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Submission to Law Amendments Committee, Re: Bill 334

Nova Scotia's Health Services and Insurance Act

**Submitted by: Dr. Conor Barker, on behalf of the Nova Scotia Board of Examiners in Psychology
October 23, 2023**

My name is Dr. Conor Barker. I'm here as a registered psychologist and board member of the Nova Scotia Board of Examiners in Psychology (NSBEP). The role of NSBEP is to protect the public by regulating psychologists who practice in Nova Scotia. This involves setting professional standards for practice and investigating and addressing complaints against Psychologists.

Psychologists in Nova Scotia can assess and diagnose psychological and emotional disorders and provide counselling or therapy to enhance physical and mental health of Nova Scotians. Psychologists are required by law to deliver competent, ethical and professional services.

As a board, we have discussed Bill 334. While we recognize that increased access to mental health care is a laudable goal, it is vital for the protection of the public that, if passed, this Act is enacted in a thoughtful manner. This bill, as written, has limited information in it and is broad in scope. We recognize that if passed, the infrastructure to administer mental health and addictions services under Nova Scotia's Health Services and Insurance Act will need to be designed. In this spirit we offer the following insights on Bill 334 and the role of NSBEP as the regulator of psychological practice in Nova Scotia, and we invite further discussion as this legislation proceeds and regulations are developed.

Ethical practice is the core of a competent psychologist's practice. Psychologists operate under the Canadian Code of Ethics for Psychologists. The code defines *Responsible Caring* as a guiding principle, which involves the responsibility of a psychologist to exercise their skill set and knowledge of evidence-based practice. Psychologists must have the freedom to select the assessment tools, methods and interventions that will meet the needs of Nova Scotians based on best available evidence.

Through specialized training that is focused on evidence-based assessment, diagnosis and intervention, including the use of diagnostic systems, including the Diagnostic and Statistical Manual of Mental Disorders (DSM) and the International Classification of Diseases (ICD), psychologists have a knowledge of evidence-based tests and treatment protocols, the number and type of sessions required for effective treatment, and an ethical order of operations to follow in the assessment and treatment of mental health concerns. By virtue of their research-based and clinical training, psychologists are also enabled to use their professional judgement in the application of psychological principles. Thus, within regulations, NSBEP as a partner and regulator

of psychological practice in Nova Scotia, can support decisions about the nature and extent of services that may be needed to meet the requirements of *Responsible Caring* for individuals requiring mental health services.

We note, consistent with the position of the Canadian Psychological Association, that Psychology is an autonomous profession, not dependent upon, subservient to, nor ancillary to any other profession. This must be recognized when regulations of any kind affect professional psychology. Within the public sector, psychologists working in hospitals and schools have, at times, been told by administration or management what tests or services they must provide to patients or students or have been told that they are not permitted to use certain tests or therapies, or render certain diagnoses, despite being fully qualified to assess and diagnose these conditions/disorders. As the regulator, we have received reports from psychologists, families and individuals that have raised concerns about the potential compromise to quality of care, and the lack of access to evidence-based treatments. In the few experiences psychologists in private practice have had to date with versions of this new public-private model, it has been reported that third parties have also attempted to exert their influence and specify what tests can be used in the psychological assessment.

By permitting third parties who do not have psychological training to prescribe or constrain how psychologists conduct their work and the activities psychologists can and cannot carry out there are likely to be risks posed to the public. Our concern is that best-practice standards may not be met, or minimum levels of competence may not be able to be maintained if regulations are not aligned with evidence-based practice. Psychologists could be faced with having to send individuals away, or providing sub-optimal assessment or intervention. This could lead to ineffective assessment and treatment services for Nova Scotians. Consistent with the principle of *Responsible Caring*, Psychologists have an ethical obligation to practice psychology in ways that will minimize harms and maximize benefits.

If this bill is enacted, NSBEP respectfully requests a continued seat at the table to assist in the development of regulations respecting the Act, and that government remain cognizant that psychologists are experts in determining how the public can best receive mental-health services.

Psychologists are also experts in program evaluation. Bill 334 is a bill that provides considerable powers to the Minister of Health and Wellness and the Minister of Addictions and Mental Health, while at the same time diminishing the role of the Governor in Council. We respectfully request more information be included within the Act with respect to oversight. Specifically, there need to be clear avenues to consider and resolve concerns, and metrics determined beforehand to evaluate the effectiveness of this legislation on the quality of mental health care provided to Nova Scotians. We recommend identification of specifically what measures will be used to evaluate implementation at each stage before steps are established, a Ministers' review that will consider the Act's effectiveness in meeting its purposes, and that this review will involve stakeholders including NSBEP and psychologists who are directly impacted by the Act.

We wish also to signal that we recognize the significance of Bill 334. This is legislation that, if enacted, will potentially change the landscape of mental health care in Nova Scotia and will be watched by all of Canada. NSBEP is hopeful that this Act will allow psychologists to continue providing competent services, maximizing benefit and minimizing harm to their clients and conforming to the Canadian Code of Ethics for Psychologists. We are willing and able to support government towards the goal of improving access of effective mental health care for Nova Scotians.