



Ontario College of
Social Workers and
Social Service Workers

Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

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DELIVERED BY COURIER

Hon. George Smitherman
Minister of Health and Long-Term Care
10th Floor, Hepburn Block
80 Grosvenor Street
Toronto, Ontario M7A 2C4

Dear Minister,

On behalf of the Council of the Ontario College of Social Workers and Social Service Workers (OCSWSSW), I thank you for the opportunity to respond to the report submitted by the Health Professions Regulatory Advisory Council (HPRAC) "Regulation of Health Professions in Ontario: New Directions". "New Directions" is a very comprehensive report which thoughtfully addresses many complex issues.

The OCSWSSW has participated in a number of HPRAC consultations including a response to the 2001 HPRAC report "Adjusting the Balance", and more recently in regard to the consultation on the currency of, and any additions to, the 2001 HPRAC report, the Regulation of Psychotherapy and the Regulation of Personal Support Workers.

The OCSWSSW is a self-regulatory College, established on March 1, 1999 by the *Social Work and Social Service Work Act, 1998* (SWSSWA) when the transitional provisions of the Act were brought into force. On August 15, 2000 after a transitional period during which the infrastructure for the OCSWSSW was established and registration of members of the College was begun, the regulatory provisions of the Act were brought into force. To date the OCSWSSW has more than 11,000 members in the social work and social service work professions.

Although the OCSWSSW reports to the Minister of Community and Social Services, social workers and social service workers are employed in a broad range of settings in which health care is delivered, including hospitals, psychiatric facilities, long-term care facilities, centres for community or mental health, among others. Approximately 50% of the members of the College are employed in the health care field and work in close collaboration with regulated health professionals. Though some are employed as administrators, educators and researchers, most provide direct service to individuals, families and groups. Additionally, many social workers provide psychotherapy services, often in a private practice setting.

Social workers help and empower individuals, families and communities to resolve problems that affect their day-to-day lives. Social workers help identify the source of stress or difficulty, make assessments, mediate between conflicts, offer various forms of counselling and therapy, and help people to develop coping skills and find effective solutions to their problems.

Social service workers work with a wide range of clients and, in doing so, use assessment, evaluation and referral skills. Furthermore, social service workers develop an appropriate treatment and/or action plan for the particular client group with whom they are working.

The OCSWSSW will address issues from “New Directions” that have the potential to impact on the OCSWSSW in carrying out its statutory responsibilities and on its members. Specifically, we will comment on Chapter 2 – Legislative Framework: 6.0 The Harm Clause, 7.1 The Doctor Title and 13. Confidentiality Provisions, as well as Chapter 7, The Regulation of Psychotherapy.

Chapter 2 – Legislative Framework

6.0 The Harm Clause (Recommendations 49 and 50)

The OCSWSSW is in agreement that the health of an individual encompasses mental health as well as physical health, and that the harm clause should include physical, psychological and emotional harm. Further, the OCSWSSW agrees that it is important to include a definition of "bodily harm" and that the threshold for breach of the harm clause should be "serious bodily harm", which is consistent with other provincial statutes.

However, the OCSWSSW is concerned that the recommended changes do not consider the services provided by regulated professions that are not governed by the RHPA, specifically, social work and social service work. The practice of a social worker or social service worker involves and affects the psychological or emotional health or well-being of his or her clients. The scope of practice of the profession of social work, approved by by-law, is the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal problems through the use of social work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum psychosocial and social functioning. The scope of practice of the profession of social service work, approved by by-law, is the assessment, treatment and evaluation of individual, interpersonal and societal problems through the use of social service work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum social functioning. If recommendations 49 and 50 are implemented, without further change to section 30, it appears that members of the OCSWSSW would be in breach of the harm clause when providing services to their clients in the ordinary course of the practice of social work or social service work. This would create a serious risk that members of the public will be denied access to services that are currently provided to the public by regulated and qualified professionals, that is, social workers and social service workers who are members of the OCSWSSW. Members of the OCSWSSW are qualified to perform these services and are regulated in the public interest. The OCSWSSW has approved, by by-

law, standards of practice for its members, including the scope of practice for each profession referred to above.

OCSWSSW notes that a number of health-related statutes and regulations recognize the role of members of OCSWSSW with regard to health, such as the *Health Care Consent Act*, *Substitute Decisions Act*, and *Mental Health Act*. The OCSWSSW also notes that HPRAC recognizes the role of OCSWSSW in regulating its members in the public interest by recommending, in Chapter 7, The Regulation of Psychotherapy, that qualified social work members of the OCSWSSW who provide psychotherapy be authorized to practise within the scope of practice of psychotherapy.

The OCSWSSW proposes that its members be treated in the same manner as members of the regulated health professions are treated under section 30(1) and, keeping in mind that the SWSSWA does not include a legislated scope of practice, the OCSWSSW recommends that a new subsection be added to section 30 as follows:

"Subsection 30(1) does not apply with respect to a member of the Ontario College of Social Workers and Social Service Workers who is acting in the course of the practice of social work or social service work."

Chapter 2 – Legislative Framework

7.1 The Doctor Title (Recommendation 51)

A significant number of social work members of the OCSWSSW have attained a PhD, following a graduate degree, most often a Master of Social Work degree. These members use the designation “RSW” after their name, in accordance with the Registration Regulation made under the *Social Work and Social Service Work Act*, and thereby inform the public that they are registered social workers. Like other professions, these members often combine clinical practice with research, which is critical to ensure that a transfer of knowledge takes place. The OCSWSSW notes that the use of the doctor title in Ontario is more restrictive than in other jurisdictions and would favour amendments to the relevant sections of the RHPA regarding the doctor title. However, the OCSWSSW is concerned that, even with the proposed amendments, there would continue to be unwarranted restrictions imposed on members of the OCSWSSW. Specifically, there is concern regarding the proposed wording of section 33 (2) (a) “is a member of a College”, which would restrict the exception to members of regulated health profession colleges. Concern also is expressed about the proposed wording of section 33 (2) (b): “holds an earned doctorate degree in the discipline in which the person is registered by the College”. A significant number of OCSWSSW members who have attained a PhD after completing a Master of Social Work degree have done so by attaining the degree through a related field, and not specifically in social work. Examples of this are OCSWSSW members, who after completing their MSW have attained a PhD through the University of Toronto Joint Centre for Bioethics or the Institute of Medical Sciences. These individuals combine their clinical skills with research skills and knowledge, and continue to work in health care settings. Although the doctorate is, in these situations, not conferred by a Faculty of Social Work, it is the view of the OCSWSSW that this doctorate should be recognized. The OCSWSSW is also concerned about the proposed wording of the

definition of "earned doctorate degree". Typically, the doctorate degree program of an educational institution is not accredited or approved by a certifying body.

Accordingly, the OCSWSSW recommends that section 33(2) be amended as follows:

"(2) Subsection (1) does not apply to a person who,

- (a) is a member of a College or the Ontario College of Social Workers and Social Service Workers; and
- (b) holds an earned doctorate degree in the discipline in which the person is registered by the College referred to in paragraph (a), or a related discipline."

The OCSWSSW also recommends that the following amendment to section 33(3) be made:

"(3) In this section,

'abbreviation' ...

'earned doctorate degree' means a doctorate degree granted by an educational institution recognized by the College referred to in clause (a) of subsection (2)."

Chapter 2 – Legislative Framework

13. Confidentiality Provisions (Recommendation 70)

The OCSWSSW would favour amendments that allow RHPA colleges to disclose information when the purpose of the disclosure is to protect the public interest and members of the public from harm. The OCSWSSW is concerned, however, that the proposed wording does not permit the disclosure of information to the OCSWSSW. Since members of the OCSWSSW practise with members of the regulated health professions in health care settings, such disclosure would support the regulation of social workers and social service workers in the public interest.

The OCSWSSW recommends that the following amendment to section 36(2)(c) be made:

"(c) disclosure to a body that governs a profession in Ontario or in a jurisdiction other than Ontario;" [*"health" has been deleted*]

Chapter 7 – Regulation of Psychotherapy (Recommendations 1, 2, 3, 8, 9, 15)

The OCSWSSW is pleased that recognition is given to the existing regulatory bodies whose members provide psychotherapy services, and that it is recognized that social work members of the OCSWSSW who are competent to do so, provide psychotherapy. The OCSWSSW is also in agreement that the provision of psychotherapy services carries with it a significant risk of harm to recipients of these services, who are often emotionally vulnerable. Due to this inherent risk, the OCSWSSW is also in agreement that currently unregulated psychotherapy practitioners should be regulated in the public interest, and that this should occur under the authority of the RHPA and through title protection and an

enforceable scope of practice. The OCSWSSW concurs that existing Colleges, whose members provide psychotherapy services should develop, implement and enforce minimum qualifications and standards of practice specific to psychotherapy.

The OCSWSSW is of the opinion that the knowledge base that social workers acquire in their undergraduate and graduate social work studies is the building block for advanced training in psychotherapy. It therefore follows that the OCSWSSW would be the appropriate body to evaluate and to regulate individuals who have social work educational credentials and practise psychotherapy. The OCSWSSW views the new College of Psychotherapists as the appropriate body for individuals who are not eligible to become registered in an existing regulatory body. The OCSWSSW proposes that this principle be embodied in the legislative framework for the new College of Psychotherapists.

A concern arises in regard to the potential for a member of the OCSWSSW whose certificate of registration has been suspended or revoked or who has terms, conditions or limitations on his or her certificate of registration, to become a member of the new College of Psychotherapists and “start afresh”, posing a risk of harm to the public. The OCSWSSW notes that under the Registration Regulation made under the SWSSWA, an applicant must disclose “every finding of professional misconduct, incompetence or incapacity.....made by a professional association or other body that has self-regulatory responsibility” and would want to ensure that similar safeguards will be effected with the new college.

An additional concern arises in regard to the proposed scope of practice. It is possible that members of the OCSWSSW competently perform activities that could fall under this definition, but are not referred to as psychotherapy, and further that they may not fulfill the requirements to practise psychotherapy. This concern is not adequately addressed by the exemption for "counsellors providing information, encouragement, advice or instruction about emotional, social, educational or spiritual matters", especially since "treatment that goes beyond the bounds of counselling" would not be exempted. The OCSWSSW suggests that a clearer distinction be made between psychotherapy, counselling and other interventions, to ensure that the scope of practice captures only psychotherapy.

To conclude, I wish to thank you again on behalf of the Ontario College of Social Workers and Social Service Workers for the opportunity to comment on the HPRAC report “New Directions”. We look forward to working collaboratively with the Ministry of Health and Long-Term Care, HPRAC and the RHPA Colleges on the implementation of recommendations that affect the OCSWSSW. Please feel free to contact me if you would like any additional information or assistance.

Sincerely,

[signature on original letter]

Glenda McDonald M.S.W., RSW
Registrar

Cc:

Hon. Madeleine Meilleur
Minister of Community and Social Services

Ms. Barbara Sullivan
Chair, Health Professions Regulatory Advisory Council

Ms. Lynn MacDonald
Assistant Deputy Minister
Social Policy Development Division

RHPA Review Project – *electronic copy*

HPRAC Webmaster – *electronic copy*