



NSBEP Email Update

Welcome to the most recent update from NSBEP.

In this format of communication with registrants, the Board strives to provide updates on subjects of interest to registrants of the Board.

In this update:

- Alternative Services Publication
- Regulated Health Professions Act
- NSBEP Board membership Update
- Complaint Information Update
- Patient Access to Care Act
- Scope of Practice / Learning Plans

PROVISION OF ALTERNATIVE SERVICES

The Board has published a document entitled "Provision of Alternative Services".

In this document, the phrase "alternative services" is used broadly to refer to any service that may be offered by a registrant of NSBEP that is not part of the scope of practice of psychology or not necessarily part of the scope (potentially falling into a gray area) and that have the potential to present challenges that will be elaborated upon further in this document.

NSBEP has received questions from some registrants who are offering services that fall outside the scope of practice of psychology. Some other NSBEP registrants are working in another domain/profession or completing an activity which may or may not overlap with the scope of practice of psychology (falling into a gray area). Various examples are provided in the form of scenarios. Following each scenario, some additional questions are provided for the registrant's self-reflection. There can be overlap with the information and considerations across scenarios, so the document should be read in full.

One intention of this document is to make NSBEP registrants aware of the risks that can be present when providing alternative services, or holding registration in another profession. However, the overriding purpose of this document is to protect the public and, in this regard, provide considerations for registrants should they be contemplating or providing alternative services.

Please click on the following URL for the publication:

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

REGULATED HEALTH PROFESSIONS ACT

The Regulated Health Professions Act is something that NSBEP has mentioned in the previous Annual Report, only then it was referred to as the Foundations Act. NSBEP has had ongoing involvement with it over the past year plus, and has sent some individual communications to the Department of Health and Wellness as well as being part of several responses prepared by the NS Regulated Health Professions Network. The intention of the Act is to provide common legislation for all 21+ regulated health professions in NS, with individual differences between professions (e.g., entry level requirements), being dealt with in regulations. Overall, we are viewing this as a good thing for NSBEP as it will modernize our act and will potentially make it easier to change some aspects of how we work. As with any change, there may also be some issues. A potential downside noted by the Network is that it provides the Government with some mechanisms to make/impose decisions for the Boards, although this usually has some oversight attached to it. Once the Act is passed, it will likely take several years for the 21 professions to be migrated, so we are not sure how quickly it will affect NSBEP.

Please click on the below links for more information.

Press Release

<https://novascotia.ca/news/release/?id=20231012007>

Legislation

https://nslegislature.ca/legc/bills/64th_1st/3rd_read/b323.htm

NSBEP BOARD MEMBER UPDATE

In October of this year, Mr. Dan Boyd was appointed to a two year term by Government to replace Public Member Sean Ponnambalam. The Board thanks Mr. Ponnambalam for his years of service as member and Treasurer. Mr. Boyd resides in Hants County and has worked in various communication positions in the media and government. In September, the Board welcomed back Ms. Tracy Whittaker-Taggart and Dr. Robin McGee to the Board when they were elected for a second term by acclamation.

A list of all current Board members can be found on the NSBEP website:

<https://www.nsbep.org/about-nsbep/current-board-members/>

COMPLAINT INFORMATION UPDATE

The Board would like to remind registrants that it regularly updates its document "Complaint Information" with descriptions of some of the issues raised by actual complaints received by NSBEP and the types of actions registrants should consider in order to reduce the likelihood that they would be the subject of similar complaints.

More information can be found towards the bottom of the page, under the heading "Complaint Issues":

PATIENT ACCESS TO CARE ACT (PACA)

This Act was swiftly brought forward earlier this year by Government. In the brief time allotted, the NSBEP was represented in a submission provided to Government from the Regulated Health Professions Network.

Some of the highlights of the Act noted by Government include:

- Licensing or registration criteria will be waived for healthcare providers coming from other parts of Canada, as needed and in accordance with Canadian free trade obligations
- Regulators cannot charge healthcare professionals licensed in other parts of Canada an application fee
- Canadian transfer applications must be processed within five business days
- Allows regulators to recognize the credentials and licences of healthcare professionals trained outside Canada
- Employers will only be able to request a sick note if an employee is absent for more than five days or has already had two absences of five days or less in the previous 12-month period
- Allows the government to prescribe Workers Compensation Board forms and documents to improve the process for Nova Scotians and doctors

Sick notes

While much of PACA relates to licensing practices, there is a section of the Act: "Schedule B, the Medical Certificates for Employee Absence Act". Schedule B recognizes a "qualified health professional" can provide notes to employers subject to the professional's individual scope of practice. Schedule B notes: "qualified health professional" means (a) subject to the regulations, a person who holds a licence to practise in a regulated health profession in the Province.

The changes with Schedule B remove the ability to require notes for a duration shorter than five consecutive working days.

This provision applies to sick notes for the employer. With regard to writing sick notes or completing documentation for insurance companies for long-term disability (LTD), this may depend on the specific policy and the insurer's requirements. Some insurers may accept a psychologist's note as sufficient evidence of disability, while others may require a medical diagnosis from a physician or a specialist. It is advisable to check with the insurer before writing a sick note or completing documentation for LTD purposes. Alternatively, the psychologist may consult with the client's physician or refer the client to a physician for a medical assessment.

The Board cannot provide legal advice and registrants are always free to consult a lawyer or the pro-bono legal hotline of their liability insurer, if they have questions about legislation in specific circumstances relating to sick notes.

If a psychologist were to consider writing such a note, it would be important for the psychologist to have expertise relevant to the psychological diagnosis leading to a specific client absence.

Psychologists should refer to the following excerpt from the Code of Ethics for Psychologists:

http://www.nsbep.org/downloads/Canadian_Code_of_Ethics_for_Psychologists.pdf

Competence and self-knowledge

II.6 Offer or carry out (without supervision) only those activities for which they have established their competence to carry them out to the benefit of others.

II.8 Take immediate steps to obtain consultation or supervision, or to refer a primary client to a colleague or other appropriate professional, whichever is more likely to result in providing the primary client with competent service, if it becomes apparent that a primary client's issues or problems are beyond their competence.

With that said, NSBEP does not have template forms: it would still be up to individual organizations to set out what requirements/forms they have in relation to their employee absences.

Here is a link to the Act

<https://nslegislature.ca/sites/default/files/legc/PDFs/annual%20statutes/2023%20Spring/c003.pdf>

Here is a link to the Regulations:

<https://novascotia.ca/Just/regulations/regs/pacdefinitions.htm>

SCOPE OF PRACTICE / LEARNING PLANS

In August 2023, the NSBEP Email Update included information about scope of practice / learning plans. We would like to provide the following information once again.

The Board requires applicants and registrants to declare information about their practice area(s), activities and populations when they apply for registration and at renewal time. The Board is aware that some registrants have sought to expand their practice at times. In some cases, an expansion within an area of practice can be achieved, but in cases where a registrant is desirous of a more substantial change (for example, a change in competency areas), there has been no clear mechanism other than completing another graduate program in the other subject area of psychology.

The Board has been carefully considering and is planning to launch a policy for registrants who may consider expanding their scope in an ethically responsible way using a tiered process of learning plans. As you will see from the draft document, depending on the tier level of expansion, the more robust the approach required, and in the case of a "tier 3" expansion, a registered psychologist would be required to submit their learning plan to the Board.

For psychologists who would like to learn more, a draft of the policy and approach for this

process is available directly below. While the policy is not yet in force, the Board plans to roll this out during the next year.

Scope of Practice & Learning Plans – Draft Policy

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

To support this endeavour, the NSBEP is seeking to build a list of fully registered psychologists who would be available to consult with other psychologists - and possibly the NSBEP - on potential expansions of practice or competency, and learning plans. The purpose of this communication is to share information about this initiative and to gauge the interest of psychologists with serving in this capacity.

We are in early stage of gauging potential interest of volunteers who have been on the Register of Psychologists for 5 years, and we'd like to know whether you would be interested in any or all of the following:

- Peer consultation with registrants and review of their learning plans
- Advising on subject matter pertaining to learning plans
- Upon request, consulting with the NSBEP on learning plans

Depending on responses, the Board will be able to better consider what role(s) external volunteers/consultants might play in the process.

**Eligibility criteria:*

- (a) the psychologist is currently on the Register of Psychologists and has had a minimum of five years of professional experience while being on the Register of Psychologists;
- (b) the psychologist is not in default of payment of any fees prescribed by NSBEP;
- (c) the psychologist's certificate of registration has never been cancelled;
- (d) the psychologist's certificate of registration has not been suspended or subject to a term, condition or limitation as a result of a disciplinary action in the six years preceding the date of election; and
- (e) the psychologist is not the subject of an outstanding complaint with NSBEP.

Psychology, like many health professions, has maintained its ability to self-regulate, but this privilege requires members of the profession and the public to be engaged in the work of regulation.

Please reply to this email if this initiative is something you are interested in. At this point, we are not trying to recruit members, per se, but simply to gauge interest. We may follow up again with registrants in general and with psychologists who express interest.

You can express your interest to us at nsbep@nsbep.org - Please use the subject line "Scope of Practice - Learning Plans Pool".

Wishing you and yours the very best of the season,

Nova Scotia Board of Examiners in Psychology

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