



April 26, 2024

Sent via e-mail

Dear Tony DeBono,

RE: Risk Rating for the College of Psychologists of Ontario

The purpose of this letter is to communicate the 2023 / 24 final risk rating for the College of Psychologists of Ontario (the CPO or the college). The letter includes background information on the risk assessment process, describes both positive practices and risks that the Office of the Fairness Commissioner (OFC) identified for your health college, and articulates next steps.

Background:

In November 2023, the OFC implemented the second iteration of its Risk-informed Compliance Framework (RICF). Under this framework, the OFC assesses each regulator's operations against five risk factors that may impede the regulator's ability to apply fair registration practices for the licensure of domestic and internationally trained applicants.

The risk assessment process may produce one of three risk ratings: low, moderately low and moderate to high. The OFC tailors its compliance strategy according to the risk rating obtained, to assist regulators to address the most significant risks and barriers to fair registration practices.

For the 2023 / 24 risk assessment cycle, the five risk factors are set out below:

1. Organizational capacity.
2. The overall control that a regulator exerts over its assessment and registration processes.
3. The impact of major changes to registration practices and relations with third-party service providers.
4. The ability of the regulator to comply with newly introduced legislative and / or regulatory obligations.

5. Public policy considerations:

- i. Addressing labour market shortages.
- ii. The ability to promote inclusion and address anti-racism concerns in registration processes.

More detail on indicators associated with these risk factors can be found in the OFC's Risk-informed Compliance Framework and Policy.

Positive Initiatives that the CPO Is Planning or Has Adopted

Before providing an analysis of how these risk factors apply to the CPO, the OFC would like to highlight several positive initiatives that the college has either initiated or adopted to improve registration outcomes for applicants to the profession. More particularly, the CPO has:

- Developed and implemented a new framework for the regulation of applied behaviour analysts in Ontario.
- Worked on creating a strong mentorship model that provides new supervisors with additional resources to assist applicants to the profession.
- Taken steps to modernize its registration application system with more data tracking capabilities and tools to transition over to the new system.
- Advised the OFC that it has engaged two highly respected consultants to provide training to CPO Council members on right touch regulation.

The OFC wishes to acknowledge the college's achievements and to commend both management and council members for their willingness to explore how they assess and license applicants to the psychology profession.

Risk Assessment of the CPO's Registration Practices:

For each of the identified risk factors, the OFC has assessed both the probability that the risk will occur and the significance of the consequences.

In undertaking this risk assessment for the CPO, your OFC compliance analyst, Sola Joseph, has carefully examined the college's 2022 Fair Registration Practices Report and the supplementary 2023 RICF questionnaire. We also benefited from a follow-up meeting with the CPO, convened on April 12, 2024, to discuss our provisional risk rating for the college. Sola has also discussed her key findings with the Fairness Commissioner and OFC management.

The OFC's analysis has identified the following risk factors associated with your organization:

- Addressing labour market shortages.
- Organizational capacity.
- The ability to promote inclusion and address anti-racism concerns in registration processes.

Addressing Labour Market Shortages:

Under the RICF policy and framework, a regulator may be subject to this risk if its registration processes are not helping to address critical labour shortages in its occupational sphere.

Some factors to consider in determining the likelihood that the risk will occur include (1) evidence of material labour shortages within the profession coupled with inefficient, slow and / or unduly restrictive registration processes and (2) whether the regulator's Canadian experience requirement or supervised practice programs add unreasonable time and / or expense to the registration process, or otherwise compromise the public interest.

Some factors to consider in determining the overall impact of the risk include whether the supply and demand imbalance of the profession in the labour market is significant and whether the services that the category of professional performs are of critical importance to members of the public and / or the economy.

Based on the Canadian Occupational Projection System (COPS), the projected supply and demand situation for the psychology profession between 2022 and 2031 is described as "shortage."¹ The OFC appreciates that there are different views on whether the origins of this problem involve an actual shortage of mental health professionals, the unequal distribution of practitioners across the province and / or a preference for many practitioners to work in private practice, as opposed to institutional settings, or a combination of these considerations.

Nonetheless, many Canadians believe that there is a mental health crisis in the country and that the challenges associated with obtaining timely mental health services have exacerbated this situation.

¹ The Canadian Occupational Projection System (COPS) is a suite of models developed by Employment and Social Development Canada (ESDC) to project labour demand and labour supply, and identify labour market imbalances (shortage/surplus) for 293 occupational groupings at the national level, covering the entire workforce for the 2022-2031 period.

In the OFC's view, the CPO has adopted a number of restrictive assessment and supervised practice requirements that collectively add time and expense to the registration process.

For example, the college's requirement for all candidates for licensure as psychologists to possess PhDs, while undoubtedly raising the academic credentials of applicants, may also disqualify worthy candidates. Similarly, the college's policy to not permit internationally trained candidates with doctoral degrees to remediate any gaps in their training, and to require that they retake their degrees, also serves as a barrier to registration.

The OFC notes that other regulators of the psychology profession in Canada and internationally have taken more flexible approaches to these issues which the college may wish to consider.

In addition, the college currently mandates that all internationally trained applicants complete 1,500 hours of supervised practice hours in Ontario under the oversight of an experienced CPO member. This requirement often negates years of clinical experience that the candidates have obtained in their home jurisdictions, while imposing heavy financial burdens.

The OFC would note that several other Ontario professions have taken a more flexible approach to experiential requirements. These include processes to abridge or eliminate local supervisory requirements depending on the competencies and relevant experience attributable to individual candidate. The OFC would invite the college to consider whether there is some flexibility that could be built into its current experiential requirements and is encouraged by our recent positive dialogue on this topic.

Organizational Capacity:

Under the RICF policy and framework, a regulator may be subject to this risk if it lacks experience in meeting compliance obligations or has not developed adequate processes to efficiently receive, assess and process licensure applications. A factor to consider in determining the likelihood that the risk will occur involves the pattern of appeals that applicants have filed with the courts, the Health Professions Appeal and Review Board (HPARB), or other arms-length appeals bodies, as well as the nature of the issues raised and their disposition.

The OFC recently undertook an analysis of the number and pattern of appeals that CPO applicants had filed with HPARB over the 2021-23 time-period. This review found that there were 14 appeals in total. In three of these cases, (21%), HPARB returned the original decision to the college for reconsideration.

This figure represents the second highest number of registration-themed appeals that applicants to a regulated health college brought before HPARB during this time frame. In addition, the 21% return rate constitutes the largest proportion of cases that the tribunal remitted back to a regulator for reconsideration.

Further, it appears that many of these appeals dealt with recurring issues regarding the sufficiency of online learning programs. HPARB has recommended that CPO take a more flexible approach to accept these programs and to, thereby, recognize the evolution of professional education towards more hybrid and remote-learning scenarios.

It should also be noted that the OFC raised similar issues with the college in its 2022 risk assessment letter. We are encouraged that the college has begun to evaluate these statistics more thoroughly and look forward to further dialogue on this subject.

Ability to Promote Inclusion and Address Anti-racism Concerns in Registration Processes

Under the RICF policy and framework, a regulator may be subject to this risk if it has not, among other things, established policies, processes and implementation mechanisms to promote inclusion and anti-racism principles in its assessment and registration practices.

In determining the likelihood that this risk will occur, the OFC will consider the extent to which the regulator has taken steps to embed an inclusion / anti-racism culture in its registration processes and decisions, such as how it treats applications from racialized and internationally trained professionals, and its position on the collection of race-based data.

The overall impact of the risk would be more substantial where, among other things, (1) there are deficiencies in the regulator's ability to successfully register racialized and internationally trained candidates, along with documented concerns of racism or discrimination and (2) there is evidence that racialized populations are underserved by the profession, or documented concerns about the impact of systemic racism in a service system.

Based on statistics that the OFC has reviewed, and discussions with CPO officials, there is a consensus that there are gaps in supply of racialized and Indigenous psychologists in Ontario, coupled with access to care concerns for racialized populations.

These statistics necessarily lead to questions about the presence of structural or systemic discrimination in the education and licensure programs through which candidates must navigate to become licensed to practice psychology. Under-representation of racialized and Indigenous psychologists contributes to labour market deficits and inhibits the ability of the profession to meet the mental health needs of the province's diverse population in a more comprehensive fashion.

There are several groups accountable for increasing the diversity of the psychology profession, starting at the postgraduate educational level, and running through the assessment and licensure processes. In this regard, the OFC would encourage all parties to continue to pursue the collection of race-based data to help diagnose problems and to assume leadership roles to promote a robust diversity and anti-racism agenda.

Based on the OFC's recent meetings with the Registrar and Executive Director of the college and leadership of the Canadian Psychology Association, the OFC is encouraged by the renewed commitment of these two organizations to address inclusion and anti-racism issues.

Risk Assessment and Next Steps

Following a review of these considerations, the OFC has determined that the CPO should be placed in the moderate to high-risk category for the period April 1, 2024, to March 31, 2026.

As a moderate to high-risk regulator, the RICF policy specifies that the regulated health college must complete a compliance action plan and that OFC will meet with the regulator on a bi-monthly basis to review the progress made. The plan should address the following priorities identified through the risk assessment process:

1. *Consider opportunities to employ a more flexible approach to assessment and registration requirements to address barriers to licensure and fill labour market gaps.*
This could include:
 - a. Shifting the college's approach from focusing on credentials to recognizing competencies and supporting programming to remediate specific competency gaps identified for individual applicants. This step could involve opportunities to collaborate with funding agencies, post-secondary institutions, and bridge training providers to fill missing micro-credentials, as well as developing criteria to recognize remote-learning courses.
 - b. Adopting a more flexible approach to the supervised practice requirement. This step could involve a way to recognize supervised practice in the applicant's home jurisdiction and / or a competency-based approach where clinical experience can be assessed against a set of defined criteria.
2. *Continue to review the college's response to HPARB decisions more systematically.*
This step could involve establishing a more robust process for identifying repetitive issues and considering potential policy revisions in light of HPARB decisions and the underlying rationale for these determinations.
3. *Engage in more proactive consultation on inclusion and anti-racism concerns with impacted stakeholders.* This item could involve building additional awareness of these topics among council members and staff and initiating further dialogue with equity seeking groups and psychology programs to surface and address systemic barriers to registration.

Given the college's current plans to review its registration practices, the OFC would be prepared to revisit this risk rating during the currency of the assessment period with evidence of implementation successes.

Please note that your Compliance Analyst, Sola Joseph, will provide a template to help you complete a compliance action plan to address the risks and recommendations outlined above. Should you have any other questions or concerns regarding the results of the 2023/24 Risk Assessment, please contact Sola at Sola.Joseph@ontario.ca.

Before leaving this discussion, we wish to note that, on March 21, 2024, CPO's council passed a recommendation to pursue amendments to its registration regulation to discontinue master's level registration. The recommended amendments would need to be endorsed by the Ontario Ministry of Health.

On first impression, this approach could create barriers to registration for both domestic and internationally trained psychologists. In addition, the implementation of this proposal would represent a major change to registration practices, which is an additional risk factor identified in the OFC's framework. As this proposal is considered, we would welcome further dialogue with the college.

We look forward to continuing to work collaboratively with you to advance fair registration practices in the psychology profession.

Sincerely,

Ming-Young Tam
Director, Office of the Fairness Commissioner

cc. Irwin Glasberg, Fairness Commissioner for Ontario
Tanya Chute Molina, Manager of Business and Operational Planning, OFC
Sola Joseph, Compliance Analyst, OFC