

1967 Bill 39

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 39

An Act respecting Psychologists

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

BILL 39

1967

An Act respecting Psychologists

(Assented to _____, 1967)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as *The Psychologists Act*.
2. In this Act,
 - (a) "association" means The Psychologists Association of Alberta as constituted by this Act;
 - (b) "certified psychologist" means a person registered under Part 2;
 - (c) "Co-ordinating Council" means the Universities Co-ordinating Council constituted under *The Universities Act*;
 - (d) "council" means the council of the association or, when section 11 applies, a committee constituted under that section;
 - (e) "psychology" means the science dealing with the nature, function and phenomena of human behaviour but does not include psychiatry;
 - (f) "Registrar" means the Registrar of the association.

PART 1

THE PSYCHOLOGISTS ASSOCIATION

3. (1) The Psychologists Association of Alberta as heretofore constituted is continued by that name as a corporation.

(2) In addition to the powers vested in it by section 14 of *The Interpretation Act, 1958* and by this Act, the association has power to acquire and hold real property and sell, lease or otherwise dispose of the same at pleasure.

4. In every year a general meeting of the association shall be held, which shall be the annual meeting.

Explanatory Notes

1. This Bill will replace The Psychologists Association Act which is chapter 79 of the Statutes of Alberta, 1960. The purpose of the Bill is to place all psychologists under the jurisdiction of the council of the association with respect to professional conduct and discipline, whether they are members of the association or not. At the present time the association may only discipline its own members; no one has authority over psychologists who are not members. The Bill is divided into 2 Parts; Part 1 dealing with The Psychologists Association and Part 2 providing for the registration and discipline of Certified Psychologists.

2. Definitions.

3. The association is continued as a corporation.

4. Annual general meeting of the association to be held.

5. (1) The affairs of the association shall be managed by a council of 10 members of the association, consisting of the president, the past president, president-elect, vice-president, the secretary-treasurer and the chairmen of the standing committees on membership, on ethics, on publications, on publicity and on professional affairs.

(2) At every annual meeting the members of the association shall elect the members of the council and the chairmen of the standing committees.

(3) The members of the council may hold office until the next annual meeting following election.

(4) Where a vacancy occurs on the council during any year, the council shall appoint a member of the association to fill the office for the balance of the term of office.

(5) Six members of the council constitute a quorum.

6. The president shall act as presiding officer at the meetings of the council and of the association and may vote only when votes are evenly divided.

7. The council shall appoint a Registrar of the association, who need not be a member of the council or a member of the association.

8. (1) The association may make by-laws

(a) governing

(i) membership and the keeping of a register of members,

(ii) the fees payable by a person applying for membership, not exceeding \$50 for any one applicant,

(iii) the voting by the association of the funds necessary for the activities and duties of the council,

(iv) the discipline and conduct of members,

(v) the investigation of complaints of unprofessional conduct, incompetency or want of skill on the part of members,

(vi) the expulsion or suspension of any member for unprofessional conduct, incompetency or lack of skill,

(vii) the reinstatement of any member who has been expelled or suspended, and

(viii) the meetings of the council, the procedure to be followed and the manner of voting thereat and the qualifications for voting,

(b) prescribing the manner of investing the funds of the association,

(c) setting out the duties of the officers and the times and places of the meetings of the association,

5. The association's affairs are to be managed by a council.

6. Functions of the president.

7. Registrar of association to be appointed.

8. The association may make by-laws governing its affairs.

- (d) providing for the payment of annual dues not in excess of \$100,
- (e) providing for the suspension of members in arrears of dues,
- (f) providing for the reinstatement of members upon the payment of arrears of dues,
- (g) governing the granting of honorary memberships and associate memberships in the association,
- (h) providing for the holding of conferences and meetings of an informative or cultural nature and for the publication of magazines, periodicals and single papers,
- (i) providing for reciprocal membership agreements with psychologist associations in other provinces whose stipulated qualifications for membership are at least the equivalent of those required under section 9, and
- (j) providing for such other matters or things as are necessary to carry on the affairs and business of the association in accordance with the intent of this Part.

(2) An honorary member or an associate member of the association is not a member of the association for the purposes of section 5 and section 9 does not apply to such a member.

9. (1) The academic qualifications and examination of candidates for admission to membership in the association is under the control of the association, in accordance with this Part and the by-laws of the association.

(2) A person shall be admitted as a member of the association

- (a) whose academic qualifications have been approved by the council in accordance with the by-laws of the association,
- (b) who has shown himself, to the satisfaction of the council, to be of good character and reputation,
- (c) who has satisfied the Registrar that his name has not been removed for cause from the register of any psychological association, institute, society or college or any similar body in Canada or elsewhere, and
- (d) who pays the prescribed membership fee.

(3) The council may, by order, suspend or expel any member of the association in accordance with its by-laws.

PART 2

CERTIFIED PSYCHOLOGISTS

10. (1) The right to practise psychology in the Province is not dependent upon membership in the association but is

9. Requirements for membership in the association. Members do not necessarily have to be certified psychologists.

10. Subject to the restrictions set out in this Part the council of the association is given jurisdiction over all psychologists practising in the Province, whether they are members of the association or not.

under the control of the council of the association, subject to this Part and the rules and regulations made hereunder.

(2) The Lieutenant Governor in Council may make regulations respecting the registration and discipline of certified psychologists and governing the council in the exercise of its functions under this Part, and where any conflict arises between any such regulation and any rule made by the council pursuant to section 12 the regulation prevails.

11. (1) At all times during which there are fewer than five certified psychologists as members of the council, the functions, powers and duties of the council under this Part shall be exercised by a certification committee appointed pursuant to subsection (2).

(2) When a certification committee is required under subsection (1), the council shall appoint a certification committee comprised of eight members of the association, at least four of whom shall be certified psychologists, and if at any time a vacancy occurs on a certification committee the council shall appoint an appropriate member to fill the vacancy.

(3) Subject to subsection (4) a certification committee is disestablished upon there being five or more certified psychologists on the council.

(4) Nothing in this section shall be construed as depriving

- (a) a council of jurisdiction over any disciplinary matter of which it was seized at the time a certification committee is appointed, or
- (b) a certification committee of jurisdiction over any disciplinary matter of which it was seized at the time it is disestablished.

12. The council, with the approval of the Lieutenant Governor in Council, may make rules governing and providing for:

- (a) the keeping of a register of certified psychologists;
- (b) the fee payable by persons applying for registration as a certified psychologist, not exceeding \$50 for any one applicant;
- (c) the annual fee payable by certified psychologists for renewal of registration, not exceeding \$100 a year for any one person;
- (d) the discipline and conduct of certified psychologists;
- (e) the investigation of complaints of unprofessional conduct, incompetency or want of skill on the part of certified psychologists;

11. If less than half the council members are certified psychologists, the functions of the council under this Part are to be exercised by a special committee at least half of whose members are certified.

12. Rules governing certified psychologists may be made by the council, subject to approval by the Lieutenant Governor in Council.

- (f) the suspension or cancellation of the registration of any certified psychologist for unprofessional conduct or incompetence;
- (g) the reinstatement of any psychologist whose registration has been suspended or cancelled.

13. (1) The evaluation of the academic qualifications of, and the examination of applicants for registration as certified psychologists is under the control of the Co-ordinating Council.

(2) The council shall enter into an agreement with the Co-ordinating Council for the conduct of examinations of applicants for registration.

(3) The subjects of all examinations under this Act shall be such as are prescribed by the Co-ordinating Council.

(4) The Co-ordinating Council may

- (a) prescribe procedures to be followed with respect to applications for registration,
- (b) prescribe application fees and examination fees to be paid by applicants, and
- (c) establish and appoint a board of examiners in psychology and delegate to the board such of the Council's powers, duties and functions under this Act as the Council sees fit.

14. (1) An applicant for registration as a certified psychologist who satisfies the Co-ordinating Council that he holds a masters degree in psychology given at any time by an Alberta provincial university or a degree taken elsewhere which is its equivalent in psychological content.

(2) Notwithstanding subsection (1), by agreement with the council, the Co-ordinating Council may, in addition, require an applicant to whom subsection (1) applies to take such examinations as the Co-ordinating Council considers necessary to establish the competency of the applicant.

(3) The Co-ordinating Council shall issue a certificate certifying compliance with this section to an applicant who has satisfied the Co-ordinating Council as to his educational qualifications under this section.

13. The academic qualifications required of certified psychologists are under the control of the Universities Co-ordinating Council.

14. Basic academic qualifications required.

15. (1) When it considers it necessary or desirable to do so, the Co-ordinating Council may require an applicant for registration who cannot furnish satisfactory credentials to pass such examination or examinations as the Co-ordinating Council may prescribe.

(2) The Co-ordinating Council shall issue a certificate to each applicant who passes the examination or examinations prescribed under subsection (1), stating that the applicant has satisfactory educational qualifications for registration.

(3) To enable applicants whose educational qualifications are not considered adequate for registration to establish the adequacy of their educational qualifications, the Co-ordinating Council may prescribe the completion of such courses and the passing of such examinations as it considers necessary.

16. (1) A person is entitled to registration as a certified psychologist who

- (a) produces a certificate from the Co-ordinating Council issued under section 14 or 15,
- (b) has shown himself, to the satisfaction of the council, to be of good character and reputation,
- (c) satisfies the Registrar that he is not under suspension or prohibition to practise as a psychologist anywhere in Canada or elsewhere, and
- (d) pays the prescribed registration fee.

(2) Notwithstanding subsection (1), any person who immediately prior to the coming into force of this Act

- (a) was a full member in good standing of the association, or
- (b) was certified under *The Psychologists Association Act*,

is entitled to registration upon application therefor made to the Registrar within two years after the coming into force of this Act.

17. (1) The Registrar shall keep and maintain a Register of Psychologists in which he shall enter the names of all persons who are entitled to registration as certified psychologists.

(2) The register shall be open to inspection free of charge during the normal office hours of the Registrar.

18. Subject to this Act and the rules, the first registration of a certified psychologist remains in force until the end of the calendar year in which the registration is made, and a certified psychologist in good standing is entitled to a renewal of his registration for each succeeding calendar year upon paying the prescribed fee therefor.

15. Establishment of qualifications by examination.

16. Requirements for registration as a certified psychologist.

17. A register of Certified Psychologists is to be maintained.

18. Duration of registration.

19. (1) Certificates of registration shall be issued by the Registrar and shall be numbered consecutively and recorded in a register kept by the Registrar for that purpose.

(2) A certificate of renewal of registration may be issued to a certified psychologist upon payment of the prescribed annual fee.

20. (1) Subject to this section and the regulations, the council may, by order, suspend or cancel the registration of a certified psychologist for unprofessional conduct or incompetency, upon a complaint thereof verified by statutory declaration being filed with the Registrar and a copy of the complaint being forwarded to the accused psychologist.

(2) The registration of a certified psychologist shall not be suspended or cancelled by order of the council unless

(a) the psychologist is summoned to appear before the council and given an opportunity to be heard in his own defence, and

(b) the council hears under oath the evidence in support of the complaint, and if the accused psychologist wishes to be heard, the evidence on behalf of the accused psychologist.

(3) For the purpose of a hearing under this section, the presiding officer of the council, or the person acting for him may administer oaths.

(4) All evidence offered by the complainant and by the accused psychologist shall be taken down in shorthand by a competent stenographer.

21. (1) Any psychologist whose registration has been suspended or cancelled for unprofessional conduct or incompetency may appeal to the Supreme Court from the finding of guilt or the order of punishment, or both.

(2) An appeal shall be commenced by originating notice of motion filed within 30 days from the date on which the finding and order, if any, is made by the council.

(3) On the request of the appellant, the Registrar shall file a copy of the evidence taken at the hearing before the council with the clerk of the court for the judicial district in which the appellant resides.

(4) The court on hearing the appeal may:

(a) quash or confirm the finding of guilt;

(b) quash or confirm the punishment imposed or order a different punishment;

(c) give such directions as to the costs of the appeal as seems just.

22. (1) The Registrar shall enter in the Register of Psychologists the fact and date of

19. Certificates of registration to be issued.

20. The registration of a certified psychologist may be suspended for cause after a hearing upon a complaint.

21. A psychologist whose registration is suspended or cancelled by the council may appeal to the Supreme Court of Alberta.

22. A suspension or cancellation is to be recorded in the Register of Psychologists.

- (a) the suspension, cancellation or reinstatement of the registration of a psychologist ordered by the council, and
 - (b) the suspension, cancellation or reinstatement of the registration of a psychologist ordered by the Supreme Court.
- (2) A suspension, cancellation or reinstatement of registration is effective on the date the entry thereof is made upon the register.
- (3) The Registrar shall notify the Minister of Health of every suspension, cancellation or reinstatement of the registration of a psychologist.

23. (1) A person

- (a) who is not a certified psychologist, or
 - (b) who is a certified psychologist whose registration under this Act is under suspension, or
 - (c) who is not permitted under any other law of the Province to practise psychology,
- and who practises psychology is guilty of an offence and liable on summary conviction to the penalties provided in section 25.

(2) A person practises psychology

- (a) who holds himself out to the public by any title or description of services containing the words "psychology", "psychologist" or "psychological", and
- (b) who, under any such title or description, offers to render or renders services of the nature ordinarily rendered by psychologists to any person, for hire, gain or hope of reward.

24. Any person who, by false or fraudulent representations, or declarations either orally or in writing, wilfully procures his registration as a certified psychologist is guilty of an offence and liable on summary conviction to the penalties provided in section 25.

25. A person who contravenes this Act is guilty of an offence and liable on summary conviction,

- (a) for a first offence to a fine of not more than \$100,
- (b) for a second offence to a fine of not more than \$200, and
- (c) for a third or subsequent offence to a fine of not more than \$500,

and in default of payment to imprisonment for a term not exceeding three months.

26. A prosecution for an offence under this Act may be commenced within two years from the date of the commission of the offence, but not thereafter.

23. It is an offence for an unauthorized person to practise psychology.

24. Fraudulent registration an offence.

25. Fines.

26. Time for commencement of prosecution.

27. A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

(a) a certified psychologist or a certified psychologist whose registration was under suspension, or

(b) a member of the association or a member of the association whose membership was under suspension, or

(c) a member of the council or an officer or servant of the association,

shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the Registrar's appointment or signature.

28. No action lies against the council or any officer or servant of the association for any thing done under this Act in good faith notwithstanding any want of form in the proceedings.

29. *The Psychologists Association Act* is repealed.

30. This Act comes into force on the first day of July, 1967.