

2023 Registration Review Report

Psychological Association of Manitoba



Contents

Introduction	1
State of Progress	2
Fair Practice Analysis.....	3
Recommendation.....	5
Regulator Action Plan	6
Compliance	8
Appendix I – Registration Process for Internationally Educated Applicants.....	9
Appendix II – Registration Data	10

Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for the Psychological Association of Manitoba (PAM) under authority of The Fair Registration Practices in Regulated Professions Act (act). Registration reviews are conducted at times specified by the director of fair registration practices and in accordance with the review provisions in the act, section 15.1, 15.2, and 15.3. The purpose of this review is to determine compliance with the legislation and to identify areas that may need improvement. Compliance to the legislation refers both to the fairness of assessment and registration practice, with particular attention to the fair consideration of internationally educated applicants, as well as the co-operation of the regulator with the director.

Manitoba's fairness legislation was amended in December 2021. This review is largely restricted to the consideration of compliance regarding three new duties in the Fair Registration Practices Code: a duty that assessment criteria be necessary, a duty to abide domestic trade agreements and a duty to notify FRPO regarding changes in assessment and registration practice. Outstanding issues raised in previous registration review reports may also be raised or result in further recommendation for action.

This registration review results in an FRPO statement of compliance for the regulator. Reviews that result in recommendations to change practice or policy contain an action plan response from the regulator, current as of March 2023.

To provide context, a brief description of PAM's state of progress under fairness legislation to date precedes the compliance analysis. The report also includes appendices containing a flowchart of the registration process for internationally educated applicants, as well as registration data. Data is the latest information available at the time of review completion.

State of Progress

The Psychological Association of Manitoba (PAM) is committed to the fair assessment and registration of internationally educated psychologists. Since the introduction of Manitoba's fairness legislation in 2009, PAM has worked co-operatively with FRPO and taken several measures to ensure the fair assessment and registration of internationally educated applicants (IEA).

Some of PAM's notable practices and measures promoting fair assessment and registration practice for internationally educated applicants (IEAs) include:

- offering licenses that support various levels of recognition and timely entry into practice for applicants with different levels of qualification
- developing a scoring rubric for PAM's Oral Interview to better ensure reliable and transparent assessments
- improving registration information, including appeal information and a clearer description of its various registration types and the assessment process
- working with the Association of Canadian Psychology Regulatory Organizations to implement a national, ICD application portal. The ICD portal serves as a single window of application for a number of provincial jurisdictions across the country. Documentation requirements are streamlined and helpful, step-by-step assessment and registration information is provided

Fair Practice Analysis

I. Assessment criteria must be necessary – act, 8(4)

The criteria used in an assessment of qualifications must be necessary to assess competence in the practice of the profession.

With regard to substantive assessment criteria in a profession, for instance, the type and level of academic training required or the level of scrutiny brought to assess qualifications, FRPO recognises the authority of self-regulated professions setting these standards and will only question these requirements in the circumstance they are patently unreasonable. FRPO's evaluation focuses on the ways in which criteria and requirements may be unnecessary, unduly burdensome, or potentially result in forms of systemic discrimination, particularly as they may affect internationally educated applicants (IEAs).

PAM's compliance to necessary assessment criteria

At this time, FRPO does not have concerns with the reasonableness and necessity of PAM's assessment criteria and requirements for registration. PAM is compliant with this duty. Substantive qualifications for applicants include academic training, professional experience and the completion of a North American exam.

II. Duty to comply with domestic trade agreements – act, 4 (1)

A regulated profession must ensure that its registration practices comply with the obligations of a domestic trade agreement.

The Manitoba government has labour mobility obligations that extend to regulated occupations, under both Chapter 7: Labour Mobility of the Canadian Free Trade Agreement (CFTA) and Article 13: Labour Mobility of the New West Partnership Trade Agreement (NWPTA). In Manitoba, regulated professions are required to comply with labour mobility obligations under The Fair Registration Practices in Regulated Professions Act, section 4(1), The Labour Mobility Act, section 3(1) and for health professions, under The Regulated Health Professions Act, section 32(3).

In the regulated occupations, the purpose of these obligations is to provide labour mobility through license-to-license recognition. This needs to occur without any material requirements for training, experience, examinations or assessments — CFTA, Article 705, paragraph 1, NWPTA, Article 13, paragraphs 1 and 2.

PAM's compliance to abide labour mobility obligations

PAM's labour mobility policies for individuals registered in other provincial jurisdictions applying for registration in Manitoba do not fully comply with provisions set out in the Canadian Free Trade Agreement (CFTA) and the New West Partnership Trade Agreement (NWPTA).

FRPO identifies the following concern:

Academic and internship requirements for entry into the profession vary across the country. To qualify for licensure as a registered psychologist some provincial jurisdictions require doctorate level training, but others only require master's level training. Manitoba, together with British Columbia, Ontario, New Brunswick, Prince Edward Island, and Quebec require Ph.D. level academic training. Alberta, Saskatchewan, Nova Scotia and Newfoundland and Labrador require a master's degree.

PAM will only recognise mobility applicants as registered psychologists with doctorate level training. Those with master's level training qualify for associate status registration. This policy violates the applicant's right to mobility with license-to-license recognition.

FRPO acknowledges that this may be a substantive qualification difference, that different provinces are employing different qualification standards in a way that may warrant an exception, particularly if public safety concerns are at issue. FRPO does not have authority, nor the expertise to comment on the merit of the need for an exception in this case. However, Manitoba has a process in place to consider and establish exceptions. As it stands, without an exception, PAM's current policy violates its duty to abide labour mobility obligations.

III. Notice of changes in registration practices – act, 5(2)

A regulated profession that proposes to change its registration practices, as described in the information provided under clause (1)(a), must notify the director of the proposed change, at the time and in the manner and form required by the director.

The purpose of notification is to ensure FRPO has accurate, up-to-date information about the registration practices of Manitoba regulators. This supports FRPO's oversight role and allows for proactive discussion about the fairness of proposed changes.

PAM's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice.

PAM has updated FRPO regarding several policies. They have a history of notification and consultation with FRPO and continue to comply with this duty.

Recommendation

The Fair Registration Practices Office sees the following opportunity for the Psychological Association of Manitoba to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Amend labour mobility policy to provide licence-to-licence recognition for all applicants licensed as registered psychologists in other Canadian jurisdictions regardless of education level.

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the Psychological Association of Manitoba committed to the following action plan, current as of March 2023:

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Amend labour mobility policy to provide licence-to-licence recognition for all applicants licensed as registered psychologists in other Canadian jurisdictions regardless of education level.</p>	<p>PAM accepts this recommendation. To be specific, someone from another jurisdiction who has worked as a registered Psychologist with an MA degree in psychology in another province where this was permitted under that province’s registration act and who wishes to move to or practice virtually in Manitoba will be registered as a Psychologist.</p>	<p>This will be implemented in conjunction with the approval of our new registration act.</p>

<p style="text-align: center;">Psychological Association of Manitoba</p> <p style="text-align: center;">Comments</p>
<p>We have some requests for clarification:</p> <ol style="list-style-type: none"> 1. While PAM is content to follow labour mobility legislation and is supportive of labour mobility in principle, we have concerns about this process being used by MA-level psychology providers who are registered with PAM as Psychological Associates (Independent Practice) — or in our proposed legislation as Associate Psychologists — and who then register in an MA-level province under CFTA — e.g., Alberta, are then granted the title Psychologist by that province, and who then use this second registration to argue that they should be re-registered in Manitoba as a Psychologist. Essentially, for just the cost of the registration fee in Alberta and a few weeks of paperwork, and without any need to actually move or even practise in Alberta, the person could claim a title upgrade that they were previously not eligible for under the registration act in Manitoba. We seek guidance about how we could determine who is seeking registration in Manitoba as a legitimate candidate for a labour mobility provision, and who was attempting to use labour mobility legislation to circumvent the provincial registration act where they live and work. We would note that psychology is particularly sensitive to this issue because of the ease of practising across provincial borders through telepractice.

Psychological Association of Manitoba

Comments

2. In addition to determining if an applicant to practise psychology is registered for independent practise, we also need to determine the applicant's field of practice — i.e., clinical, counselling, forensic, neuropsychology, school, etc.. This assessment also defines populations served — e.g., children, adults, organizations, etc.. Sometimes these fields of practice are endorsed or officially approved by the regulator — such as is the case in Manitoba — and sometimes they are not. An applicant for registration might have their registration “verified” by the home regulator but not the applicant's specific field or fields of practise. If the applicant's fields of practise are officially endorsed by home regulator, then it is the position of PAM to accept those fields of practise for registration in Manitoba. However, if these fields of practice are not officially endorsed, then PAM will determine the appropriateness of the fields of practise that the applicant claims. For example, if someone with a degree in school psychology and training in working with children also claims the field of practise of clinical psychology with adults — and this is not confirmed by the home jurisdiction — then we will go through a process to determine if this additional field of practise is reasonable based on the applicant's education, training and experience. Similarly, when psychology is under the RHPA, we will have reserved acts that will also need to be assessed. For example, someone could be registered as a psychology provider in another jurisdiction, and therefore eligible to practise in Manitoba under labour mobility, but they do not come from a province where reserved acts are defined — such as diagnosis — and it is not clear from their training and experience that they are sufficiently prepared to practise all of the reserved acts under our — proposed — legislation.

Fair Registration Practices Office

Clarifications

Labour mobility legislation requires license-to-license recognition and it needs to occur without the imposition of non-permissible requirements such as qualification assessments.

PAM has concern for MA-level service providers in Manitoba using out-of-province registration as a work-around to receive the 'registered psychologist' designation in Manitoba. Although an exception process is in place to consider this sort of issue, without a scope of practice difference between these designations or a pressing public safety concern, there may be no grounds to support it.

With regard to endorsed or recognised areas of practice, if a mobility applicant is registered and permitted to work in an area in their home jurisdiction, they have a right to do so in Manitoba; if not, not. Documentation may be required, but no further assessment.

Compliance

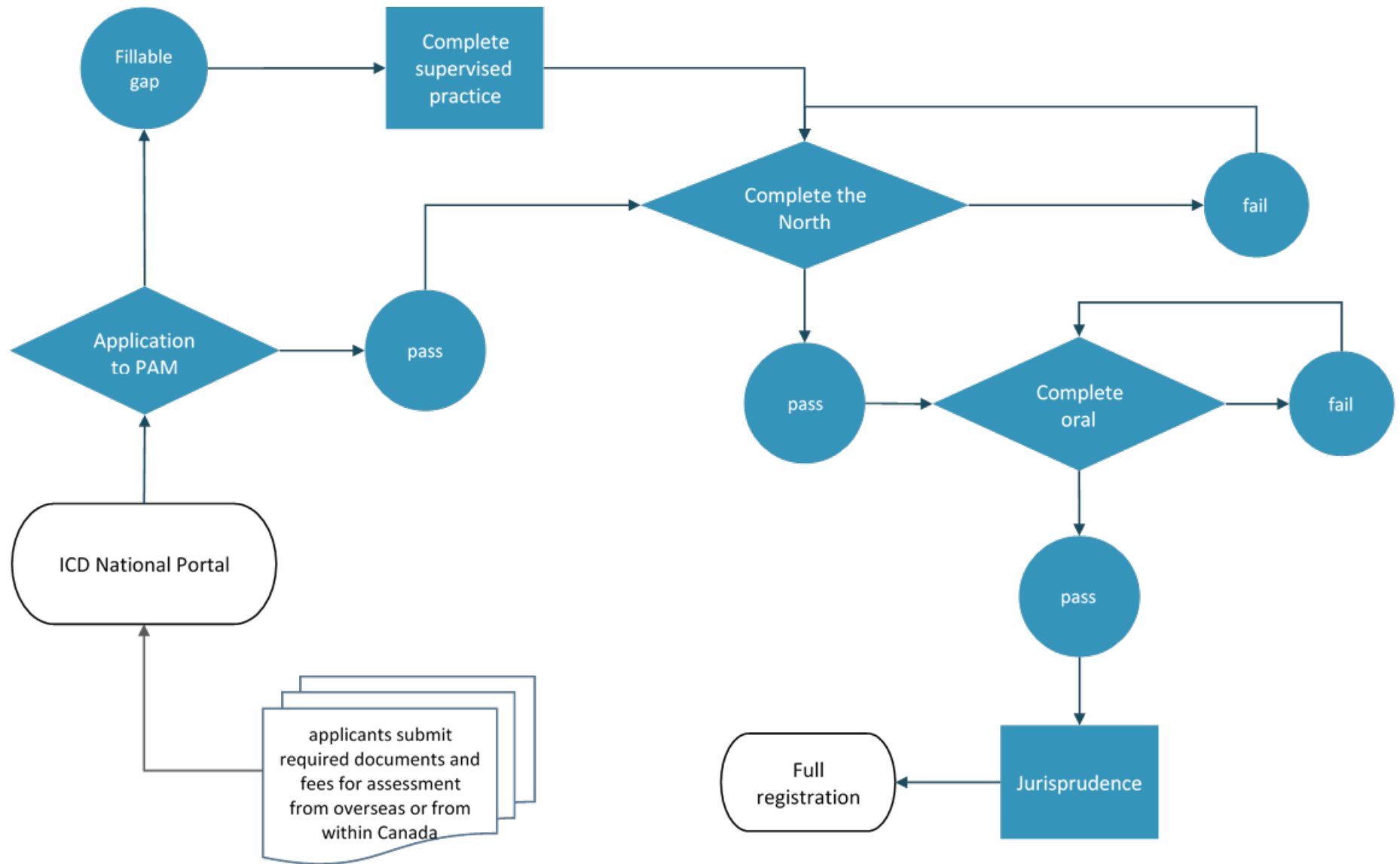
FRPO's 2023 registration review of the Psychological Association of Manitoba examines their compliance to three duties in the Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

FRPO finds PAM compliant with the duty for necessary assessment criteria and the duty to notify FRPO regarding changes in assessment in registration practices.

FRPO raises a concern about the need for PAM to provide licence-to-licence recognition for applicants licensed as psychologists in other Canadian jurisdictions, including those with master's level academic qualification.

PAM's action plan commitment addresses this concern and meets the obligations of domestic trade agreements. This action will help ensure fair practice and better compliance to The Fair Registration Practices in Regulated Professions Act.

Appendix I – Registration Process for Internationally Educated Applicants



Appendix II – Registration Data

Psychological
Association of
Manitoba



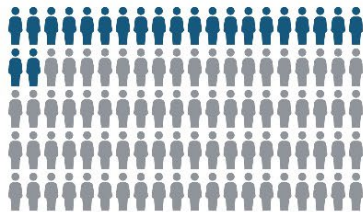
302
**Registered
Members**
(As of December 2021)

2011–2021 Internationally Educated Applicant Data



18
applications

Application Outcomes



registered - 22% | in process - 78%



Top Countries of Education



applicants were educated in **7**
different countries



Median Time to Registration

6 months

2012–2021 Domestic Applicant Data



140
applications

115 (82%)
registrations