



Statutory Regulation in Canada

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Introduction

In Canada, regulation of a profession is the responsibility of provincial and territorial governments. In the case of the regulation of counselling/psychotherapy, thus far, it has been the Ministries of Health that have been involved in the regulatory process because they view these professional activities as health services.

The mechanism by which regulation occurs may be different in various provinces. In British Columbia a regulatory body (known as a College) can be formed by an Order in Council i.e. no new legislation is needed. In New Brunswick a private member's bill must be developed and introduced. In Ontario a new piece of legislation to regulate psychotherapy was introduced under the umbrella of the omnibus Ontario Regulated Health Professions Act.

In Canada an Agreement on Internal Trade (AIT) exists. The premiers of the provinces are signatories to this agreement which mandates mobility for regulated professionals. Chapter 7 of the AIT includes provisions to support the national mobility of all professionals in Canada.

This document contains a summary of the status of regulation in each province. The status of each province changes quite frequently; this document was last updated in late May 2016.

Saskatchewan

- A small group formed in Saskatchewan to conduct the initial research regarding how a health profession is regulated in that province.
- A list of organizations related to counselling was compiled.
- These organizations were invited to a meeting on January 30, 2016 in Saskatoon.
- All organizations at the meeting agreed to work together towards regulation.
- Each organization appointed two people to be the liaisons to the “alliance”.
- A teleconference was held on March 21, 2016 to organize the group and determine communication protocols and a work plan with a follow up teleconference call on May 21, 2016.

Manitoba

- An informal coalition has been in existence for over four years.
- They have connected with the Ontario Alliance, CCPA National Office, and NSCCT to learn about the legislative process.
- A work plan has been developed by the Coalition to move the process forward.
- A draft definition of counselling has been developed.
- The Coalition is planning a larger meeting for September 2016, to which all organizations related to counselling will be invited.

Ontario

Type of Regulation: Protected Title and Controlled Act

- In 2002 the Ontario Alliance of Mental Health Practitioners (formerly the Ontario Coalition of Mental Health Professionals) was formed.
- This group consists of representatives from 14 different counselling-related organizations in Ontario.
- The many practitioners represented by the Alliance have a variety of professional titles, including counsellor, therapist, and psychotherapist.
- The Alliance has had significant input related to the regulatory initiatives undertaken by the Ontario Ministry of Health.
- In 2007, the Government of Ontario passed legislation to amend the Regulated Health Professions Act by adding to it a new section entitled [Schedule R: Registered Psychotherapy and Registered Mental Health Therapists Act](#).
- The Act makes provisions for the creation of a regulatory college to regulate professionals with the titles Registered Psychotherapist and Registered Mental Health Therapist.
- In 2009, the Transitional Council (TC) was appointed.
- The TC establishes the regulations and protocols for the new College.
- There are three regulations that must be developed before a College can open: Registration Regulation, Misconduct Regulations, and the Quality Assurance Regulation.
- As of March 2014, the Misconduct Regulations and Quality Assurance Regulations were approved.
- Initially the TC developed two sets of registration regulations – one for the Registered Psychotherapists and one for the Registered Mental Health Therapist.
- In 2012 the Registration Regulations were sent to the Ontario Ministry of Health and Long-Term Care.
- There was a great deal of controversy with regard to the two titles.
- The research conducted by the TC to determine who would fall into the Mental Health Therapist category uncovered the fact that there were practitioners in Ontario who touched on the Controlled Act but who did not practice Psychotherapy.
- In January 2013, the Ministry of Health and Long-Term Care clarified the scope for the regulation of the profession in Ontario.
- The Ministry further announced that it would develop an exclusionary clause for the group of practitioners who touched upon the Controlled Act.
- The title of Registered Mental Health Therapist has been placed on hold until further studies can be conducted.
- Therefore only the title of Registered Psychotherapist was available when the new College began operation.
- On April 1, 2015 the Psychotherapy Act was proclaimed. However, the Controlled Act was not proclaimed as further work must be done to explain the Controlled Act to practitioners.
- The Controlled Act will be given to the following Colleges in Ontario: Physicians, Occupational Therapists, Social Workers, Psychologists, Nurses, and Psychotherapists.

- A committee has been formed wherein representatives of each of the above Colleges are developing a document to explain the Controlled Act.
- A document has been sent to the Ontario Ministry of Health and Long-term Care.
- The College is waiting for a response on the document.
- It is anticipated that the Controlled Act will be proclaimed in 2016.
- The College has granted RP status to approximately 3,000 practitioners. This number is growing daily.
- The College has indicated that over 6,000 practitioners have established accounts.
- There are two routes to registration: The Grandparenting route and the Regular route.
- There is a Qualifying category to allow practitioners to be licensed if they do not meet all requirements.
- The grandparenting route will only be available until March 31, 2017.
- The first registration examination for the regular route applicants occurred on March 10, 2016.
- With regard to the AIT, Ontario has announced that they will recognize practitioners from Quebec and Nova Scotia.
- At this time Nova Scotia and Quebec have not indicated a reciprocal agreement.
- The most up-to-date information may be found at www.crpo.ca.

Alberta

- CPCA and CCPA held meetings with former Alberta Ministers of Health.
- In August 2015 several organizations were invited to a meeting with staff from Ministry of Health.
- The group attending represented CPCA, APAA and CCPA.
- In addition Ministry representation of provincially employed mental health practitioners was at the meeting.
- The Ministry staff tasked the group to provide a definition of counselling and counselling therapist and a set of competencies.
- An organizing teleconference was held in October 2015 to begin the task of connecting with other like-minded organizations, and to determine a viable structure for moving the work forward.
- A list of organizations was developed and documentation was prepared to provide background information to these groups.
- An invitation to attend a meeting on January 16, 2016 was distributed.
- A meeting was held on January 16, 2016. A group met in Calgary and another in Edmonton and the groups were connected via teleconference.
- The groups present agreed to work together towards regulation.
- A letter was sent to the Alberta Ministry of Health to indicate that the Alliance of Mental Health Counsellors of Alberta has been formed and that 13 organizations have agreed to be part of the Alliance.
- The group met on March 12, 2016 to formalize the structure of the Alliance.
- At that meeting it was decided that the name for the group would be FACT-ALBERTA.
- A governance structure, committee structure, meeting dates for the remainder of the year have been established, and a website is available – www.fact-alberta.org.

Alberta Association of Marriage and Family Therapy

Alberta Association for Spiritual Care

Association of Cooperative Counselling Therapists of Canada

Alberta Play Therapy Association

Alberta Teachers Association - the Guidance Council

Canadian Art Therapy Association

Canadian Counselling and Psychotherapy Association

Career Development Association of Alberta

Canadian Professional Counselling Association

Child and Youth Care Association of Alberta

International Expressive Arts Therapy Association

Music Therapy Association for Alberta

Professional Association of Christian Counsellors and Psychotherapists

Quebec

Type of Regulation: Titles and Scope

- A number of years ago regulated professions in Quebec each had their own legislation.
- The professional system as it is known today, was created in 1973 by the “Code des professions”.
- Currently 53 professions and 45 Orders/Colleges are monitored by the Office des professions du Québec (a governmental institution).
- Protection of the public is the primary mandate of the Orders/Colleges.
- The profession of “Conseiller d’orientation” was the first profession in the field of counselling to be regulated. It has been regulated for 50 years in Quebec. Two more professions were added to the professional system in the 2000s – Psychéducateurs and Family and Marital Therapists
- Conseiller d’orientation translates into English as a Guidance Counsellor, however the term does not equate to the Guidance Counsellor we are familiar with in other provinces.
- Outside of Quebec, Guidance Counsellors are typically thought to only work in the school system due to their educational formation.
- In Quebec a Conseiller d’orientation does work in the school sector (secondary, college and university) but also in many other sectors such as mental health, employment, organizational development, recruitment, rehabilitation, etc.
- The regulatory body for Guidance counsellors is the Ordre des conseillers et conseillères du Québec.
- The title “Guidance counsellor” is a protected title by the Ordre des conseillers et conseillères du Québec.
- The profession of Psychoéducateurs has been regulated since 2000.
- The regulatory body for psychoéducateurs is l’Ordre des psychoéducateurs et psychoéducatrices du Québec.
- Integration of the Thérapeutes familiaux et conjugaux (Family and Marital Therapists) to the Ordre des Travailleurs sociaux occurred in 2001.
- New legislation to reserve activities for the professions in human relations and mental health and to regulate the practice of psychotherapy in Quebec was introduced in 2008 (Bill 21)
- Bill 21 which reserves several activities in the field of human relations and mental health to Physicians, Psychologists, Guidance Counsellors, Psychoeducators, Social Workers, Family Therapists, Ergotherapists, Mental Health Nurses, and which regulates the practice of Psychotherapy in Quebec was proclaimed on September 21, 2012.
- Bill 21 By-laws were approved on December 6, 2012.
- Those reserved activities can be shared among some of the professions in human relations and the mental health sector.
- All reserved activities must be performed within the context of the scope of practice for which the person is licensed.
- Quebec candidates must be able to pass the standard French language exam administered by the Office québécois de la langue française to perform reserved activities in any Order/College.

- In order to obtain a psychotherapy permit, applicants must first belong to one of the five related orders/colleges and then must follow the guidelines of their order/college to apply to the Order/College of Psychologists for a permit.
- If an applicant could not join one of the Orders/Colleges they could have been grandfathered if they fulfill the grandparenting requirements. The grandparenting period ended on June 21, 2014.
- Law 21 stipulates the requirements for maintaining the psychotherapy license.
- In order to ensure that competencies gained in university studies match those required for the professions of Guidance Counsellor and Psychoeducator, most university programs have aligned their competencies with the Orders.
- Graduates of these programs obtain automatic admission into the Orders if they apply within 5 years of graduation and have passed the French language requirements test.
- In Quebec there are several French titles and 2 English titles for the same profession (Guidance Counsellor) which have the same registration requirements.
- The applicant can determine which of the six titles they wish to use.
- Currently the Ordre des Conseillers d'orientation has approximately 2,450 members.
- L'Ordre des Psychoéducateurs has approximately 3,400 members.
- 282 Family and Marital Therapists, are members of Ordres des travailleurs sociaux.
- Two more Orders have been added to the list of professionals eligible to obtain the psychotherapist permit: Sexologist and Criminologist
- A campaign to educate the public was launched in 2014.
- The six Orders eligible for the permit of psychotherapist have created a Guide to distinguish the activities that fall under psychotherapy from those which do not.

New Brunswick

Type of Regulation: Title Protection

- Various groups in New Brunswick have been pursuing legislation for more than 21 years.
- A Federation of three counselling groups (New Brunswick Association of Counselling Therapists) (NBACT), New Brunswick Professional Counselling Association (NBPCA), and Association francophone des conseillères et des conseillers en orientation du Nouveau-Brunswick (AFCONB)) was formed to move the regulation of counsellors forward.
- In New Brunswick this type of legislation must be presented as a Private Member's Bill.
- The Health Disciplines Legislation provides the framework.
- There are two titles being protected: licensed counselling therapist or licensed career counsellor along with their equivalent French titles.
- It was anticipated that the Bill would move forward in 2012.
- However, a change in Health Minister, and the government liaison for the Federation has resulted in a delay.
- In March 2014, the Federation engaged legal counsel.
- The Counselling Therapists Act has been circulated to various organizations for comment by the Federation legal counsel.
- At a recent meeting with senior policy advisors from the Ministry of Health there was an indication that the legislation could be introduced in the 2016 Fall session of the NB Legislature.
- The Federation continues to present to MLAs prior to the completion of legislation.

Nova Scotia

Type of Regulation: Title Protection

- The Counselling Therapist Act was proclaimed on October 11, 2011.
- Regulation is under the Regulated Health Professions Network Act (RPHNA).
- The Nova Scotia College of Counselling Therapists (NSCCT) is the regulatory body.
- The primary mandate of the College is protection of the public.
- The College awards professional credentials that include Registered Counselling Therapist-Candidate (RCT-C) and Registered Counselling Therapist (RCT).
- Requirements for RCT-C are a master's level degree in a helping profession that meets required course criteria, a supervised practicum, and a Canada-wide Criminal Record with Vulnerable Sector Check.
- Additional requirements for RCT are a minimum of: two years and 2000 hours of post-degree supervised practice, 800 hours of direct client contact, and 50 hours of supervision with an NSCCT-approved supervisor .
- Requirements for continued licensure are a minimum of 12 hours of professional development per annum, maintenance of professional liability insurance coverage, and adherence to the Canadian Counselling and Psychotherapy Association Code of Ethics and Standards of Practice.
- NSCCT is a relatively small College with approximately 200 members.
- NSCCT activities include:
 - regulation of Counselling Therapists (that includes ethical oversight)
 - protection of the public
 - education of employers, insurers, and the public about the mandate and role of the College and the qualifications and competencies of its members
 - professional development of members in the areas of ethics and supervision
 - The College espouses an inter - professional collaborative approach to professional development
- The College has one paid employee - the Registrar.
- All other positions are volunteer.
- Annual fees: \$324 for Registered Counselling Therapist-Candidates (RCT-Cs) and \$430 for Registered Counselling Therapists (RCTs).
- Additional information is available at www.nscct.ca.

Prince Edward Island

- The Prince Edward Island Counselling Association (PEICA) formed a Chapter for Counselling Therapists and vigorously pursued legislation for many years.
- In August 2012, the PEI Department of Health and Wellness circulated draft umbrella legislation for the health professions; the Regulated Health Professions Act (RHPA).
- In the Fall of 2012, The Counselling Therapist Chapter of The Prince Edward Island Counselling Association responded to the request for feedback on the umbrella legislation.
- On December 20, 2013, the PEI Health Ministry indicated that the RHPA (Regulated Health Professions Act), Bill 42 was now in effect.
- Bill 42 provides consistent licensing, complaint and discipline processes applicable to all designated health care professions.
- In addition, the legislation provides criteria for regulation, a formal application and an assessment process for requests for regulation.
- Under this new legislation, unregulated health professions can apply to become regulated.
- PEICA sent a letter of intent for Counselling Therapists.
- PEICA has been asked to respond to a series of questions as a result of their letter.
- The preparation of the answers is anticipated to be complete in the summer of 2016.

Newfoundland and Labrador

- Beginning in 2009, the provincial government department of Health began researching the development of umbrella legislation to govern professions such as Laboratory Technicians, and related health occupations.
- The resulting legislation which encompasses a variety of health related professions and self-regulation was passed in 2010- entitled the “ Health Professionals Act”.
- Under this umbrella legislation, professions such as lab technicians, dental hygienists, respiratory therapists, and midwives, among others, are now self-regulated, through a Council of Health Professionals. This process was developed through the Department of Health and Community services of the NL provincial government.
- In 2013 there were several calls and meetings held with various agencies to gain better understanding of process and potential partnerships in regulation effort (including: NL Association of Social Workers, NL Psychology board, MUN Professors, Director of Pastoral Care and Ethics in Eastern Health).
- In November 2013, Tracy Duffy (NL CCPA Director) and a CCPA member attended a meeting with the Provincial Regulatory Consultant, of Department of Health (Provincial legislative Division).
- Background documentation was received about the Health Professions Act.
- Information on how to begin a submission to apply for consideration for regulation under this Act was provided.
- On March 1, 2014 committee/working group held its first meeting for members interested in regulation, with subsequent meetings held during 2015.
- Members of committee were given background information, and documentation links as provided by Regulatory consultant (i.e. White paper), and began researching some of the necessary steps.
- In November 2015 another meeting was held with a senior policy advisor about the process.
- The Provincial Regulation committee has worked recently to finalize group membership, with the aim to form a defined Coalition of Associations in mid-2016.
- In February 2016, the NL Director met with officials in the Department of Health and Community Services, to further discuss and garner support for Regulation endeavors in NL.
- An organizing /strategy meeting occurred on April 30, 2016.
- The groups present agreed to work together.
- The next meeting is currently being scheduled.

British Columbia

Type of Regulation: Title Protection

- Regulation activities have been ongoing since 1988.
- Due to the structure of the Health Professions Legislation in BC, an Order in Council is required to regulate a profession.
- This can be done at the ministerial level and does not require additional legislation.
- The British Columbia Association of Counselling Therapists (BCACC) was created in 1988 to regulate the profession of counselling in the absence of a College and to pursue statutory regulation.
- In 1993 three independent groups applied for the regulation of counselling.
- The government indicated that there did not seem to be unified profession and therefore denied the request.
- In 1996 the BC Task Group was formed to respond to the government.
- This Task Group consisted of five counselling organizations interested in regulation.
- The Task Group represented about 3,000 BC counsellors.
- In 1997 there was a formal response to the government to reconsider.
- It was determined that counselling would be regulated under the Ministry of Health and that the title granted would be Counselling Therapist.
- The task group developed a set of counselling competencies which were then validated across Canada by CCPA.
- The competencies have also formed the basis of the competencies used in Ontario.
- In BC registration regulations will be based on competencies not credentials.
- In the summer of 2012, the BC Task Group hired a public relations and strategy firm to assist in their effort to influence government decision-makers.
- A series of meetings with MLAs were organized as well as with the health critics for the opposition parties.
- In March 2014, the BC Task Group reconfigured itself to be an incorporated Society under the BC Society Act.
- The new entity is called FACT-BC (Federation of Associations of Counselling Therapists of BC).
- Forming this new entity ensures that the government sees a unified force and that the profession is speaking with one voice.
- Members of FACT-BC are:
 - American Association of Pastoral Counsellors
 - Association of Cooperative Counselling Therapists of Canada
 - Association of Registered Clinical Hypnotherapists
 - BC Association of Clinical Counsellors
 - British Columbia Art Therapy
 - British Columbia Association for Marriage and Family Therapy
 - Canadian Art Therapy Association
 - Canadian Counselling and Psychotherapy Association
 - Canadian Professional Counsellors Association

- Music Therapy Association of BC
 - Professional Association of Christian Counsellors and Psychotherapists
- The following organizations are currently considering joining FACTBC:
 - Working Group for Spiritual Health Professionals in British Columbia
 - Canadian Association for Spiritual Care
 - Canadian Addictions Counsellors Certification Federation
- FACT-BC represents 4,500 BC counsellors.
- A FACT-BC Committee was formed to update the competencies created in 2007.
- The update is complete, and a survey of BC practitioners was conducted in February 2016 to validate the competencies.
- The survey results have been analyzed and it is anticipated that the Competency Profile will be available in June 2016.
- There are very serious discussions occurring within the BC Cabinet and high level meetings are occurring.
- FACT-BC is organizing to develop supporting documents should the regulatory effort prove successful.