to pass the standard French language exam administered by the Office québécois de la langue française to perform reserved activities in any Order/College.
- Bill 21 By-laws were approved on December 6, 2012.

- In order to obtain a psychotherapy permit, applicants must first belong to one of the five related orders/colleges and then must follow the guidelines of their order/college to apply to the Order/College of Psychologists for a permit.
- If an applicant cannot join one of the Orders/Colleges they may be grandfathered if they fulfill the grandparenting requirements.
- Grandparenting will be available for 2 years post proclamation (June 21, 2014)
- Law 21 stipulates the requirements for maintaining the psychotherapy license.
- In order to ensure that competencies gained in university studies match those required for the professions of Guidance Counsellor and Psychoeducator, most university programs have aligned their competencies with the Orders.
- Graduates of these programs obtain automatic admission into the Orders if they apply within 5 years of graduation and have passed the French language requirements test.
- In Quebec there are several French titles and 2 English titles for the same profession (Guidance Counsellor) which have the same registration requirements.
- The applicant can determine which of the six titles they wish to use.
- Currently the Ordre des Conseillers d'orientation has approximately 2,450 members.
- l'Ordre des Psychoéducateurs has approximately 3,400 members.
- 282 Family and Marital Therapists, are members of Ordres de travailleurs sociaux.

## New Brunswick

### **Type of Regulation:** Title Protection

- Various groups in New Brunswick have been pursuing legislation for more than 21 years.
- A Federation of three counselling groups (New Brunswick Association of Counselling Therapist Association (NBACT), New Brunswick Professional Counselling Association (NBPCA), and Association francophone des conseillères et des conseillers en orientation du Nouveau-Brunswick (AFCONB)) was formed to move the regulation of counsellors forward.
- In New Brunswick this type of legislation must be presented as a Private Member's Bill.
- The Health Disciplines Policy provides the framework.
- There are two titles being protected: licensed counselling therapist or licensed career counsellor along with their equivalent French titles.
- There is also a scope of practice defined in the draft Bill.
- It was anticipated that the Bill would move forward 2012.
- However, a change in health minister, and the government liaison for the Federation has resulted in a delay.
- In 2013, there was a request from a government that the Federation consider becoming a more formalized organization i.e. incorporation of the Federation.
- There were also detailed questions from the government liaison that require a response.
- The Federation has also been told by the government liaison that the Federation now needs to engage legal counsel in the legislative process which places an additional financial burden on the Federation.
- The Federation has also learned that the cost of meeting the Legislative protocol for advertising that must be done to inform the public about the proposed legislation will be \$8,000-\$10,000.
- In March 2014, the Federation did engage legal counsel.

## Nova Scotia

**Type of Regulation:** Title Protection

- The Counselling Therapist Act was proclaimed on October 11, 2011
- Regulation is under the Regulated Health Professions Network Act (RPHNA)
- The Nova Scotia College of Counselling Therapists (NSCCT) is the regulatory body
- The primary mandate of the College is protection of the public
- The College awards professional credentials that include Registered Counselling Therapist-Candidate (RCT-C) and Registered Counselling Therapist (RCT)
- Requirements for RCT-C are a master's degree in a helping profession that meets required course criteria, a supervised practicum, and a Canada-wide Criminal Record with Vulnerable Sector Check
- Additional requirements for RCT are a minimum of: two years and 2000 hours of post-degree supervised practice, 800 hours of direct client contact, and 50 hours of supervision with an NSCCT-approved supervisor
- Requirements for continued licensure are a minimum of 12 hours of professional development per annum, maintenance of professional liability insurance coverage, and adherence to the Canadian Counselling and Psychotherapy Association Code of Ethics and Standards of Practice
- NSCCT is a relatively small College with approximately 200 members
- NSCCT activities include:
  - regulation of Counselling Therapists (that includes ethical oversight)
  - protection of the public
  - education of employers, insurers, and the public about the mandate and role of the College and the qualifications and competencies of its members
  - professional development of members in the areas of ethics and supervision
    - The College espouses an inter - professional collaborative approach to professional development
- The College has one paid employee - the Registrar
- All other positions are volunteer
- Annual fees: \$300 for Registered Counselling Therapist-Candidates (RCT-Cs) and \$400 for Registered Counselling Therapists (RCTs)
- Additional information is available at [www.nscct.ca](http://www.nscct.ca)

## Prince Edward Island

- Legislation had been a hope for many in the counselling psychotherapy field for years prior.
- The Prince Edward Island Counselling Association formed a Chapter for Counselling Therapists and vigorously pursued legislation for many years.
- In August 2012, the PEI Department of Health and Wellness circulated draft umbrella legislation for the health professions; the Regulated Health Professions Act (RHPA).
- In the Fall of 2012, The Counselling Therapist Chapter of The Prince Edward Island Counselling Association responded to the request for feedback on the umbrella legislation.
- On December 20, 2013, the PEI Health Ministry indicated that the RHPA (Regulated Health Professions Act), Bill 42 was now in effect.
- Bill 42 provides consistent licensing, complaint and discipline processes applicable to all designated health care professions.
- In addition, the legislation provides criteria for regulation, a formal application and an assessment process for requests for regulation.
- Under this new legislation, unregulated health professions can apply to become regulated.
- It was noted that PEICA is working with a lawyer to develop the letter of intent for Counselling Therapists.
- Because the number of therapists is small, they may be grouped with other similar professions seeking regulation.
- This will allow for cost-sharing.

## Newfoundland and Labrador

- Beginning in approximately 2009, the provincial government department of Health began researching the development of Umbrella legislation to govern professions such as Laboratory Technicians, and related health occupations.
- The resulting legislation which encompasses a variety of health related professions and self-regulation was passed in 2010- entitled the “ Health Professionals Act” .
- Under this umbrella legislation, professions such as Lab Technicians, Dental Hygienists, respiratory therapists, and midwives, among others, are now self-regulated under this Act, through a Council of Health Professionals. This process was developed through the Department of Health and Community services of our provincial government.
- At this point, although it is unclear as to why this legislation had not as of yet included counselling professionals, we have since learned that our profession could potentially seek regulation under this Umbrella Act.
- In 2013 there were several calls and meetings held with various agencies to gain better understanding of provincial process and potential partnerships in regulation effort (including: NL Association of Social Workers, NL Psychology board, MUN Professors, Director of Pastoral Care and Ethics in Eastern Health).
- In August 2013 a meet and greet was held with members of NL CCPA, with several members naming their interest in regulation issue.
- A survey was sent out to members of CCPA to ascertain level of interest and awareness of regulation issue in province.
- Based on 30 responses to this survey, approximately 14 members indicated interest in actively working on this issue.
- In November 2013, Tracy Duffy (NL CCPA Director) and a CCPA member attended a meeting with the Provincial Regulatory Consultant, of Department of Health (provincial legislative Division).
- Background documentation was received about the Health Professions Act.
- Information on how to begin a submission to apply for consideration for regulation under this Act was provided.
- On March 1, 2014 committee/working group held its first meeting for members interested in regulation - ( 8 members attended, with increasing interest for future meetings to engage more diverse membership).
- Members of committee were given background information, and documentation links as provided by Regulatory consultant (i.e. White paper); a copy of which was also provided to Barb McCallum on regulation standing committee.
- Plans to continue networking efforts with potential outside agency groups/ professionals, will commence in the late spring of 2014, with hopes to hold a second committee meeting in late May.
- Research will continue on this endeavor, to ensure we have a cohesive application process to submit within the next 1-2 years.

## British Columbia

### **Type of Regulation:** Title Protection

- Regulation activities have been ongoing since 1988.
- The British Columbia Association of Counselling Therapists (BCACC) was created in 1988 to regulate the profession of counselling in the absence of a College and to pursue statutory regulation.
- In 1993 three independent groups applied for the regulation of counselling.
- The government indicated that there did not seem to be unified profession and therefore denied the request.
- In 1996 the BC Task Group was formed to respond to the government.
- This Task Group consists of five counselling organizations interested in regulation.
- The Task Group represents about 3,000 BC counsellors.
- In 1997 there was a formal response to the government to reconsider.
- It was determined that counselling would be regulated under the Ministry of Health and that the title granted would be Counselling Therapist.
- The task group developed a set of counselling competencies which were then validated across Canada by CCPA.
- The competencies have also formed the basis of the competencies used in Ontario.
- In BC registration regulations will be based on competencies not credentials.
- The Ministry of Health has also indicated that since BCACC is doing such a good job at handling public complaints it does not see the need for regulation.
- BCACC has responded that there is a need because the sanctions from BCACC are not of the same severity as could be levied by a regulated body.
- In the summer of 2012, the BC Task Group hired a public relations and strategy firm to assist in their effort to influence government decision-makers .
- A series of meetings with MLA's were organized as well as the health critics for the opposition parties.
- Due to the structure of the Health Professions Legislation in BC, an Order in Council is required to regulate a profession.
- This can be done at the ministerial level and does not require additional legislation.
- In March 2014, the BC Task Group reconfigured itself to be an incorporated Society under the BC Society Act.
- The new entity is called FACT-BC (Federation of Associations of Counselling Therapists of BC).
- Forming this new entity ensures that the government sees a unified force and that the profession is speaking with one voice.
- The founding members of FACT-BC are:
  - BC Art Therapists
  - BC Music Therapists
  - The BC Chapter of CCPA
  - BCACC

- Pastoral Counsellors.
- The following organizations are currently considering joining FACT-BC .
- ACCT
- BC Hypnotherapists
- Marriage and Family Therapists
- CPCA
- FACT-BC will reconvene on June 13 to determine if these groups meet the membership requirements and should be invited to join.
- A meeting was held with the Minister of Health the week of March 17, 2014.
- At this point in time, the Minister has indicated support in principle, has acknowledged that a credible leadership has emerged in the counselling community in BC, and if there is consensus in Cabinet, he will recommend Regulation.