

Submission to the
Health Professions Regulatory Advisory Council
Regarding the Regulation of Psychotherapists and/or Psychotherapy
October 2005

The Canadian Mental Health Association, Ontario (CMHA, Ontario) welcomes the opportunity to make a submission regarding whether psychotherapists and/or psychotherapy should be regulated.

CMHA, Ontario, is a provincial association, committed to improving services and support for people with mental illness and their families, and to the promotion of mental health in Ontario. We have 33 branches providing community mental health services throughout Ontario.

Definition of Psychotherapy

We believe it is necessary to define the activities of psychotherapy. The working definition of psychotherapy provided in the Health Professions Regulatory Advisory Council (HPRAC) Discussion Guide is acceptable as a definition for individual psychotherapy. We agree with distinguishing and excluding counselling and spiritual counselling from the defined activities of psychotherapy. However, we suggest that HPRAC expand the definition to include group psychotherapy, another common modality of psychotherapy, which if inappropriately or inadequately handled by a practitioner, has the potential for harm.

Need for Regulation

There is a need for regulation, as the activities of psychotherapy if improperly provided, carry the potential for harm. Colleges of regulated health professions have received complaints from the public regarding their experience with psychotherapy. In some cases, the results of investigation conducted by these Colleges have determined there has been inappropriate boundary setting and abuses of power by practitioners providing psychotherapy to vulnerable patients or clients. While there is insufficient information regarding the experience of individuals receiving psychotherapy from unregulated practitioners, we would assume unreported harmful consequences to patients or clients do arise. Therefore, the magnitude of harm to the public is likely greater than currently reported.

Without establishing standards for education and training in order to ensure the provision of high quality psychotherapy, the public is not protected from practitioners who may be working beyond their level of expertise.

Need for Regulation of Psychotherapy

We believe psychotherapy, rather than psychotherapists should be regulated. Many regulated professions and unregulated disciplines currently provide psychotherapy. Psychotherapy is not within the scope of practice of a single profession. The diverse activities of psychotherapy should be broadly regulated as the best means to protect the public.

Regulatory Options

We recommend that psychotherapy be regulated as a free-standing piece of legislation, existing outside of the RHPA. This would involve regulating psychotherapy by describing but not defining the specific activities that comprise psychotherapy; and designating who may perform them. The legislation should outline the training requirements, ethical principles and standards for the practice of psychotherapy. This is referred to as option 8 in the Consultation Discussion Guide.

We do not support the option of only existing Colleges being authorized to practice psychotherapy, as there are other practitioners practicing psychotherapy who are currently unregulated. Restricting psychotherapy to regulated professions under the jurisdiction of HPRAC would not serve the public interest, as it excludes social workers and other qualified practitioners currently not regulated under HPRAC. Thus, the public's access to psychotherapy would likely be reduced.

We do not support the option of psychotherapists being regulated under a new and separate College as one of the criteria for regulating a new profession is that the profession must have a distinct body of knowledge, clearly discernible and accepted by all members of the profession. Psychotherapy encompasses a wide and diverse body of knowledge depending upon one's training discipline. Creation of a new College for the regulation of psychotherapists would also require currently regulated health professions who are practitioners of psychotherapy to be members of more than one College. This would generate challenges in determining each College's respective role with respect to accountability and enforcement of standards pertaining to that professions' practice of psychotherapy. It would also likely generate financial hardship among disciplines required to carry membership in more than one College.

We do not support the option of regulating psychotherapy as a Controlled Act, as the Regulated Health Professions Act (RHPA) indicates that a controlled act can only be performed by individuals already regulated. This option would therefore exclude other practitioners who practice psychotherapy. With the exception of managing labour and delivery, all other controlled acts are comprised of a single activity or procedure, while the practice of psychotherapy is comprised of many acts. It would be difficult to adequately monitor psychotherapy for the risk of harm as a single "act". Moreso, it is our understanding that "individuals who counsel others" are currently exempt from controlled act provisions.

Transition to a New Regulatory Environment

There will need to be a transition period during the regulation of psychotherapy. However, there will first need to be time devoted to multidisciplinary consultations among existing disciplines practicing psychotherapy as to expectations for education, training and practice standards. Once the legislation has received adequate consultation and been approved, there should be no exemptions for “grandfathering” current practitioners in. Every practitioner should meet standards in order to practice psychotherapy.

Conclusion

The regulation of psychotherapy under a new Act should support the provision of high quality psychotherapy while permitting the public to exercise freedom of choice within a range of options intended to protect their interests.

* * *