

**Nova Scotia Board of Examiners
in Psychology**

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Complaints to the Nova Scotia Board of Examiners in Psychology

The Nova Scotia Board of Examiners in Psychology (NSBEP) is the governing body for Psychologists (Registered and Candidates) in Nova Scotia. It is the responsibility of NSBEP to investigate and address complaints against Psychologists.

Psychologists may be disciplined for engaging in practice that falls below acceptable minimum standards for the profession, or for engaging in malpractice, incompetent practice or other unethical conduct.

Before laying a complaint, you are encouraged to contact the NSBEP to confirm that the individual you are making the complaint against is a Registered Psychologist or Psychologist (Candidate Register). You may do so online by checking our [Directory of Psychologists](http://www.nsbep.org) (www.nsbep.org). NSBEP cannot become involved if the individual is not a psychologist.

You may also wish to check the [Standards of Practice](http://www.nsbep.org/standards) (<http://www.nsbep.org/standards>) to read the requirements that govern psychologists registered in Nova Scotia. You may find that reviewing the Standards of Practice is helpful in deciding whether you should file a complaint, and if so, what kind of information to provide to the Board to support your complaint

Before lodging a formal complaint with NSBEP, you might consider discussing your concerns with the Psychologist. Of course, you are under no obligation to speak to the psychologist when you would be uncomfortable doing so. In some circumstances, the psychologist may not be aware of your concerns until a complaint has been lodged. One of the expectations of the NSBEP Standards is that psychologists discuss with their clients the nature of their relationship and clarify any factors that bear upon that relationship. If you are uncomfortable speaking directly to the psychologist, you might choose to explain your concerns in a letter or email to the psychologist. You can also check to see if the psychology practice or

institution has a grievance policy that provides information on how they deal with such concerns.

Here are a few of other things that may be useful to consider before making a complaint:

- 1) If you have experienced administrative concerns, such as timing of appointments, scheduling issues, fees, etc., they may be more appropriately dealt with by another person or organization (e.g., an Institutional Ombudsman, a schoolboard, the psychologist's employer) rather than NSBEP.
- 2) Psychologists may have to break confidentiality or privacy if the law requires them to make a report under the Children and Family Services Act or the Adult Protection Act, or if they believe that a person is a danger to themselves or others.
- 3) Consider what you want as an outcome, and note that there are some things that cannot be changed because of a complaint, such as:
 - a. The Board cannot change decisions made by third parties, such as insurance companies, Community Services, employers and family and other courts.
 - b. The Board cannot make changes to written reports. (The Freedom of Information and Protection of Privacy Act has processes to address errors and omissions in personal information).
 - c. The Board cannot award financial damages– this would require a civil procedure through the courts.

When you believe that the psychologist's behavior was unethical or did not meet professional standards, and you would like to make a formal complaint to the NSBEP, you can do so by completing and returning the attached consent forms.

You can send your complaint to (addressed to The Registrar, NSBEP):

Mail or Courier:
Nova Scotia Board of Examiners in Psychology
103-287 Lacewood Dr., Suite 331 Halifax, NS B3M 3Y7

Fax: 902-423-0058

Email: nsbep@nsbep.org

If you have any questions about the information in this document, or if you would like to talk to someone about the complaints process, please contact the Registrar.

Email contact is preferred. Email: registrar@nsbep.org

Telephone: (902) 423-2238

Complaints Process

Once you have made a decision to file a formal complaint the usual procedure is as follows:

You must complete the formal complaint form. In order to contact the Psychologist about your complaint, we need your permission. Please review the release of information forms included in the complaints package and sign those pertinent to your situation. Document your concerns. Attach any other documentation you think clarifies or supports your complaint. Send this completed package to the Nova Scotia Board of Examiners in Psychology.

The Registrar will send your complaint to the psychologist. The psychologist has 30 working days from the receipt of the complaint to respond. In special circumstances, an extension can be requested and permitted.

The complaint, the psychologist's response and any other information are forwarded to an Investigation Committee. Consequently, it may take one to three months after a complaint has been received before a Committee fully begins its investigation. The Committee can respond faster when it believes that the psychologist presents a significant risk to the public.

You will receive a letter containing the names of the Committee members. This letter may also contain the psychologist's response to your complaint. If you do receive a copy of the psychologist's response, the response must be kept confidential. If the Investigation Committee requires more information from you, it may also be requested at this time.

If you do receive a copy of the psychologist's response and you wish to provide additional information related to the response, please provide the additional

information within 15 days. Any additional information that you submit will also be provided to the psychologist.

Once the Investigation Committee has reached a decision, you will be notified of the results in writing by the Chair of the Committee

Complaint Involving Matters Before the Courts

In the case of complaints which are before the courts, or which are under investigation by other agencies, the Investigation Committee may decide to put its investigation on hold until the court case or other investigation have been completed. If this is the case, and your complaint relates to an issue (for example, an assessment report) that is pertinent to the court case or other investigation, you should speak to your lawyer to review your options available through the Court.

Also with respect to court matters, section 46A(4) of the Psychologists Act states that “Unless otherwise determined by a court of competent jurisdiction, a decision of an investigation committee or hearing committee is not admissible in a civil proceeding other than in an appeal or review pursuant to this Act.”

Complaints involving Custody/Access or Parenting Capacity Reports

NSBEP Investigation Committees only conduct disciplinary investigations. When the results of a custody assessment are in dispute, NSBEP does not attempt to resolve the disputed issues. If the Psychologist has followed standard practice in arriving at his/her conclusions, there is no basis for a complaint regardless of the nature of the differences of opinion unless there is clear evidence of unethical or incompetent actions on the psychologist’s part. Investigation Committees normally do not begin to examine complaints involving custody/access or parenting capacity reports until the Court action is concluded.

Timeliness of Complaints

Psychologists are required to retain their client files for adults for at least 10 years after the last date that the client was seen. For clients seen as children, files are retained for at least 10 years after the client’s 18th birthday. While there is no time

limit for making a complaint to NSBEP, please note that if more than 10 years has elapsed since the client was last seen (or it is more than 10 years from a child client's 18th birthday) the Board's ability to investigate may be hampered if the client files are no longer available.

Please also note that complaints against deceased psychologists cannot be investigated by the Board as the psychologist's right to respond to a complaint is a necessary part of an investigation.

Investigators and Consultants

If an investigation is complex, the Investigation Committee may employ a professional investigator to help them with interviews and collection of information. The Investigation Committee will contact you if they would like an investigator to meet with you.

The Investigation Committee may also use consultants who have particular expertise to assist them with their investigation.

Timelines

Investigation Committees are volunteer committees. The process for reviewing complaints is very thorough. The complexity of the issues under investigation and the response times involved in gathering all the relevant information has a bearing on the length of time. Typically, time to closure is between 6 and 18 months. Complaints that result in reprimands may move to a formal hearing. A formal hearing is a legal proceeding. Once this occurs resolution of the matter may involve time frames of over 18 months.

Additional Factors

The Investigation Committee must consider all factors when reaching its decision.

- 1) Given the range of activities in which psychologists engage (including custody and access, 3rd party assessments, competency assessments, etc.), the process may at times be difficult or uncomfortable. However, the

psychologist's practice is expected to meet [professional standards](http://www.nsbep.org/standards):
<http://www.nsbep.org/standards>

- 2) Psychological assessments must be completed following appropriate standards and may result in findings which are not favourable to all parties. When assessment reports are in question, the Committee will consider whether the psychologist followed appropriate ethical principles and standards in drawing their conclusions.
- 3) It is important to consider whether all clinically relevant information was available to the psychologist during the assessment or intervention process.
- 4) Psychological treatment or assessment is a process requiring the participation of all parties. At times, a variety of factors can influence the process, such as, but not limited to the following: the availability of the psychologist, frequency and punctuality of appointments, preparedness for sessions, completion of assignments and understanding of recommended treatment options or recommendations from an assessment.

Possible Outcomes

If the Investigation Committee does not find evidence of practice that has fallen below acceptable minimum standards or of malpractice or incompetent practice or other unethical conduct, the complaint will be **Dismissed**.

If the Investigation Committee believes that the Psychologist's services **may have fallen below** minimum standards, the Committee may issue a **Counsel** to the Psychologist, in writing. A Counsel will put the Psychologist on notice about what the Committee expects the Psychologist to do in the future to ensure that his/her services meet expected professional standards. The Counsel may be considered by the Committee, in the event of a similar complaint against the Psychologist in the future.

If the Committee is certain that the Psychologist's services **have fallen below** minimum standards, but does not constitute professional misconduct, the Committee will issue a **Caution** to the Psychologist, in writing. A Caution will put the Psychologist on notice about what the Committee expects the Psychologist to do in the future to ensure that his/her services meet expected professional standards. The

Caution may be considered by the Committee, in the event of a similar complaint against the psychologist in the future.

If the Committee is certain that the conduct of a Psychologist amounts to professional misconduct or conduct unbecoming the Committee may issue a **Reprimand**. The Psychologist may be asked to consent to the Reprimand. If he/she does so, the issue does not go forward to a formal hearing. If the Psychologist does not consent to the **Reprimand**, the matter is then referred to a Formal Hearing. If the Investigation Committee believes that **protection of the public is an issue**, it is within the jurisdiction of the Committee to impose Terms, Limitations or Conditions on a Psychologist's Certificate of Registration or to conclude that the Psychologist's Certificate of Registration should be suspended or revoked. This will generally involve referral to a Formal Hearing.

The decision of an investigation Committee is final and cannot be appealed.

Publication of Decisions

Reprimands, Suspension and Revocation of Registration are considered disciplinary findings. As such, these findings are published on the NSBEP website and will include the name of the psychologist but the complainant (if any) will not be identified. Counsels or Cautions are not considered disciplinary finds, but a summary of the findings may be published on the website if the Board believes it can serve an educational purpose. The psychologist and the complainant are not identified in any publication of a Counsel or Caution.

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