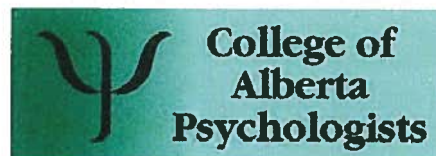


**SELF-REGULATION IN THE  
PROFESSION OF PSYCHOLOGY:  
*THE ALBERTA CONTEXT***



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## **SELF-REGULATION IN THE PROFESSION OF PSYCHOLOGY: THE ALBERTA CONTEXT**

### **Purpose**

Psychology in Alberta is a self-regulated profession. This document outlines the purpose and mandate of the College of Alberta Psychologists (the "CAP" or the "College") and also defines the meaning of self-regulation as it pertains to Psychologists in Alberta. Also included are the ethical decision-making model and various documents that govern the practice of psychology in Alberta.

### **What is the College of Alberta Psychologists?**

Today, the College of Alberta Psychologists under provincial legislation regulates the practice of psychology in the province of Alberta. In 1958, psychologists organized voluntarily under the title of the Alberta Psychologists Association and the Psychologists' Association of Alberta (PAA). The first legislation was passed in 1960 allowing the PAA to regulate its members, but membership was voluntary rather than mandatory. New legislation in 1967 made it mandatory for those practicing psychology in Alberta to be registered with the PAA. Under the *Psychology Profession Act*, proclaimed in 1987, the profession remained accountable to government for the regulation of the profession. In 1996, the PAA split into two separate organizations with different functions and mandates, namely the College of Alberta Psychologists (CAP) undertaking the regulatory functions under provincial legislation, and the Psychologists' Association of Alberta retaining the collegial or voluntary functions accountable directly to the membership. The profession of psychologists was proclaimed under the *Health Professions Act* (HPA) on January 15, 2006 which replaced the previous legislation.

The College's regulatory responsibilities include:

- establishing the entrance requirements for the profession, including academic preparation, supervised practice hours, and examinations;
- registration and licensing of psychologists in the province of Alberta;
- maintaining a register of regulated psychologists;
- administration of the *Health Professions Act*, and the Psychologists Profession Regulation;
- developing, administering, and enforcing the bylaws, policies and procedures necessary to fulfil the requirements of governing legislation;
- adopting a Code of Ethics for the profession;
- establishing and setting Standards of Practice for the profession;
- developing professional practice guidelines;
- developing, implementing, and monitoring a Continuing Competence Model for the profession;
- investigating and adjudicating complaints from clients, members of the public, and practitioners;

- liaising with government regarding the *Health Professions Act* and other relevant legislation;
- liaising with other psychology regulating bodies; and
- liaising with other professional regulating bodies.

The College regulates the practice of psychologists and provisional psychologists in Alberta. It is important to highlight that the scope of practice for psychologists is not exclusive in that it may be performed by other professional groups or individuals. The scope of practice for the profession is set out in Schedule 22 of the *Health Professions Act*, which states:

*Sec. 3 In their practice, psychologists do one or more of the following:*

- (a) assess, diagnose, treat, guide and support persons or groups of persons in order to enhance development, effective living and quality of life or to prevent, remedy or ameliorate mental, emotional, cognitive, behavioural and interpersonal difficulties;*
- (b) teach, supervise or consult in the practice of psychology;*
- (c) provide restricted activities authorized by the regulations.*

The College has two regulated members' registers under the *Health Professions Act* - registered psychologists and registered provisional psychologists. The titles "psychologist" and "provisional psychologist" are protected under this legislation. Further, there are restrictions on the use of the title "Doctor" or the abbreviation "Dr.," "Ph.D.," "Ed.D.," or "Psy.D." The College also has a courtesy register for temporary registration for a period of up to one year for those psychologists registered elsewhere who wish to practice in Alberta on a temporary basis. Furthermore, the College has created a non-regulated members' register for retired members through its bylaws under the *Health Professions Act*.

The Council, which is the governing board of the College, consists of 10 voting members: seven registered psychologists elected by the membership and three public members appointed by the provincial government. Two College officials and one recording secretary also attend Council meetings. The President-Elect and the Treasurer are elected from among Council members each September.

Committees with adjudicative functions (e.g., Registration Approvals Sub-Committee) are independent of committees with advisory functions (e.g., Registration Advisory Committee) consistent with the principles of administrative fairness. The Council has appointed two committees, a Registration Advisory Committee and a Practice Advisory Committee, to provide advice and assist the Council in performing its duties.

In addition to the Registrar, the Deputy Registrar and Director of Professional Affairs, and the Complaints Director, the College has six other full-time staff members who are organized by regulatory and administrative functions. Staff responsible for regulatory functions are the

Executive Assistant, the Registration Co-ordinator, the Credentials Evaluation and Examinations Co-ordinator, and the Administrative Assistant - Complaints and Professional Affairs. Staff responsible for administrative functions are the Co-ordinator - Finance and Administration and the Receptionist/Office Assistant. All staff members report directly to the Registrar in the performance of their duties.

Many advisory and adjudicative functions are performed by members who volunteer to assist the College. This assistance is invaluable. In fact, without the members' support and commitment to the College's committees and processes, the College would not be able to function. More than 100 volunteers contribute hundreds of hours to the College, including:

- members of various committees described in this document, which carry out vital functions of the College;
- members of standing and legislated committees, task forces, and ad hoc committees formed to address specific, timely issues; and
- members who offer their professional expertise to the College.

### **What is Self-Regulation?**

Self-regulation is the authority granted by statute to a psychology organization to protect the public through regulating the practice of its members. This entails psychologists providing evidence of competency to practice in areas of knowledge, skills, and attitudes through academic preparation, supervision, written and oral examinations, and references. The regulatory body also investigates complaints of unprofessional conduct and, where appropriate and consistent with due process, imposes sanctions. The profession is self-regulating in the sense that it is best prepared to establish criteria and standards for the profession. However, it need be noted that, though self-regulated, it must comply with provincial legislation, receive approval of regulations, and is accountable to the public through a responsible cabinet minister, i.e., Alberta Health and Wellness.

Casey (1994) notes that in addition to the overriding goal of protection of the public, both the profession in general and its members have an interest in ensuring effective self-regulation. Unprofessional conduct may have an adverse impact on the reputation of the profession as a whole as well as a diminishing public confidence thereby their willingness to utilize psychological services. Effective professional regulation is critical to ensure that members of the profession are entitled to a fair, objective, and transparent discipline process that recognizes the potential adverse impact of any administrative intervention. The primary and ultimate purpose of self-regulation is nevertheless to protect the public by ensuring regulated practitioners are qualified, competent, and ethical (College of Nurses of Ontario, 1999).

Self-regulation is often identified as one essential aspect of a true profession. Other characteristics include:

- an overriding emphasis on the protection of the public;
- a socially relevant purpose;
- a defined scope of practice;
- a specialized body of knowledge based on research and practice;
- a need to engage in thoughtful and considered independent professional decision making;
- a statutory (legal) self-regulatory foundation;
- standards of professional practice professional guidelines;
- a code of ethics; and
- a process to address alleged professional misconduct/incompetence in a manner that adheres to the principle of natural justice in holding members accountable.

Two of the greatest practical challenges facing professions are:

1. Developing and maintaining an ethic of volunteerism, and
2. Ensuring an adequate level of funding for the professional organization.

The College depends upon volunteer support from members to provide the leadership to serve the profession and carry out the many functions of self-regulation. Volunteer support includes members' active participation on committees and the governing Council, providing informal and formal feedback to the College, remaining abreast of relevant College materials and publications, and attending annual meetings and public forums as available.

Adequate financial resources ensure that a strong profession will be built and maintained, and a strong profession is in the members' best long-term interests. The vast majority of the College's financial resources are generated through the fees paid by members. Most importantly, a strong profession helps further protect the public interest. One of the primary advantages of self-governance is that the profession has the ability to control its own destiny. A weak profession that is unable to adequately fulfil its responsibilities may lose the privilege of self-governance.

### **What Documents Govern the Regulation of the Profession of Psychology in Alberta?**

A number of written documents form the basis for the regulation of psychological practice in Alberta. Psychologists are advised to be familiar with these documents. More importantly, psychologists are obligated to remain current on updates and additions to the guidelines, standards of practice, ethical codes, and to legal precedents that are relevant to their professional practice.

1. Legislation / Regulations / Bylaws

In Alberta, the profession of psychology is regulated by the *Health Professions Act* (HPA) and the Psychologists Profession Regulation. The HPA and Psychologists Profession Regulation

constitute the primary legislation that applies to all members of the College of Alberta Psychologists. This legislation establishes the overarching criteria and procedures for entry into practice and also sets out the provisions related to the processing of complaints received about a member's conduct and membership discipline (sections 43-68). The College determines the specific registration and competence requirements with governmental approval. Legislation is statutory and overrides practice standards, guidelines, and ethical codes. The College has enacted bylaws as authorized to do so under the HPA to further define the structure, operation, and procedures of the College.

## 2. Standards of Practice

The HPA authorizes and requires the College Council to adopt Standards of Practice for the profession of psychology. A breach of the Standards of Practice may constitute unprofessional conduct. Therefore, psychologists must adhere to the Standards of Practice to ensure professional expectations are met.

The Standards of Practice provide behavioural definitions that constitute enforceable rules for the professional conduct of psychologists. The Standards of Practice differ from the Code of Ethics in that they are more definitive in nature. The rules established in the Standards of Practice are often utilized in discipline hearings as the basis to assess a psychologist's conduct, and may also be the foundation in which a finding of unprofessional conduct is determined. Appendix C outlines the Standards of Practice set out by the College.

## 3. Professional Guidelines for Psychologists

The College may create guidelines for psychologists in order to promote competent and ethical practice in specific areas including those that are newly emerging or controversial. Guidelines are a bridge between the aspirational intent of the Code of Ethics, and the minimum requirements set by the Standards of Practice.

Although the College's authority to adopt guidelines is not specifically referenced in the HPA, and they do not carry the force of law, they may nevertheless be relevant to the discipline process. Guidelines help to define competent and skilled practice. Therefore, the Hearing Tribunal may refer to the guidelines when evaluating any psychologist's knowledge and competency in a particular area of practice. Where a psychologist acts in a manner that is contrary to the College's guidelines, the Hearing Tribunal may determine that the psychologist's behaviour constitutes a lack of knowledge, skill or judgment, and therefore is "unprofessional conduct" under the HPA. Appendix D outlines the current Professional Guidelines for Psychologists.

#### 4. Practice Bulletins

The College, from time to time, issues Practice Bulletins in critical or complex areas to guide members. These bulletins are intended to address specific as opposed to generic practice issues. Practice Bulletins are given a similar weight to that of guidelines. Appendix E outlines the current Practice Bulletins.

#### 5. Code of Ethics

The HPA grants the College Council the authority to adopt a Code of Ethics for the profession. The College has adopted the current *Canadian Code of Ethics for Psychologists* established by the Canadian Psychological Association (2000). A Code of Ethics articulates those ethical principles and values that apply to the practice of psychology. It broadly delineates the manner in which psychologists should carry out their practice. Its ethical principles of respect for the dignity of persons, responsible caring, integrity in relationships and responsibility to society guide all professional behaviours.

Under the HPA, a psychologist may be found guilty of unprofessional conduct practice for a number of reasons, including that the psychologist has breached the Code of Ethics. Therefore by virtue of the HPA psychologists must abide by the code and should incorporate the principles contained therein into their everyday practice. Although the Code of Ethics is more aspirational than prescriptive, it is highly relevant to the discipline process. It provides assistance "in the adjudication of complaints against psychologists by providing input to the judgment of whether the psychologist engaged in an ethical decision-making process and acted in good faith." (Canadian Psychological Association, 2000). Therefore, a psychologist who is the subject of disciplinary proceedings may be asked to explain to what extent they considered the principles set out in the Code when dealing with a particular ethical or practice issue. Appendix F outlines the *Canadian Code of Ethics for Psychologists* (2000).

#### **The Ethical Decision-making Model of the *Canadian Code of Ethics for Psychologists***

We make ethical decisions every day in our personal and professional lives, and most of the time, it is easy to decide what is right and wrong. Nevertheless, it is not as easy if the interests of different parties (including our own self-interest) conflict; our ethical principles are fuzzy; or we, as psychologists, are not familiar with the requirements of the law or the regulatory body to which we are accountable. A higher standard of ethical behaviour is required of professionals who provide services for others because the professional relationship is based on a fiduciary or trusting relationship.

An ethical dilemma is a problem, and ethical decision making is problem solving. A dilemma is not a forced choice between two unacceptable alternatives, but rather choosing among alternative possible responses. The *Canadian Code of Ethics for Psychologists* articulates the

ethical principles and values that broadly define the practice of psychology. One strength of the *Canadian Code of Ethics for Psychologists* is the provision of an ethical decision-making model that may be helpful in responding to an ethical dilemma. This process is outlined below:

- Identification of the individuals and groups potentially affected by a decision;
- Identification of ethically relevant issues and practices, including interests, rights, and any relevant characteristics of the individuals and groups involved and of the system or circumstances in which the ethical problem arose;
- Consideration of how personal biases, stresses, or self-interest may influence the development of or choice between courses of action;
- Development of alternative courses of action;
- Analysis of likely short-term, ongoing and long-term risks and benefits of each course of action on the individual(s)/group(s) involved or likely to be affected (e.g., client, client's family or employees, employing institution, students, research participants, colleagues, the discipline/profession, society, self);
- Choice of course of action after conscientious application of existing principles, values, and standards;
- Action, with a commitment to assume responsibility for the consequences of inaction;
- Evaluation of the results of the course of action;
- Assumption of responsibility for consequences of action, including correction of negative consequences, if any, or re-engaging in the decision-making process if the ethical issue is not resolved; and
- Appropriate action, as warranted and feasible, to prevent future occurrences of the dilemma (e.g., communication and problem solving with colleagues; changes in procedures and practices).

### **What Other Factors Must One Consider in Making Competent Professional Decisions?**

Additional factors that one must consider in making professional decisions, include being aware of generic legislation (e.g., privacy/human rights legislation) and specific legal rulings (e.g., *McInerney v. MacDonald*, [1992] 2 S.C.R. 138). Psychologists must also be prepared to consider which ethical consideration overrides another when competing ethical principles exist. Psychologists should develop personal, collegial, and legal resources to assist in what can often be complex decision making.

### **What Are the Potential Consequences if I Ignore or Disagree with the College's Investigation or Inquiry?**

Casey (2005) highlights the responsibility of regulated professionals to co-operate with their professional organization. Established legal precedents exist indicating that regulated members who do not co-operate with their governing body may be guilty of unprofessional conduct,

whether or not the initial complaint inquiry results in any further disciplinary action. Many fraternal, regulatory, and insurance providers offer members a consultative service when unprofessional conduct allegations are raised and regulated members are encouraged to be aware of these services.

### **What Are the Potential Consequences of Unprofessional Conduct?**

There are a wide variety of remediation options both prior to and after a finding of professional misconduct. These may range from less intrusive alternative dispute resolution strategies such as an apology, corrections to written reports, or fee reimbursement. Once a matter has been heard by a discipline tribunal, a wide range of sanctions are also available. These range from dismissal, caution, restriction of practice, to suspension or cancellation of the individual's registration. The regulated member may also be directed to pay for all or part of the cost of the investigation or hearing process. In addition, more serious misconduct issues may also be subject to both civil and/or criminal action (e.g., fraud).

Casey (2005) summarizes relevant case law relating to both mitigating and determining appropriate disciplinary sanctions. Mitigating factors may include remorse, experience, and prior history of good conduct, acceptance of responsibility, and whether or not restitution has been offered or paid. Factors relevant to determining sanctions include the nature and gravity of the offence, vulnerability of the complainant, impact on the complainant, prior professional history of misconduct, duration of the misconduct, presence or absence of mitigating circumstances, consequences of the allegation on a related member either personally or financially, public protection or confidence, and the range of penalties previously given to similar unprofessional conduct (pp. 14, 6.1). Serious and willful misconduct is likely to be dealt with more harshly than behaviour that is less harmful, unintentional, and easily remedied.

### **With Whom Does the Ultimate Responsibility for Professional Decision-making Rest?**

Psychologists are responsible for the professional decisions they make. Prudent professional decision making requires utilization of ethical decision-making models, referencing appropriate legislation, utilization of legal precedents, standards of practice, ethical codes, professional guidelines, formal practice advisors, and colleagues. Understanding and adhering to changing professional and ethical expectations is a critical aspect of maintaining continued competence in the practice of professional psychology. This includes such complex professional issues as services to third parties.

## **College Communication Tools**

The College uses a variety of means to communicate information to members. The CAP Monitor is published three times yearly and provides valuable information on changes in legislation, bylaw and policies affecting members, as well as Practice Bulletins on specific issues that arise from time to time. The newsletter also contains articles on topics related to psychological practice, ethics and regulation which are relevant to members. Professional Guidelines for Psychologists are developed as needed and available for download on the College website or from the College office in print form. Members are also encouraged to attend the Annual Meeting and Professional Development Day offered each fall.

The College's website ([www.cap.ab.ca](http://www.cap.ab.ca)) contains all the information and documents mentioned in this module as well news items, upcoming events, and much more. Members should familiarize themselves with the website and check regularly for updated and new information.

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