



Nova Scotia Board of Examiners in Psychology

Suite 455, 5991 Spring Garden Road
Halifax, Nova Scotia
B3H 1Y6
www.nsbep.org

Telephone: (902) 423-2238
Fax: (902) 423-0058

COVID-19: Phase 5 Reopening

The information in this document is based on statements made by the province on September 29, 2021. The province announced it plans to move to Phase 5 on October 4, 2021. Please note that any new direction from Public Health will take priority over the information provided in this document.

Information from Government noted the following:

The following precautions are recommended: staying home when sick, washing hands regularly, coughing and sneezing into your elbow and regularly cleaning high-touch surfaces.

Government also recommends measures like plexiglass barriers and increased cleaning that employers have put in place to prevent COVID-19 should continue. They are good occupational health and safety practices to mitigate the risk of many respiratory and other illnesses. Employers should also continue to support employees to stay home when they are sick.

Consequently, the NSBEP COVID-19 Private Practice Guidelines issued on June 4, 2020 will no longer be in force once the province moves to Phase 5. Please note that these guidelines have always applied to private practices. Psychologists working in the public sector will continue to be provided guidance by NSHA, IWK and the other applicable public bodies.

The NSBEP has developed the below FAQ in relation to Phase 5. We will be expanding the FAQ as required. If you do pose a question, please be aware that we may not be able to provide an individual response, and please check the updates for an answer to your question.

Should practices continue the use of masks?

Government has announced that indoor masking will continue to be mandatory at this time during Phase 5, so masking practices should continue. Public Health is continuing to require the use of masks, as they can help prevent the spread of COVID-19 and other respiratory illnesses. A mask helps stop droplets spreading when someone speaks, laughs, coughs or sneezes (including someone who has COVID-19 but has no obvious symptoms).

Are practices still required to screen clients, staff and others entering the practice?

Once NS moves into Phase 5, passive screening (i.e., through the use of signage) is acceptable and active screening will not be a requirement. Additionally, there will not be a record keeping requirement for contact tracing once NS enters Phase 5.

Can practices require that staff and clients be vaccinated?

Proof of vaccination is not a requirement to access healthcare services. It may be a violation of privacy legislation to ask about an individual's vaccination status, unless it is relevant to the care that will be provided to that person.

Psychology is an important healthcare service for members of the public. Rather than choosing not to see someone who is unvaccinated, there are other steps that the practitioner could take, if they feel it necessary, when an individual discloses they are not vaccinated:

1. The psychologist could consider virtual care, if appropriate.
2. The practitioner could combine measures such as requiring the wearing of masks and social distancing.
3. If necessary, the psychologist should work through the ethical decision-making process and document their process/rationale. This could include consideration of risk of harm to self and others.
4. While the psychologist in private practice could determine that the safest and most appropriate option is to conduct the session virtually, the client could choose to decline the virtual session. In that case, the practitioner should ensure that they have considered whether alternatives/steps such as those noted above have been considered, and a referral made elsewhere [at a minimum, recommending that the individual consult the Find a Psychologist section of the Association of Psychologists of Nova Scotia (<https://www.apns.ca>) website for a referral].

With that said, it may be an expectation of the NSHA/provincial government that psychologists working in the public sector or receiving public money accommodate clients who wish to be seen in-person.

Additionally, practices should ensure that any vaccination policies they implement for staff meet all legal requirements, such as human rights legislation. When staff may not be fully vaccinated or are immuno-suppressed, accommodations should be made which could include requiring the use of masks, requesting clients wear a mask (and schedule with an alternative provider if they refuse), social distancing whenever possible and increased frequency of environmental measures (frequent hand washing, cleaning high touch surfaces etc.).

NSBEP's Phase 5 Communication does not indicate that psychologists cannot ask about a client's vaccination status. Vaccination status is personal health information and may indeed

engage privacy laws. NSBEP has merely put registrants on notice that privacy legislation may be applicable.

This is a developing and shifting area, and when consulting legal counsel about these matters, NSBEP was not made aware of a central opinion that addresses this issue definitely.

Ultimately, there are competing interests here. The psychologist or owner of the practice has an obligation under Occupational Health and Safety legislation to provide a safe environment for both staff and clients. On the other hand, it could be a human rights violation to deny a client services on the basis that they are not vaccinated (this would depend on whether the denial of service constitutes discrimination – for example, the client refuses vaccination due to an allergy or perhaps on religious grounds).

If a practice intends to ask clients whether or not they are vaccinated, it should be prepared to demonstrate why the measure is necessary and proportionate to the risk. The practice should also have measures to accommodate an unvaccinated client.

NSBEP cannot provide legal advice in specific situations but would direct registrants to consult their own legal counsel if they have further questions about this issue.

In general, do practices need to maintain the additional cleaning and disinfection procedures required in the prior phases?

Occupational health and safety (OHS) practices (like plexiglass dividers and increased cleaning) help prevent COVID-19 and lessen the risk of many respiratory and other illnesses. While the continuance of these steps is recommended by Public Health, it is not mandatory.

Do psychologists in private practice have to disclose their vaccination status to clients?

At this time, NSBEP does not take a position on whether or not a psychologist must disclose their vaccination status to a client. Like all regulated health professionals, psychologists are responsible for taking steps to ensure a safe and healthy environment for clients. You may wish to consult with your own legal counsel if you have further questions about this issue.

Is there other guidance that practices could refer to?

Yes. The provincial Government has website of the phases, with updated information concerning Phase 5. This is available via the below URL:

<https://novascotia.ca/coronavirus/>

Published by the Nova Scotia Board of Examiners in Psychology
September 14, 2021

Revised September 29, 2021