

SUMMARY REPORT

The Regulation of Counsellors across Canada

Prepared for the National Symposium on Counsellor Regulation
November 21 and 22, 2005
Vancouver, British Columbia

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November 10, 2005

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INTRODUCTION

We have prepared this report to provide the participants of the *National Symposium on Counsellor Regulation* with a summary on the regulation of counsellors across Canada, jurisdiction by jurisdiction. By providing this summary information in advance of the November 21st update session, we hope that our time can be better spent at that session by holding a roundtable discussion on the challenges of securing professional regulation for counsellors, and – perhaps most importantly – strategies for achieving that objective.

During the summer of 2005, a representative from each jurisdiction was asked to prepare a report on his or her province or territory using a set of framework questions so that the information from one jurisdiction could be readily compared to that from another. In this way, it was hoped that common themes would emerge which would – in turn – help to guide the roundtable discussions at the Symposium.

A summary of the status of regulation for each province, including in some cases a chronology of the major events in that province, is set out in the next section of this report under the heading *Summary By Jurisdiction*.

In the next section, *Overview*, we attempt to provide a synopsis of the information that has been summarized for each jurisdiction.

At the end are a series of *Policy Questions* we hope will help to stimulate useful discussions during the roundtable session on November 21st.

SUMMARY BY JURISDICTION

The following questions were used to help frame each province's information. (Somewhat different questions were used for Quebec's information.)

- 1) What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?
- 2) What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)?
- 3) What occupational title(s) do these non-regulated counsellors use?
- 4) Are any of these titles protected by federal or provincial legislation, please explain?
- 5) What professional associations currently represent these counsellors (by type) in your province?
- 6) Which of these professional associations are registered societies in your province or federally?
- 7) Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?
- 8) What education does each professional association require that applicants hold before they are granted membership?
- 9) What are the other requirements for becoming a member?
- 10) What amount of money does each professional association spend each year in investigating and resolving public complaints?
- 11) What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?
- 12) Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?
- 13) What specific action has government in your province taken to move forward with regulation of counselling?
- 14) What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)
- 15) How are the professional associations trying to address the issues that prevent government from regulating counselling?

Using these questions as a framework, each province's summary information is set out in the following pages, moving east to west across Canada. Unfortunately, we were unable to locate information about or representatives from the Yukon, the Northwest Territories or Nunavut.

A) Newfoundland and Labrador

Prepared by: Dr Glenn Sheppard
Professor, Counsellor Education
Memorial University

1) *What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?*

Most of those individuals providing counselling services in the Province of Newfoundland and Labrador (NL) are regulated by statute. Based on my personal experience and from an examination of the service advertisements I would estimate that it is split 60/40 registered psychologists/registered social workers (most of the social workers have master's degrees). Psychologists can be fully registered at the master's level in NL. When the *Act to Register Psychologists* was passed, it contained a grandparenting clause that intended to implement a doctorate entry requirement for registration after 12 years but within one year of this date the Government, with the support of the profession, decided to remove the clause and leave the entry requirement at the master's level.

There are a few individuals providing counselling services as registered nurses. There is also a number of church sponsored counselling services, such as the Roman Catholic Family Life Bureau, with a mix of registered and non-registered service providers. There are a small number of individuals who advertise services as counsellors who are non-regulated.

2) *What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)?*

For some of the non-regulated folks, their scope of service statements are quite broad and usually state the type of problems with which they deal e.g. anxiety, stress, grief/loss, addictions etc. Typical client categories are individuals (children, adolescents, adults) and couples. There are a number of pastoral counsellors who are not regulated who advertise their services for drug addiction problems and some of these individuals work with offenders both those incarcerated and post-release.

3) *What occupational title(s) do these non-regulated counsellors use?*

The titles are counsellors, pastoral counsellors, addictions counsellors, grief counsellors (this is a mix of regulated and non-regulated).

There is the title EAP coordinator. These folks manage access to the EAP services provided by public and some private employers. They are all members of the provincial and national EAP association and typically have EAP certification provided by the national association. Most of them are social workers or psychologists but a small percentage are non-regulated.

Most of the counsellors with master's degrees who are not registered as psychologists have the Canadian Certified Counsellor certification from the Canadian Counselling Association.

4) *If any of these titles protected by federal or provincial legislation, please explain?*

CCC is a federally registered title. [Note: See the BC summary for more details on this.]

5) *What professional associations currently represent these counsellors (by type) in your province?*

Many CCCs have the dual status of being members of the NL Counsellors and Psychologists Association (NLCPA). This is a special interest council of the NL Teachers' Association (NLTA) and the members are school counsellors and school psychologists. All of this membership has master's degrees and the school psychologists must be registered psychologists. NLCPA has a close relationship with CCA and the two associations co-sponsored the national CCA conference held in St. John's, NL, May 2005.

6) *Which of these professional associations are registered societies in your province or federally?*

There is a pastoral counsellors association but I believe that membership is determined by position rather than qualifications. CCA, at its conference in May 2005, approved a new Pastoral Counsellors Chapter.

7) *Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?*

The CCA has a complaints and disciplinary procedure and all our members with CCC in NL are subject to these procedures. In fact, in recent months our CCA Ethics Committee has suspended the CCC and CCA membership of two members for a period of two years. They are in two different Atlantic provinces (not NL).

8) *What educational standards does each professional association require that applicants hold before they are granted membership?*

The CCA requires applicants hold a Master's degree in counselling or related field from an AUCC member university, and complete a supervised practicum and submit a completed report.

The reason for so many folks providing counselling with the title R. Psych is because the NL Board of Examiners in Psychology (NBEP) accepts for registration graduates of the master's degree offered in the Faculty of Education at Memorial University. This degree was designed initially to prepare school counsellors. It is a very robust degree (1 1/2 to 2 yrs with practica and internship) that accepts candidates who wish to work in other public environments and/or in private practice. The degree also has the title Master's Degree in Counselling Psychology and NBEP accepts only degrees that are formally titled as a degree in psychology. So, graduates who wish to obtain registration can acquire provisional registration (provisional registration is for 2 years of NBEP approved and monitored supervision) upon graduation if they entered the program with an undergraduate degree in psychology. Others may do so if they decide to obtain additional

courses identified for them by the NBEP Registrar (for some this can be a long post graduation road).

9) *What are the other requirements for becoming a member?*

10) *What amount of money does each professional association spend each year in investigating and resolving public complaints?*

11) *What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?*

12) *Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?*

The regulation of counselling in NL would require a separate, dedicated statute.

13) *What specific action has government in your province taken to move forward with regulation of counselling?*

According to a NL government white paper on regulation in 1996, there were at that time 27 professional regulatory statutes in NL. The report is entitled *Challenging Responses to Changing Times: New Proposals for Occupational Regulation* and can be found at [www.gov.nf.ca/publicat/gsl/occreg.htm]. This report addresses the concept of public protection and self-regulation and sets out the criteria for being a regulated profession. The government proposed an all purpose omnibus type complaints/ disciplinary structure to accommodate complaints against any of the 27 professions. The government was concerned that all of the regulated professions paid sufficient attention to natural justice procedures when addressing complaints and therefore wanted to centralize and standardize these procedures. The professions successfully defeated this idea. However, the government has insisted on imposing an alternative dispute resolution approach to complaints and disciplinary procedures and they have subsequently opened all the Acts and inserted this type of standard protocol.

14) *What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)*

In the NLCPA there has been ongoing discussion about counsellor regulation, however, the school psychologist members are already regulated. Since members are subject to the code of ethics for teacher and the complaints and disciplinary of the NLTA there has been some concern about the potential for double jeopardy because of dual memberships

I have not heard any resistance to regulation for counsellors. On the contrary, I hear quite a lot of support for it. Colleagues in psychology and social work are regulated and virtually all school counsellors and many others have the master's degree from Memorial University so many favour it and desire it.

Counselling and psychological services are the typical service descriptors with a few using the title therapy. The title psychotherapy or psychotherapist is rarely used. There are a few physicians who use these titles but in the light of a recent high profile ethics case we are questioning the qualification of some of these folks to offer this service. A young local family physician had a sexual relationship with the husband of a couple she was counselling. She has had her medical license suspended for 3 years. It appears that she has no particular training to provide couples counselling and it further appears that the medical association may not be monitoring its members who decide to provide counselling/psychotherapy. Of course, there have been other high profile cases in Ontario in the last few years. These cases do raise important questions about the need for regulation and public protection.

15) *How are the professional associations trying to address the issues that prevent government from regulating counselling?*

NLCPA has a close working relationship with CCA. In fact, the current NLCPA president is a former CCA president. At their annual meetings there is typically a briefing by CCA on regulatory activities from across the country, and many of its members are also CCA members. There has been some advocacy to individuals in the Ministries of Education and Health for the regulation of professional counselling. There is not as yet a concerted effort but neither do I detect any active resistance to idea of statutory regulation.

B) Prince Edward Island

Prepared by

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PEI CCA Director and CCA Ethics Chair
PEICDS Vice President: Policy, Planning, and Programming
- (b) June Sanderson, M.Ed
Department of Education
School Counsellor Specialist
- (c) Sandi Dunffield-King, M.Ed, CCC, PhD (TC)
President, PEI Counselling Association
School Counsellor, Bluefield High School

1) What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?

The number of non-regulated counselling professions is not known at this time.

2) What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)?

Non-regulated counselling professions work in the following fields: Addiction, Pastoral, Youth, Financial , Real Estate, Camp, Nutrition, Christian, Sexual Abuse, Career and School. But this is not an exhaustive list.

3) What occupational title(s) do these non-regulated counsellors use?

See above.

4) Are any of these titles protected by federal or provincial legislation, please explain?

No.

NOTE: The answers to the following questions reflect PEI Counselling Association information only. The Association is unable to provide information re: non-regulated counselling “professions” as noted in framework question #2.

5) What professional associations currently represent these counsellors (by type) in your province?

PEI Counselling Association - PEICA represents a number of members (see question #8).

6) *Which of these professional associations are registered societies in your province or federally?*

None of the above.

7) *Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?*

None of the above.

8) *What education does each professional association require that applicants hold before they are granted membership?*

PEICA has 4 types of membership that reflect the CCA Categories

- Full Membership - requires a Masters' degree;
- Associate Membership - interested in the field;
- Student Membership - studying to be a counsellor, therefore a Masters degree is pending;
- Retired Membership - retired full or associate member.

9) *What are the other requirements for becoming a member?*

See the PEICA Application form.

10) *What amount of money does each professional association spend each year in investigating and resolving public complaints?*

No available information at this time.

Presently the employer (i.e., province (by Dept.), union (Teachers Federation)) investigates complaints and determines sanctions.

Members may submit a complaint of ethical violation to the CCA Ethics Chair (see website www.ccacc.ca.)

11) *What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?*

PEICA looks to the Canadian Counselling Association.

12) *Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?*

PEI would require approval under a new legislative statute.

13) *What specific action has government in your province taken to move forward with regulation of counselling?*

Invitation to discuss - see letter dated May 29, 2001 enclosed.

14) *What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)*

We believe our provincial government is open to discussion. PEICA is a volunteer organization and requires a dedicated group of people to continue to move this forward. PEICA is appreciative and supportive of the national focus on Counsellor Regulation at this time.

15) *How are the professional associations trying to address the issues that prevent government from regulating counselling?*

PEICA has extended an invitation to members who may wish to participate in the PEICA Structure Committee. Currently PEICA has no formal link to CCA, our national professional body. The committee's goal is to define and recommend to the membership a structure that allows us to do so. Along with this task is the goal of establishing the counselling profession through provincial registration of the professional term 'counsellor.' This will empower individual members in private practice to benefit from third party billing, empower the public to seek our services as they would have protection and elevate the professionalism of 'Counselling.'

Additional comments

1. Need leadership and direction from CCA

This is seen as a high priority. CCA would need to provide leadership and direction for Counsellor Regulation to move forward

2. Need draft bylaws to share with each province

PEICA has spent many hours to seek support from PEICA members, provincial departments and to secure legal consultation. The constitution and by-laws from BC and NS were core documents to create the draft bylaws for the future PEIAPC .

A co-ordinated and national draft of constitution and bylaws to share with each province would make the task less daunting.

3. Need draft letters to invite MLA's, MP's and key department heads to the table

We would propose that each province have a draft constitution/bylaws and meet with a government official with the next step focusing a nationally organized PR blitz with all MLAs and MPs - the first PR blitz is to inform them - provincial focus will be on the need to regulate and the federal focus will be on lobbying insurance companies - although they both need to work in tandem.

CCA can provide leadership by developing a calendar (accompanied by the necessary tools) with suggested deadline dates for each step to be achieved in order to reach a co-ordinated effort with a PR blitz to politicians.

MP's in their province to communicate and educate on Counsellor Regulation and the issues - perhaps suggest a meeting.

4. Cost of regulating (legal fees and potential membership fee increases)

We realize there will be initial costs that will be hard for a few members to carry. Would CCA offer some financial assistance to doing this?

We discussed an Atlantic or Regional "Association/group" to process complaints of ethical violations as PEI holds a small Counsellor base. Legal consultation may be shared as well as other needs.

5. Recruitment or future employment ads

This may require Masters level and CCC for employment. This would be the result and it would necessitate the demand for Registered Professional Counsellor Qualifications. Currently ads can include non-regulated qualifications.

The issue is more once the profession is regulated does it then become a mandatory qualification. This again is a role that CCA can provide by responding to these types of questions, verses each province working through the task alone.

Chronology of events in PEI

Note: The following is not an inclusive list of dates and meetings relevant to the work by the PEI Team, however it presents the essence of the journey by a dedicated group of counsellors.

- *Sept. 19, 2000*: First meeting to propose a Professional Counselling Association. Circulation of NS incorporated document Draft By-laws based on NSAPC
- *Nov. 18, 2000*: Meeting with legal counsel present
- *April 5, 2001*: Meeting with Registrar of Social Workers Association re: proposed association for PEI professional counsellors; Clarification re: registered, certified and licensed terms
- *May 5, 2001*: Committee Meeting focused on strategic plans and draft letter to Minister and Deputy Minister of Health and Social Services
- *May 29, 2001*: Letter from Minister of Health and Social Services extending the services of Director of Corporate Services and Legislative Specialist to discuss regulation-licensing of counselling profession. (No follow-up to this invitation at this time.)
- *April 21, 2005*: Invite from NSAPC re: National Symposium
- *Sept. 08, 2005*: PEICA executive meeting and discussion re: invite to National Symposium. Request from PEI CCA Director to respond to framework questions and chronology of PEI journey toward counsellor regulation
- *Sept. 15, 2005*: Framework questions and chronology completed.

C) Nova Scotia

Prepared by: Madeleine Lelievre
Chair, Nova Scotia Association of Professional Counsellors

1) What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?

While psychologists and social workers are regulated by provincial statute under separate acts, currently there are no educational or experience requirements for anyone else who practices counselling in Nova Scotia. Thus it is difficult to determine the exact number of practicing counsellors in the province.

There is only one provincial non-regulated counselling association that provides formal credentialing for its members, and that is the Nova Scotia Association of Professional Counsellors (NSAPC). There are approximately 200 members of NSAPC, and the majority of members have a minimum of a Master's degree in counselling. Of those, approximately 100 are Registered Members with the Association. In addition, there are a number of Canadian Certified Counsellors in the province who have either chosen not to join NSAPC or who have become members but not applied for registration.

The other two formal counselling associations in Nova Scotia are the Nova Scotia School Counsellor's Association (NSSCA) which is a special interest group of the Nova Scotia teacher's union, and the Native Alcohol & Drug Abuse Association of Nova Scotia (NADACA) which is funded through an annual contribution from Health & Welfare Canada.

While many societies and associations in Nova Scotia provide counselling among their services, their members do not necessarily have counselling credentials at the graduate degree level. There are no formal associations or separate societies for other groups of counsellors such as art therapists, music therapists or pastoral counsellors. Many counsellors practicing in these fields will have joined NSAPC if they are interested in provincial credentialing. The NSAPC also has a significant number of members of the NSSCA among its ranks though we do not track actual numbers. The national organization, the Canadian Professional Counsellors Association, has recently begun to train counsellors in Nova Scotia and register them as RPCs (Registered Professional Counsellors) with their association. This has caused confusion among the public since NSAPC also uses the title RPC.

2) What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)?

The Nova Scotia Association of Professional Counsellors (NSAPC) has defined the "practice of professional counselling" as:

- 1) Rendering to individuals, couples, families, groups, organizations, corporations, schools or other institutions, government agencies or the general public a service that integrates diverse models of human behavior, such as clinical, pathology, wellness, cross-cultural, and other recognized models. This service applies a combination of mental health and human development principles and procedures to help persons achieve effective mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment throughout the life span.
- 2) Preparing for engaging in and engaging in methods and techniques which include, but are not restricted to:
 - a) “Counselling” which means assisting client(s) through the counselling relationship, using a combination of mental health and human development principles, methods and techniques to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment throughout the life-span;
 - b) “Appraisal and/or assessment” which means selecting, administering, scoring and interpreting instruments designed to assess an individual’s attitudes, abilities, achievements, interests and personal characteristics and the use of methods and techniques, including interviewing and direct observation, for understanding and evaluating human behavior in relation to coping with, adapting to, or changing life situations;
 - c) “Consulting” which means the application of scientific or well established principles and procedures in counselling and human development to provide assistance in understanding and solving current problems that the consultee may have in relation to a third party, be it an individual, a group, or an organization;
 - d) “Referral” which means evaluating and identifying needs of a counsellee to determine the advisability of referral to other specialists, informing the counsellee of such judgment and communicating as requested or deemed appropriate to such referral sources;
 - e) “Research” which means a systematic effort to collect, analyze, and interpret quantitative or qualitative data that describe how social characteristics and behaviour, emotion, cognitions, and interpersonal transactions among individuals and organizations interact.

[From the 2001 Proposal to the Department of Health concerning The Regulation of Professional Counselling in Nova Scotia, with wording adapted from the NSAPC bylaws]

3) *What occupational title(s) do these non-regulated counsellors use?*

- Registered Professional Counsellor (RPC)
- Registered Professional Counsellor Candidate (RPC-C).

4) *If any of these titles protected by federal or provincial legislation, please explain?*

The titles RPC and RPC-C are not protected by legislation. A few years ago, NSAPC seriously considered either protecting the title (since it was also being used by members of the national organization - CPCA - the Canadian Professional Counsellor's Association), or changing the title to reduce confusion among the public. However, at the time we (NSAPC) felt it more important to direct our energy towards achieving statutory regulation.

5) *What professional associations currently represent these counsellors (by type) in your province?*

The Nova Scotia Association of Professional Counsellors (NSAPC) is the self-regulating professional body responsible for establishing the education and experience requirements for Registered Professional Counsellors in Nova Scotia.

6) *Which of these professional associations are registered societies in your province or federally?*

NSAPC is a registered society within the province of Nova Scotia.

7) *Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?*

NSAPC has bylaws that govern the investigation and resolution of public complaints against its members.

8) *What educational standards does each professional association require that applicants hold before they are granted membership?*

Members of NSAPC may be either Registered or Non-registered. The requirements for becoming a registered member are not strictly competency based. They are based on qualifications and experience in the field. Competency is assumed by way of the graduate degree requirements and supervision requirements. Requirements for registered and non-registered membership are described below.

9) *What are the other requirements for becoming a member?*

Categories of membership in NSAPC:

Registered Members

- (a) Registered Professional Counsellors

(b) Registered Professional Counsellor Candidates

Non-registered Members

- (a) Master's Level Members
- (b) Retired Members
- (c) Charter Members
- (d) Student Members
- (e) Associate Members

Educational and practice requirements for membership categories:

Registered Members

(a) Registered Professional Counsellor:

- is a Certified Canadian Counsellor as determined by CCA.
- has completed, after the granting of the qualifying graduate degree, no less than two years of supervised experience, including a minimum of 2000 hours of professional counselling practice, of which at least 800 hours involved counselling with individuals, couples, families or groups.

In order to maintain registration, a Registered Professional Counsellor must:

- maintain CCC status, including maintenance of Continuing Education Units and payment of fees as prescribed by CCA
- within three years of original registration, show evidence of having successfully completed one of the following:
 - an ethics course within the qualifying graduate degree program
 - a counselling ethics workshop, approved by the Registration Committee, completed subsequent to the granting of the qualifying graduate degree
 - an ethics exam as may be set and administered by the Registration Committee

(b) Registered Professional Counsellor Candidate:

- is a Certified Canadian Counsellor as determined by CCA;
- has entered into a supervision relationship with a person approved by the registration committee in accordance with the NSAPC bylaws.

In order to maintain registration, a Registered Professional Counsellor Candidate must:

- maintain CCC status, including maintenance of Continuing Education Units and payment of fees as prescribed by CCA

Non-registered Members

(a) Master's Level Member:

- is a person with a minimum of a Master's degree in counselling or a related field from an institution recognized by CCA

(b) Retired Member:

- is a person who is currently not practicing as a counsellor

(c) Charter Member:

- is a person who was on June 19, 1999, a Full or Retired member in good standing according to the previous Bylaws

(d) Student Member:

- is a person presently enrolled in a Master's degree program in counselling or a related field at an institution recognized by the Association of Universities and Colleges of Canada.

(e) Associate Member:

- is a person who supports the objectives of the Association but does not fully meet the criteria for other membership categories

[Adapted from NSAPC Bylaws]

10) *What amount of money does each professional association spend each year in investigating and resolving public complaints?*

The Complaints Review Committee is comprised of volunteers who currently give their time freely to discuss potential complaints with the NSAPC Registrar who is the first point of contact. The Registrar is paid an annual honorarium but since there have only been two potential complaints since NSAPC became a self regulating body in 1999, the actual cost associated with public complaints is minimal.

11) *What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?*

The main challenge faced by NSAPC is that many counsellors within the province do not see any immediate value in becoming a member. Counselling is not yet a regulated profession, and without a continuous influx of new members, the Association is less able to maintain pressure on government to recognize professional counselling as an essential service within the health field.

12) *Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?*

A few years ago, the Nova Scotia Department of Health did consider umbrella legislation for a number of unregulated health professions. However, it is no longer seen as a viable option. Therefore a new, dedicated statute will be required.

13) *What specific action has government in your province taken to move forward with regulation of counselling?*

NSAPC has been provided an opportunity to meet with the Minister and Senior Officers from the Department. The Department is committed to work with the Association to look

at the feasibility of working towards regulation... (Verbal assurance given to the Chair of NSAPC in late August 2005)

14) *What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)*

The government of Nova Scotia (as represented by the Minister of Health) has said very little about the advantages or disadvantages of regulating counselling by legislation despite widespread support amongst provincial MLAs and opposition party health critics. (As determined by NSAPC members during the lobbying campaign.) We have been told repeatedly that there has to be a “risk of harm” that would demonstrate a clear need to regulate. We have also been told that we need to have a defined “scope of practice”, and in particular, show where the scope of practice of professional counsellors would overlap with other professions. (We felt we had shown this in our November 2001 Proposal for Regulation, but it doesn’t seem to have registered with the Department of Health officials.)

The Association has also been told that the government of Nova Scotia is unlikely to take the lead in this matter since it is a small province, and traditionally it waits until the bigger provinces bring in their legislation before acting.

15) *How are the professional associations trying to address the issues that prevent government from regulating counselling?*

Since its inception in November 1995, NSAPC has worked continuously towards the eventual regulation of professional counselling in Nova Scotia. A proposal was submitted to the Department of Health in November 2001 and liaison with that government department has been ongoing since then. In November 2003 we strongly requested that the Canadian Counselling Association (CCA) work towards the development of Canadian Model Legislation to support us in our efforts. Early in 2004, a decision was made to actively lobby MLA’s across the province. This required the development of a lobbying package and many hours of voluntary work by members of the Association. In January 2005, our lobbying efforts culminated in being granted a formal meeting with the Minister of Health. At this meeting, members of NSAPC, and the then NS Director for CCA, gave a one hour presentation on what we saw as the reasons for moving forward with legislation. Since that time, there has been no further movement by government, although it is hoped that a representative from the Department will attend the National Symposium in November 2005.

Chronology of events in Nova Scotia

- 1994 – Ad Hoc Committee for Professional Licensure formed.
- 1995 – Formation of the Nova Scotia Association of Professional Counsellors (NSAPC) from the Ad Hoc Committee.
- 1999 – NSAPC became a self-regulating body.
- Nov. 2001 – Formal proposal for legislation submitted to the NS Department of Health.
- Jun. 2002 – Met with the Senior Director of the Policy, Planning and Legislation Branch of the Dept. Health (Dennis Holland). Later that month, submitted Supplementary Information.
- Aug./Sep. 2002 – Obtained and submitted letters of support to the Dept. of Health from Psychologists, Social Workers, Nurses and Physicians.
- Oct. 2002 – Contacted the Dept. of Health to ascertain the status of our proposal. We were advised to continue to build our organization and to be ready to move towards legislation at some time in the future.
- Dec. 2002 to May 2003 – Preparation for the CCA conference. (No further progress towards legislation over this period.)
- May 2003 – Panel discussion at the CCA conference established support for NSAPC's moves towards legislation from CCA and other provincial bodies (Ontario and B.C.) who themselves were looking at legislation.
- Nov. 2003 – Made request to CCA that Canadian Model Legislation be developed.
- January 2004 – Began developing a lobbying package to send to Members of the Nova Scotia Legislative Assembly.
- May 2004 – First lobbying packages sent out and began to set up meetings with Nova Scotia MLAs. Members met with 26 MLAs across the province.
- July 23, 2004 – Met with Dr. Rippey, Assistant to the Deputy Minister of Health.
- January 27, 2005 – Met with Hon. Angus MacIsaac, Minister of Health.
- March 21, 2005 – Meeting planned with the Director for Adult Mental Health and the Director for Child and Adolescent Mental Health at the Nova Scotia Department of Health.

D) New Brunswick

Prepared by: Pat Donihee

Spokesperson, New Brunswick Professional Counsellors Association

Chair of the working committee

1) What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?

Counsellors are not regulated in New Brunswick under a professional statute. Other professionals who provide counselling services may be regulated through their profession-specific statutes, such as psychologists, social workers and nurses.

There are approximately 110-120 Canadian Certified Counsellors, some of whom are members of the New Brunswick Professional Counsellors Association (NBPCA). However, the exact number of practicing counsellors or where they work is unknown. The number of other, non-regulated counsellors is also unknown.

2) What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)

Non-regulated counsellors work in the following areas (which is not an exhaustive list):

- pastoral counselling
- religious counselling roles (Christian)
- shelters for abused, addicted women
- youth
- employment counsellors
- financial
- real estate
- career/school
- camp counsellors
- diet/nutrition
- addiction in general
- human service counsellors

3) What occupational title(s) do these non-regulated counsellors use?

The titles non-regulated counsellors use would correspond to the areas of practice listed above. Members of the NBPCA use RPC (Registered Professional Counsellor), which is a title that is not protected by legislation.

4) If any of these titles protected by federal or provincial legislation, please explain?

To my knowledge none of the occupational titles listed in question #2 are regulated.

Psychologists, social workers and nurses are provincially legislated in New Brunswick and enjoy the corresponding protected titles.

5) *What professional associations currently represent these counsellors (by type) in your province?*

Many counsellors are members of the Canadian Counselling Association. Some could be members of the Nurses Association as well as NBPCA.

6) *Which of these professional associations are registered societies in your province or federally?*

None. Psychologists, social workers and nurses belong to professional bodies that have been established under provincial legislation.

7) *Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?*

NBPCA is provincially incorporated and non-profit, and has bylaws that govern the investigation and resolution of public complaints against its members.

8) *What education does each professional association require that applicants hold before they are granted membership?*

The NBPCA requires a Master's Degree with specific course work as outlined in Appendix 1 of its bylaws.

The Nurses Association requires a Bachelor's Degree or above. Psychologists require a Master's Degree in Clinical Psychology, and social workers require a Bachelor Degree or above.

9) *What are the other requirements for becoming a member?*

Please refer to the NBPCA membership package.

10) *What amount of money does each professional association spend each year in investigating and resolving public complaints?*

No information is available at this time as to the cost of complaints processed by the NBPCA, the teacher's union for school guidance counsellors, or for the regulatory bodies

for social workers, psychologists or nurses.

11) *What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?*

NBPCA looks to and follows the lead of CCA and their ethical guidelines (www.ccacc.ca).

12) *Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?*

No. To create a regulatory body for counsellors in NB would require approval under new legislative statute. An organization must pay all the associated costs of the legislation. Cost would be approximately \$10,000.00 to \$12,000.00 to hire a lawyer to draft the bill and to also have it translated. The association must then find an MLA to present the private members bill.

13) *What specific action has government in your province taken to move forward with regulation of counselling?*

Despite repeated request from the NBPCA executive committee on several occasions, the NB government has taken no specific action in regard to counsellor regulation.

14) *What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)*

Moving this agenda forward with a small group of dedicated professionals requires tenacity and dedication. It appears Counselling is not even on the radar of issues of concern for the NB government.

15) *How are the professional associations trying to address the issues that prevent government from regulating counselling?*

I am not aware that any presently regulated association is attempting to intervene in the regulation of counsellors/counselling.

E) Quebec

Prepared by: Michel Turcotte
Vice-president of the College of Career Counsellors
and Psychoeducators of Québec (Regulatory body)

1) Why did government move to adopt legislation to regulate counselling? In particular, what were the social policy, economic or political reasons that moved government to so act?

The Québec government regulated the professional system in 1974. At that time, several corporations of occupations were already self-regulating their field. Career counseling was one of these occupations, along several traditional ones such as: physician, lawyer, dentist, psychologist, social worker, accountant, engineer and so on.

There are three main criteria in Québec that determine the “eligibility” of an occupation to become regulated:

- the skills and knowledge required to engage in the activities of the persons who would be governed by the Order
- the degree of independence or autonomy enjoyed by the persons who would be members of the Order and the difficulty which persons not having the same training and qualifications would have in assessing those activities;
- the personal nature of the relationships between such persons and those having recourse to their services, by reason of the special trust which the latter must place in them, particularly because such persons provide them with care;
- the gravity of the prejudice or harm which might be sustained by those who have recourse to their services of such persons because their competence or integrity was not supervised by the Order;
- the confidential nature of the information which such persons are called upon to have in practicing their profession.

The profession of “counsellor” (as a general specification) does not exist as such in Quebec. Those who want to do “counseling” usually get their education and training through psychology, career counseling or psychoeducation. This is a difference with the rest of Canada and USA. There is no “department of counseling” in the French Quebec Universities.

In early 60’s, there was the “Quiet Revolution”, where a big investment in education was done. Career guidance was an element of the strategy. As well, the Corporation of Guidance Counsellor was well organized and structured.

The professional system in Quebec is “self-regulated”, in a sense that the government has created the legal framework and responsibilities to create “Ordre” (Regulatory Body/College). Each Ordre is responsible to put in place the mechanisms to protect the public, according to a set format defined by the government. In 1974, the government created the “Office des professions” which basically oversees and monitors the work of

the Ordres, to the point it can put an Ordre in “trusteeship” if an Ordre is protecting more its members than the public. The Office des professions is the intermediary between the government and the Ordres. There are currently 50 Ordres in Québec covering the spectrum of the labour market. The professional system is totally financed by the 350 000 members of the 50 regulated occupations. Even the Office des professions is funded by the 350 000 members. The government does not put any funds to monitor the system.

The psychoeducators tried to be part for the professional system for 30 years. Finally the Office des professions said ten years ago, that the only way they would be regulated is if an existing Ordre would integrate them. After several years of negotiation and referendum, they were integrated in l'Ordre des conseillers d'orientation five years ago.

Family mediation was regulated around 1995. Family mediators need to be first members of one of the following Ordres: law, social worker, psychologist, career counsellor, notary, and then complete a specific training and supervision. Most of them at the moment are lawyers.

Family and marital therapy was regulated around 1998. A set of educational and training requirements was specified and one Ordre had the responsibility to integrate them, the social workers. Most of family and marital therapists are already psychologist or social worker. There are some 200 of them.

In summary, four forms of counselling are currently regulated in Quebec. Guidance counsellors and psychoeducators are regulated together under the same regulatory body. Marital and family therapists are regulated together with social workers in a different regulatory body. And persons who provide family mediation (“family mediators”) are usually also members of other professional bodies, such as law, social working, psychology, etc. All four types of counselling professions are regulated under the same umbrella statute.

2) *What statute(s) and regulation(s) are in place to regulate counselling?*

The umbrella statute for the regulation of professions in Quebec is the *Professional Code*, R.S.Q., c. C-2 (the “Code”). Under various sections of the *Code*, each profession’s board (“Bureau”) has the authority to approve regulations, standards and codes for that profession.

A number of regulations, standards or codes have been approved which apply to both **guidance counsellors** and **psychoeducators**, or each profession separately (listed here in alphabetical order):

- Regulation respecting the business of the Bureau, the administrative committee and general meetings of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.Q. c. C-26, r.40.01)

- Regulation respecting professional liability insurance for the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.Q. c. C-26, r.40.1)
- Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations (R.Q. c. C-26, r.1.1)
- Regulation respecting the professional inspection committee of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.Q. c. C-26, r.41.1)
- Regulation respecting refresher training periods for guidance counsellors and psychoeducators (R.Q. c. C-26, r.48)
- Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.Q. c. C-26, r.45.1)

Similar sorts of regulations have been approved and apply to **marital and family therapists**, either separately or as part of the social worker regulatory body (listed here in alphabetical order):

- Records of a social worker who ceases to practice, Regulation respecting the... (R.Q. c. C-26, r.183)
- Keeping of records and consulting offices by social workers, Regulation respecting the... (R.Q. c. C-26, r.189.1)
- Cessation of practice of a member of the Ordre professionnel des travailleurs sociaux du Québec, Regulation respecting the ... (R.Q. c. C-26, r.179.2)
- Code of ethics of social workers (R.Q. c. C-26, r.180)
- Refresher training periods for social workers, Regulation respecting ... (R.Q. c. C-26, r.189)
- Professional inspection committee of the Ordre professionnel des travailleurs sociaux du Québec, Regulation respecting the... (R.Q. c. C-26, r.181.2)
- Conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des travailleurs sociaux du Québec, Regulation respecting the ... (R.Q. c. C-26, r.185.2)
- Committee on training of social workers, Regulation respecting the... (R.Q. c. C-26, r.181.01)

Most of this last set of regulations refers only to social workers in their title and – in most cases – they also refer only to social workers in the body of the regulation as well. However, by various sections of the *MFT Decree*, the social worker specific regulations have been amended to apply or refer to MFTs. The *MFT Decree* also provides that when the Bureau eventually approves new, separate regulations for MFTs, the social worker regulations will no longer be adapted or apply to them.

3) *When did this legislation come into force?*

The *Professional Code* came into force in 1974.

4) *What is the legislative scope(s) of practice statement or definition for the regulated counselling profession(s)?*

The current definition for “career counsellor” (guidance counsellor) is, as May 2003:

Holders of a guidance counsellor's permit may engage in the following professional activities, in addition to those otherwise permitted by law: providing vocational and professional development counselling, in particular by evaluating a person's psychological functioning and personal resources, using psychometric testing when required, to assess interests, skills, personality and intellectual, cognitive and affective functions, intervening for the purpose of clarifying the person's identity in order to develop the person's ability to make career choices and meet career objectives.

The current definition for “psychoeducator” is, as May 2003:

Holders of a psychoeducator's permit may engage in the following activities, in addition to those otherwise permitted by law: providing psychoeducation services to groups and individuals experiencing or likely to experience adjustment difficulties, in particular by evaluating psychosocial adjustment and adjustment skills, intervening for the purpose of helping persons restore equilibrium in their environment by means of an approach focusing on prevention or reeducation.

The scope of practice for **marital and family therapy** is defined simply in section 5 of the *MFT Decree* as: “providing marital and family therapy services to couples and families with a view to helping them to function better, by evaluating the dynamics of the relational systems and by intervening.”

These are the major occupations related directly to counselling that have been regulated.

However, after many years of discussion and negotiation, it seems that the profession and activity of “psychotherapy” might be regulated. At this stage of discussion, it seems that the title and activity of psychotherapy would be limited to those who meet some specific skills and knowledge acquired within the degrees leading to the membership of their profession, or obtained from other means. There are also considerations for a grandfather clause for those who are currently practicing and meet the set of criteria.

5) *What are the services or practices that are restricted or granted (exclusively) to regulated counsellors, if any?*

Currently, there are no restricted or controlled activities for occupations in the human relations field, namely, psychologist, social worker, guidance counselor or psychoeducator. However, there are intense negotiations with Office des professions and government over the last 4 years, which seems to indicate that there may be some aspect of professional practice for each of these professions that will be regulated. A report should be public some time this fall.

6) *What occupational title(s) have been granted to regulate counsellors under the legislation?*

The three counselling professions in Quebec have been granted only occupational title protection under the *Professional Code* or their applicable *Decree*. Nothing like BC's "reserved actions" have been granted to any of these three counselling professions, although other professions have been granted reserved actions that fall within their scope.

- Guidance counsellor or vocational guidance counsellor
- Psychoeducator
- Family mediator
- Family and marital therapist

7) *How many counsellors (by type) are currently registered under the legislation?*

Career Counsellor: 2200

Psychoeducator: 3200

Family mediators: probably less than 500

Family and marital therapist: 300

8) *What educational standards does the regulatory body require that applicants hold before they are granted registration (by type)?*

The secretary of the *Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec* shall forward a copy of this Regulation to a candidate who, for the purposes of obtaining a guidance counsellor's permit or a psychoeducator's permit from the Order, wishes to have a diploma issued by an educational institution outside Québec or training recognized as equivalent.

In this Regulation,
"diploma equivalence" means recognition by the Bureau of the Order that a diploma issued by an educational institution outside Québec certifies that a candidate's level of knowledge and skills is equivalent to the level attained by the holder of a diploma recognized by a government regulation, made under the first paragraph of section 184 of

the Professional Code (R.S.Q., c. C-26), as meeting the requirements for a guidance counsellor's permit or psychoeducator's permit issued by the Order; and

"training equivalence" means recognition by the Bureau of the Order that a candidate's training has enabled him or her to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by a government regulation, made under the first paragraph of section 184 of the Professional Code, as meeting the requirements for a guidance counsellor's permit or psychoeducator's permit issued by the Order.

Standards for equivalency of a diploma

Guidance counsellor's permit

A candidate who holds a diploma in guidance counselling issued by a university-level educational institution located outside Québec shall be granted a diploma equivalence for the issue of a guidance counsellor's permit if the candidate demonstrates that the diploma was obtained upon completion of programs of university studies at the undergraduate and master's levels comprising a total of 135 credits. A credit represents 45 hours of training or learning activities spent in a classroom, a laboratory or a workshop, serving a training period or doing personal work. A minimum of 96 credits out of those 135 credits must pertain to the following subjects and be divided as follows:

1. A minimum of 39 credits in situation evaluation, including at least 27 credits divided as follows:
 - 9 credits in psychometrics and evaluation;
 - 3 credits in human development;
 - 3 credits in psychopathology;
 - 6 credits in the person and his or her environment;
 - 6 credits in vocational development and insertion;
2. a minimum of 9 credits in the conception of guidance intervention, including the various clienteles, contexts and organizations as well as their resources and intervention approaches;
3. a minimum of 21 credits in direct intervention divided as follows:
 - 12 credits in individual and group counselling;
 - 6 credits in academic and professional information;
 - 3 credits in animation and training;
4. a minimum of 3 credits in consultation approaches, supervision models, work team management and conflict management;
5. a minimum of 6 credits in practice analysis methods and research methods;
6. a minimum of 3 credits in professional organization, ethics, the Québec professions system, the statutes and regulations governing the practice of the profession of guidance counsellor and the standards of practice applicable to the practice of the profession;

- 7 a minimum of 15 credits or 675 hours of internship in guidance counselling, including a minimum of 9 credits or 405 hours under the program of study leading to the master's degree and, under the same program, at least 170 hours of direct contact with the clientele and at least 40 hours of direct supervision. The internship shall consist of activities designed to familiarize the student with the various aspects of the profession of guidance counsellor with a diverse clientele, including evaluation, the conception of guidance intervention, intervention in the environment and management of the student's practice.

Psychoeducator's permit

A candidate who holds a diploma in psychoeducation issued by a university-level educational institution located outside Québec shall be granted a diploma equivalence for the issue of a psychoeducator's permit if the candidate demonstrates that the diploma was obtained upon completion of programs of university studies at the undergraduate and master's levels comprising a total of 135 credits. A credit represents 45 hours of training or learning activities spent in a classroom, a laboratory or a workshop, serving a training period or doing personal work. A minimum of 99 credits out of those 135 credits must pertain to the following subjects and be divided as follows:

- (1) a minimum of 36 credits in situation evaluation, including
 - 9 credits in normal development and adjustment difficulties;
 - 9 credits in observation and in psychometrics and evaluation;
 - 16 credits in the psychoeducational assessment of persons and environments, clinical diagnosis, case studies and report drafting;
- (2) a minimum of 9 credits in the conception and development of intervention plans and programs;
- (3) a minimum of 21 credits in direct intervention with a person or the person's environment, a group or organization, including organization, continuing evaluation, assistance interviews with a person, a family or group, the leading of activities or meetings, the use of situations in shared educational experiences, intervention in crisis situations and intervention in various environments with the various clienteles;
- (4) a minimum of 3 credits in the administration and planning of services, supervision, team work and conflict resolution;
- (5) a minimum of 12 credits in the psychoeducator's professional practice divided as follows:
 - 6 credits in scientific methodology and qualitative and quantitative analysis methods;
 - 3 credits in program evaluation;

- 3 credits in professional organization, ethics, the Québec professions system, the statutes and regulations governing the practice of the profession of psychoeducator and the standards of practice applicable to the profession;
- (6) a minimum of 18 credits or 810 hours of internship in psychoeducation, including a minimum of 12 credits or 540 hours under the program of study leading to the master's degree. The internship shall consist of activities designed to familiarize the student with the various aspects of the profession of psychoeducator with a diverse clientele and in various environments, including observation and evaluation, planning and organization, animation and utilization, communication, clinical diagnosis and case studies.
4. Despite sections 2 and 3, where the diploma for which an equivalence application is made was obtained five years or more prior to the application, a diploma equivalence shall be denied if the knowledge acquired by the candidate no longer corresponds, taking into account developments in the profession of guidance counsellor or in the profession of psychoeducator, to the knowledge currently being taught.
- However, equivalence shall be granted if the candidate's work experience and training acquired since the diploma was awarded have enabled the candidate to reach the required level of knowledge and skills.

Training Equivalence Standards

Guidance counsellor's permit and psychoeducator's permit

5. A candidate shall be granted a training equivalence for the issue of a guidance counsellor's permit or a psychoeducator's permit if the candidate demonstrates having, upon completion of relevant work experience in activities constituting the practice of the profession of guidance counsellor or psychoeducator, a level of knowledge and skills equivalent to the level that may be acquired by the holder of a diploma recognized as giving access to a guidance counsellor's permit or a psychoeducator's permit, as the case may be.

In assessing the training equivalence of a candidate, the Bureau shall take into account all the following factors:

- (1) the nature and duration of the candidate's experience;
- (2) the fact that the candidate holds one or more diplomas awarded in Québec or elsewhere;
- (3) the nature and content of courses taken and the marks obtained; and
- (4) the nature and content of training periods and other training activities.

Psychoeducator's permit

6. A candidate shall be granted a training equivalence for the issue of a psychoeducator's permit if the candidate demonstrates that the following conditions are met:

- (1) the candidate holds one of the following diplomas issued by the following universities before September 2000, or issued after September 2000 if the candidate was registered for the fall 2000 term or the winter 2001 term in a program of study leading to one of those diplomas:
 - (a) bachelor's degree in psychoeducation awarded by Université de Montréal or Université de Sherbrooke;
 - (b) bachelor's degree, a certificate of at least 90 credits or a *licence* in psychoeducation or in education of exceptional children awarded by Université de Montréal or Université de Sherbrooke;
 - (c) bachelor's degree in psychoeducation or in education of exceptional children in the psychoeducation program, awarded by Université du Québec en Abitibi-Témiscamingue, Université du Québec à Hull or Université du Québec à Trois-Rivières;
- (2) the candidate completed 270 hours of supervised internship in psychoeducation or, if the internship was not completed under the program of study leading to one of the diplomas referred to in paragraph 1, 270 hours of internship in psychoeducation supervised by a person trained in psychoeducation and having five years' relevant work experience in the field of psychoeducation;
- (3) the candidate took at least 125 hours of training in ethics, measurement and evaluation as well as intervention planning and clinical management, including a minimum of 57 hours divided as follows:
 - (a) 15 hours in ethics;
 - (b) 21 hours in measurement and evaluation; and
 - (c) 21 hours in intervention planning and clinical management.

Training Equivalence Recognition Procedure

7. A candidate who wishes to have an equivalence recognized must provide the secretary with the following documents, which are required to support the candidate's application, together with the fees required under paragraph 8 of section 86.0.1 of the Professional Code:
 - (1) the candidate's academic record, including a description of courses taken, the number of hours of each course, and an official transcript of the results obtained;
 - (2) proof that the candidate's diploma was awarded;
 - (3) proof that the candidate's diploma was officially recognized;
 - (4) a document from the educational institution at the university level that issued the diploma attesting to the candidate's participation in and successful completion of the training sessions and practical work; and
 - (5) a document attesting to and describing the candidate's relevant work experience.

8. Documents in a language other than English or French submitted in support of an application for diploma or training equivalence must be accompanied by a translation into English or French.
9. The secretary shall forward the documents prescribed in section 7 to a committee formed by the Bureau to study applications for diploma or training equivalence and make an appropriate recommendation.
In order to make an appropriate recommendation, the committee may require the applicant to pass an examination or to successfully complete a training period, or both.
10. At the first meeting following the date of receipt of that recommendation, the Bureau shall decide, in accordance with this Regulation, whether it will grant a diploma or training equivalence and shall notify the candidate in writing within 30 days of its decision.
11. Within 30 days of its decision not to grant a diploma or training equivalence, the Bureau must so inform the candidate in writing and indicate the programs of study, training sessions or examinations that should be successfully completed within the allotted time, taking into account the candidate's current level of knowledge, for the equivalence to be granted.
12. A candidate who is informed of the Bureau's decision not to recognize the equivalence requested may apply to the Bureau for review, provided that the candidate applies to the secretary in writing within 30 days after the date on which the decision is mailed.

The Bureau shall hear the candidate at the next regular meeting following the date of receipt of the application. It must summon the candidate by a written notice sent by registered mail not less than ten days before the date of the hearing.

Marital and family therapists: their educational requirements are set out in section 26 of the *MFT Decree*, as follows:

26. All of the following training and supervision, completed in Québec, give rise to the marital and family therapist's permit issued by the Ordre professionnel des travailleurs sociaux du Québec :

(1) theoretical training in family and couple studies, in marital and family therapy, in human development and in couple and family ethics of at least 360 hours or 24 credits, completed with an organization in the marital and family therapy field, each credit representing 45 hours of attendance in class and personal work. The 360 hours or 24 credits shall be broken down as follows :

- (a) 90 hours or 6 credits in family and couple studies ;
- (b) 135 hours or 9 credits in marital and family therapy ;
- (c) 90 hours or 6 credits in human development ; and
- (d) 45 hours or 3 credits in couple and family ethics ;

(2) at least 500 hours of practical training in marital and family therapy, under the supervision of a person meeting the requirements for admission as a clinical member and certified supervisor to the Association des psychothérapeutes conjugaux et familiaux du Québec or the Quebec Association for Marriage and Family Therapy, as they read during supervision or, if supervision is exercised after the effective date of the integration, as they read on that date ; and

(3) 100 supervised hours with the supervisor referred to in subparagraph 2 completed during the practical training referred to in that subparagraph.

The training and supervision referred to in the first paragraph must be completed after a master's degree awarded by a university located in Québec, after a bachelor's degree awarded by a university located in Québec, upon completion of a program comprising at least 135 hours or 9 credits of theoretical training in human development, in the theoretical models of personality and behaviour and in intervention models or methods. All or part of that minimum theoretical training may have been received as part of the program leading to the master's degree.

For the purposes of the Professional Code and the regulations thereunder, the training, experience and degree as a whole referred to in the first and second paragraphs shall be deemed to be the diploma recognized as valid for the issue of a marital and family therapist's permit.

The provisions of the second paragraph shall not affect the rights of a person who, on the effective date of the integration, is registered in a training program in marital and family therapy that includes all the training and supervision referred to in the first paragraph, after receiving a bachelor's degree awarded by a Québec university, comprising at least 135 hours or 9 credits of theoretical training in human development, in the theoretical models of personality and behaviour and in intervention models or methods if, before the expiry of the five years following the effective date of the integration, the person meets the requirements of the first paragraph and completes an application for a marital and family therapist's permit in the form prescribed by the Bureau of the Order.

Further, section 27 of the *MFT Decree* allows a certified social worker who wants to become a marital and family therapist to transfer permits to become a MFT. Further, sections 28 and 29 allowed the then current members of the Association des psychothérapeutes conjugaux et familiaux du Québec or those within the Clinical Membership category of the Quebec Association for Marriage and Family Therapy to obtain a marital and family therapist's permit, and in so doing adopted the American Association for Marriage and Family Therapy registration requirements. These three section sets out specific requirements for these transfers, but I need not quote them here as they were effective only at the time of the transfer or for a two-year period, and have now expired.

9) *What are the other requirements for being registered?*

For each occupation, some specific University programs in career counselling or psychoeducation are identified, which give to the graduates, automatic admission. Otherwise, candidates need to go through the admission equivalency process which will evaluate candidate's application against the requirements listed in question # 8.

10) *What amount of money does the regulatory body spend each year in investigating and resolving public complaints against regulated counsellors?*

At the moment it is around \$50,000 for both occupations (guidance counsellors and psychoeducators). If reserved actions become regulated, we expect an increase in complaints.

The budget for the monitoring function (inspection) is around 150 000\$

The annual fees for renewing the permit is 410\$. Plus 22\$ for the contribution to the Office des professions, and insurance between 18 to 80\$

11) *What challenge is the regulatory body currently facing that when resolved should improve the regulation of counselling?*

To obtain a regulated or reserved action. Regulated titles are not enough to protect the public because all unregulated counsellors have to do is simply change the title to another one.

12) *What other type of counsellors and how many (by type) are currently not regulated, and why? And what professional associations represent these counsellors?*

Psychotherapists: Anybody can call himself or herself "psychotherapist", and as some "horror story" hit the news, the government wants to regulate this field. See question # 4. There is an association of psychotherapist.

Sexologues (sexologists or sex counsellors): There are around 200 of them and they are trying to be regulated. They have an association and the requirement is generally a master degree.

Art Therapist: There is a program at the University Concordia in Montreal. This is a master degree program and there is an association.

Employment counsellor: There are no specific requirements and no associations.

F) Ontario

Prepared by: Naseema Siddiqui
Chair, Ontario Coalition of Mental Health Professionals

1) What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?

Following are the types of specialties that counsellors have listed with the Canadian Counselling Association (numbers are not available): Family, Marital, Couple, Individual, Children, Youth, Adult, Abuse, Trauma, Addiction, Depression, Grief, Relationship, Sexual, Psychotherapist, Anxiety, Women, Spiritual, Academic, Personal, Mental Health, Eating Disorders, Violence, Transition, Stress Management, Crisis Intervention, Art Therapist, Drama Therapist, Music Therapist, Anger Management, Bereavement, Aboriginal, Parenting, Vocational, Pastoral, EMDR, Self-Esteem, Alcohol, PTSD, Hypnosis, Rehabilitation, and Play.

2) What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)?

There is no specific scope of practice. Scope of practice depends on education and experience. The Code of Ethics can assist in determining a scope of practice.

3) What occupational title(s) do these non-regulated counsellors use?

There are literally hundreds of titles. Put the word counsellor after each of the types listed in question #1 and you have a title that is used. They are also used in combination; e.g. Family and Marital Counsellor etc.

4) If any of these titles protected by federal or provincial legislation, please explain?

No

5) What professional associations currently represent these counsellors (by type) in your province?

Canadian Counselling Association (CCA) is the main organization, while Ontario College Counsellors (OCC) represent counsellors providing services in community colleges, and Ontario Association of Counsellors Consultants, Psychometrists and Psychotherapists (OACCPP) also represents some counsellors.

6) *Which of these professional associations are registered societies in your province or federally?*

None.

7) *Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?*

All of the above listed associations have such bylaws. However, there is not much teeth to the bylaws because a statute does not govern these association and, as such, there is no legal recourse for disciplinary action. Once disbarred from an association the individual can join another association and continue to work as a counsellor. In fact, an individual does not need to belong to a professional body to counsel.

8) *What competencies does each professional association require that applicants hold before they are granted membership?*

It varies between associations. The common standard is the academic qualifications and the requirement for all the associations mentioned above are a Masters degree. The variance comes from hours of supervision, coursework, experience, etc.

9) *What are the other requirements for becoming a member?*

CCA requires that a person sign the an Ethics Pledge: “I confirm that I do not have a criminal record that might prejudice my work as a counsellor and that I have not been dismissed from employment or refused membership in a professional association or registration in counselling or a related field, on the grounds of professional misconduct in Canada or elsewhere. If this is the case, I attach details of conviction(s) to be taken into account in considering this application for membership. As a member of the Canadian Counselling Association I do hereby pledge to uphold the CCA Code of Ethics at all times.”

10) *What amount of money does each professional association spend each year in investigating and resolving public complaints?*

According to our records this insignificant, because most of the work is done by volunteer member of the Complaints/ Professional Conduct Committee and the final step is consultation with a lawyer.¹

¹ Note from CCA: While complaints are adjudicated by volunteers, the amount of volunteer time is very significant. Also, CCA legal fees in this area in the past year have amounted to about \$5,000.

11) *What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?*

Our members cannot access third party insurance. Also, the *Regulated Health Professionals Act (RHPA)* is making it increasingly difficult for members to get jobs in the government and this is now seeping into the private sector.

12) *Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?*

This currently under review and we are in the consultative process with the Government of Ontario. (See Recent Developments, below.)

13) *What specific action has government in your province taken to move forward with regulation of counselling?*

Just started the consultative process for psychotherapy and at this point they do not wish to consider counselling for regulation, because it is seen as “short term intervention”.

14) *What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)*

The government is focused on a “do no harm” policy at a very superficial level and since counselling is perceived to be short term intervention it is felt that there is not much worth in regulating it (at the moment).

15) *How are the professional associations trying to address the issues that prevent government from regulating counselling?*

CCA has developed its own Standards of Practice, Code of Ethics, Certification Process and Ethics Appeals process so that it is acting in a voluntary, self-regulatory fashion. It is hoping to persuade the government that the profession should be regulated via the current consultation process being undertaken in Ontario.

Recent developments

For the past several years, the Ontario Coalition of Mental Health Professionals (the “Coalition”) has been working on the issue of professional regulation. The Coalition represents many well-established professional associations whose members provide a wide range of psychotherapeutic services under a system of voluntary, non-statutory, self-regulation:

- Canadian Association for Psychoanalytic Child Therapists (CAPT)
- Canadian Counselling Association (CCA)
- Canadian Association for Psychodynamic Therapy (CAPT)
- Canadian Association of Psychoanalytic Child Therapists (CAPCT)
- Music Therapy Association of Ontario (MTAO)
- Ontario Art Therapy Association (OATA)
- Ontario Association of Consultants, Counselors, Psychometrists and Psychotherapists (OACCPP)
- Ontario Association for Marriage and Family Therapists (OAMFT)
- Ontario College Counselors (OCC)
- Ontario Native Education Counseling Association (ONECA)
- Ontario Society of Psychotherapists (OSP)

In addition, a number of training institutes and employer associations belong to the Coalition in support of its objectives.

The Coalition represents approximately 4,700 highly qualified mental health practitioners throughout the province. Of these, 3,100 have Masters or Doctoral level credentials and each practitioner provides approximately 16 hours of direct client contact per week, for a total of 49,600 of counselling hours per week across Ontario. Other practitioners represented in the Coalition do not have graduate level degrees but have undergone extensive training in their respective fields of practice.

The Coalition participated in the previous HPRAC consultation in 2001-2002 on proposed amendments to the *RHPA*. A wide range of mental health professionals in the non-statutory self-regulating sector spoke with one voice on the dangers of restricting the practice of psychotherapy to the small number of practitioners currently regulated under the *RHPA*.

In July 2005 the Ontario Minister of Health and Long-term Care asked the Health Professions Regulatory Advisory Council (the “Council”) for advice on two policy issues:

1. Whether psychotherapy should be an additional Controlled Act under the *Regulated Health Professions Act (RHPA)*, and if so, which regulated professions should have psychotherapy in their scopes of practice and how standards should be set and measured; and

2. Whether psychotherapists should be regulated under *RHPA* as a profession, what their scope of practice should be and what Controlled Acts they should be authorized to perform, as well as any protected titles, and whether it is appropriate that psychotherapists be regulated under an existing profession-specific act.

To help the Council respond to the Minister's request, it prepared a *Consultation Discussion Guide on Issues Relating to the Ministerial Referral on Psychotherapy and Psychotherapists*. In its Guide, the Council proposed a *working* definition for psychotherapy that reads:

Psychotherapy is the treatment of a person or persons (who have cognitive, emotional, behavioural or social dysfunctions) through psychological, psychosocial or interpersonal methods. The nature of psychotherapy is often probing and intensive, and a specific treatment plan guides the application of these procedures. The practice of psychotherapy can be distinguished from both counselling, where the focus is on the provision of information, advice-giving, encouragement and instruction, and from spiritual counselling, which is counselling based on religious or faith-based belief systems.

The Council then asks 22 policy questions as a framework to help organizations and individuals prepare their written submissions:

- (1) Is it necessary to define psychotherapy in order to effectively regulate it? If so, is broad agreement on a definition necessary?
- (2) Please comment on the working definition. Are there elements that should be included or deleted?
- (3) Does the practice of psychotherapy pose a risk of harm to the public? If so, how?
- (4) Would regulatory intervention decrease the risk of harm to patients/clients? If so, how?
- (5) Please identify any other factors that weigh for or against regulatory intervention.
- (6) Would a significant public need be met by regulating psychotherapists?
- (7) Should the title "psychotherapist" be restricted? If so, to whom?
- (8) Should psychotherapists be regulated without regulating psychotherapy?

(9) Are there any other issues relating to the regulation of psychotherapists, as distinct from psychotherapy, you would like to comment on?

(10) Would a significant public need be met by regulating psychotherapy?

(11) Can psychotherapy be regulated without regulating psychotherapists?

(12) Are there any other issues relating to the regulation of psychotherapy you would like to comment on?

(13) Is the RHPA the most appropriate statutory framework to use to regulate psychotherapists and/or psychotherapy?

(14) Should psychotherapy be a Controlled Act under the RHPA? If so, what professions should be authorized to perform the Controlled Act of psychotherapy?

(15) Should psychotherapists be regulated as a new profession under the RHPA?

a) Should psychotherapists be regulated as part of an existing health regulatory College or under a new, separate College?

b) Should psychotherapists be regulated as a class within an existing College?

(16) Should another regulatory framework (using a new or existing statute) be used to address all matters relating to the issue of regulating psychotherapy and/or psychotherapists?

(17) Are there any other regulatory models that should be considered?

(18) If there is to be regulatory intervention, should exceptions be made? If so, for what professions and/ or services?

(19) Should there be a transition period during which all practitioners must qualify? If so, how long should it be?

(20) Should those currently practising psychotherapy be permitted to continue to practice throughout a transition period without meeting certain requirements?

(21) Should some or all of those practising psychotherapy be “grandparented”? Should those seeking “grandparenting” be required to meet a different, less onerous set of minimum qualifications and standards than those likely to be required in a new regulatory environment?

(22) How and by whom should minimum qualifications and standards be identified and set, including those for grandparenting?

Details of the Council's review process can be found at the Council's website: www.hprac.org.

On November 6th, the Coalition met to discuss the Council's 22 questions and finalize its submission. As a result of that meeting, the Coalition has agreed (a) to apply the regulatory model first proposed by the BC Task Group for Counsellor Regulation (for details, see the summary for British Columbia, below) and (b) to adopt the following principles to help develop that model for Ontario:

- 1) That, rather than draw a distinction between counselling and psychotherapy as suggested by the Council's definition, psychotherapy should be viewed on a continuum with counselling where there is no a precise line between them;
- 2) That counsellors/psychotherapists should be regulated under a title protection model, not a controlled acts model of professional regulation (and that it is neither possible nor necessary to define psychotherapy as a controlled act, at least at this time);
- 3) That there should be two-tiered registration within the new College, with a generalist category at the entry level to encourage as many counsellors/psychotherapists as possible to join the new College, and with a series of further categories that recognized areas of advanced or specialized practice above the generalist level;
- 4) That the criteria or standards for registration should be informed by the identification of the core competencies needed to provide safe and ethical psychotherapy and counselling services to the public;
- 5) That the approach to investigating and resolving complaints about counsellors/psychotherapists should not be based on an adversarial model, but one focused on problem solving and mediation.

With agreement on these fundamental issues, the Coalition believes it has identified and can develop a regulatory model with an accompany governance structure that will work to serve the Ontario public and meet the needs of the many different professionals who will become members of the new College.

G) Manitoba

Prepared by George Bryce from an anonymous source

1) What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?

Examples of unregulated counselors in Manitoba include certified relationship counselors, family life consultants, family relations specialists, marriage and family therapists and social workers. It would also include childcare workers employed in group homes and treatment.

Those who provide counselling services that are regulated would include:

Social Workers: A private Act, *The Manitoba Institute of Registered Social Workers Incorporation Act*, governs social workers. Persons who wish to use the designation “Registered Social Worker” must be a member of the MIRSWS. However, it is not mandatory to be registered by the Institute and are generally social workers are hired by government and external agencies on the basis of educational qualifications.

Other Relevant existing legislation that can impact on the regulation of those who provide counselling services includes:

- *The Community and Child Day Care Standards Act and Regulation* - Child care workers employed in child day care are required to meet be certified and must meet educational qualifications set out in the regulation.
- *The Education Administration Act & Regulation* - Department of Education, Citizenship and Youth is responsible for certifying teachers and other professions (including psychologists) working in the health care system.
- *The Psychologists’ Registration Act* – Governs the practice of psychology – particularly in independent practice.

2) What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)?

Not answered.

3) What occupational title(s) do these non-regulated counsellors use?

See above.

4) Are any of these titles protected by federal or provincial legislation, please explain?

Not answered.

5) *What professional associations currently represent these counsellors (by type) in your province?*

Not answered.

6) *Which of these professional associations are registered societies in your province or federally?*

Not answered.

7) *Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?*

Not answered.

8) *What education does each professional association require that applicants hold before they are granted membership?*

Not answered.

9) *What are the other requirements for becoming a member?*

Not answered.

10) *What amount of money does each professional association spend each year in investigating and resolving public complaints?*

Not answered.

11) *What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?*

Not answered.

12) *Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?*

Not answered.

13) What specific action has government in your province taken to move forward with regulation of counselling?

Not answered.

14) What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)

Problems faced by government in regard to the regulation of counselors is that represent a broad spectrum of activities that do not readily fall within existing professional and occupational groups. They may represent a modality or cluster of practices or services rather than well-defined professional or occupational groups. This makes it difficult to establish common standards for education and experience.

15) How are the professional associations trying to address the issues that prevent government from regulating counselling?

Not answered.

H) Saskatchewan

Prepared by George Bryce from website information and an anonymous source

Commentary

To date, it has not been possible to obtain detailed information about the status of the regulation of counsellors in Saskatchewan.

The Saskatchewan Ministry of Health reports that the government is currently not considering the regulation of counsellors in Saskatchewan. This may be because counsellors could be regulated as either psychologists or social workers.

Clinical psychology is regulated by the Saskatchewan College of Psychologists under the *Psychologists Act* (1997). It is possible to practice as a clinical psychologist with a Master's degree in a program consisting primarily of psychology classes from an education institution recognized by College.

Saskatchewan College of Psychologists
348 Albert Street, Regina, SK S4R 2N7
Phone (306) 352-1699
Fax (306) 352-1697
Email skcp@sasktel.net
Website: www.skcp.ca

Social workers are regulated by the Saskatchewan Association of Social Workers, which now administers the *Social Workers Act* (1995). Under this legislation, an individual cannot use the title "Social Worker" or "Registered Social Worker", unless they are in fact registered with the Association. The SASW accepts applications for membership from persons with a Certificate in Social Work from the University of Regina, or bachelors, masters or doctorate degree in social work. There is no separate category of registration for the specialty of clinical social worker.

Saskatchewan Association of Social Workers
2110 Lorne Street. Regina, SK S4P 2M5
Phone: (306) 545-1922
Toll Free: 1-877-517-7279
Fax: (306) 545-1895
Email: sasw@accesscomm.ca
Website: www.sasw.ca

I) Alberta

Prepared by George Bryce from website information and an anonymous source

Commentary

To date, it has not been possible to obtain detailed information about the status of the regulation of counsellors in Alberta.

Given the criteria for registration as a psychologist or a social worker, it may be that there are few persons who provide counselling services in Alberta who are not currently registered with one of the two Alberta Colleges.

Someone with a master's degree in counselling psychology could become a **Registered Psychologist** with the College of Alberta Psychologists.

College of Alberta Psychologists
#2100 - 10123 – 99 Street, Edmonton AB T5J 3H1
Phone: (780) 424-5070
Fax: (780) 420-1241
E-mail: psych@cap.ab.ca
Website: www.cap.ab.ca

The Alberta College of **Social Workers** also has a registration category for Clinical Specialty Registry, which is a voluntary listing of social workers who have demonstrated advanced competence in the practice of clinical social work. Advanced clinical practice is demonstrated through a combination of education and experience. The basic requirements for the registry are: a Master's degree in Social Work with a clinical specialization; a minimum of two-years post-MSW supervised clinical practice (1600 practice hours); a minimum of two years as a registered social worker; successful completion of a clinical social work examination; and two letters of reference attesting to the ability of the practitioner to practice clinical social work in a skilled and ethical manner. Only social workers on the registry may use the title Clinical Social Worker.

Alberta College of Social Workers
#550 - 10707 100 Avenue Edmonton, AB T5J 3M1
Phone (780) 421-1167
Fax: (780) 421-1168
Website: www.acsw.ab.ca

The Alberta government reports that there has been some interest in statutory regulation expressed by counsellors in Alberta. In March 2004, counsellors from a variety of backgrounds held a forum in Red Deer to look at the implications of Alberta's new health professions legislation for their practice, in particular with respect to restricted activities.

The introduction of the restricted activity model has had significant implications for

practitioners in the mental health field in Alberta. The list includes "[performing] a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognize reality, or ability to meet the ordinary demands of life." On the other hand, "giving information and providing advice with the intent of enhancing personal development, providing emotional support or promoting spiritual growth of individuals, couples, families and groups," is explicitly not a restricted activity under the legislation. This creates an exception to the prohibition on performing a restricted activity that applies to persons who are not registrants of an Alberta college.

For counsellors in Alberta, the question is whether or not they are performing the psychosocial intervention restricted activity, and – if they do - whether or not they may fall within one of the exceptions.

Alberta's *Health Professions Act* provides for 28 regulatory colleges. It also has provisions to add new professions and new colleges. However, our focus has been on the implementation of the *Act* and the transition of currently regulated health professions. This focus is even sharper now that the Minister has committed to having the *Act* fully implemented by the end of the fiscal year (March 2006).

J) British Columbia

Prepared by George K. Bryce
Legal Counsel
Task Group for Counsellor Regulation

1) What type of counsellors and how many (by type) are currently not regulated (under a dedicated professional statute) in your province?

The Task Group estimates that there are about 4,500 persons who provide various forms of counselling services to the BC public who are not currently regulated under BC's *Health Professions Act* ("HPA") or any other professional governance statute. Of these, about 2,500 counsellors are members of one or more of the seven member organizations that make up the Task Group for Counsellor Regulation.

There are about 1,650 social workers registered under the *Social Workers Act*. The self-proclaimed scope of practice for BC social workers would overlap with that proposed for counsellors in BC.² Recently, the BRSW has established a new class for Registered Clinical Social Workers, who must hold a master's degree in social work or (until June 2007) a combination of a master's degree in counselling and a bachelor's degree in social work, as well as meeting the other entry requirements. As of September 6th, no social workers have been registered in this new class.

2) What is the scope(s) of practice for the non-regulated counselling profession(s) (by type)?

The Task Group has proposed the following scope of practice for those counsellors who could become members of the proposed College of Counselling Therapists of BC:

The practice of Counselling Therapy assists people experiencing difficulties in relationships, or within themselves, and enhances their growth, by making use of relational, conversational, somatic, expressive and educational means informed by established counselling and psychotherapeutic theories; methods; techniques; research; ethical standards; human diversity; and the range of human traditions.

² "Social work means the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal problems through the use of social work knowledge, skills, interventions and strategies, to assist in individuals, dyads, families, groups, organizations and communities to achieve optimum psychosocial and social functioning..." (Source: www.brsw.bc.ca/registrants/scope_practice.htm.)

3) *What occupational title(s) do these non-regulated counsellors use?*

In alphabetical order, the most common titles that counsellors working in BC use to identify themselves to the public are as follows:³

- BC Art Therapist, Registered
- Canadian Certified Counsellor
- Certified Pastoral Counselor
- Drug and alcohol (or additions) counsellor
- Employment/Career Counsellors
- Marriage and Family Therapist
- Music Therapist Accredited
- Registered Clinical Counsellor
- Registered Professional Counsellors

4) *If any of these titles protected by federal or provincial legislation, please explain?*

Only three of these titles are protected by legislation.

Under what is now Part 10 of BC's *Society Act*, a registered society can obtain a grant of one or more occupational titles and the corresponding initials. The BC Art Therapy Association holds occupational title protection under this Act for the title "Art Therapist, Registered".

While other members of the Task Group have applied for title protection under this Act, none of those applications have been accepted. The Ministry of Health has objected to the grant of any new occupational titles to professions who provide health services to the public in light of the 2003 amendments to the HPA. (See below for details.)

The Canadian Association for Music Therapy holds the registered trademark of "Music Therapist Accredited" under the federal *Trade-marks Act*. Members of the Music Therapy Association of BC are entitled to use this title if they meet the requirements of the CAMT's accreditation process.

The Canadian Counselling Association holds a trademark for the title "Canadian Certified Counsellor", also under the federal *Trade-marks Act*, which its members in BC in turn use to describe themselves.

As a result of a 2003 decision of the Supreme Court of Canada and subsequent changes to federal government policies, an official mark will now only be granted to a "public authority" that operate pursuant to government legislation and is subject to ministerial oversight. These criteria effectively prevent any non-profit society or similar organization anywhere in Canada from obtaining title protection under federal legislation.

³ This lists includes counsellors who belong to organizations that are not currently members of the Task Group.

Currently unproclaimed 2003 amendments to the HPA will have the effect of prohibiting persons who are not registrants of a college under the Act from using the adjectives “certified”, “registered” or “licensed” as part of their occupational titles. It is not clear what the effect of this prohibition will be on the occupational titles that have already been granted or are used under the authority of BC’s *Society Act* and the federal *Trade-marks Act*.

5) *What professional associations currently represent these counsellors (by type) in your province?*

The following are the professional associations that currently represent the above listed counsellors:

- American Association of Pastoral Counsellors (BC Chapter)
- BC Art Therapy Association
- BC Association of Clinical Counsellors
- BC Association for Marriage and Family Therapy
- Canadian Association for Pastoral Practice and Education
- Canadian Counselling Association (BC Chapter)
- Canadian Professional Counsellors Association (BC Chapter)⁴
- Music Therapy Association of BC

The Association of Substance Abuse Programs of BC is a member of the Task Group, but it is an organization of agencies rather than of individual counsellors.

6) *Which of these professional associations are registered societies in your province or federally?*

With one exception,⁵ each of the above noted organizations has been registered as a society under BC’s *Society Act* or incorporated as a society under the *Canada Business Act*.

7) *Which of the professional associations have bylaws that govern the investigation and resolution of public complaints against its members?*

While they vary in their terms and conditions, each of these professional associations (with one exception⁶) have bylaws that allow the association to investigate public complaints, or to initiate disciplinary proceedings if a complaint cannot be resolved.

⁴ The CPCA, which represents about 100 counsellors in BC, is no longer a member of the Task Group.

⁵ The one exception is the American Association of Pastoral Counsellors (BC Chapter).

⁶ The one exception is the Association of Substance Abuse Programs of BC.

8) *What educational standards does each professional association require that applicants hold before they are granted membership?*

Listed by alphabetical order, the following are the educational or training requirements for membership in each association (as a “full” member or similar class of membership):

NAME OF ASSOCIATION	EDUCATION REQUIREMENT
American Association of Pastoral Counsellors (BC Chapter) and the Canadian Association for Pastoral Practice and Education	<ul style="list-style-type: none"> • a Master’s in Divinity or a graduate degree in pastoral counseling or related fields from an accredited school • religious body endorsement to ministry and an relationship to a local religious community • supervised self-reflective pastoral experience • three years in ministry • 375 hours of pastoral counseling and 125 hours of supervision
Association of Substance Abuse Programs of BC	N/A
BC Art Therapy Association	<ul style="list-style-type: none"> • two-year graduate diploma or degree in art therapy or related field
BC Association of Clinical Counsellors	<ul style="list-style-type: none"> • Master’s degree in counselling or related field from an acceptable institution
BC Association for Marriage and Family Therapy	<ul style="list-style-type: none"> • graduate or post-degree training program in marriage and family therapy, or • graduate degree in a mental health field, plus formal coursework that meets AAMFT’s curriculum guidelines, and • 1000 hours of direct client contact, post-degree, and • 200 hours of supervision with an AAMFT-approved supervisor.
Canadian Counselling Association (BC Chapter)	<ul style="list-style-type: none"> • Master’s degree in counselling or related field from an AUCC member university, and • completion of a supervised practicum with a completed report

Canadian Professional Counsellors Association (BC Chapter)	<ul style="list-style-type: none"> • two years of experience in counselling practice, and • satisfactory completion of a qualifying examination.
Music Therapy Association of BC	<ul style="list-style-type: none"> • graduate of a music therapy degree program approved by the CAMT, and • clinical experience, supervised practicum and a 1000 hour supervised internship.

9) *What are the other requirements for becoming a member?*

Listed by alphabetical order, the following are the additional requirements for membership for each counselling association in BC (as a “full” member or similar class of membership). As most organizations require an applicant to submit an application form, pay a fee, or agree to follow bylaws, codes or standards, these common requirements are not listed below.

NAME OF ASSOCIATION	ADDITIONAL REQUIREMENTS
American Association of Pastoral Counsellors (BC Chapter) and the Canadian Association for Pastoral Practice and Education	Unknown
Association of Substance Abuse Programs of BC	N/A
BC Art Therapy Association	<ul style="list-style-type: none"> • two letters of reference, • copy of resume, • copy of educational transcripts, • documentation of work experience and supervised practice, and • proof of professional liability coverage or insurance
BC Association of Clinical Counsellors	<ul style="list-style-type: none"> • copy of educational transcripts, • proof of supervised training and broad counselling training, • two letters of reference, • 100 hours of direct clinical supervision • copy of resume, • criminal records search, and • proof of professional liability insurance.
BC Association for Marriage and Family Therapy	<ul style="list-style-type: none"> • membership in the American Association for Marriage and Family Therapy and

	<ul style="list-style-type: none"> Therapy, and resident of BC.
Canadian Counselling Association (BC Chapter)	<ul style="list-style-type: none"> copy of educational transcripts and description of courses, two professional references, recent criminal records check, and continuing education credits (in particular for renewals)
Canadian Professional Counselling Association (BC Chapter)	<ul style="list-style-type: none"> two letters of recommendation criminal records check, acceptance of Code of Ethics, confidential psychological testing, and proof of professional liability insurance
Music Therapy Association of BC	<ul style="list-style-type: none"> member in good standing of CAMT, and continuing education credits (in particular for renewals)

10) What amount of money does each professional association spend each year in investigating and resolving public complaints?

In total, the members of the Task Group spend about \$200,000 annually investigating and resolving public complaints that have been filed against their members. Their memberships are prepared to transfer those resources to help support the work of a new College under the HPA.

11) What challenges are the professional association(s) currently facing in terms of voluntarily regulating its members without the benefit of government legislation?

Unlike colleges established under BC's *Health Professions Act*, none of the professional associations listed above have the legal authority or jurisdiction to investigate or discipline persons who have resigned their membership in the association so as to avoid a complaint investigation or disciplinary hearing. This means that if one of their member's resign during an investigation of a complaint or a disciplinary hearing, that association cannot proceed further with the matter.

A professional association that holds occupational title protection can, however, use its control over that title to encourage a member to remain throughout the investigation or hearing. Unfortunately, only the BC Art Therapy Association has that legal leverage.

The professional associations do not enjoy the legislative benefits that are given to colleges established under the HPA. For example, unlike HPA colleges, the associations cannot investigate or discipline former members who have resigned to avoid a complaint

investigation. The associations also do not benefit from the protection of their exercising disciplinary powers that is given to HPA colleges under the *Disciplinary Authority Protection Act*. More importantly, the association's inspection powers are limited if a member refuses to cooperate and their powers of persuasion are very limited. The investigative and disciplinary powers of the associations are limited to those set out in their bylaws. Unlike HPA colleges, they cannot – for example – seek court orders to direct their members to disclose information, open their offices for inspection, etc.

Unlike HPA colleges, members of the public are not appointed to the boards of the professional associations, and the associations are not accountable to either the Ombudsman or the Ministry of Health. Designation would ensure public accountability.

12) Is there an umbrella professional governance legislative scheme in your province that could be employed to regulate counselling? Or would regulation of counselling require the approval of a new, dedicated statute?

Like a number of Canadian jurisdictions, BC has established an umbrella professional statute called the *Health Professions Act*. Under the HPA, a health profession like counselling can be designated by way of regulation that need only be approved by the Provincial Cabinet (i.e. a designation regulation). A designation regulation would establish a college to regulate counsellors (e.g. a College of Counselling Therapy of BC), define the scope(s) of practice for counsellors, grant one or more exclusive occupational titles, possibly grant one or more reserved actions, and possibly set one or more limitations on the practice of counselling.

13) What specific action has government in your province taken to move forward with regulation of counselling?

A confidential working draft of a counselling designation regulation was prepared by the BC Ministry of Health in April 2001 and circulated to the Task Group, but to date that draft regulation has not proceeded forward for Cabinet approval.

14) What issues are preventing your government from moving forward with regulation? (For example, has the government articulated the advantages or disadvantages of regulating counselling by legislation?)

In 1991, the BC Royal Commission on Health Care and Costs recommended that all of BC's two dozen or so health professions be regulated under the HPA. This recommendation was repeated in 2001, when BC's former Health Professions Council recommended that all health professions that had not been designated under the HPA by that date be so regulated.

At the present, 16 health professions had been designated under the HPA.⁷ Seven health professions that are currently regulated under separate statutes remain to be designated under the HPA (with the consequential repeal of their dedicated statutes). And about nine currently unregulated, new professions, including counsellors, are waiting for designation.⁸ It appears the designation of all the currently regulated health professions has taken a priority over designating counsellors as a new profession under the HPA. Indeed, the HPA had to be amended in 2003 to facilitate the designation of all health professions. The government has recently approved the designation regulation for BC's largest health profession, registered nurses, and this designation should provide a basis for future designations.

15) How are the professional associations trying to address the issues that prevent government from regulating counselling?

While it did not recommend designation of counselling in 1997, the former Health Professions Council found that counsellors were a health profession, and - because of the sensitive nature of the services they provide to the public – there is a public interest in regulating counsellors (e.g. counsellors should have minimum educational standards to be registered, follow a code of ethics and practice standards, and be accountable through a complaint investigation and resolution process established under legislation).

For the past eight years, the different counselling associations have demonstrated that they can work together collectively for the public benefit and that their members will continue that cooperation as a College of Counselling Therapists is established under the HPA.

The members of the Task Group have spent or are committed to spending about \$80,000 to develop a comprehensive competency profile that will provide about 500 detailed specifications which will, in turn, create a clear, measurable and defensible entry-level registration standard for counselling therapists in BC.

In any form of professional regulation, it is critical that the public be able to readily differentiate between counsellors who are accountable to a professional body and those who are not. Unlike HPA colleges, none the counselling associations, with one exception,⁹ have legislative control over an occupational title. Designating counsellors under the HPA would include one or more occupational titles that only registrants of the new College could use, and this would in turn help the public make an informed choice as to who they will turn to for counselling services.

⁷ The same college regulates traditional Chinese medicine practitioners and acupuncturists.

⁸ Some of these currently unregulated professions could be combined to form multi-profession colleges.

⁹ The BC Art Therapy Association has been granted the title "Registered Art Therapist" under what is now Part 10 of the *Society Act*.

Designation under the HPA will not prevent non-registered counsellors from continuing to provide services to the public;¹⁰ they would only be prevented from using one of the occupational titles granted to registrants of the new College.

As noted above, counsellors who belong to the member organizations of the Task Group currently use titles that use adjectives like “registered” or “certified” in their titles to signify their membership in a professional association. If designation does not take place before certain of the 2003 amendments to the HPA come into force that will limit use of these adjectives, many thousand of counsellors, ninety percent of whom are in private practice, would have to stop identifying themselves by the widely recognized titles that have become closely associated with a commitment to professional self-regulation, albeit voluntary and not supported by government legislation. This perhaps unintended effect of the 2003 HPA amendments would not be in the public interest.

Chronology of major events in BC:

- *1993 to 1995:* Four counselling associations apply separately to the Health Professions Council (the Council) to have their memberships designated under the HPA.¹¹ The Council merges the applications without giving the applicants an opportunity to comment.
- *1997:* The Council issues its final report, concluding that counselling was a health profession, and that there is a need to regulate the professions, but it did not recommend designation. The Council felt there was too much diversity in education, training and services among the counsellors from the merged applications and was concerned that an acceptable collective leadership might not emerge.
- *1998:* In response to the associations’ criticisms of the Council's recommendations and mishandling of their applications, the Ministry of Health¹² hires a consultant to look at different regulatory models for regulating counsellors. The professional associations formed the Task Group for Counsellor Certification to communicate a united position to the Ministry on the best form of counsellor regulation.
- *November 1998:* The Task Group proposes a comprehensive model for regulating the profession under the HPA. In brief, the Group proposes a two-tiered registration mode (a generalist entry level with different classes for advanced competency registration) and adopts a competency-based approach to defining educational standards for registration.
- *1999:* The Ministry for Children and Families (MCF)¹³ issues a report on the need to regulate social service professionals, responding to the earlier recommendation of the

¹⁰ An exception might be if psychologists are granted a reserved action of "psychological diagnosis", in which counsellors may apply to be granted a similar reserved action.

¹¹ Health professions can be designated and new Colleges created by way of regulations approved by Cabinet under the HPA. The Legislature does not have to approve designation by way of a new statute.

¹² Over the years, the Ministry of Health had been reorganized and renamed. For the purposes of this summary, this original name will be used to refer to the Ministry that administers the HPA.

¹³ The Ministry for Children and Families has also undergone changes and been renamed. For the purposes of this summary, this Ministry will be referred to by the initials MCF.

Gove Commission that that Ministry should revise the *Social Workers Act*. Instead of addressing that specific issue, however, the MCF recommends an umbrella statute, like the HPA, but with a super board that would oversee the regulation of all social service professionals. Without involving the Task Group, the MCF includes all counsellors in their ambitious model, even though very few counsellors provide services to MCF clients.

- *2001*: The Ministry of Health provides the Task Group with a copy of a confidential draft designation regulation. The Group provides its comments in May, but has not heard back from the Ministry since. Because of its separate legislative initiative (see 1999 above), the MCF refuses to support the designation of counselling under the HPA.
- *2003*: After several meetings from 1999 to 2003, in October the MCF finally advises the Ministry of Health that it no longer objects to the designation of counselling under the HPA.
- *2003*: The Task Group initiates a process to identify competencies for counsellor registration that will also provide more details for an appropriate registration model.
- *May 2004*: After reviewing a list of general competencies and confirming the competency-based registration model it first proposed in 1998, the Group agrees to develop of a full set of specific competencies for counselling therapy registration.
- *September 2005*: After reviewing a draft of a full set of competencies for counsellors, the Task Group agrees to move forward with establishing the domains and validating this profile.
- *November 2005*: Members of the Task Group sponsor a national symposium in Vancouver to study the regulation of counselling across Canada.

OVERVIEW

Based on a review of the information from each of the provinces summarized above, the following general comments and observations can be drawn from that information thus providing this overview.

A) Statutory regulation

1. Counsellors are a regulated profession only in Quebec, albeit focused on specific types: guidance counsellors, psychoeducators, and marital and family therapists.¹⁴ Nothing like “controlled acts” (Ontario) or “reserved actions” (BC) have been granted to the estimated 5,700 Quebec counsellors. There are now discussions on whether psychotherapists should also become regulated.
2. In many if not all provinces, many practitioners who provide counselling services may also be registrants of an existing health, social service or education profession; e.g. psychologists, registered or psychiatric nurses, clinical social workers, or school counsellors.

B) Voluntary regulation

3. In some provinces, only a few persons who advertise that they are providing counselling services are not regulated through an existing college; in other provinces, there are many persons who provide counselling but are not regulated, except possibly through voluntary self-regulation.
4. There does not appear to be a single, over-arching or widely accepted definition of counselling, at least not as a health profession. Some definitions focus on mental health and personal growth, while others extend beyond “health” and include camp, financial, religious, real estate and other forms of “counselling”. Ontario is looking at a definition of psychotherapy rather than counselling.
5. Counsellors refer to themselves by a number of titles or provide services to the public in different of forums, ranging from addictions through to pastoral counselling. Some counsellors focus on specific populations (e.g. youth, elderly, couples, families), while others focus on specific types of counselling therapies (e.g. art therapy, music therapy, psychotherapy or marriage and family therapy).
6. Therefore, it is not surprising that there is no available or reliable data on the total number of persons who provide counselling to the public. Based on projections from those provinces that have some data, a *rough* estimate is that there are about 40,000 persons across Canada who provide “health” counselling (i.e. counselling that is directed at mental health and personal growth).
7. The most common entry standard for being registered a counsellor (regulated or non-regulated) is a master’s degree in counselling or some related field.

¹⁴ Persons who provide family mediation (“family mediators”) are usually also members of another professional body, such as law, social working, psychology, etc.

8. The *Agreement on Internal Trade* requires that a college's entry standards be competency-based so that, regardless of what academic standard it may impose, the college must be able to prove that that requirement relates principally to competence. BC Task Group and the Ontario Coalition have agreed that a competency profile analysis should be used to inform the entry standards that would be set within their proposed regulatory models.
9. Most of the professional associations have bylaws in place that allow them to investigate and resolve public complaints against their members, but very few receive many if any complaints and most lack the resources to actively promote this aspect of their bylaws.
10. Only four provinces have an umbrella health professions governance statute that could be used as a framework for having counselling regulated: Quebec, Ontario, Alberta and British Columbia. For the other provinces, it would appear that a dedicated and separate counselling regulation statute would have to be approved by the Legislature.
11. Some of the national associations provide a basis to regulate members of their provincial bodies by way of occupational titles granted under the federal *Trade-Mark Act*; e.g. the Canadian Counselling Association and the Canadian Association for Music Therapy.¹⁵ However, this is a limited form of title protection that still relies on member cooperation and goodwill to succeed.
12. There is some movement toward the regulation of counselling in British Columbia and Ontario, as those governments are pursuing legislative options. While BC is not actively looking at regulating psychotherapy/psychotherapists, the Ontario Regulated Health Professions Advisory Council is studying that issue.
13. In the other provinces, the professional associations are still in the preliminary stages of having governments consider the possibility of regulating counselling. Many governments in the "smaller" provinces appear to be content to wait to see what happens in British Columbia and Ontario. Some also believe that most of the practitioners who provide counselling are currently members of existing professions.
14. In general terms, the major issues that are holding back the regulation of counselling in any jurisdiction appear to be:
 - (a) the need to prove a case for regulation by a thorough risks of harm analysis, and - by that analysis - to define the most appropriate model for regulation;
 - (b) the need to define what constitutes counselling for the purposes of regulation (either as a broad scope of practice definition, or if it – or some subset of counselling - is to become a controlled/reserved action);
 - (c) the need to define what the competencies (e.g. education/training and experience) should be for entry into the profession; and

¹⁵ It is now no longer possible for a professional association to obtain occupational title protection under the federal *Trade-Mark Act*. Only BC has the capacity through its *Society Act* to grant title protection for other professions, but this option is also no longer available.

(d) the need for the different counselling associations whose various members would be regulated by a single college to demonstrate cooperation and agreement on the major issues, including a commitment to fund the start-up phase of the college.

POLICY QUESTIONS

The following are offered as questions to help stimulate a discussion on the regulation of counsellors across Canada at the November 21st roundtable. These are not necessarily all the questions that will be discussed, nor will they be considered in this order.

1. What does it take to move governments to agree to regulate counselling as a health or helping profession? For example: Before they will move forward with approving new legislation, do governments have to complete a social policy and risks of harm analysis that clearly demonstrates that regulation is needed and identifies the specific model that should be employed?
2. With or without that analysis, do the associations have to engage in government lobbying and public relations campaigns to move the issue of professional regulation forward? If so, how should such a program be organized, and what should be the message(s)?
3. What type of regulatory model would work best for regulating counsellors or psychotherapists? A title protection (“certification”) model? Or a controlled acts / reserved actions (“licensing”) model? And why? (*See also the following question.*)
4. If one or more controlled/reserved acts are to be employed within the regulatory model, how should those acts be defined? And how would it relate to the broader definition of counselling practice? In other words, what aspects of counselling practice should become controlled/reserved acts? In particular, should “psychotherapy” or “psychological diagnosis” become controlled/reserved acts? And why or why not?
5. If only a title protection model should be used for regulating counsellors, what professional title(s) would best identify the members of a statutorily regulated counselling profession with practitioners with diverse backgrounds and orientations?
6. Should counsellors join together to create their own college? Or should they join with professions in another existing college, such as social workers or psychologists? What are the advantages and disadvantages of these governance options?
7. Should a “uniform” or “model” *Regulation of Counsellors Act* be prepared that could then be adopted by those provinces which do not currently have an umbrella health professions statute? (This would include model college bylaws, a uniform set of entry-level competences, a common code of ethics, universal practice standards, etc.) Or should some sort of social policy discussion paper be prepared before a model act is drafted? Or should the model act be part of the discussion paper?
8. How long should the various professional associations continue to regulate their members in the public interest if there is no indication that their provincial government is going to move forward with regulation? Or should the associations continue with voluntary, self-regulation even if a government decides not to regulate counselling, because that activity still provides benefits to their members?