

# NOTEBOOK ON ETHICS, LEGAL ISSUES AND STANDARDS FOR COUNSELLORS & PSYCHOTHERAPISTS

REGISTRATION DENIED—LET'S HAVE A LOOK AT HOW AND  
WHY IT HAPPENED

BY DR. GLENN SHEPPARD





**NOTE: Proceedings associated with this case are in the public domain and can be viewed at CanLII, 2017 74374.**

The regulation landscape in Canada for counsellors and psychotherapists is changing. There are now four regulatory colleges (with another under development) with the statutory responsibility for regulating practitioners who wish to practice with those professional titles. The title of *Conseiller d'orientation* has been regulated for over 55 years in Quebec, the title *Counselling Therapists*, is protected by statute in Nova Scotia, New Brunswick, and Alberta, and *psychotherapist* is also a protected title in Quebec and Ontario with some protected scope of practice activities.

A primary duty of these regulatory bodies is to establish and administer procedures and criterion for determining whether those who apply to them can be granted the privilege to practice with the title for which they have regulatory responsibility. For this Notebook, I thought it might be informative to examine how this duty was exercised in a particular case in which an applicant was denied registration, a decision which was later upheld on appeal. This case was dealt with by the relatively new *College of Registered Psychotherapists of Ontario (CRPO)*, which is governed by the *Psychotherapy Act*.

I selected this case because it has many of the features that are important to the assessment of professional qualifications. It deals with the verification of qualifications, the accreditation status of professional programs and of the places in which they occur, supervision and its credibility, how qualifications acquired outside Canada can be evaluated, and an appeal process.

This application was made under the *grandparenting* provision of the regulatory college. This type of opportunity must be made available by all new regulatory bodies because it is a matter of natural justice. When a government decides to regulate a profession not previously regulated, it can present challenges for some who are already practicing within that profession. So, the government must offer an opportunity for individuals to apply, to verify their practice history, and to confirm that they meet at least the minimum grandparenting standards established for their entry to the new college. Once this period expires, all applicants must then meet the new standards. The CRPO did provide for such grandparenting qualifica-

tions and a 24-month period for receipt of applications.

The regular requirements for individuals seeking registration from the CRPO are as follows:

- ⇒ *Completion of a program in psychotherapy approved by the Registration Committee;*
- ⇒ *Completion of a registration examination; and*
- ⇒ *Completion of clinical experience in psychotherapy of 450 hours of direct client contact and 100 hours of clinical supervision relating to direct client contact.*

However, under the grandparenting provisions for those who were practicing psychotherapy prior to Regulation, the requirements were as follows:

- ⇒ *Have completed at least 750 currency hours (500 of which must have been completed in Canada) during the three-year period immediately preceding the application submission date and,*
- ⇒ *Provide evidence that is sufficient, in the opinion of the Registrar of the College, to demonstrate that the applicant is competent to safely practice psychotherapy.*

The Council of the College provided the following to be used by the Registrar for determining competency of individuals applying under the grandparenting provisions:

- ⇒ *800 direct client contact hours;*
- ⇒ *100 hours of education and training related to the scope of practice of psychotherapy;*
- ⇒ *40 hours of supervision, including at least 20 hours of clinical supervision; and*
- ⇒ *30 hours competency development related to "safe and effective use of self", gained through experiential learning, coursework, personal psychotherapy or some forms of clinical supervision.*

The applicant in this case said that he had acquired the following:

- ⇒ A PhD in Counselling Education/Christian Psychology from Great Plains Baptist University;
- ⇒ A Master of Arts in Christian Counselling from Master's International School of Divinity;
- ⇒ Several courses (Certified Christian Psychiatric Counsellor, Certified Child and Sex Abuse

Counsellor, Certified Marriage Counsellor, Certified Cross-Cultural Counsellor, Certified Anger Management Counsellor) from Canadian Christian Clinical Counsellors College; and

- ⇒ Two courses (Drug and Addictions Counselling and Certified Grief Counsellor) from the Evangelical Order of Certified Pastoral Counsellors of America (EOCPC).

The application reported that his primary site of clinical practice was the HOPE Christian Life Center, where he provided psychotherapy and spiritual Christian counselling to the general public. He stated that he also provided pastoral counselling to members at the Assemblée Nouvelle Alliance.

He also stated that he had acquired the following certificates:

- ⇒ Diplomate Certified Psychotherapists Counsellor (as of October 20, 2010) by the Evangelical Order of Pastoral Counsellors of America;
- ⇒ Certified General Practice Psychotherapist (as of November 17, 2011) by the Canadian Christian Clinical Counsellors and Psychotherapist Association;
- ⇒ Certified Pastoral Counsellor (as of September 1, 2008) by the Evangelical Order of Pastoral Counsellors of America.

The Applicant stated that in the three years prior to this application he had 2,600 currency hours of professional activities related to psychotherapy—including 100 direct client contact hours, 200 professional development hours, 200 hours of research and writing, 400 hours of teaching, 200 hours of engaging in clinical supervision as a supervisee, 100 hours of providing clinical supervision, 250 hours of managing, and 50 hours of unspecified other professional activities. The Applicant wrote that he had maintained his currency by teaching courses at the college level at College Boreal, providing pastoral counselling/psychotherapy, intensively training pastors worldwide, private practice, providing counselling as a Youth Pastor at his local church and attending professional development in psychotherapy.

Staff at the college reviewing this application had the following concerns:

They saw only what they called a perfunctory explanation of the applicant's practice activities. When he submitted his transcripts and some certificates, they

identified only a few courses that were relevant to the practice of psychotherapy. They also noted that the Great Plains Divinity School was not accredited and was only permitted to offer religious education. The Applicant also stated that he received 500 hours of clinical supervision from a registered member of the College of Nurses of Ontario (nurses who meet the criterion can practice the Controlled Act of Psychotherapy). When the nurse confirmed that he had provided, by phone, supervision to the applicant regarding medical aspects of psychology and counselling, over a 28-month period, it was accepted by the College.

***"This review does shed light on the registration process, the evaluation of the application made under a grandparenting provision, and the demands that were placed on both the Applicant and registration personnel when registration was sought from the CRPO."***

Once the College staff scored the application for the number of hours under the various required categories, it was referred to the Registration Committee of the College for consideration and the applicant was so informed. He was also informed of the concerns raised by the College staff about some areas of the registration requirements including the content, quality, and legitimacy of the Applicant's education and training, and his inability to verify direct client contact hours.

The Applicant responded to this communication from the College and stated that he was insulted by the questioning of his degrees and stated that they were from "fully authorized and recognized degree granting institutions."

The College later informed the Applicant of additional concerns including the fact that the two institutions from which he had received his degrees were not ac-

credited either by any of the US regional accreditors or the national faith-based accreditors. They also questioned the fact that he had completed his PhD degree in just a 24-month period. It was suggested to the Applicant that in light of the concerns about his qualifications he, at his expense, consider obtaining a credential assessment from the World Education Services. He declined to do so stating that he had “already provided all the required documents” and it was too expensive for him to do so.

Finally, the Registration Committee concluded that the Applicant did not meet the requirements for registration under the grandparenting provisions and directed the Registrar to not issue a certificate of registration. The Committee noted that “grandparenting applicants must provide the College with sufficient evidence to demonstrate that they have the necessary knowledge, skill and judgement to practice safely, and that the education and training, direct client contact and clinical supervision attained by an applicant must relate sufficiently to the definition of the scope of practice of psychotherapy as set out in the legislation in order to be considered acceptable for registration purposes.” It also identified for the Applicant various deficiencies in his qualifications and the overall reasons and information on which its decision was based.

The Applicant did submit a document from the US Defense Department regarding use of the term “Qualifying Educational Institution” to address the Committee’s concerns about the non-accredited status of the institutions where he obtained his degrees. However, the Committee was not persuaded to change its decision.

Following the decision to deny him registration, the Applicant requested a consideration of his application by the Health Professions Appeal and Review Board and it conducted a written review. Following this review, the Board reached the following conclusion:

The Board has considered the Applicant’s application to the College, the registration requirements, the College’s ground for referral to the Committee, the Applicant’s response, the Committee’s reasons and the submissions of the parties to the Board. The Board finds no basis for interfering with the order of the Committee. The Board also reviewed and noted again the list of concerns that were stated in the Registra-

tion Committee’s decision to direct the Registrar to deny the Applicant a certificate of registration.

A decision that involved deliberation by the staff of the College, the Registration Committee, the Review Committee and work by the Applicant in preparation of his application and in responding to correspondence from the College. It concluded with a disappointing outcome for the Applicant. However, this review does shed light on the registration process, the evaluation of the application made under a grandparenting provision, and the demands that were placed on both the applicant and registration personnel when registration was sought from the CRPO.

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