

**CCA Board Meeting /
La réunion du conseil d'administration de l'ACC**

**Thursday, January 12, 2006 – Le jeudi, le 12 janvier 2006
6:30 p.m. – 8:05 p.m. - 18h30 à 20h05
(Teleconference)**

Present / Présent: David Paterson (Chair), Lorne Flavelle, Maria De Cicco, Réal Leclerc, Janice Tester, Maxine MacMillan, Lynda Younghusband, Lorna Martin, Michel Turcotte, Bruce Bailey, Connie Gerwing, Hope Wojcik, Mona Chevalier, Loralee Warren, Ron Lehr, Corrine Hendricken-Eldershaw, Barbara MacCallum (Secretary).

Welcome / Bienvenue

The President, David Paterson, welcomed everyone and thanked them for attending the teleconference. David remarked that it had been a pleasure to see and work with everyone at the last board meeting in Vancouver.

1. Agenda

1. Approval of Agenda
2. Acceptance of Minutes
3. Conflict of Interest
4. Conferences
5. Budget
6. Third Party Billing
7. National Symposium and PEI
8. Yorkville Update
9. Committee Reports
10. CJC Online
11. Director Updates
12. Strategic Planning
13. Next Meeting
14. Adjournment

Approval of the Agenda / Acceptation de l'ordre du jour

Motion: To approve the agenda.

**Moved by Maria De Cicco. Seconded by Loralee Warren.
CARRIED**

2. Acceptance of minutes / Acceptation du dernier procès verbal

Amendments to November 20, 2005 Minutes

- All references to LGBTT Chapter should be changed to GLBTT Chapter.
- Page 13 text regarding Manitoba should be amended as follows:

- the current policy in Manitoba suggests appropriate training is not required.

Motion: To accept the minutes of the November 20, 2005 meeting as amended as accurately reflecting the discussions and decisions of the Board.

**Moved by Réal Leclerc. Seconded by Lorne Flavelle.
CARRIED**

3. Conflict of Interest

- All attendees confirmed that they did not have a conflict of interest with regard to any of the agenda items.

4. Conferences

2005 – St. John's

- David Paterson noted that St. John's was a splendid and memorable event.
- David Paterson requested that this message be conveyed to the organizing committee by Lynda Younghusband.
- Barb MacCallum reported that the St. John's financial statements were now with the auditors.
- cheques have been exchanged regarding expenses and the \$15,000 advance has been returned.
- the unofficial financial statement indicates that the revenue over expense that would be allocated to CCA would be approximately \$6,000.
- the St. John's committee plans to present to the board at the Montreal Board meeting in March 2006.

2006 - Montreal

- Barb MacCallum reported that activity continues at a high pace as the conference is less than 90 days away.
- the draft program has been prepared and is currently with the ACA graphic artist.
- ACA has requested information from CCA with regard to registration patterns for CCA conferences.
- ACA is concerned that registration is not at the ACA marketing targets.
- Barb MacCallum contacted the St. John's group and obtained some numbers from them but this data is difficult to obtain as it is not normally saved by local organizing committees.
- Lorna Martin reported that for the Winnipeg conference registration picked up 30 days out.
- also there were about 50 people who registered on site.
- Lorne Flavelle reported that the local organizing committee will mostly be involved with recruiting volunteers to help at the conference.
- Janice Tester requested clarification of the policy with regard to student volunteers.
- the ACA protocol is that students receive a 50% discount on their registration after they have completed their volunteer work.

- Barb MacCallum will provide additional information to the board on the ACA protocol as soon as possible.
- David Paterson requested that board members use their provincial list-servs to send messages to their constituents to encourage them to register early for Montreal.

2007 - Vancouver

- Bruce Bailey indicated that the planning is going well.
- the committee is currently developing their marketing material for Montreal and looking at the social program.

2008 - Moncton

- the committee had a meeting last weekend (January 7, 2006) but Réal Leclerc could not attend so he did not have an update.
- he has communicated the board's decision to Robert Baudouin.
- David also indicated that he had spoken to Robert who is excited and looking forward to building his team.
- Maxine MacMillan has not heard from Robert Baudouin but this may be because the committee has just had their first meeting since the decision was made.
- Pat Donihee and the NB Counsellor's Association and Robert Baudouin have not yet connected.

2009

- Connie Gerwing reported that she had met with the Saskatchewan School Counsellor's Association and they have agreed to look at organizing the 2009 conference.
- David Paterson asked that thanks be passed along to this group for their consideration.
- Connie Gerwing indicated that the exact location (Regina or Saskatoon) had not been determined but would be forthcoming over the next few months.

5. Budget

- David Paterson noted that CCA has now returned to a 12 month budgeting cycle.
- there was a transition period as a result of the change in CCA's fiscal year.
- David Paterson asked Bruce Bailey to comment on the budget that had been circulated to the board.
- Bruce indicated that he thought the budget document was clear and invited questions.
- Lorna Martin noted that the document had been very clear to her.
- Ron Lehr asked for clarification on the costs of producing the new Ethics Casebook.
- Barb MacCallum noted that there was a typo in the report and the costs were \$14,500.

- Ron Lehr also indicated that the Ethics Casebook will be much more like a textbook and therefore could be sold at a higher price – perhaps in the \$40 range as opposed to the current \$20.
- Barb MacCallum will check with Bill Schulz on the suggested pricing.
- Lorne Flavelle requested an update on the status of the investments.
- Barb MacCallum reported that the investments were stable at around \$312,000 to \$317,000.
- Barb MacCallum indicated that she would have a more exact figure after the audit which is scheduled for mid-February.
- David Paterson noted that there was no allocation to produce a CCC Directory.
- Barb MacCallum noted that an online directory that could be used by the insurance companies would be required if Third Party Billing lobbying efforts were successful.
- a cost has not yet been established for this list.
- it was noted that the printed directory could be problematic as it would very quickly be out of date as CCC's frequently changed their contact and speciality information.

Motion: To accept the budget as presented.

Moved by Ron Lehr. Seconded by Maxine MacMillan.

CARRIED

6. Third Party Billing

- David Paterson asked Barb MacCallum to update the Board on the activities of the Third Party Billing Committee.
- Barb MacCallum remarked that the committee was very appreciative of the support that they received from the board at the last meeting.
- since the meeting the committee has:
 - produced an online survey that was circulated to the Private Practitioners Chapter.
 - approximately 25% (110 members) responded.
 - on December 26, Barb MacCallum, reviewed the results and produced a summary of the results and a recommended pricing schedule.
 - this was circulated to the Third Party Billing Committee.
 - Barb MacCallum is waiting for approval from the Third Party Billing Committee before this report is circulated.

7. National Symposium and PEI

- Barb MacCallum reported that a summary of the meetings had been circulated by BCACC.
- also an article will appear in Cognica.
- Corinne Hendricken-Eldershaw updated members on the activities in PEI since the Symposium.
- there has been a great deal of activity to move this file forward.

- a report has been prepared outlining a structure that may be used in PEI if regulation occurs.
- Corinne indicated that everyone has been very supportive.
- Corinne noted that the handling of complaints and ethical violations will be problematic as the resources may not be available in PEI.
- PEI may need to draw on a larger body for support in this regard.
- Ron Lehr noted the outstanding work that has been done very quickly by PEI.
- Ron also noted that NSAPC has been working on the file for 12 years and is currently waiting for word from the Minister.
- Ron is not hopeful that regulation will occur as Nova Scotia typically does not move forward first on these types of issues.
- David Paterson noted that it is a very exciting time for counselling in Canada and that it is great to see that CCA has moved from observer status to an active participant in the activities.
- David also noted that George Bryce has provided input on the status of the CCC as a federal trademark indicating that this does provide CCA some standing.
- Corrine also noted that the PEI Psychologists have been lobbying to ensure that counsellors are not allowed to interpret IQ tests.
- this affects counsellor's activities related the Canada Student Loan Program and also the Taxation Act.
- Corinne noted that Harcourt Psycan has not listed CCC's as eligible to interpret their tests.
- she also indicated that CCA needs to be at the table when these decisions are made.
- Maxine MacMillan noted that she has applied to Harcourt Psycan and has been accepted.
- she does have testing courses in her MEd.
- she also felt that her CCC was an advantage on her application.
- Corinne indicated that PEI counsellors are being encouraged to apply to Harcourt Psycan to get recognized to interpret their tests.
- PEI will be offering in-service training and supervision to assist with this endeavour.

8. Yorkville Update

- Barb MacCallum reported that there has been a significant change of circumstance that has recently occurred that makes it highly improbable that the discovery in the Yorkville claim will take place on the tentative dates that had been previously been determined.
- John Townsend, counsel for Yorkville, will be joining the Paterson Palmer Fredericton law office in January 2006.
- the following message was received from Christian Michaud (CCA Legal Counsel).
 - As for the Yorkville claim, Chip Whelley from our St. John office who is well-versed in the field of legal ethics is currently spearheading the

conflict management of this matter. I just finished speaking with him to express my position regarding this case. As you know, counsel for Yorkville would like to be able to continue representing his client in the litigation and prior to even canvassing this, we need to implement safeguards such as “Chinese Walls” to comply with our legal and ethical obligations as provided by our Law Society and Case Law.

- For the time being, you can rest assured that neither John Townsend nor I have pursued our active involvement in the Yorkville litigation. Safeguards to ensure that your file and the confidential information contained therein are currently being implemented. The fact that John and I don't practice in the same physical office also alleviates the implementation of such safeguards in the form of Chinese Walls. I would hope that by the end of this week I will have a clearer plan to propose to you and the CCA on how to deal with the Yorkville issue. For the time being, in all likelihood, I will not be able to represent you in that claim and will propose another lawyer from another firm to defend your interests in the Yorkville claim. You can at least report this to the members of the board during tomorrow's meeting.
- Barb indicated that she would be following up with Christian with regard to the reasons why CCA would be inconvenienced in this issue and not Yorkville as it was the Yorkville lawyer who caused the conflict.
- also Barb will follow-up with more senior counsel within Paterson Palmer and with Borden Ladner on the protocols.
- Connie Gerwing asked about the potential costs for this law suit.
- Barb MacCallum reported that the estimate has gone as high as \$50,000.
- Yorkville has deep pockets and will continue even though it appears that this law suit does not have merit.

9. Committee Reports

Ethics Committee

- Corrine Hendricken-Eldershaw reported that the committee is currently working on two files and has one ongoing consultation.
- Corinne asked that David Paterson contact Mel Loncaric as a possible replacement on the Ethics Committee.
- she has provided two policy items for consideration by the board.
- the first is a restatement of the procedures for processing complaints.
- the existing text reads:

The procedures for processing complaints are as follows:

- Within two weeks after a written complaint is received at the CCA (National Office) the complaint is sent to the Chairperson of the CCA Ethics Committee. CCA staff verification of membership for the member complained against shall be included among the documents sent to the Ethics Committee Chairperson.

- Within two weeks of receipt of the written statement of the alleged violation of ethical practices, the Chairperson of the CCA Ethics Committee shall:
 - direct a letter to the complainant acknowledging receipt of the complaint, informing the complainant that the complaint will be investigated by the Committee, and outlining the procedures to be followed in the investigation;
 - direct a letter to the member complained against informing the member of accusations lodged against her or him, asking for a response and requesting that relevant information be submitted to the Chairperson within thirty (30) days; and
 - notify members of the CCA Ethics Committee of the case.

- **NOTE: A member's response to the Chairperson pursuant to subparagraph 2(b) shall be in writing and signed by the member. The failure of a member to comply with a request by the Chairperson under subparagraph 2(b) may be acted on by the Ethics Committee as a separate complaint.**

- Within sixty (60) days of notification of the complaint, the CCA Ethics Committee may exercise one or more of the following powers:
 - refer the complaint to the Chair of the Ethics Committee for investigation, and when appropriate, resolution of the complaint to which both the complainant and member agree. Whenever such a resolution is achieved, it shall be referred back to the Ethics Committee for consideration and approval;
 - conduct an investigation itself, by way of a teleconferenced meeting of members of the Ethics Committee. During such an investigation, the Ethics committee shall discuss the information received from the complainant and the member complained against, and, at their discretion, interview the complainant and the member complained against, in an attempt to reach a resolution to which both parties can agree, the Committee may seek agreement to any of the sanctions as listed in the **Disposition** and/or **Resolution Options** section of this document; or
 - when the CCA Ethics Committee is of the opinion there are no reasonable grounds to believe the member has acted unethically, the Committee shall dismiss the complaint and give notice in writing of the dismissal to the complainant and the member;
 - when the complaint is not dismissed by the Ethics Committee and when a satisfactory resolution cannot be reached, the Ethics Committee shall refer the complaint to a three member **Adjudication Panel**.

- the recommended new text is:

C. Procedures for Processing Complaints

The procedures for processing complaints are as follows:

1. Within two weeks after a written complaint is received at the CCA (National Office) the complaint is sent to the Chairperson of the CCA Ethics Committee. CCA staff verification of membership for the member

complained against shall be included among the documents sent to the Ethics Committee Chairperson.

2. Within two weeks of receipt of the written statement of the alleged violation of ethical practices, the Chairperson will decide if there are reasonable grounds for the complaint and if further investigation is warranted. In the event the complaint is dismissed at this point, the Chairperson will notify the complainant of this decision in writing.
3. If it is determined that further investigation is warranted, the Chairperson of the CCA Ethics Committee shall:
 - i. direct a letter to the complainant acknowledging receipt of the complaint, informing the complainant that the complaint will be investigated by the Committee, and outlining the procedures to be followed in the investigation;
 - ii. direct a letter to the member complained against informing the member of accusations lodged against her or him, asking for a response and requesting that relevant information be submitted to the Chairperson within thirty (30) days; and
 - iii. notify members of the CCA Ethics Committee of the case.

Motion: To amend the Policy and Procedures for Processing Ethical Complaints as noted above.

**Moved by: Corinne Hendricken-Eldershaw. Seconded by Lynda Younghusband.
CARRIED**

- Corinne also requested the review of a new policy related to the release of information when a member has been sanctioned.

Public Disclosure of Disciplinary Sanctions

CCA adheres to the following disclosure practices related to members' disciplinary sanctions:

- When sanctions involve the suspension or revocation of a member's CCC status, the member's name is immediately removed from the CCC Directory on the CCA website, and the liability insurance agent is informed that the member is not eligible for CCA liability insurance.
- When requests from the public are received regarding the status of a member under sanction, CCA will disclose only the following information, as applicable:
 - that a member is currently under sanction;
 - that a member's certification (CCC) and/or membership in the CCA has been suspended, and the period of suspension;
 - that a member's professional practice has been restricted, and period of restrictions.
- Should a query be made about the status of a member after all disciplinary sanctions have ended, the Executive Director will declare

that the member is “in good standing.” Furthermore, CCA does not disclose the disciplinary history of members who are in good standing.

- Barb MacCallum conferred with Christian Michaud on this policy and his advice was as follows:
 - My first response to your query would be that in order to avoid any misunderstanding regarding disclosure of information concerning your members, you should obtain their consent regarding the collection, use and disclosure of any personal information (including their standing within the CCA). You should reserve a section on each of your membership application forms clearly stating that by becoming a member of the CCA, the member agrees that CCA will collect, utilize and disclose personal information regarding their status within the CCA and other information required to comply with your mission of protecting the interest of the public as a whole.
 - By enacting this practice, you should avoid facing any valid lawsuit although I insist on the term “valid” because nothing can guarantee the CCA from not having to face a “frivolous” lawsuit as in the Ferguson case. Anyone can sue for anything.
 - I also encourage you to review the following document that provides guidelines to assist you in enacting the necessary provisions in your regulations and by-laws with respect to privacy matters.
http://www.privcom.gc.ca/information/guide_e.pdf
- it was decided that the Committee would review the advice from Christian and work with Barb MacCallum on establishing the policy and procedures to be followed.
- suggested wording would come back to the board for further consideration.

Awards Committee

- Lorelee Warren reported that the final award – the Book Award had been decided.
- it has been awarded to Sandra Collins and Nancy Arthur.

Certification Committee

- Michel Turcotte indicated that he had been working on two CCC appeals.
- he had hoped to convene a meeting of the committee but has not been able to do so.
- he will attempt to do this prior to the March board meeting.

Advocacy, Sustainability and Liaison (ASL) Committee

- Lorna Martin reported that she had been working on moving the CCA Logo design forward.
- she had distributed a request to two institutions to have their graphics students design a new logo.
- the reward would be to be able to use the logo in the student’s portfolio and a letter from CCA acknowledging the work.
- there has been no uptake whatsoever.
- CCA may have to offer a financial incentive.
- Réal Leclerc noted that AFCONB had engaged a professional graphics artist for \$500 as they had not had success in following the student route.

- CCA may wish to investigate this avenue.
- Mona Chevalier indicated that her college has a graphic arts department and she will speak with the coordinator.
- Lorna Martin will call a meeting of the committee and put forward a proposal.
- Lorna also indicated that the committee needs assistance on the best method to use to obtain permission from CCA presenters in Montreal on posting their presentations and an approval process for position papers.
- she will contact Barb MacCallum next week.

Membership Services Committee

- Maria De Cicco indicated that this committee has a conference call scheduled for Monday, January 16, 2006.
- one of the major activities the committee is undertaking is a new name for Cognica.
- Maria encouraged board members to send her their suggestions.

10. CJC Online

- David noted that the allocated time for the meeting was almost at hand and asked if the board felt that they could move forward on this item.
- Réal Leclerc indicated that he was not comfortable in moving this item forward at this time so the item was tabled until the next meeting.

11. Director Reports

- David Paterson indicated that since time was short, Directors could send updates via email.
- he also asked if anyone had any short items to report. .

Newfoundland and Labrador

- Lynda Younghusband indicated that she has sent out a message on the NL list-serv and is working on a workshop for members.
- the workshop would receive CEU credits.
- she noted that members in NL find it expensive and difficult to get out of province for training.

Manitoba

- Lorna Martin indicated that she has been travelling throughout Manitoba and has been distributing the Conference brochure along her route.

Alberta/Northwest Territories

- Lorelee Warren indicated that a member had called head office with information about a US Company called MHNET Behavioural Health that is recruiting counsellors to offer services at very reduced rates.
- it was noted that there was no way to stop this activity given that counselling is not regulated.

12. Strategic Planning

- this item was tabled to the next meeting.
- David Paterson also noted that he would be contacting each board member prior to Montreal.

13. Next Meeting

- to be announced.

14. Adjournment / Levée de la réunion

The meeting adjourned at 8:05 p.m. (Ottawa time).

Motion: To adjourn the meeting.

**Moved by Maria De Cicco
CARRIED**

President

SUMMARY OF MOTIONS

Motion: To approve the agenda.

Moved by Maria De Cicco. Seconded by Loralee Warren.

CARRIED

Motion: To accept the minutes of the November 20, 2005 meeting as amended as accurately reflecting the discussions and decisions of the Board.

Moved by Réal Leclerc. Seconded by Lorne Flavelle.

CARRIED

Motion: To accept the budget as presented.

Moved by Ron Lehr. Seconded by Maxine MacMillan.

CARRIED

Motion: To amend the Policy and Procedures for Processing Ethical Complaints as noted above.

Moved by: Corinne Hendricken-Eldershaw. Seconded by Lynda Younghusband.

CARRIED

SUMMARY OF TASKS

Item	Agenda Reference	Item	Date	Responsibility
1	4	Distribute information about Student Volunteers for Montreal	ASAP	ED
2	9	Contact Barb MacCallum re posting presentations from Montreal	Jan 17, 2006	Lorna Martin
3	8	Contact legal counsel re Yorkville matter.	ASAP	ED
4	9	Contact Mel Loncaric re the Ethics Committee	ASAP	David Paterson
5	5	Check with Bill Schulz regarding the price of the new Ethics Casebook	ASAP	ED