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SNL2005 CHAPTER P-34.1

PSYCHOLOGISTS ACT, 2005

Amended:

2012 c24

CHAPTER P-34.1

**AN ACT RESPECTING THE REGISTRATION OF
PSYCHOLOGISTS**

(Assented to December 13, 2005)

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*Be it enacted by the Lieutenant-Governor and House of Assembly in
Legislative Session convened, as follows:*

Short title

1. This Act may be cited as the *Psychologists Act, 2005*.

[2005 cP-34.1 s1](#)

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Definitions

2. In this Act
 - (a) "board" means the Newfoundland and Labrador Psychology Board;
 - (b) "by-laws" means the by-laws made by the board under section 34 and the *Corporations Act* ;
 - (c) "director" means a person appointed or elected to the board under section 3 or 4 ;
 - (d) "minister" means the minister appointed under the *Executive Council Act* to administer this Act; and

- (e) "registered psychologist" means a person whose name is on the register of psychologists and whose registration is not suspended, cancelled or withdrawn.

[2005 cP-34.1 s2](#)

PART I BOARD

[2012 c24 s1](#)

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Board

3. (1) The Newfoundland Board of Examiners in Psychology is continued under the name Newfoundland and Labrador Psychology Board as a corporation without share capital for the purposes of Part XXI of the *Corporations Act* .

(1.1) The objects of the board include

(a) the promotion of

(i) high standards of practice, and

(ii) continuing competency and quality improvement through continuing education;

(b) the administration of a registration program; and

(c) ensuring that the public interest is protected by the administration of a quality assurance program and a discipline process.

(2) The board consists of

(a) 5 directors elected from and by registered psychologists in accordance with the by-laws;

(b) 2 directors appointed under section 4 who are not registered psychologists; and

(c) the registrar of the board appointed under section 6 who shall not have the right to vote.

(3) The board shall elect from among the directors a chairperson.

(4) The chairperson shall chair all meetings of the board and the annual general meeting required under section 5 .

(5) A director may be elected for a term set by the by-laws which shall not exceed 3 years and is eligible to be re-elected, but shall not hold the office of director for more than 9 consecutive years.

(6) An elected director may resign the office of director by written notice to the board.

(7) Where an elected director resigns, dies or becomes incapable of performing the duties of a director, the remaining directors shall appoint a replacement to serve until the next annual general meeting.

[2005 cP-34.1 s3; 2012 c24 s2](#)

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Appointment by minister

4. (1) The minister shall appoint as directors 2 persons who are not registered psychologists who are suitable to represent the public interest.

(2) A person appointed under subsection (1) holds office for a term of 3 years and is eligible to be re-appointed.

(3) Where a person appointed under subsection (1) holds office for a period of 9 consecutive years the person is not eligible for appointment as a director until the expiration of 12 months from the end of the year in which he or she was last a director.

(4) Where the term of office of a person appointed under this section expires, he or she continues to be a director until re-appointed or replaced.

(5) The board shall pay the expenses of a person appointed to the board under this section in accordance with guidelines established by the Lieutenant-Governor in Council.

(6) A person appointed under subsection (1) may be removed from office by the minister before the expiration of his or her term of office and no compensation shall be paid to him or her other than an amount owing under subsection (5).

(7) A person appointed under subsection (1) may resign from the board by written notice to the minister.

[2005 cP-34.1 s4](#)

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Meetings

5. (1) A quorum of the board is 4 directors, one of whom is an appointed director.

(2) Except where prohibited in the by-laws, a director may, where all the directors consent, participate in a meeting of the board by means of the telephone or other telecommunication device that permits all persons participating in the meeting to communicate with each other.

(3) Where a quorum under subsection (1) exists, a majority of that number is sufficient to make a decision, and in the event of a tie the chairperson of the meeting shall cast the deciding vote.

(4) The board shall hold, in accordance with the by-laws, an annual general meeting of the registered psychologists at which

- (a) the election for the board shall be held; and
- (b) an auditor shall be appointed to audit the accounts of the board and report on the financial statements prepared by the board.

(5) The board may in its by-laws provide for voting at a meeting of registered psychologists by mail or electronic means.

[2005 cP-34.1 s5](#)

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Registrar

6. The board shall appoint a person to be the registrar, and the registrar is, by virtue of his or her office, a non-voting director.

[2005 cP-34.1 s6](#)

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Annual report

7. (1) The board shall prepare and submit to the minister before July 1

- (a) a report on the activities of the board; and
- (b) the board's audited financial statements.

(2) Where the board fails to comply with subsection (1), the board is guilty of an offence and on summary conviction may be fined \$1,000.

[2005 cP-34.1 s7](#)

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Powers of board

8. The board may

- (a) acquire real or personal property by any manner including by gift, devise, bequest or purchase and may sell, lease, mortgage, alienate or otherwise charge or dispose of the property;
- (b) borrow money and secure repayment of it by debenture, bond, mortgage, deed of trust or other instrument that it considers necessary

or convenient; and

- (c) make investments of its money in bonds, debentures, mortgages, stocks, shares and other securities.

[2005 cP-34.1 s8](#)

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Duties of registrar

9. (1) The registrar is the secretary of the board and shall

- (a) keep a record of the proceedings of the board;
- (b) maintain a register containing the names of the persons holding certificates of registration together with other information that the board may require;
- (c) maintain a website which shall be available to the public and shall include
 - (i) the annual report,
 - (ii) the register,
 - (iii) the regulations,
 - (iv) the by-laws, and
 - (v) other information required by the regulations; and
- (d) carry out other duties required by the Act and the regulations or as may be assigned by the board.

(2) The registrar shall make the registers of the board available for inspection by the public on reasonable notice and at reasonable times.

(3) Upon request, and the payment of a reasonable fee, the board shall provide the information on its website in paper form.

[2012 c24 s3](#)

PART II REGISTRATION

[2012 c24 s4](#)

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Application for registration

10. A person may apply for registration under this Act where he or she

- (a) holds a doctoral degree or a master's degree in a program of study in psychology from an educational institution satisfactory to the board;
- (b) meets to the board's satisfaction the required competencies as specified in "Guidelines for Evaluation of Applicants for Registration as a Psychologist" or a successor document adopted by the board;
- (c) has obtained professional liability coverage in a form and amount satisfactory to the board;
- (d) has paid the registration fee set by the board;
- (e) submits an application in the form prescribed by the board; and
- (f) satisfies other requirements prescribed in the regulations.

[2012 c24 s5](#)

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Full registration

10.1 (1) The board may grant full registration to a person where the person

- (a) meets the requirements in section 10;
- (b) completes to the board's satisfaction the examination prescribed by the board; and
- (c) has
 - (i) where he or she holds a doctoral degree, at least one year of professional experience, or
 - (ii) where he or she holds a master's degree, at least 2 years of professional experience

in the field of psychology satisfactory to the board that was obtained after the degree and was supervised to the satisfaction of the board.

(2) The registrar shall issue an annual certificate of registration on approval of an application which shall expire on December 31 of the year for which it is issued.

(3) A registered psychologist may apply for a renewal of his or her annual certificate and where he or she meets the requirements of subsection (1) the registrar shall issue an annual certificate under subsection (2).

[2012 c24 s6](#)

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Provisional

registration

11. (1) The board may grant provisional registration to a person

(a) where the person meets the requirements in section 10 but does not meet the requirements in paragraphs 10.1(b) and (c); and

(b) in other circumstances considered appropriate by the board.

(2) Provisional registration may be subject to the terms, conditions and limitations that may be set out by the board, including those respecting professional supervision and the specific location for which the registration is valid.

(3) Provisional registration is valid until December 31 of the year for which it is issued and the board may, on application, renew a provisional registration.

(4) Notwithstanding section 31 , a person provisionally registered may, subject to the terms, conditions and limitations set by the board under subsection (2), use the designation "psychologist".

[2005 cP-34.1 s11](#); [2012 c24 s7](#)

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Temporary registration

11.1 (1) The board may grant temporary registration to a person where the person

(a) submits proof satisfactory to the board that he or she is registered in another jurisdiction and that his or her registration is not subject to any terms or conditions; and

(b) pays the fee set by the board.

(2) Temporary registration is valid for 30 days and the board may, on application, renew a temporary registration once in a 12 month period.

[2012 c24 s8](#)

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Registration altered

12. Where the registration of a psychologist is cancelled, suspended, withdrawn or reinstated, the registrar shall enter on the register of psychologists the date and circumstances and the cancellation, suspension, withdrawal or reinstatement is effective from that date of entry.

[2005 cP-34.1 s12](#)

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Refusal to register

13. (1) A person who is refused registration on the register of psychologists may within 30 days after receiving notice of the decision or order, appeal the refusal to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

(2) An appeal under this section does not stay the decision or order being appealed unless the Trial Division orders otherwise.

[2005 cP-34.1 s13](#)

PART III DISCIPLINE

[2012 c24 s9](#)

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Definitions

14. In this section and sections 15 to 30 ,

- (a) "allegation" means a written document alleging that a person has engaged in conduct deserving of sanction;
- (b) "complainant" means a person making an allegation described in section 16 ;
- (c) "conduct deserving of sanction" includes
 - (i) professional misconduct,
 - (ii) professional incompetence,
 - (iii) conduct unbecoming a psychologist, and
 - (iv) acting in breach of this Act, the regulations or the code of ethics made under section 34;
- (d) "costs incurred by the board" includes
 - (i) out of pocket expenses incurred by or on behalf of the board,
 - (ii) amounts paid by the board to adjudication tribunal members as remuneration and for expenses, and
 - (iii) the actual cost of legal counsel for the board and the adjudication tribunal;
- (e) "disciplinary panel" means the panel of persons appointed under

section 15 from which the members of an adjudication tribunal are chosen; and

- (f) "respondent" means a registered psychologist, or a former registered psychologist, against whom an allegation is made.

[2005 cP-34.1 s14](#)

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Committees

15. (1) The board shall appoint the chairperson, vice-chairperson and members of the complaints authorization committee, and the registered psychologists who will serve on the disciplinary panel, one of whom shall be appointed the chairperson.

(2) The complaints authorization committee shall consist of at least 3 persons, all of whom shall be directors, and at least one of whom shall be a director who was appointed by the minister.

(3) The registrar is not eligible to be a member of the complaints authorization committee.

(4) The disciplinary panel shall consist of not less than 10 registered psychologists who are not directors and not less than 3 persons who are not registered psychologists who shall be appointed by the minister to represent the public interest.

(5) Of the members first appointed to the disciplinary panel, one half shall be appointed for a term of 2 years and the remainder for a term of 3 years and all subsequent appointments of members to the disciplinary panel shall be for a term of 3 years.

(6) Notwithstanding the expiry of his or her term, a member of the disciplinary panel continues to be a member until he or she is re-appointed or his or her replacement is appointed.

(7) Persons appointed to the disciplinary panel may be reappointed.

(8) Members of the disciplinary panel shall serve on the panel without payment for their services, but may be remunerated for services as a member of an adjudication tribunal and paid their travel and other expenses associated with the work of that tribunal by the board, in accordance with and at the rates set by the by-laws.

(9) The complaints authorization committee and an adjudication tribunal appointed under section 19 and a person appointed by either of them may summon a respondent or other person to give evidence, orally or in writing, upon oath or affirmation, and produce the documents and things that either of them considers necessary to the full investigation and hearing of an allegation or complaint and shall have the powers, privileges and immunities that are conferred on a commissioner appointed under the *Public Inquiries Act, 2006*.

[2005 cP-34.1 s15](#); [2012 c24 s10](#)

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Allegation

16. (1) An allegation shall be in writing and signed by the complainant or his or her solicitor, and filed with the registrar.

(2) The registrar may on his or her own motion make an allegation and file it, and the allegation shall have the same effect as an allegation referred to in subsection (1).

(3) Where the registrar has been informed that a respondent has been convicted of an offence under the provisions of the *Criminal Code* or a similar penal statute of another country or has been suspended by a governing body of psychologists in another province or territory of Canada or another territory or country for reason of professional misconduct, conduct unbecoming a psychologist or professional incompetence, the information shall be dealt with by the registrar as an allegation.

(4) For the purpose of subsection (3), a certified copy of the record of a conviction or findings made or the action taken by an external regulatory body constitutes proof, in the absence of evidence to the contrary, of the conviction or findings made or the action taken by that body, without proof of the signature of the convicting justice or person purporting to have signed on behalf of that body.

[2005 cP-34.1 s16](#)

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Effect of filing allegation

17. (1) Where it appears to the registrar, after notifying the respondent of the allegation, that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter.

(2) Where the allegation is not satisfactorily resolved by the registrar under subsection (1), the registrar shall refer the allegation and all other allegations to the complaints authorization committee.

(3) The registrar shall inform a complainant and a respondent of the referral of the allegation to the complaints authorization committee.

[2005 cP-34.1 s17](#)

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Complaints authorization committee

18. (1) After an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:

(a) refer the allegation back to the registrar for an investigation or

alternative dispute resolution in accordance with the regulations;

- (a.1) refer the allegation to the quality assurance committee;
- (b) conduct an investigation itself or appoint a person to conduct an investigation on its behalf; and
- (c) require the respondent to appear before it.

(2) Where the complaints authorization committee is of the opinion there are no reasonable grounds to believe the respondent has engaged in conduct deserving of sanction, the committee shall dismiss the allegation and give notice in writing of the dismissal to the complainant.

(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation shall be considered as constituting a complaint, and the committee may

- (a) counsel or caution the respondent; or
- (b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel; and
- (c) recommend to the board that
 - (i) the respondent's practice be suspended or restricted, or
 - (ii) the registrar conduct an investigation of the respondent's practice, and where the board approves an investigation the registrar shall conduct it,

at any time before a final determination by the adjudication tribunal.

(4) A person conducting an investigation under paragraph (1)(a), (b) or subparagraph (3)(c)(ii) may

- (a) require a respondent to
 - (i) undergo an examination or assessment he or she considers necessary and as arranged by the registrar or the board, and
 - (ii) permit the registrar or a director or another person appointed by the board to inspect and copy the records of the respondent and other documents relating to the subject matter of the investigation; and
- (b) require another person to permit the registrar or a director or another person appointed by the board to inspect and copy records and other documents relating to the subject matter of the investigation held by that person,

and the respondent or other person shall comply.

(5) Where the registrar, a director or another person requires that a

respondent or another person provide information under subsection (4), that information shall be provided within 7 days of the receipt of the request or a different period as specified.

(6) An action for damages does not lie against a registered psychologist or another person to whom a request is made solely because he or she provides information requested of him or her under subsection (4).

(7) Where the complaints authorization committee recommends to the board that a respondent's practice be suspended, restricted or investigated the board may

(a) decide not to act on the recommendation; or

(b) suspend, restrict or investigate the respondent's practice.

(8) A complainant whose allegation is dismissed by the complaints authorization committee under subsection (2) may within 30 days after receiving notice of the dismissal, appeal the dismissal to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

(9) Subsections (4), (5) and (6) apply to the Crown.

[2005 cP-34.1 s18; 2012 c24 s11](#)

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Adjudication tribunal

19. (1) For the purpose of dealing with complaints referred to the disciplinary panel, the chairperson of the disciplinary panel shall appoint from it an adjudication tribunal consisting of 3 persons, of whom 2 shall be registered psychologists and one shall represent the public interest.

(2) The chairperson of the disciplinary panel shall appoint one of the registered psychologists on an adjudication tribunal to be the chairperson.

[2005 cP-34.1 s19](#)

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Hearing

20. (1) Where a complaint has been referred under paragraph 18 (3)(b), an adjudication tribunal shall hear the complaint.

(2) The parties to a hearing are the board and the respondent and a party may be represented by his or her counsel at a hearing.

(3) A hearing shall be conducted in public but an adjudication tribunal may exclude the public from a hearing, or from part of it, where it considers the desirability of protecting a party to the complaint or another person against the consequences of possible disclosure of personal matters outweighs the desirability of holding the hearing in public.

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Copies of books, etc. as evidence

21. A copy or extract of a book, record, document or thing certified by

- (a) a member of the complaints authorization committee; or
- (b) a person authorized under subsection 18 (4) to conduct an inspection,

who made the copy or extract under subsection 18 (4) is admissible in evidence in an action, proceeding or prosecution, in the absence of evidence to the contrary, as evidence of the original book, record, document or thing and its contents.

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Guilty plea by respondent

22. (1) Where a respondent pleads guilty to one or more of the charges set out in a complaint, the adjudication tribunal shall, without calling evidence or hearing witnesses, unless the tribunal believes it is appropriate to do so, hear submissions from the parties.

(2) Where a respondent pleads guilty, and following submissions under subsection (1), the adjudication tribunal may

- (a) reprimand the respondent;
- (b) order that the respondent be suspended for a fixed period that it considers appropriate, until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal;
- (c) allow or direct the respondent to withdraw his or her registration upon those conditions that may be considered appropriate and strike the respondent's name from the register;
- (d) impose a fine not to exceed \$10,000;
- (e) order that the respondent pay the costs or a part of the costs incurred by the board in the investigation and hearing of the complaint;
- (f) order that the registrar publish a summary of the decision including the information set out in subsection 24 (4) and other information that the tribunal may specify; and
- (g) order that the respondent comply with one or more of the following:
 - (i) make restitution to the complainant or other person affected by

the conduct of the respondent,

- (ii) obtain medical treatment,
- (iii) obtain counselling,
- (iv) obtain substance abuse counselling or treatment, until the respondent can demonstrate to the board or other body or person designated by the adjudication tribunal that a condition related to substance abuse rendering the respondent incapable or unfit to practise has been overcome,
- (v) engage in continuing education programs,
- (vi) complete a course of studies or obtain supervised clinical experience, or both, to the satisfaction of the board or another body or person designated by the adjudication tribunal,
- (vii) report on his or her compliance with an order made under this section and authorize others involved with his or her treatment or supervision to report on it,
- (viii) restrict his or her professional practice or continue his or her practice under specified conditions,
- (ix) permit periodic inspections of his or her practice,
- (x) permit periodic inspection of records relating to his or her practice, or
- (xi) impose other requirements that are just and reasonable in the circumstances.

(3) The costs incurred by the board to ensure the compliance of a respondent with an order or direction of an adjudication tribunal under this section shall be borne by the respondent.

[2005 cP-34.1 s22](#)

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Powers of adjudication tribunal

23. (1) Upon the hearing of a complaint, an adjudication tribunal shall decide whether or not a respondent is guilty of conduct deserving of sanction.

(2) Where an adjudication tribunal decides that a respondent is not guilty, it shall dismiss the complaint and may, where it believes that the submission of the complaint to the tribunal for a hearing was unreasonable,

- (a) order that those costs that the tribunal considers appropriate be paid by the board to the respondent; and
- (b) make another order that it considers appropriate.

(3) Where an adjudication tribunal decides that a respondent is guilty, it may

- (a) reprimand the respondent;
- (b) order that the respondent be suspended for a fixed period that it considers appropriate, until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal;
- (c) allow or direct the respondent to withdraw his or her registration upon those conditions that may be considered appropriate and strike the respondent's name from the register;
- (d) impose a fine not to exceed \$10,000;
- (e) order that the respondent pay the costs or a part of the costs incurred by the board in the investigation and hearing of the complaint;
- (f) order that the registrar publish a summary of the decision including the information set out in subsection 24 (4) and other information that the tribunal may specify; and
- (g) order that the respondent comply with one or more of the following:
 - (i) make restitution to the complainant or other person affected by the conduct of the respondent,
 - (ii) obtain medical treatment,
 - (iii) obtain counselling,
 - (iv) obtain substance abuse counselling or treatment, until the respondent can demonstrate to the board or other body or person designated by the adjudication tribunal that a condition related to substance abuse rendering the respondent incapable or unfit to practise has been overcome,
 - (v) engage in continuing education programs,
 - (vi) complete a course of studies or obtain supervised clinical experience, or both, to the satisfaction of the board or other body or person designated by the adjudication tribunal,
 - (vii) report on his or her compliance with an order made under this section and authorize others involved with his or her treatment or supervision to report on it,
 - (viii) restrict his or her professional practice or continue his or her practice under specified conditions,
 - (ix) permit periodic inspection of his or her practice,
 - (x) permit periodic inspection of records relating to his or her practice, or

(xi) impose other requirements that are just and reasonable in the circumstances.

(4) The costs incurred by the board to ensure the compliance of a respondent with an order or direction of an adjudication tribunal under this section shall be borne by the respondent.

[2005 cP-34.1 s23](#)

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Filing and publication of decisions

24. (1) An adjudication tribunal shall file a decision or order made under subsection 22(2) or 23(3) with the registrar and provide a copy to the

- (a) complainant;
- (b) respondent;
- (c) respondent's employer, if applicable; and
- (d) respondent's provisional registration professional experience supervisor, if applicable.

(2) The registrar shall maintain a copy of a decision or order filed under subsection (1) for a minimum of 10 years after the day the decision is filed and shall upon receiving a request to view the disciplinary records in relation to a registered psychologist permit a person to view a summary of a decision where that registered psychologist was the respondent, prepared in accordance with subsection (4).

(3) The registrar shall publish a summary of a decision or order of an adjudication tribunal in a newspaper of general circulation in or nearest to the community in which the respondent practises within 14 days of the filing of the decision or order, where the decision or order

- (a) suspends the respondent;
- (b) allows or directs the respondent to withdraw his or her registration;
- (c) restricts the respondent's practice;
- (d) specifies conditions for the continuing practice of the respondent; or
- (e) requires that a summary of the decision or order be published.

(4) The summary of the decision published under subsection (3) shall include

- (a) the name of the respondent and the address where he or she practises;
- (b) the date, location and a brief description of the conduct of the

respondent that was found to be deserving of sanction;

- (c) the name of the complainant, unless the complainant has requested that his or her name be withheld;
- (d) the contents of the order in relation to the actions referenced in paragraphs (3)(a) to (d); and
- (e) other information specified for publication in the decision or order.

(5) Where a decision published under this section is varied or set aside, the registrar shall within 14 days of the filing of the subsequent decision or order publish a summary of the decision or order and subsections (3) and (4) apply, with the necessary changes.

[2005 cP-34.1 s24; 2012 c24 s12](#)

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De-registration and suspension

25. (1) Where a respondent is struck off the register or is permitted to surrender his or her certificate of registration, his or her rights and privileges as a registered psychologist cease.

(2) Where a respondent is suspended, his or her rights and privileges as a registered psychologist cease for the period of suspension.

(3) Where conditions or restrictions have been imposed upon a respondent's ability to carry on his or her practice, his or her rights and privileges as a registered psychologist shall be limited to the extent specified by the conditions or restrictions.

[2005 cP-34.1 s25](#)

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Failure to comply

26. (1) On application by the board to the disciplinary panel, an adjudication tribunal may make an order suspending the rights and privileges of a respondent where it determines that the respondent has failed to comply with a decision or an order under sections 14 to 30 .

(2) The parties to the application are the board and the respondent.

(3) An order of an adjudication tribunal under this section may suspend the rights and privileges of the respondent for a fixed period that the adjudication tribunal may consider appropriate, or until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal.

[2005 cP-34.1 s26](#)

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Reinstatement and readmission

27. (1) Where a decision or order of the adjudication tribunal

- (a) suspends the respondent;
- (b) allows or directs the respondent to withdraw his or her registration;
- (c) restricts the respondent's practice; or
- (d) specifies conditions for the continuing practice of the respondent,

and where the respondent alleges that new evidence has become available or a material change in circumstances has occurred since the making of the decision or order, the respondent may apply to the complaints authorization committee for a supplementary hearing to discharge or vary the decision or order based on the new evidence or material change in circumstances.

(2) An application under subsection (1) shall be made not more than 90 days after the new evidence becomes available or the material change in circumstances has occurred.

(3) Where an application is made to the complaints authorization committee under subsection (1), and the committee is of the opinion that new evidence has become available or that a material change in circumstances has occurred, as alleged by a respondent, the matter shall be referred to the disciplinary panel as if it were a matter referred under paragraph 18 (3)(b) and sections 20 to 25 apply, with the necessary changes, to the referred matter.

(4) The parties to a supplementary hearing under this section are the respondent and the board.

(5) For the purpose of this section, in addition to an order that an adjudication tribunal may make under section 23 , a tribunal may

- (a) vary the original decision or order made under section 23 ; or
- (b) discharge the original decision or order, with or without conditions.

[2005 cP-34.1 s27](#)

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Costs

28. (1) Where a person who was ordered to pay the costs of the board under paragraph 22(2)(e) or 23(3)(e) fails to pay in the time required, the board may suspend the registration of that person until the costs are paid.

(2) Costs ordered to be paid under paragraph 22(2)(e) or 23(3)(e) are a debt due the board and may be recovered by the board by a civil action.

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Collection of fine

29. (1) Where an order is made under section 22 or 23 imposing a fine on a respondent, the board may issue a certificate stating the amount of the fine due and remaining unpaid and the name of the person by whom it is payable, and file the certificate with the Registrar of the Supreme Court.

(2) Where a certificate is filed with the Registrar of the Supreme Court under subsection (1), it has the same effect and all proceedings may be taken on the certificate as if it were a judgment of the Trial Division for the recovery of the amount stated in the certificate against the person named in the certificate.

(3) A person named in a certificate filed under this section may, within 30 days after the certificate is filed, apply to a judge of the Trial Division for a review, on a question of law or jurisdiction, of the certificate.

(4) On an application under subsection (3), the judge may make an amendment to the certificate that is necessary to make the certificate accord with the judge's decision.

(5) There is no appeal from a decision of a judge made under this section.

(6) A certificate filed under this section may also be filed in the judgment enforcement registry on the expiration of the 30 day period referred to in subsection (3) in accordance with Part III of the *Judgment Enforcement Act* and be enforced in accordance with that Act.

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Appeal to Trial Division

30. (1) The board or the respondent may, within 30 days after receiving notice of a decision or order of an adjudication tribunal under this Act, appeal the decision or order to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

(2) An appeal under this section does not stay the decision or order being appealed unless the Trial Division orders otherwise.

PART IV QUALITY ASSURANCE

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Quality assurance program

30.1 (1) The board shall establish and maintain a quality assurance program to promote high standards of practice within the psychology profession.

(2) The quality assurance program shall include mandatory continuing education and professional development and shall be designed to promote

- (a) continuing competence; and
- (b) continuing quality improvement.

[2012 c24 s14](#)

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Quality assurance committee

30.2 (1) The board may appoint a committee known as the quality assurance committee.

(2) The quality assurance committee shall investigate a concern

- (a) on the referral of a quality assurance issue by
 - (i) the registrar, or
 - (ii) the complaints authorization committee; or

(b) on its own accord.

(3) The quality assurance committee may

- (a) subpoena records, including patient records;
- (b) order a psychologist to undergo an evaluation, assessment or examination;
- (c) order a review of a psychologist's practice, including any consequential review of patient records;
- (d) order periodic or random audits of aspects of a psychologist's practice; and
- (e) accept an agreement between the board and the psychologist to give effect to matters which could be ordered by the quality assurance committee.

(4) Where a psychologist fails to comply with an order made by the quality assurance committee, that committee shall refer that failure to comply as an allegation to the complaints authorization committee.

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Assessment

30.3 (1) The quality assurance committee may appoint persons registered as psychologists under this Act as assessors for the purposes of the quality assurance program.

- (2) An assessor may, for the purposes of the quality assurance program
 - (a) enter, without notice and at reasonable times, places where psychology is practised to make necessary inspections;
 - (b) inspect that psychologist's records of care administered to patients;
 - (c) require from the psychologist information required by the quality assurance committee or the assessor respecting the assessment and care of patients by the psychologist, or his or her records of care administered to patients; and
 - (d) require that the psychologist confer with the quality assurance committee.

(3) A psychologist whose standards of practice are the subject of an assessment under the quality assurance program shall cooperate fully with the quality assurance committee and assessors.

(4) An assessor may access patient records without the consent of that patient.

(5) All records and specific information relating to the quality assurance program or a review or recommendation under it are confidential.

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Report and compliance

30.4 (1) Upon completion of an assessment an assessor shall submit a report of his or her findings to the committee and the committee shall review the report and may

- (a) make no recommendation to the psychologist who has been assessed;
or
 - (b) confer with the psychologist assessed and make those remedial recommendations to him or her that the quality assurance committee considers appropriate.
- (2) The committee may

- (a) direct the psychologist who has been assessed to comply with recommendations made by the quality assurance committee under subsection (1); and
- (b) direct that a psychologist be reassessed.

[2012 c24 s14](#)

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Costs

30.5 The costs incurred by a psychologist in implementing remedial recommendations of the quality assurance committee shall be paid by that psychologist and shall not be a cost of the committee or the board.

[2012 c24 s14](#)

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Termination of review

30.6 (1) Where an assessor or a member of the quality assurance committee learns, in the course of a review, that a psychologist may be guilty of conduct deserving of sanction within the meaning of section 14 the assessment shall be terminated, the psychologist shall be advised, and the matter shall be referred to the complaints authorization committee to be dealt with as a complaint.

(2) Notwithstanding subsection 30.3(5), an assessor or a member of a quality assurance committee shall provide all information and documents in its possession relating to the review to the complaints authorization committee.

(3) An order of the quality assurance committee issued before it refers a matter to the complaints authorization committee under subsection (1) remains in effect notwithstanding the referral of the matter to the complaints authorization committee.

[2012 c24 s14](#)

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Duty to report

30.7 (1) A psychologist who has knowledge, from direct observation or objective evidence, of conduct deserving of sanction of another psychologist shall report the known facts to the registrar.

(2) A person who dissolves a partnership with a psychologist based on direct knowledge of the psychologist's conduct deserving of sanction shall report the known facts to the registrar.

(3) An action shall not be brought against a psychologist, officer, partnership or association for the sole reason that the person, officer, partnership

or association complied with this section.

[2012 c24 s14](#)

PART V GENERAL

[2012 c24 s15](#)

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Use of "psychologist"

31. (1) A registered psychologist may use the designation "psychologist".

(2) A person other than a registered psychologist who holds himself or herself out to the public by a title or description of services as a psychologist or as a person who practices psychology is guilty of an offence.

(3) Subsection (2) does not apply to students of psychology, interns of psychology or professors of psychology while carrying out their teaching and research duties, so long as they use a title or description of services that clearly indicates their student, intern, or professor status.

[2005 cP-34.1 s31](#)

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Notice of change

31.1 A psychologist registered under this Act shall provide written notice to the board of

- (a) a change in his or her employer or address prior to the change; and
- (b) an intended change in his or her scope of practice at least 30 days prior to implementing the change.

[2012 c24 s16](#)

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Non-resident psychologists

31.2 This Act shall not be interpreted as forbidding a legally registered psychologist of another province or country from providing training, education or consultative services for a maximum of 28 days, where the psychologist does not hold himself or herself out as a registered psychologist registered to practice in the province.

[2012 c24 s16](#)

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Offence

32. A person who knowingly by false declaration or representation obtains or attempts to obtain registration under this Act for himself or herself or another person is guilty of an offence.

[2005 cP-34.1 s32](#)

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Action prohibited

33. (1) An action for damages does not lie against the board, registrar, officer, employee or agent of the board, a person or committee designated by the board, the board as a corporation, an assessor, the complaints authorization committee, a person appointed by the complaints authorization committee, the quality assurance committee, a person appointed by the quality assurance committee, the disciplinary panel, an adjudication tribunal or the individual members of those bodies for an act, purported act or failure to act or a proceeding initiated or carried out in good faith under this Act, or for carrying out duties or obligations under this Act or any regulations or by-laws made under it.

(2) An action for defamation shall not be founded in the publication of a communication that consists of or pertains to an allegation or complaint where that communication is published in the course of proceedings under this Act.

[2012 c24 s17](#)

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By-laws

34. (1) The board may make by-laws

- (a) providing for the holding and procedure of its meetings;
- (b) providing for the election of directors and setting terms of office;
- (c) providing for voting at a meeting of registered psychologists by mail or electronic means;
- (d) respecting the participation of directors at a meeting of the board by telephone or other telecommunications device under section 5 ;
- (e) establishing a code of ethics which may include a definition of "professional misconduct" and "conduct unbecoming a psychologist" for the purposes of sections 14 to 30 ;
- (f) respecting procedures respecting applications for registration on the register of psychologists;

- (g) respecting the issuing and renewal of certificates of registration;
 - (h) respecting the suspension or cancellation of the registration of registered psychologists for the non-payment of fees;
 - (i) respecting the reinstatement of registered psychologists whose registration has been suspended, cancelled or allowed to lapse for reasons unrelated to discipline;
 - (i.1) respecting the maintenance of the register and the form and contents of it;
 - (i.2) establishing standards governing the practice of psychology, including standards of professional competence and of capacity and fitness to practice;
 - (i.3) respecting the remuneration, and allowances payable to directors of the board for attending meetings and for carrying out the functions of the board under this Act, with power to prescribe different rates for different members and different functions;
 - (j) respecting the payment of the travel and other expenses of elected directors;
 - (k) setting the rates of remuneration for members of an adjudication tribunal;
 - (l) respecting the duties and remuneration of the registrar and persons employed by the board;
 - (m) respecting the appointment of committees and the duties and powers of committees; and
 - (n) generally to assist in the administration of this Act and the regulations.
- (2) The board shall have its by-laws available for inspection by the public on reasonable notice and at reasonable hours.

[2005 cP-34.1 s34; 2012 c24 s18](#)

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Regulations

- 35.** (1) The board may make regulations, with the approval of the minister,
- (a) respecting the examination of applicants for registration on the register of psychologists;
 - (a.1) respecting the terms and conditions on which registration and provisional registration may be granted or renewed;

- (a.2) prescribing the prerequisites, terms and conditions respecting supervision of a person granted provisional registration;
- (b) respecting a program of continuing education for registered psychologists;
- (c) respecting alternative dispute resolution for the purposes of sections 14 to 30 and the procedure for that resolution;
- (d) prescribing time limits for events in the disciplinary process in sections 14 to 30 , including time limits for
 - (i) the filing of an allegation,
 - (ii) the resolution of an allegation by the registrar,
 - (iii) the conduct of an investigation under section 18 ,
 - (iv) consideration of an allegation by the complaints authorization committee following completion of an investigation,
 - (v) responding to a complainant and respondent at each stage of the process,
 - (vi) the conduct of a practice investigation under subparagraph 18 (3)(c)(ii),
 - (vii) the appointment of an adjudication tribunal under section 19 , and
 - (viii) the conduct of a hearing and the filing of a decision or order by an adjudication tribunal following completion of the hearing;
- (e) respecting the designation of areas of competence of registered psychologists and their use of special titles for those areas; and
- (f) generally to give effect to the purpose of this Act.

(2) Notwithstanding subsection (1), the minister may make regulations to prescribe time limits for events in the disciplinary process under sections 14 to 30 where the board does not do so in a time period the minister considers reasonable.

[2005 cP-34.1 s35; 2012 c24 s19](#)

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Fees

36. The board may set fees for the purposes of this Act.

[2005 cP-34.1 s36](#)

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Amount of fees

37. In prescribing the amount of fees under section 36 the board shall ensure that the level of the fees is sufficient to provide it with the income necessary to discharge its functions and duties under this Act.

[2005 cP-34.1 s37](#)

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Use of money and audit

38. Money received by the board shall be applied by the board in the discharge of its functions and duties under this Act.

[2005 cP-34.1 s38](#)

PART VI TRANSITION, REPEAL AND COMMENCEMENT

[2012 c24 s20](#)

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Transition

39. (1) The members of the Newfoundland Board of Examiners in Psychology on the day this Act comes into force are continued as directors until an election is held under section 5 .

(2) An election to elect the 5 directors referred to in paragraph 3 (2)(a) shall be held within 12 months after the day this Act comes into force.

(3) The minister shall make appointments under section 4 within 30 days of the election held under subsection (2).

(4) Of the directors first elected under section 5,

(a) 3 shall be appointed for a term of 3 years; and

(b) 2 shall be appointed for a term of 2 years.

[2005 cP-34.1 s39](#)

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RSNL1990 cP-34 Rep.

40. The *Psychologists Act* is repealed.

[2005 cP-34.1 s40](#)