

Code of Conduct of the College of Psychologists of New Brunswick (CPNB)

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FOREWORD

A code of conduct differs in function in critical ways from a professional association ethics code, with which they are sometimes confused. The professional association ethics code such as the Canadian Psychological Association (CPA) Canadian Code of Ethics for Psychologists is the profession's standards and guidelines to its own professionals about how to handle the professional-client relationship. Its purpose is to protect the welfare of the public and to educate and promote the integrity of the profession. Professional association codes may incorporate the basic concepts or structure of regulatory rules of conduct. Rules of conduct in a professional association ethics code may be less specific, however, than is desirable for a regulatory code. They also often address aspirational or advisory issues as well as enforceable issues, and professional matters as well as regulatory matters.

Regulatory rules of conduct protect the public welfare by assuring that the client of a licensed psychologist can have a reasonable, legally protected, understanding of the rules that will govern the professional's behavior in the professional relationship. Effective rules of conduct would have several characteristics of note:

1. They pertain to the process or “mechanics” of the professional relationship, not to the content of the professional judgment itself. They set the boundaries within which the professional relationship functions and are not intended to determine or dictate professional judgment as such.
2. They primarily protect the public interest. They secondarily protect the interests of the profession only as they assure public confidence and trust in the integrity of the professional relationship.
3. They are as non-intrusive as possible, interfering as little as possible with professional work while still accomplishing their necessary function of protecting the public from exploitation and harm.
4. They are essentially unambiguous concerning what behavior is acceptable and what is not.
5. Among other functions, they assure the creation/existence/retention of appropriate information with which CPNB can judge compliance with or deviation from its requirements.
6. They are intended to be sufficient unto themselves, without dependence for interpretation on additional explanatory materials.

7. They are non-optional and always pertain. They are nontrivial, to the extent that any violation is basis for formal disciplinary action, including loss of a member's license.

These concepts should be kept in mind while applying the rules contained in the present Code of Conduct.

Section I. Introduction

I. 1. **Purpose.** The rules within this Code of Conduct constitute the standards against which the required professional conduct of a psychologist is measured.

I. 2. **Scope.** The psychologist shall be governed by this Code of Conduct whenever providing psychological services in any context. This Code shall not supersede federal or provincial legislation. This Code shall apply to the conduct of all members of CPNB.

I. 3. **Responsibility for own actions.** The psychologist shall be responsible for his/her own professional decisions and professional actions. This includes conduct unbecoming in the public or private domain.

I. 4. **Violations.** A violation of this Code of Conduct constitutes unprofessional conduct and is sufficient reason for corrective or any other disciplinary action such as denial of either original membership status or reinstatement of membership status with terms, conditions or limitations as determined by CPNB.

I. 5. **Aids to interpretation.** Ethics codes and practice guidelines for providers of psychological services promulgated by the Canadian Psychological Association and other relevant professional groups shall be used as an aid in resolving ambiguities which may arise in the interpretation of this Code of Conduct. This Code of Conduct shall prevail whenever any conflict exists between this Code and any professional association standard.

Section II Definitions

II. 1. **Client.** "Client" means one who receives the professional services or advice of a psychologist. Clients may include individuals, couples, families, groups or organizations. Clients may or may not have explicitly requested the psychologist's services (for example, during a court-appointed assessment, all individuals assessed and observed for decision-making purposes that concern them would be considered clients). In the case of individuals with legal guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision-making purposes, except that the individual

receiving services shall be the client for:

- a) Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitive multiple relationships; and
- b) Issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

II. 2. **Confidential information.** “Confidential information” means information revealed by a client or clients or otherwise obtained by a psychologist, where there is reasonable expectation that because of the relationship between the client(s) and the psychologist, or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the psychologist without the informed written consent of the client(s).

II. 3. **Court order.** “Court order” means the written or oral directive to a psychologist from a member of the judiciary of the Provincial Court, Court of Queen’s Bench or Court of Appeal of New Brunswick.

II. 4. **Licensed.** “Licensed” means licensed, certified, registered, or any other term when such term identifies a person whose professional behavior is subject to the CPNB Act, By-Laws and Rules.

II. 5. **Professional relationship.** “Professional relationship” means a mutually agreed upon relationship between a psychologist and a client for the purpose of the client obtaining the psychologist's professional expertise.

II. 6. **Professional service.** “Professional service” means all actions of the psychologist in the context of a professional relationship with a client.

II. 7. **Supervisee.** “Supervisee” means any person who functions under the extended authority of the psychologist to provide, or while in training to provide, psychological services.

Section III Rules of Conduct

III. 1. Protecting confidentiality of clients (rule # 1)

III. 1. 1. **In general.** The psychologist shall safeguard confidential information obtained in the course of practice, teaching, research, or other professional services. With the exceptions set forth below or in accordance with any federal or provincial legislation, the psychologist shall

disclose confidential information to others only with the informed written consent of the client.

III. 1. 2. **Disclosure without informed written consent.** The psychologist may disclose confidential information without the informed written consent of the client when the psychologist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another person. In such case, the psychologist shall limit disclosure of the otherwise confidential information to only those persons and only that content which would be consistent with the standards of the profession in addressing such problems. When the client is an organization, disclosure shall be made only after the psychologist has made a reasonable and unsuccessful attempt to have the problems corrected within the organization.

III. 1. 3. **Services involving more than one interested party.** In a situation in which more than one party has an appropriate interest in the professional services rendered by the psychologist to a client, the psychologist shall, to the extent possible, clarify to all parties prior to rendering the services the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services. Such clarification is specifically indicated, among other circumstances, when the client is an organization.

III. 1. 4. **Multiple clients.** When service is rendered to more than one client during a joint session, for example to a family or a couple or a parent and child or a group, the psychologist shall at the beginning of the professional relationship clarify to all parties the manner in which confidentiality will be handled. All parties shall be given the opportunity to discuss and to accept whatever limitations to confidentiality adhere in the situation.

III. 1. 5. **Legally dependent clients.** At the beginning of a professional relationship, to the extent that the client can understand, the psychologist shall inform a client who is below the age of majority or who has a legal guardian, of the limit the law imposes on the right of confidentiality with respect to his/her communications with the psychologist.

III. 1. 6. **Limited access to client records.** The psychologist shall limit access to client records to preserve their confidentiality and shall assure that all persons working under the psychologist's authority comply with the requirements for confidentiality of client material.

III. 1. 7. **Release of confidential information.** The psychologist may release confidential information upon court order, as defined in Section II of this

Code, or to conform to appropriate federal or provincial law or regulation.

III. 1. 8. **Reporting of abuse of children and vulnerable adults.** The psychologist shall be familiar with any relevant provincial laws concerning the reporting of abuse of children and vulnerable adults, and shall comply with such laws.

III. 1. 9. **Discussion of client information among professionals.** When rendering professional services as part of a team or when interacting with other appropriate professionals concerning the welfare of the client, the psychologist may share confidential information about the client provided the psychologist takes reasonable steps to assure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.

III. 1. 10. **Disguising confidential information.** When case reports or other confidential information is used as the basis of teaching, research, or other published reports, the psychologist shall exercise reasonable care to insure that the reported material is appropriately disguised to prevent client identification.

III. 1. 11. **Observation and electronic recording.** The psychologist shall ensure that observation or electronic recording of a client occur only with the informed written consent of the client.

III. 1. 12. **Confidentiality after termination of professional relationship.** The psychologist shall continue to treat information regarding a client as confidential after the professional relationship between the psychologist and the client has ceased.

III. 2. Competence (rule # 2)

III. 2. 1. **Limits on practice.** The psychologist shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training and supervision.

III. 2. 2. **Maintaining competency.** The psychologist shall maintain current competency in the areas in which he/she practices, through continuing education, consultation, and/or other procedures, in accordance with current standards of scientific and professional knowledge.

III. 2. 3. **Accurate representation.** When and where appropriate, the psychologist shall accurately represent his or her areas of competence,

education, supervision, experience and professional affiliations to CPNB, the public, and colleagues.

III. 2. 4. **Adding new services and techniques.** The psychologist, when developing competency in a service or technique that is either new to the psychologist or new to the profession, shall engage in ongoing consultation with other psychologists or relevant professionals and shall seek appropriate education and training in the new area. The psychologist shall inform clients of the innovative nature and the known risks associated with the services, so that the client can exercise freedom of choice concerning such services.

III. 2. 5. **Referral.** Following the client's informed consent, the psychologist shall make or recommend a referral to other professional, technical or administrative resources when such a referral is clearly in the best interests of the client.

III. 2. 6. **Sufficient professional information.** The psychologist rendering a formal professional opinion about a person, for example about the fitness of a parent in a custody hearing, shall not do so without direct and substantial professional contact with or a formal assessment of that person.

III. 2. 7. **Content and maintenance of records.**

- 1) The psychologist rendering professional services to a client, including services billed to a third party payer, shall maintain professional records that include:
 - a) the name of the client and other identifying information;
 - b) the presenting problem(s), purpose or diagnosis;
 - c) the fee arrangement;
 - d) the date and substance of each billed or service-count contractor service;
 - e) any test results or other evaluative results obtained and any basic test data from which they were derived;
 - f) notation and results of formal consults with other providers;

- g) a copy of all reports or other written documentation prepared as part of the professional relationship;
- h) any clinical documentation pertaining to the client's consent as well as any other releases executed by the client; and
- i) a copy of all written communication concerning the professional relationship (for example, email exchanges, letters, sent or received faxes).

2) It is important to note that psychologists are "custodians" pursuant to the Personal Health Information Privacy and Access Act; and, as such, they must comply with this Act (including subsection 55(1)) and keep up to date on any amendments to it or to its Regulations. Given that there is no specific retention period applicable to the client records of psychologists and in the interest of balancing the need to retain client records for as long as they are required (e.g. for defending against claims for negligence or a complaint to CPNB) and balancing the need to ensure that personal health information is kept no longer than necessary, CPNB recommends that psychologists should, at minimum:

- a) retain all current client records for the purposes of treating the client for as long as the person is a client;
- b) once a person is no longer a client, the client record should be closed and stored safely for a minimum period of:
 - (i) fifteen years following the last date that service was rendered;
 - (ii) if the client was less than the age of majority at the time of his/her last date of service rendered, fifteen years from the day the client became or would have become the age of majority; or
 - (iii) for a longer period if required by law.
- c) maintain a bring-forward system to maintain a record of when patient records may be permanently destroyed;

- d) at the end of the fifteen years, psychologists should review the client record to determine if the record should be maintained considering, but not limited to:
 - (i) does the record contain information that may be relevant to a sexual abuse allegation?
 - (ii) does the record contain information that may relate to a claim (e.g. abuse) by a child or a vulnerable adult?
 - e) if the psychologist determines that it is appropriate after fifteen years to permanently destroy the patient record, the psychologist must create a record containing the name of the individual whose personal health information is destroyed, a summary of the contents of the record, the time period to which the information relates, the method of destruction and the name of the person responsible for supervising the secure destruction.
- 3) The psychologist shall store and dispose of written, electronic and other records in such a manner as to insure their confidentiality. The psychologist shall maintain the confidentiality of all psychological records in the psychologist's possession or under the psychologist's control except as otherwise provided by law or pursuant to written or signed authorization of a client specifically requesting or authorizing release or disclosure of the client's psychological records.
- 4) For each person professionally supervised, the psychologist shall maintain for a period of not less than five years after the last date of supervision a record that shall include, among other information, the type, place, and general content of the supervision.

III. 3. Protection of test security (rule # 3)

The psychologist shall protect the security of tests and respect test copyright. To this end a psychologist shall distinguish between test data and test materials. When reasonable and appropriate, raw data from standardized psychological tests and other test data shall, upon request and with proper authorization, be released to clients and others. Test material, such as test questions and stimuli, manuals and protocols should

not be released unless expressly ordered by a court of competent jurisdiction within the province of New Brunswick.

III. 4. Continuity of care (rule #4)

III. 4. 1. The psychologist shall make arrangements for another appropriate professional or professionals to deal with emergency needs of his/her clients, as appropriate, during periods of his/her foreseeable absences from professional availability.

III. 4. 2. The psychologist who plans to or ceases to provide psychological services shall:

- a) take ongoing responsibility for the maintenance and security of client records or make arrangements, preferably with another member, for the security and maintenance of client records;
- b) ensure that former clients have access to the client record for the prescribed retention period; and
- c) inform CPNB of these arrangements prior to ceasing to provide psychological services or at the earliest reasonable opportunity.

III. 5. Providing supervision (rule # 5)

The psychologist shall exercise appropriate supervision over supervisees, as set forth in the CPNB Rules under Licensing Requirements Rule no. 1.04 Supervised Experience Requirements.

III. 6. Delegating professional responsibility (rule # 6)

The psychologist shall not delegate professional responsibilities to a person not appropriately credentialed or otherwise appropriately qualified to provide such services.

III. 7. Multiple Relationships (rule # 7)

III. 7. 1. **Definition of multiple relationships.** The psychologist recognizes that multiple relationships may occur because of the psychologist's present or previous familial, social, emotional, financial, supervisory, political, administrative or legal relationship with the client or a relevant person associated with or related to the client. The psychologist takes reasonable steps to ensure that

if such a multiple relationship occurs, it is not exploitative of the client or a relevant person associated with or related to the client.

III. 7. 2 Prohibited multiple relationships.

- a) A multiple relationship that is exploitative of the client or a relevant person associated with or related to the client is prohibited. The psychologist takes all reasonable steps to ensure that any multiple relationships do not impair the psychologist's professional judgment or objectivity or result in a conflict of interest with the client or a relevant person associated with or related to the client.

- b) Multiple relationships that would not reasonably be expected to impair the psychologist's judgment or objectivity or risk harm to the client or relevant person associated with or related to the client are not expressly prohibited

III. 8. Sexual relationships (rule # 8)

III. 8. 1. The psychologist does not engage in sexual intimacies with current clients.

III. 8. 2. The psychologist does not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients.

III. 8. 3. The psychologist does not terminate the professional relationship to circumvent this standard.

III. 8. 4. The psychologist does not accept as therapy clients persons with whom they have engaged in sexual intimacies.

III. 8. 5. The psychologist does not engage in sexual intimacies with former clients to whom the psychologist has at any time within the previous 24 months provided a psychological service including but not limited to performing an assessment or rendering counseling, psychotherapeutic, or other professional psychological services for the evaluation, treatment or amelioration of emotional distress or behavioral inadequacy.

III. 8. 6. The prohibitions set out in subparagraph 5 shall not be limited to the 24-month period but shall extend indefinitely if the client is proven to

be clearly vulnerable, by reason of emotional or cognitive disorder, to exploitative influence by the psychologist.

III. 9. Impairment (rule # 9)

Impaired psychologist. The psychologist shall not undertake or continue a professional relationship with a client when the psychologist is, or could reasonably be expected by CPNB to be impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination, and shall assist the client in obtaining services from another professional.

III. 10. Client Welfare (rule # 10)

III. 10. 1. Providing explanation of procedures. The psychologist shall give a truthful, understandable and appropriate account of the client's condition to the client or to those responsible for the care of the client in order to achieve informed consent. When possible, informed consent should be obtained in written form. The psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided. In the case of informed consent from a minor, the New Brunswick Medical Consent of Minors Act shall be deemed applicable to psychologists. For a minor in joint custody, informed consent should be obtained by both parents, unless otherwise specified in a legal custody agreement.

III. 10. 2. Termination of services. Whenever professional services are terminated, if feasible, the psychologist shall offer to help locate alternative sources of professional services or assistance when indicated. The psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship, and, if feasible, shall prepare the client appropriately for such termination. The psychologist may terminate a professional relationship when threatened or otherwise endangered by the client or another relevant person associated with or related to the client.

III. 10. 3. Stereotyping/prejudicial/discriminatory. The psychologist shall not impose on the client any stereotypes, prejudicial or discriminatory behaviors, values or roles related to age, gender, religion, race, disability, nationality, sexual orientation or diagnosis which would interfere with the

objective provision of psychological services to the client. Psychologists shall hold themselves to a standard where they exude cultural safety and cultural sensitivity in all the work that they do.

III. 10. 4. **Solicitation of business by clients.** The psychologist providing services to an individual client shall not induce that client to solicit business on behalf of the psychologist.

III. 10. 5. **Referrals on request.** The psychologist providing services to a client shall, if feasible, make an appropriate referral of the client to another professional when requested to do so by the client.

III. 10. 6. **Harassment.** The psychologist does not engage in any verbal or physical behavior with clients which is seductive, demeaning or harassing.

III. 10. 7. **Truth and reconciliation.** The psychologist shall take reasonable steps to familiarize themselves with the current and historical injustices suffered by indigenous peoples on behalf of Canada and the field of psychology prior to providing services to ensure all professional activities are performed in a culturally competent manner. This includes recognizing and respecting indigenous ways of knowing and traditional approaches to healing and wellness.

III. 11. Welfare of supervisees, research participants and students (rule # 11)

III. 11. 1. **Welfare of supervisees.** The psychologist shall not engage in any verbal or physical behavior with his/her supervisees which is seductive, demeaning or harassing or exploiting of a supervisee in any way, be it sexually, financially or otherwise.

III. 11. 2. **Welfare of research participants.** The psychologist shall respect the dignity and protect the welfare of his/her research participants and shall comply with all relevant legislation and administrative rules concerning treatment of research participants.

III. 11. 3. **Welfare of students.** The psychologist shall not engage in any verbal or physical behavior with his/her students which is seductive, demeaning or harassing or exploiting of a student in any way, be it sexually, financially or otherwise.

III. 12. Representation of services (rule # 12)

III. 12. 1. **Display of license.** The psychologist shall display his/her current

CPNB license to practice psychology on the premises of his/her professional office or have in his/her possession his/her valid CPNB membership card.

III. 12. 2. **Misrepresentation of qualifications.** The psychologist shall not misrepresent directly or by implication his/her professional qualifications such as education, experience or areas of competence.

III. 12. 3. **Misrepresentation of affiliations.** The psychologist shall not misrepresent directly or by implication his/ her affiliations, or the purposes or characteristics of institutions and organizations with which the psychologist is associated.

III. 12. 4. **False or misleading information.** The psychologist shall not include false or misleading information in public statements concerning professional services offered.

III. 12. 5. **Misrepresentation of services or products.** The psychologist shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent (a) the services or products, (b) the degree of his/her responsibility for the services or products, or (c) the nature of his/her association with the services or products.

III. 12. 6. **Correction of misrepresentation by others.** In as much as possible, the psychologist shall correct others who misrepresent the psychologist's professional qualifications or affiliations.

III. 13. Fees and Statements (rule # 13)

III. 13. 1. **Disclosure of cost of services.** The psychologist shall not mislead or withhold from a client, prospective client, or third party payer, information about the cost of his/her professional services.

III. 13. 2. **Reasonableness of fee.** The psychologist shall not exploit the client or responsible payer by charging a fee that is excessive for the services performed or by entering into an exploitive bartering arrangement in lieu of a fee.

III. 13. 3. **Fee collection.** Prior to using a collection agency or legal option to collect fees, the psychologist informs the client of this intent and provides an opportunity for payment to be made. If a collection agency or legal option is used, the psychologist shall provide a minimum of

information necessary for the collection of fees (such as amount, name and address only).

III. 14. Assessment Procedures (rule # 14)

III. 14. 1. **Confidential information.** The psychologist shall treat an assessment result or interpretation regarding an individual as confidential information.

III. 14. 2. **Communication of results.** The psychologist shall accompany communication of assessment procedure and results to the client, parents, legal guardians or other agents of the client by adequate interpretative aids or explanations.

III. 14. 3. **Reservations concerning results.** The psychologist shall include in his/her report of the results of a formal assessment procedure any relevant reservations or qualifications which would reasonably affect the validity, reliability or other interpretation of results.

III. 14. 4. **Protection of integrity of assessment procedures.** The psychologist shall not reproduce or describe in popular publications, lectures or public presentations psychological tests or other assessment devices in ways that might invalidate them.

III. 14. 5. **Information for professional users.** The psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the assessment procedure or interpretive service are factual and descriptive.

III. 15. Violations of Law (rule # 15)

III. 15. 1. **Violation of applicable legislation, laws, bylaws or regulations.** The psychologist shall not violate any applicable legislation, laws or bylaws regulating the practice of psychology.

III. 15. 2. **Use of fraud, misrepresentation, or deception.** The psychologist

shall not use fraud, misrepresentation, or deception in obtaining a psychology license, in passing a psychology licensing examination, in assisting another person to obtain a psychology license or to pass a psychology licensing examination, in billing clients or third party payers, in providing psychological service, in reporting the results of psychological evaluations or services, or in conducting any other activity related to the practice of psychology.

III. 16. Aiding Unauthorized Practice (rule # 16)

III. 16. 1. **Aiding unauthorized practice.** The psychologist shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology.

III. 16. 2. **Delegating professional responsibility.** The psychologist shall not delegate professional responsibilities to a person not appropriately credentialed or otherwise appropriately qualified to provide such services.

III. 17. Reporting Suspected Violations (rule # 17)

III. 17. 1. **Reporting of violations to CPNB.** The psychologist who has substantial reason to believe that there has been a violation of the Act, By-laws, Rules or Code of Conduct of CPNB that might be reasonably expected to harm a client, may report such violation to CPNB or if required by legislation shall report to CPNB. Unless required by legislation, the client's name may be provided only with the written consent of the client.

III. 17. 2. **Providing information to a client.** When a psychologist learns from a client of a possible violation of the Act, By-Laws, Rules or Code of Conduct of CPNB, or when a psychologist receives a request from a client for information on how to file a complaint with CPNB, the psychologist has an obligation to direct the client to CPNB so as to be informed of the proper procedures to file a complaint with CPNB.

III. 18. Public notice (rule # 18)

The psychologist shall have a copy of this Code of Conduct on his/her premises or in his/her possession for the client to review when deemed necessary.