

Coming into force

17 Section 8 to 10 come into force 5 years after the date the *Psychology Profession Act* comes into force.

AR 72/87 s17

SCHEDULE

COLLEGE OF ALBERTA PSYCHOLOGISTS

CODE OF CONDUCT (Proclaimed May 2000)

Definitions

1 In this Code,

(a) “chartered psychologist” means a person who has been issued a certificate of registration under the *Psychology Profession Act* and who holds an annual certificate as a member of the College of Alberta Psychologists;

(b) “client” means a recipient of professional services and includes

(i) in respect of a minor or an individual for whom a guardian has been appointed, the guardian unless otherwise provided in this Code, and

(ii) in cases where professional services are provided to benefit a corporate entity or organization rather than an individual, the corporate entity or organization;

(c) “confidential information” means information

(i) that is revealed by a client to a psychologist, and

(ii) that may not be disclosed by the psychologist except in accordance with sections 14 to 28 of this Code;

(d) “court order” means the written or oral direction of a court of competent jurisdiction;

(e) “professional relationship” means a mutually agreed upon relationship between a psychologist and a client for the purpose of the client’s obtaining professional services;

(f) “professional services” means all actions of psychologists in the context of their professional relationships;

(g) “psychologist” means a chartered psychologist and a registrant;

(h) “registrant” means a person other than a chartered psychologist who is registered under the regulations made pursuant to the *Psychology Profession Act*;

(i) “supervisee” means any person who provides or is in training to provide professional services under the authority of a psychologist.

Competence

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| Limits on practice | 2 Psychologists shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training or experience. |
| Maintaining competency | 3 Psychologists shall maintain competency in the areas in which they practise through continuing education or consultation with their peers in conformance with current professional standards. |
| Adding new services and techniques | <p>4(1) A psychologist, when developing competency in a professional service that is either new to the psychologist or new to the profession, shall engage in ongoing consultation with a psychologist or other professional who has expertise in that area and shall seek appropriate education or training in the new area.</p> <p>(2) Psychologists shall inform clients of the innovative nature of and the known risks associated with professional services and shall document the discussion so that clients can exercise an informed choice concerning those services.</p> |
| Referral | 5 Psychologists shall make or recommend referrals to other professional, technical or administrative resources when referrals are in the best interests of clients. |
| Sufficient professional information | <p>6(1) Psychologists rendering a formal professional opinion about a person that has implications for that person’s legal or civil rights (for example, about the fitness of a parent in a custody hearing) shall not do so without direct and substantial professional contact with or a formal assessment of that person.</p> <p>(2) When conducting an assessment of a person, psychologists shall understand that the results may affect the legal or civil rights of the person and shall base opinions on the professional knowledge base of the discipline.</p> |

(3) As inferences involve a degree of confidence, psychologists shall recognize or document any limitations regarding the confidence they have regarding their results.

Maintenance and retention of records

7(1) Psychologists rendering professional services to a client or billing a third party for professional services shall maintain records that include the following:

(a) appropriate identifying information;(b) the presenting problem or problems or the purpose of the consultation;

(c) the fee arrangement;

(d) the date and substance of each professional service, including relevant information on interventions, progress, any issues of informed consent or issues related to termination;

(e) any test results or other evaluative results obtained and any basic test data from which the results were derived;

(f) notations and any results of formal consults with other service providers;

(g) a copy of all test or other evaluative reports prepared as part of the professional relationship.

(2) In order to maintain formal records for review but not necessarily for other legal purposes, psychologists shall ensure that all data entries in their professional records are maintained for a period of not less than 10 years after the last date on which a professional service was rendered.

(3) Psychologists shall store and dispose of written, electronic and other records in a manner that ensures confidentiality of the records.

Continuity of care

8 Psychologists shall ensure that one or more other appropriate professionals deal with the emergency needs of their clients, as required, during their absences from professional practice.

Termination of services

9 A psychologist shall continue to provide the opportunity for a client to receive professional services until

(a) it is reasonably clear to the psychologist or the client, or both, that the client is not benefitting from the services,

- (b) the services are no longer required,
- (c) the client can no longer afford to engage the services of the psychologist and a responsible transfer to another professional is required,
- (d) the client terminates the professional relationship,
- (e) the client has had a reasonable opportunity to arrange for professional services of another psychologist or suitable professional, or
- (f) such time as a conflict of interest or a dual relationship arises.

Impaired Objectivity and Dual Relationships

Impaired judgment

10(1) Psychologists shall not undertake or continue a professional relationship with a client when they know or should know that their judgment is impaired due to mental, emotional or physiological conditions or as a result of pharmacological or substance abuse.

(2) If a condition referred to in subsection (1) develops after a professional relationship has been initiated, psychologists shall obtain professional assistance and determine whether they should limit, suspend or terminate the professional relationship.

(3) If it is necessary to limit, suspend or terminate the professional relationship, psychologists shall do so in an appropriate manner by notifying the client and assisting the client in obtaining services from another professional.

Prohibited dual relationships

11(1) Psychologists shall not undertake or continue a professional relationship when they are aware or should be aware that they face a potentially harmful conflict of interest as a result of a current or previous psychological, familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client or a relevant person associated with or related to the client.

(2) When interacting with a person to whom the psychologist has at any time within the previous 24 months rendered counselling, psychotherapeutic or other professional services for the treatment or amelioration of emotional distress or behavioural inadequacy, the psychologist shall not

- (a) engage in any verbal or physical behaviour toward the person that is sexually seductive,

(b) engage in sexual intercourse or other sexual behaviour with the person, or

(c) enter into any financial or other relationship with the person that is potentially exploitive of the person.

(3) The prohibitions set out in subsection (2) are not limited to the 24-month period described in subsection (2) but shall extend indefinitely if the person is proven to be clearly vulnerable to exploitive influence by a psychologist.

(4) Notwithstanding subsection (1), psychologists may continue a professional relationship, although a potentially harmful conflict of interest may exist, in the following exceptional circumstances:

(a) instances where appropriate professional services from another professional are not available, such as in small communities that are isolated and remote;

(b) instances in which psychologists have special attributes that may make their services particularly relevant, such as being a member of the same minority, ethnic, cultural or linguistic group as the client;

(c) instances in which specialized skills or services are required and are not otherwise available;

(d) instances involving a crisis or emergency.

(5) Psychologists may continue to provide professional services in the circumstances described in subsection (4) if

(a) the client is informed of the possible or actual conflicting relationship and its possible consequences,

(b) a description of the relationship is included in the psychologist's professional records along with a record of the discussion of the relationship with the client, and

(c) consultations with other psychologists are carried out, if useful or necessary, regarding the relationship and subsequent provision of professional services to the client.

Relationship with Supervisees

Providing supervision

12 Psychologists shall exercise appropriate supervision over supervisees, as set forth in the guidelines, rules and regulations of the College.

Welfare of supervisees **13** Psychologists must not exploit or discriminate against a person they supervise.

Protecting Confidentiality of Clients

Limits to confidentiality **14(1)** Psychologists shall endeavour in all cases to inform clients of the limits to confidentiality and shall safeguard the confidential information about clients obtained in the course of practice, teaching, research or other professional services.

(2) Psychologists may disclose, in accordance with sections 16 to 18 and 21 to 23, confidential information about a client to an individual other than the client only with the informed written consent of the client.

Disclosure without informed written consent **15(1)** Psychologists may disclose confidential information about a client without the informed written consent of the client when they believe that disclosure is necessary as a result of a clear and substantial risk of the client inflicting imminent serious harm on the client or on another person.

(2) Psychologists disclosing confidential information pursuant to subsection (1) shall limit disclosure of that information only to those persons and only to the extent that is consistent with the principles and standards set out in this Code.

Services involving more than one interested party **16** In a situation involving a third party, such as an employee assistance program or an insurance company, in which more than one party has an interest in the professional services rendered by a psychologist to a client or clients, the psychologist shall, to the extent possible, clarify for all parties prior to rendering the services the dimensions of confidentiality and professional responsibility that apply to the rendering of the services.

Multiple clients **17** When professional services are rendered to more than one client during a joint session (for example, to a family, a couple, a parent and child or a group), psychologists shall at the beginning of the professional relationship clarify for all parties the manner in which confidentiality will be handled and all parties must be given an opportunity to discuss and accept whatever limitations to confidentiality apply.

Clients who have guardians **18** Where professional services are rendered to a minor or other person for whom a guardian exists or has been appointed, psychologists shall at the beginning of the professional relationship

clarify for the minor or other person and the guardian that the law may impose a limit on the minor's or other person's right to confidentiality.

Exception to section 18

19 Notwithstanding section 18, if the minor or other person for whom a guardian exists or has been appointed and the guardian agree in advance that certain issues are not to be disclosed to the guardian, psychologists must not provide any of the information relating to those issues to the guardian.

Duty under s3 of the Child Welfare Act

20 When professional services are rendered to a minor or other person for whom a guardian exists or has been appointed and the issues relate to the physical or emotional safety of the minor or other person (such as sexual or other potentially exploitive relationships), psychologists

(a) must make any report required by section 3(1) of the *Child Welfare Act*, and

(b) are not under any duty to provide the information contained in the report to the guardian.

Limited access to client records

21 Psychologists shall limit access to their professional records to preserve confidentiality and shall ensure that all persons working under their authority comply with the requirement to keep information about clients confidential.

Duty to release confidential information

22 The duty of psychologists to maintain confidentiality under this Code does not relieve any psychologist of the obligation to release confidential information in accordance with a court order or federal or provincial laws, rules or regulations.

Release of information to client

23 Psychologists shall provide access to and shall permit the reproduction and release of confidential information about a client to the client unless there is a significant likelihood that disclosure of the information would cause

(a) a substantial adverse effect on the client's physical, mental or emotional health, or

(b) harm to a third party.

Reporting of abuse of children and vulnerable adults

24 Psychologists must be familiar with the laws concerning the reporting of abuse of children and vulnerable adults and shall comply with those laws.

Discussion of client information among professions

25(1) When rendering professional services as part of a team or when interacting with other professionals concerning the welfare of a client, psychologists may share confidential information about the client, provided they take reasonable steps to ensure that all persons receiving the information are informed about the confidential nature of the information and have a reasonable appreciation of the rules of confidentiality.

(2) Psychologists must inform a client that confidential information about the client is to be shared with other professionals or other members of the team pursuant to subsection (1).

Disguising confidential information

26 When a professional report or other confidential information is used as the basis of teaching, research or other publication, psychologists shall exercise reasonable care to ensure that the reported or published material is appropriately disguised to prevent client identification.

Observation and recording

27 When diagnostic interviews or therapeutic sessions with a client are to be observed by a third party or recorded in any mechanical or electronic manner for audio or visual purposes, the client must provide an informed written consent before the interview or session may be held.

Confidentiality after termination of professional relationship

28 After the professional relationship between a psychologist and a client has ceased, the psychologist shall continue to treat any information regarding the client as confidential.

Representation of Service

Misrepresentation of qualifications

29 Psychologists shall not misrepresent, directly or by implication, their professional qualifications such as education, experience or areas of competence and shall correct any misrepresentation of their credentials by others.

False or misleading information

30 Psychologists shall not include false or misleading information in public statements concerning professional services offered.

Fees and Statements

Disclosure of cost of services

31 Prior to providing professional services, psychologists must ensure that full information is provided to clients about financial

arrangements, including fee structure, missed appointments and bill collection.

- Bartering **32** Psychologists may participate in bartering only if
- (a) bartering is not clinically contra-indicated,
 - and
 - (b) the bartering relationship is not exploitive.
- Acceptance of commission **33** A psychologist shall not give a commission, rebate or remuneration to a person who has referred a client to the psychologist or accept a commission, rebate or remuneration from a person to whom the psychologist has referred a client.

Assessment Procedures

- Confidential information **34** Psychologists shall treat an assessment result or interpretation regarding an individual as confidential information.
- Communication of results **35** Psychologists shall accompany communication of the results of an assessment to the client or to the parent, legal guardian or other agent of the client with adequate interpretive aids or explanations.
- Reservations concerning results **36** Psychologists shall include in their report of the results of an assessment of a client any circumstances that affect the validity, reliability or interpretation of the results.

Violations of Law

- Prohibition relating to registration **37** No psychologist shall, by means of any false or fraudulent representation or declaration, either oral or written, or by false, deceptive or fraudulent conduct, attempt to obtain the registration of another person as a psychologist.

Aiding Illegal Practice

- Aiding unauthorized practice **38** Psychologists shall not knowingly aid or abet another person in misrepresenting the person's professional credentials or registration status under the *Psychology Profession Act*.

Delegating
professional
responsibility

39 Psychologists shall not delegate professional responsibilities to a person who does not have the appropriate credentials or who is not otherwise appropriately qualified to provide the services.

Awareness of
violation

40 In the event of awareness of an illegal practice or an apparent violation of this Code, psychologists are obligated to take action, including, if necessary, formal reporting to address or remedy the practice or violation, and any action must be undertaken within the bounds of confidentiality and respect, to the extent possible.

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