

Complaint Information
Nova Scotia Board of Examiners in Psychology (NSBEP)

Outline of NSBEP Complaint Mechanism

Formal complaints can be initiated by:

- (a) any official body corporate or association;
- (b) the Registrar; or
- (c) any other person

All formal complaints received by the NSBEP must be provided to an investigation committee for its review. In very serious cases, the investigation committee may refer the matter to hearing. In the case of referral to hearing, the final review and decision rests with a separate hearing committee.

Common Dispositions of Complaints

Dismissal

In situations where there does not appear to be evidence of misconduct, incapacity or incompetence, the Investigation Committee may decide to take no further action or dismiss the Complaint.

Counsel

A counsel is a form of advice provided to the psychologist when the committee concludes that a psychologist's actions or conduct may have fallen below the minimum standards of practice or ethics, but in circumstances that do not warrant referral to a hearing.

The psychologist is counselled to ensure compliance with respect to the ethical principles as outlined in the Canadian Code of Ethics or Standards of Practice, as referenced by the Committee. The counsel may be considered by an investigation committee, in the event of a similar complaint against the Psychologist in the future, and conduct of a similar nature may result in a disciplinary outcome.

Caution

A caution is a warning that is issued when the committee has concluded that, in its view, the ethical principles as outlined in the Canadian Code of Ethics or Standards of Practice, as referenced by the Committee, were not met by the psychologist. However, the matter has not been determined to constitute professional misconduct / circumstances that warrant referral to a hearing. The caution is intended to serve as a warning that future conduct of a similar nature may result in a disciplinary outcome.

Reprimand

When an Investigation Committee has determined that the conduct of a Psychologist amounts to professional misconduct or conduct unbecoming and that a Reprimand is the appropriate sanction, the Investigation Committee may offer a Reprimand by Consent to the Psychologist as an alternative to sending the matter to a formal hearing. If the Psychologist agrees to accept the Reprimand, a formal Consent to Reprimand shall be prepared and signed by both the Psychologist and representative of the Board. The completed document shall have the same force and effect as a decision of a hearing committee.

If the Psychologist does not Consent to Reprimand, the Investigation Committee refers the matter, in whole or in part, to a Formal Hearing. In order to make a referral to Formal Hearing, the Investigation Committee must also believe that there is significant evidence available to support a finding of incompetence or professional misconduct.

A referral to hearing may take place when there appear to be very serious violations of professional standards and the Investigation Committee is of the view that public protection requires a revocation, a period of suspension or the imposition of terms, limitations or conditions on the certificate of registration.

Publication of Decisions

Reprimands, Suspension and Revocation of Registration are considered disciplinary findings. As such, these findings are [published on the NSBEP website](#) and will include the name of the psychologist, but the complainant will not be identified. Counsels or Cautions are not considered disciplinary findings, but a summary of the issues and relevant ethical standards engaged in relation to non-disciplinary decisions is presented below for informational purposes. When presenting issues and relevant ethical standards related to Counsel and/or Cautions, the psychologist and the complainant are not identified.

Complaint Issues

As noted, disciplinary findings are separately published on the NSBEP website. However, the following list of issues below may involve complaints where a Counsel and/or Caution was issued, or when a complaint was dismissed. These are presented as examples of what typically might be expected. The following examples are not intended to limit investigation committees which are required to review all of the facts relating to individual complaints.

Please note that the information is presented according to version of standards in place at the time. As such, the wording of present standards may vary with respect to standards quoted at the time of the issue. Issues are organized according to their broad category (i.e., informed consent, record keeping, other).

The following summaries are not complete accounts of investigation decisions. Due to confidentiality requirements, many details and contextual factors are not reported. Without this contextual information, these summaries cannot be relied on as precedents or guidelines. They are provided to interested stakeholders, including registrants to highlight areas of concern and to prompt practitioners to review official NSBEP Guidelines, NSBEP Standards, and other documentation related to best practices. Should you have questions related to an area implicated in one of the following summaries, you may wish to consult the following directories for NSBEP guidance or to contact the Board of Examiners directly.

<https://www.nsbep.org/information-for-registrants/for-all-registrants/standards-guidelines/>

This page contains links to the Standards of Practice, the Canadian Code of Ethics for Psychologists, practice guidelines, and other legislation relevant to the practice of psychology.

INFORMED CONSENT

- **Issue: Respecting client confidentiality when communicating with a third party**

Standard engaged: NSBEP Standards of Professional Conduct

7.6 A registrant shall make reasonable efforts to ensure that the disclosure or transmission of information protects the privacy of the client record and that appropriate care is exercised when placing information in a common record in an effort to ensure that his/her recommendations are not misunderstood or misused by others who may have access to the file.

Consideration: When completing an assessment of an individual commissioned by a third party, it is important to use a clear, written treatment agreement, and to review consent throughout the period of treatment, paying attention to limits of confidentiality, especially when dealing with third parties.

- **Issue: Informed Consent and client's ability to consent**

Guidelines engaged: NSBEP Position Statement: Age of Consent

The psychologist in assessing ability to consent **examines whether the adolescent is capable of abstract reasoning.** Research suggests that by age 14 the average adolescent has shifted from concrete operational to formal operational thinking.

The psychologist attempts to gain an understanding of the overall context in which the decision-making occurs. This will include a number of factors, such as examining the relevant knowledge and experience the minor brings into his/her specific decision-making situation; the adolescent's problem solving skills; the minor's affect at the time of decision-making and the social support network that is in place for the minor.

The psychologist must also gauge psychological maturation. In this regard the psychologist will consider such factors as emotional regulation, ability to self-reflect, ability to place peer influences and age specific values in perspective, ability to learn from experience and willingness to seek advice.

With respect to the specific decision-making situation, the minor must be able to understand the nature and purpose of the treatment and/or assessment and the consequences of giving or refusing consent.

Once the psychologist judges that he/she has sufficient information to understand the context and the minor's psychological and cognitive level, he/she uses professional judgment to make a determination as to whether the minor is able to give or refuse consent and documents the basis for this decision on the file.

Other Standards engaged: NSBEP Standards of Professional Conduct

5.1 A registrant shall obtain informed consent with respect to the delivery of all psychological services unless otherwise permitted or required by law. This includes, but is not limited to, agreeing on the general nature and extent of the services to be rendered. And

5.3 A registrant fulfills the terms of the agreement with the client. Services departing from this agreement shall normally have the informed consent of the client prior to their initiation

Consideration: While a minor can be deemed capable of consenting to service, it is important that the psychologist makes this determination and not assume that once a certain age is achieved that such capacity is automatic. The Board's publication on Age of Consent provides guidance on the issue (URL below). https://www.nsbep.org/downloads/Age_of_consent_position_statement.pdf

- **Issue: Whether appropriate informed consent process was followed and limits of confidentiality adhered to**

Standard/principles engaged: Canadian Code of Ethics for Psychologists

I.16 "Seek as full and active participation as possible from individuals and groupsin decisions that affect them, respecting and integrating as much as possible their opinions and wishes....";

I.17 "Recognize that obtaining informed consent is a process that involves taking time to establish an appropriate trusting relationship and to reach an agreement to work collaboratively, and may need to be obtained more than once (e.g., if significant new information becomes available)";

I.23 " Provide, in obtaining informed consent, as much information as reasonable or prudent individuals and groups....would want to know before making a decision or

consenting to the activity.....”;

I.25 “Provide new information in a timely manner, whenever such information becomes available and is significant enough that it reasonably could be seen as relevant to the original or ongoing informed consent”

I.45 “Share confidential information with others only to the extent reasonably needed for the purpose of sharing, and only with informed consent of those involved.....”

Consideration: Informed consent is an ongoing process. Clear communication throughout the assessment and/or treatment process on matters impacting on informed consent is important, as clients may otherwise form a different understanding or expectation of what the process will be.

Additionally, explicit written consents are recommended in an assessment process when utilizing collateral sources of information, especially where they may be contentious (e.g., relating to a return to work, parental capacity, commissioned by a third party, etc.) Written consent is not always necessary for psychological service provision, but to avoid ambiguity as to the nature of the assessment procedures to which the collaterals will be asked to comply, written consent from the collateral sources of information is prudent and appropriate.

- **Issue: Informed Consent**

Standard/principle engaged: NSBEP Standards of Professional Conduct:

Principle 5 A registrant shall respect the client’s right to know the nature of the services provided;

Principle 5.3 “A registrant fulfills the terms of the agreement with the client. Services departing from this agreement shall normally have the informed consent of the client prior to their initiation”.

Additional standard/principle engaged: Canadian Code of Ethics for Psychologists

III.17 Honour all promises and commitments included in any written or verbal agreement, unless serious and unexpected circumstances (e.g., illness) intervene”;

II.18 “Strive to provide and/or obtain the best reasonably accessible service for those seeking psychological services...”

Consideration: Even when working with a child, respectful treatment requires the psychologist to inform the child about what they are agreeing to and how their disclosure could affect them, as well as others directly involved.

- **Issue: Delegating and Documenting Informed Consent**

Standard/principle engaged: NSBEP Standards of Professional Conduct:

Principle 2

A registrant shall organize and conduct his/her activities so that users shall receive appropriate and adequate psychological services.

2.1 In private practice settings, a registrant, whether working individually, in partnership or as a shareholder of a psychological corporation, shall assume responsibility for the planning, delivery, and supervision of all the psychological services he/she provides to a client.

Additional standard/principle engaged: Canadian Code of Ethics for Psychologists

Informed Consent

I.22 Accept and document non-written consent (e.g., oral, a verbal agreement, a handshake or other culturally normative exchange) in situations in which signed consent forms are not acceptable culturally or in which there are other good reasons for accepting non-written consent.

Consideration: Informed consent process is a responsibility that cannot be delegated by a psychologist to office administrative staff. Relying on implied consent is problematic, and when this is done it is imperative that it be documented in the client's record.

Issue: Informed Consent: When completing psychological assessments of school aged children

Standard/principle engaged: NSBEP Standards of Professional Conduct

Principle 2. A registrant shall organize and conduct his/her activities so that users shall receive appropriate and adequate psychological services.

2.2 In employment settings, a registrant shall assume responsibility for the planning, delivery, and supervision of all the psychological services he/she provides to a client. Registrants working as employees shall make reasonable efforts to ensure that their work setting adheres to the Standards of Professional Conduct in the planning, delivery, supervision and billing practices of all psychological services provided.

Principle 5. A registrant shall respect the client's right to know the nature of the services provided.

5.1. A registrant shall obtain informed consent with respect to the delivery of all psychological services unless otherwise permitted or required by law. This includes, but is not limited to, agreeing on the general nature and extent of the services to be rendered.

Other Standard/principle engaged: Canadian Code of Ethics for Psychologists

Principle 1. Respect for the dignity of persons.

I.19. Obtain informed consent from all independent and partially dependent individuals and groups...for any psychological services provided to them except in circumstances of urgent need (e.g., disaster or other crisis).

I.21. If signed consent forms are required by law or desired by the psychologist, the individuals or groups giving consent, or the organization for whom the psychologist works, establish and use signed consent forms that specify the dimensions of informed consent or that acknowledge that such dimensions have been explained and are understood.

I.23. Provide, in obtaining informed consent, as much information as reasonable or prudent individuals...would want to know before making a decision or consenting to the activity. Typically, and as appropriate to the situation and context, this would include: purpose and nature of the activity; mutual responsibilities; whether a team or other collaborators are involved; privacy and confidentiality limitations, risks, and protections; likely risks and benefits of the activity, including any particular risks or benefits of the methods or communication modalities used; alternatives available; likely consequences of non-action; the option to refuse or withdraw at any time, without prejudice; over what period of time the consent applies; and how to rescind consent if desired.

I.27. Take all reasonable steps to ensure that consent is not given under conditions of coercion, undue pressure, or undue reward.

Consideration: When completing psychological assessments of school aged children, it is important that parents and other relevant stakeholders are properly informed about the process and results of the assessment.

The following considerations are important but may not consist of an exhaustive list. It is important for psychologists to:

- a. Personally contact parents/guardians to obtain informed consent *prior to* undertaking planned assessments. This communication can take the form of emails, phone calls, or in-person or virtual meetings. Document the informed consent process for each case (including all efforts at contacting parents);
- b. Interview parents/guardians about the student's development and comorbid symptoms *before* undertaking the psychoeducational testing of a student, whenever possible;
- c. Provide formal feedback to relevant school teams /stakeholders about assessment results through formally scheduled meetings with relevant staff / stakeholders, and to document having done so; and

- d. Provide formal feedback to parents about assessment results, and to document having done so.

RECORD KEEPING

- **Issues: Record keeping, accurate invoicing, whether use of consent and intake forms was misleading or mistaken; whether written documentation was adequate (e.g., recording important information in clinical file that the verbal correction regarding parent’s status as a “client” had been made and understood by the parent).**

Standards engaged: NSBEP Standards of Professional Conduct

Principle 7 A registrant make reasonable efforts to ensure that psychological records are complete and accessible and that their records and the records of those they supervise are secure and protected from loss, tampering or unauthorized use or access.

...

7.2 Individual client records will include the following (in particular, in bold):

...

f. relevant information about every clinically significant service activity related to the client that is carried out by the registrant or under the responsibility of the registrant, including but not limited to: assessment procedures; assessment findings; diagnoses; goals or plans of service; reviews of progress including any modifications to plans of service; activities related to crises or critical incidents; interventions carried out or advice given.

...

j. a copy of every signed-consent and/or documentation of obtaining verbal consent related to the registrant’s service to the client.

Consideration: Parents often initiate and pay for psychological service given to their children. However, at times, some may mistakenly view themselves as the sole client. Consent forms should be clear with respect to the name of the client(s). When interacting with the parent(s), psychologists should address any identified misunderstandings or suggestions that the party’s understanding is incongruent with the informed consent agreement.

- **Issue: Adequate record keeping**

Standard/principle engaged: Canadian Code of Ethics for Psychologists

II.21 Create and maintain records relating to their activities that are sufficient to support continuity and coordination over time and to manage risks.

Additional Standard/principle engaged: NSBEP Standards of Professional Conduct

Principle 2

A registrant shall organize and conduct his/her activities so that users shall receive appropriate and adequate psychological services.

Principle 7

A registrant shall make reasonable efforts to ensure that psychological records are complete and accessible and that their records and the records of those they supervise are secure and protected from loss, tampering or unauthorized use or access.

Consideration: A registrant must take steps to ensure they can properly utilize their employer's record keeping system. Failing to make signification notations in a record keeping system of their employer may affect the ability of clients to receive coordinated services over time. If the employee leaves a place of employment or is absent, this lack of substantial notation in the record keeping system may also interfere with the assignment of a new service provider and create confusion as to whether effected clients require follow up.

OTHER

- **Issue: Allegation of bias / unfairness**

Standard/principle engaged: Canadian Code of Ethics for Psychologists

I.9 Not practice, condone, facilitate, or collaborate with any form of unjust discrimination.

Consideration: Situations involving acrimony are difficult for the parties involved and this can often leave some parties feeling dissatisfied with the process and various professionals who have been involved in the process. Although there may be no bias or unfairness exercised by the psychologist, it can be helpful for the registrant to be aware of how their process may be perceived or understood by such parties.

- **Issue: Use of employer's letterhead when completing private work**

Standard/principle engaged: Canadian Code of Ethics for Psychologists

III.2 Accurately represent their own and their colleagues' qualifications (e.g., credentials, education, experience, competence, affiliations) in all spoken, written, or printed communications, being careful not to use descriptions or information that could be misinterpreted (e.g., citing membership in a voluntary association of psychologists as a testament of competence).

Consideration: While a psychologist may have an arrangement with their employer to utilize space in the workplace to complete private practice work, clients may misinterpret

the use of workplace letterhead and/or information. Therefore, psychologists should refrain from using their employer's letterhead when completing work for their own private practice.

- **Issue: Whether practitioner was practicing outside their scope of practice when delving into Child Custody and Access issues**

Standard engaged: NSBEP Standards of Professional Conduct

Principle 3 A registrant shall conduct herself/himself so that clients will receive her/his most effective professional performance

3.1 A registrant shall provide services within the boundaries of her/his competence.

Consideration: A psychologist may work with children and during the course of treatment, parenting issues may be identified. However, such work does not intrinsically make it appropriate for the psychologist to issue an opinion on custody and access issues if an appropriate assessment intended to evaluate custody and access issues has not been completed.

- **Issue: Not contacting collateral sources of information requested or including certain allegations made by a party**

Guidelines engaged: NSBEP Custody and Access Evaluation Guidelines
The psychologist uses multiple avenues of data collection to arrive at his/her professional opinion.

Consideration: Multi mode method of data collection is a cornerstone of forensic assessment, and collateral information may provide the psychologist with additional information to aid in formulating their working hypotheses and supporting their findings.

- **Issue: Reporting Allegations of Child Abuse**

Standard engaged: NSBEP Standards of Professional Conduct

3.4 A registrant is expected to maintain current knowledge of Federal and Provincial statutes, and other agencies and professional regulations relating to the delivery of her/his professional services.

Legislation engaged: Children and Family Services Act

The Child and Family Services Act (CFSA) imposes several legal duties on psychologists to report child abuse, including:

information indicating that a child under the age of 19 is in need of protective services (section 23); any suspicion of child abuse or neglect against a child under the age of 19 by a parent or guardian or caused by the failure of a parent or guardian to supervise and

protect the child adequately (section 24); and information indicating that a child under the age of 16 has suffered abuse by a person other than a parent or guardian (section 25).

Additional Reading on reporting obligations:

https://www.nsbep.org/downloads/NSBEP_Reporting_Child_Abuse_Memo.pdf

Consideration: It is important that all psychologists be familiar with mandatory reporting requirements. While a matter may have been understood to have been reported to the appropriate authorities, it is important that the psychologist carefully review their reporting obligations relative to the situation and the above referenced NSBEP Communication on mandatory reporting, along with consulting a lawyer where appropriate.

- **Issue: Professionalism in Interdisciplinary Work Environments**

Standard engaged: Canadian Code of Ethics

I.1 Demonstrate appropriate respect for the knowledge, insight, experience, and areas of expertise of others.

Consideration: Psychologists often work in interdisciplinary environments, with colleagues and managers who may not be psychologists. While differences of opinion or interpersonal difficulties may arise, it is important for the registrant to still demonstrate appropriate respect for the knowledge, experience and expertise of others with whom they interact with in their role as psychologist.

Last Revised: August 2023