1991

c 38 Psychology Act, 1991/Loi de 1991 sur les psychologues

Ontario
HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

“College” means the College of Psychologists of Ontario; (“Ordre”)


“member” means a member of the College; (“membre”)

“profession” means the profession of psychology; (“profession”)

“this Act” includes the Health Professions Procedural Code. (“la présente loi”)

2.—(1) The Health Professions Procedural Code shall be deemed to be part of this Act.

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the College of Psychologists of Ontario; (“ordre”)

“health profession Act” means this Act; (“loi sur une profession de la santé”)

“profession” means the profession of psychology; (“profession”)

“regulations” means the regulations under this Act. (“règlements”)

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

3. The practice of psychology is the assessment of behavioral and mental conditions, the diagnosis of neuropsychological disorders and dysfunctions and psychotic, neurotic and personality disorders and dysfunctions and the prevention and treatment of these conditions.
of behavioral and mental disorders and dysfunctions and the maintenance and enhancement of physical, intellectual, emotional, social and interpersonal functioning.

4. In the course of engaging in the practice of psychology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to communicate a diagnosis identifying, as the cause of a person's symptoms, a neuropsychological disorder or a psychologically based psychotic, neurotic or personality disorder.

5. The Ontario Board of Examiners in Psychology is continued under the name College of Psychologists of Ontario in English and Ordre des psychologues de l'Ontario in French.

6.—(1) The Council shall be composed of,
(a) at least five and no more than seven persons who are members elected in the prescribed number and manner;

(b) at least five and no more than eight persons appointed by the Lieutenant Governor in Council who are not,
   (i) members,
   (ii) members of a College as defined in the Regulated Health Professions Act, 1991, or
   (iii) members of a Council as defined in the Regulated Health Professions Act, 1991; and

(c) two or three persons selected in the prescribed manner from among members who are faculty members of a department of psychology of a prescribed university in Ontario.

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

7. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.

8.—(1) No person other than a member shall use the title "psychologist" or "psychological associate", a variation or abbreviation or an equivalent in another language.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a psychologist or psychological associate or in a specialty of psychology.
(3) A person who is not a member contravenes subsection (2) if he or she uses the word "psychology" or "psychological", an abbreviation or an equivalent in another language in any title or designation or in any description of services offered or provided.

(4) Subsections (1) and (3) do not apply to a person in the course of his or her employment by a university.

(5) In this section, "abbreviation" includes an abbreviation of a variation.

9.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the Regulated Health Professions Act, 1991, a suggested:

(a) amendment to this Act;
(b) amendment to a regulation made by the Council; or
(c) regulation to be made by the Council.

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion.

10. Every person who contravenes subsection 8 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for a first offence and not more than $10,000 for a subsequent offence.

11. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations respecting the qualifications, number, selection and terms of office of Council members who are selected.

12. A person who, on the day before this Act comes into force, is registered under the Psychologists Registration Act, being chapter 404 of the Revised Statutes of Ontario, 1980, shall be deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject.

13.—(1) The transitional Council is the Ontario Board of Examiners in Psychology as it exists from time to time between the day this Act receives Royal Assent and the day it comes into force.

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and com-
mittees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

Idem

(4) The Minister may,

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the Regulated Health Professions Act, 1991.

Idem

(5) If the Minister requires the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Idem

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Idem

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

Idem

14.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first.

et ses comités peuvent faire tout ce qui est nécessaire ou souhaitable en prévision de l'entrée en vigueur de la présente loi et tout ce que le conseil, ses employés et ses comités pourraient faire en vertu de la présente loi si elle était en vigueur.

Idem

(3) Sans préjudice de la portée générale du paragraphe (2), le conseil transitoire peut nommer un registrateur, et ce dernier ainsi que les comités du conseil peuvent recevoir et traiter les demandes de délivrance de certificat d'inscription, imposer les droits relatifs aux demandes et délivrer les certificats d'inscription.

Idem

(4) Le ministre peut :

a) exercer un contrôle sur les activités du conseil transitoire et exiger de celui-ci qu'il fournisse des rapports et des renseignements;

b) exiger du conseil transitoire qu'il prenne, modifie ou abroge un règlement aux termes de la présente loi;

c) exiger du conseil transitoire qu'il fasse tout ce qui est nécessaire ou souhaitable, de l'avis du ministre, pour réaliser l'intention de la présente loi et de la Loi de 1991 sur les professions de la santé réglementées.

Idem

(5) Si le ministre exige du conseil transitoire qu'il prenne l'une ou l'autre mesure prévue au paragraphe (4), le conseil transitoire doit, dans le délai et de la manière précisés par le ministre, satisfaire à l'exigence et présenter un rapport.

Idem

(6) Si le ministre exige du conseil transitoire qu'il prenne, modifie ou abroge un règlement en vertu de l'alinéa (4) b) et que le conseil transitoire n'obtempère pas dans les soixante jours, le lieutenant-gouverneur en conseil peut prendre, modifier ou abroger le règlement.

Idem

(7) Le paragraphe (6) n'a pas pour effet d'autoriser le lieutenant-gouverneur en conseil à faire quoi que ce soit que le conseil transitoire n'est pas habilité à faire.

Idem

(8) Le ministre peut rembourser le conseil transitoire des frais engagés pour satisfaire à une exigence prévue au paragraphe (4).

Idem

14. (1) Après l'entrée en vigueur de la présente loi, le conseil transitoire devient le conseil de l'Ordre s'il est constitué conformément au paragraphe 6 (1). S'il ne l'est pas, il est réputé le conseil de l'Ordre jusqu'à ce qu'un nouveau conseil soit constitué conformément au paragraphe 6 (1) ou jusqu'à ce qu'un an se soit écoulé, selon la première de ces deux éventualités.
(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council.

15.—(1) This Act, except section 13, comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 13 comes into force on the day this Act receives Royal Assent.

(3) Despite subsection (1), section 80 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

(4) Despite subsection (1), section 84 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until one year after this Act comes into force.