



**Bill-36: Health Professions and  
Occupations Act  
&  
Regulation of Clinical Counsellors**

**December 4, 2022**

## Table of Contents

<b>Bill 36: Health Professions and Occupations Act Overview .....</b>	<b>3</b>
<b>Clinical Counselling Regulation Timing .....</b>	<b>4</b>
<b>Regulation under a Legislative Act Increases Public Protection .....</b>	<b>5</b>
<b>Doing, Protecting, Serving, Evolving – Beyond Pontificating .....</b>	<b>6</b>
<b>Safeguarding the Clinical Counselling Profession .....</b>	<b>6</b>
<b>Passing a Refined Regulation Baton to the Regulatory College.....</b>	<b>6</b>
<b>Occupational and Professional Titles .....</b>	<b>7</b>
<b>Profession versus Occupation .....</b>	<b>8</b>
<b>In Conclusion .....</b>	<b>9</b>
<b>Frequently Asked Questions .....</b>	<b>10</b>

## Bill 36: Health Professions and Occupations Act Overview

On October 19, 2022, the BC Government introduced Bill 36, titled the *Health Professions and Occupations Act*. The government intends this new legislation to replace the [Health Professions Act](#), the legislation that currently governs health regulatory colleges and regulated health professions in the province.

After going through three readings and the Committee stage, the Health Professions and Occupations Act (HPOA) received Royal Assent November 24, 2022 and is now law in British Columbia.

While the BC Government has not yet released an implementation schedule and in-force date for the Act, BC health regulatory colleges will continue to operate under the Health Professions Act until the in-force date for the new legislation is determined.

According to the [BC Government news release](#), Bill 36 legislation enables:

- A streamlined path to reduce the number of BC health regulatory colleges through amalgamation
- A simplified and streamlined process for regulating new professions
- Creation of an oversight body for health regulatory colleges (funded by the colleges)
- A reformed complaints process that increases accountability and transparency
- A commitment to cultural safety and cultural humility
- Improved information sharing and collaboration between regulatory colleges and with other agencies to enhance public safety and protection
- Creation of an improved governance system where all regulatory college board members are appointed via a competency-based process

The news release also notes that the BC Government “**will begin regulating counsellors**”.

The BCACC is closely studying the new *Health Professions and Occupations Act*, and consulting with the Ministry of Health and other BC health regulatory colleges about the legislation. The BCACC will communicate with its members/registrants and other stakeholders as more information about the legislation is confirmed and we learn more about the BC Government’s plans for regulation of clinical counsellors.

## Clinical Counselling Regulation Timing

During the first reading and debate of Bill-36 at the legislature, Health Minister Dix indicated that “in the case of the **clinical counsellors**, I believe we can do that work. They’ll be ready on close to day one, when the new system comes into effect and the new colleges come into effect to replace the existing system.” In fact, the Minister made mention of “**clinical counsellors**” more than 10 times during those discussions.

The five key initiatives the Ministry of Health must undertake to arrive at ‘day one’ include:

1. Finalizing the Health Professions and Occupations Act and any required regulation and bylaw changes
2. The ongoing amalgamation of BC health regulatory colleges, including creation of the Regulatory College of Allied Health and Care Professionals (which clinical counsellors will join)
3. The establishment of the oversight commission and the appointment of a superintendent
4. Preparing for the regulation of the diagnostic and therapeutic professions
5. Preparing for the regulation of clinical counsellors

Figure 1. Recommended arrangement of regulatory colleges



It is our understanding that all 5 initiatives will be done concurrently and not serially. This will greatly expedite the process for the regulation of clinical counsellors. Based on what we know right now, the BCACC estimates that it will still take 2-3 years before clinical counsellors are regulated under the Health Professions and Occupations Act, however, we are aware that may change as the government continues its work. As a point of reference, it took about two years for the amalgamation of the Oral Health Professions into a single regulatory college. The BCACC and the College of Psychologists of BC (CPBC) will continue their collaboration in refining BCACC’s regulatory processes in preparation for legislative regulation under the HPA/HPOA.

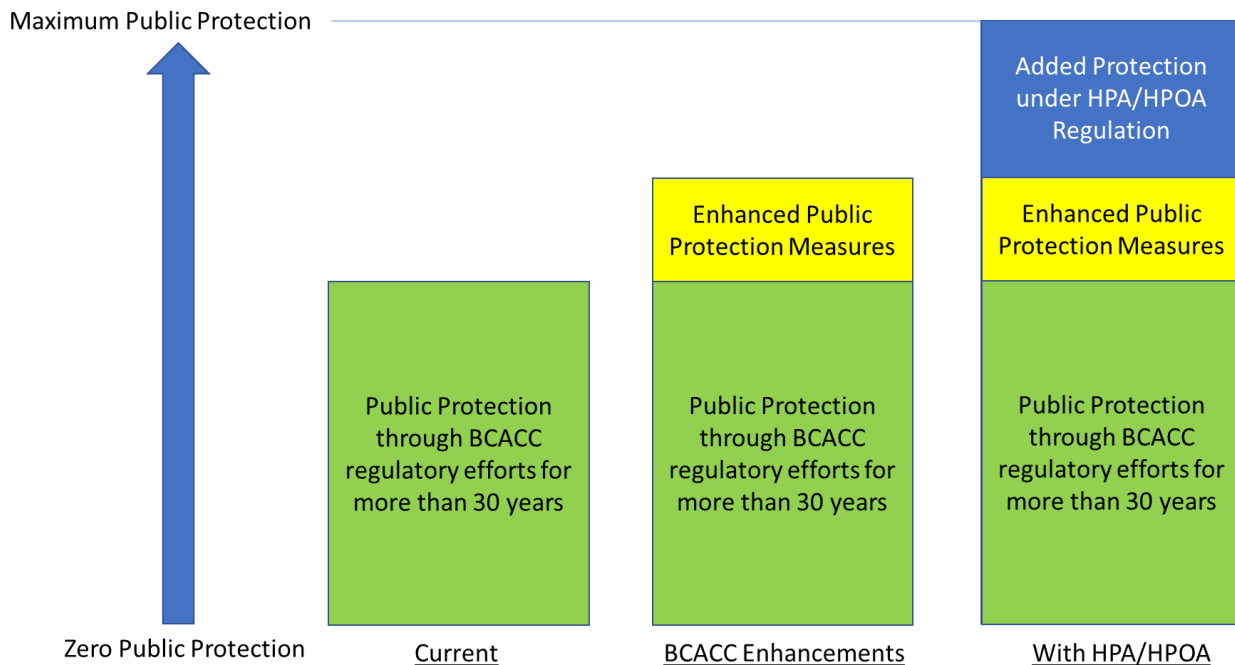
# Regulation under a Legislative Act Increases Public Protection

The BCACC already has in place rigorous registration, inquiry/complaint and discipline processes and employs NCIT certified investigators and regulatory legal experts. The BCACC is also a member of the Council on Licensure, Enforcement and Regulation (CLEAR) and of the Canadian Network of Agencies of Regulation (CNAR) where best practices on regulation are shared both nationally and internationally.

As a matter of fact, the BCACC and the PEI Counselling Association (which spearheaded the regulation of counsellors in PEI last year) jointly presented at this year’s CNAR conference on the topic of regulation preparedness (<https://vimeo.com/769649943/dff5e9fcd9>).

The BCACC does an adequate job regulating its members and has taken multiple steps to further enhance its public protection measures. However, the BCACC **knows that the public will be afforded even better protection once the profession is regulated under the HPA/HPOA.**

This is especially true as not all mental health occupations have a regulatory function with as long a history and experience as the one the BCACC employs to protect the public and regulate its professionals.



## Doing, Protecting, Serving, Evolving – Beyond Pontificating

For the past 30+ years the BCACC has been advocating for regulation of the clinical counselling/psychotherapy profession in BC and in fact was by far the largest financial contributor to these efforts. Switching gears to really focus on enhancing BCACC's own public protection measures is making a difference!

The BCACC's continued regulatory efforts have increased the public's trust in the Clinical Counselling/Psychotherapy profession. The BCACC's regulatory efforts have resulted in the Registered Clinical Counsellor (RCC) designation being the most demanded designation in BC and is trusted and recognized by both the public and private sector employers, all BC health authorities as well as members of the public. A testament to this established trust is the fact that the BCACC receives 150,000 to 200,000 public enquiries for mental health services annually. In addition, most mental health job postings in BC call for an RCC designation.

## Safeguarding the Clinical Counselling Profession

With 6,000 members accounting for more than 75% of the clinical counselling/psychotherapy profession in British Columbia, the BCACC has a duty to uphold the established public and institutional trust in the RCC designation until such time as the clinical counselling profession is regulated under the HPOA.

The BCACC is excited to work with government to ensure that the public's trust is not eroded during the transition to a Regulatory College and that the existing high standards and the expectations of clinical counsellors are maintained and even enhanced to ensure the highest level of public protection.

## Passing a Refined Regulation Baton to the Regulatory College

After more than 30 years of regulating the majority of the Counselling professionals in British Columbia, the BCACC looks forward to the regulation of clinical counsellors by the new Regulatory College of Allied Health and Care Professionals.

As with all of the other provinces that have seen counsellors become regulated under a legislative act, the government relies on the profession to help create all of the necessary initial building blocks for the regulatory college to perform its function.

The BCACC already has many of these building blocks in place and intends to continue its collaboration with other health profession regulatory colleges in BC and nationally to further refine them. Any missing elements will be added before passing the baton to the Regulatory College of Allied Health and Care Professionals.

## Occupational and Professional Titles

The new Bill-36 seems to indicate that all regulated professionals will be “licensees” and hence the new occupational titles may contain the word “licensed”.

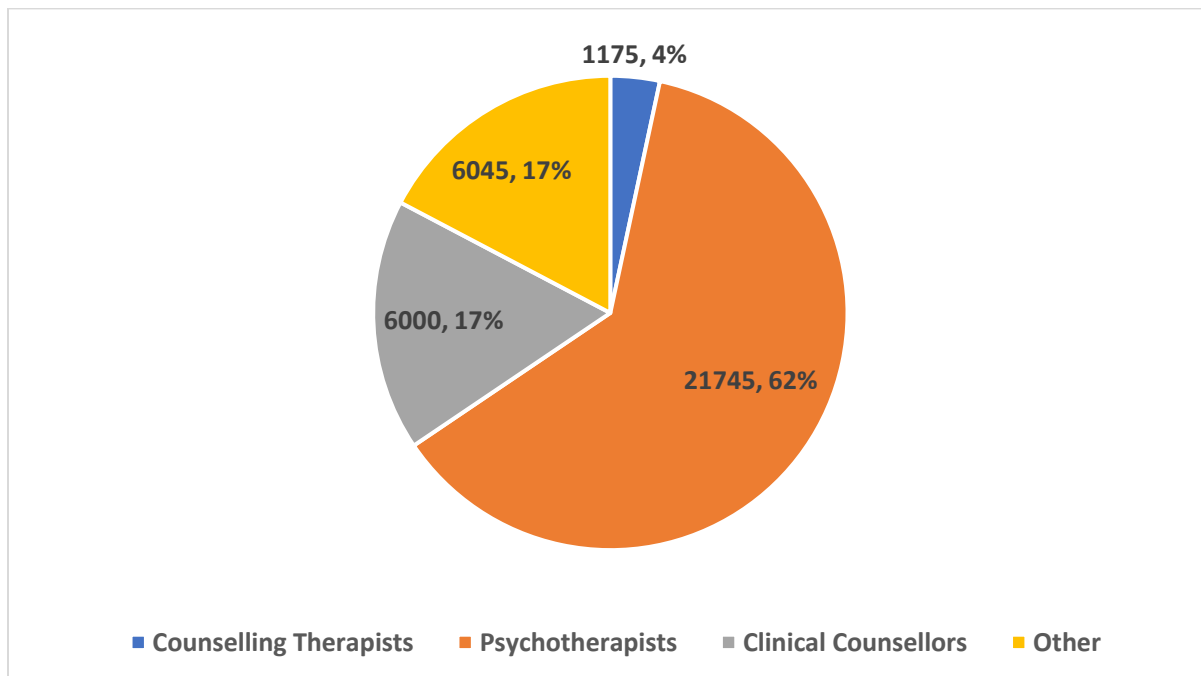
Governments normally choose titles in consultation with those already regulated under a legislative act and other health related stakeholders with the public’s interest in mind. The new title must “fit” within the established health delivery eco-system and not create mass confusion on the part of the public and health authorities.

In BC, the RCC title is well recognized and understood and accounts for 75%+ of the profession.

While it is up to the Ministry of Health to determine which titles will be used for clinical counsellors, it will keep the public’s interest/familiarity and the established BC health care eco-system in mind when doing so.

Given the prevalence of the Registered Clinical Counsellor title in BC and the fact that more than 60% of those regulated in Canada use “psychotherapist” as part of their title, we anticipate that the government will use titles containing the words “**Clinical Counsellor**” or “**Psychotherapist**”.

### Occupational and Professional Titles Across Canada (NOC 41301):



British Columbia primarily uses the title of “clinical counsellor”, Quebec and Ontario have large practitioner populations and use “psychotherapist”, the three Atlantic provinces where counsellors are regulated use “counselling therapist” but they only account for up to 4% of the 35,000 practitioners across Canada. It should also be noted that all of the provinces where clinical counselling/psychotherapy is regulated under a provincial legislative act have a **master’s degree in counselling psychology** or equivalent as an entry requirement.

## Profession versus Occupation

The HPOA makes a distinction between a Profession versus an Occupation. This will most likely determine which professionals will be regulated by a regulatory college and which ones will not.

Part1, Division1, section 6 of the new Health Professions and Occupations Act has the following definition for a Profession:

- 1) For the purposes of this Act, a health profession has the following characteristics:
  - a) Persons who practise the health profession
    - i. have sufficient education, training, experience and other qualifications to have a professional level of knowledge, skills, ability and judgement,
    - ii. are personally responsible for determining the appropriate course of care for patients, and
    - iii. provide health services that may present a risk of harm to the public;

All Registered Clinical Counsellors (RCCs) are required to have a Masters' level degree in counselling psychology or equivalent within six core course areas, namely: 1) normal development and/or abnormal psychology; 2) counselling and personality theories; 3) group therapy theory & practice; 4) family therapy theory & practice; 5) basic research design and 6) ethics. Additionally, RCCs are required to have a minimum of 100 hours of supervision with the appropriate direct practice experience.

Regardless of the practice settings (AMH, CYMH, private practices, educational institutions, hospitals, clinics, care facilities, rehabilitation centres/programs, employee assistance programs and more) within which RCCs practise, RCCs are personally responsible for determining the appropriate course of care for their patients.

Inherent in the nature of the profession, most patients who seek the services of a clinical counsellor are in a vulnerable state.

Given that RCCs have the requisite education, training and experience required to practice Clinical Counselling, that they are personally responsible for determining the appropriate course of care and that their misconduct can truly present a major risk to the public, RCCs do indeed fall in the category of a profession as opposed to an occupation.

In BC, there are many other mental health roles that provide supports to the public, but which would be considered occupations. In other provinces where regulation is established, the distinction rests in the discipline of psychotherapy, the ability to "determine the course of care". This is educated at the master's level, trained in the practicums, and competencies assessed upon licensure or registration. We believe this to be the right course of action for BC and anticipate the government and other regulatory colleges agreeing.



## In Conclusion

The Ministry of Health has made the decision to regulate clinical counsellors and the process will likely take up to 2-3 years. The BCACC and its members, through self-regulation and high standards of practice, have gained the public's and other mental health stakeholders' trust and have hence established the RCC designation as the most prevalent and de facto standard in BC.

The BCACC will work with the Ministry of Health and other regulatory colleges in BC and nationally to refine and add the building blocks which will be required for the regulation of clinical counsellors under the Health Professions and Occupations Act.

The BCACC will support its members in their transition to becoming registrants of the College and will continue to advocate for the Clinical Counselling/psychotherapy profession in BC, serve and educate the public in BC with regards to mental health services, and provide member services and support to mental health professionals in BC.

# Frequently Asked Questions

## 1. What will happen to my BCACC membership once a Regulatory College is formed?

The BCACC conducts four main activities:

- A. Advocates for the Clinical Counselling/psychotherapy profession in BC
- B. Serves and educates the public in BC with regards to mental health services
- C. Provides member services and support to mental health professionals in BC
- D. Protects the public by regulating its members/registrants in BC

Once a Regulatory College is formed, all those who meet its registration eligibility requirements and wish to use its protected title would join the Regulatory College. One of the BCACC's mandated activities (D - public protection) would then be transitioned to and administered by the new Regulatory College.

However, it's also important to understand that after the new college is established, the BCACC will continue to perform its three other main activities (A, B and C) and members will continue to benefit from its efforts.

As with all professions, it is best practice for members/registrants to belong to both their regulatory college and their member association to avail themselves of the different benefits of each.

## 2. Which existing designations will get into the new regulatory college?

The registration committee for the new regulatory college will not necessarily look at existing designations when deciding which professionals will be admitted. The new regulatory college will most likely define two sets of entry requirements: one for legacy practitioners (through, for example a grand parenting plan) and one for new practitioners (regular entry) entering the profession for the first time.

In setting the eligibility requirements for regular entry, the government will look at the other provinces and the established norms/expectations of the public and other regulated health professionals. At present, all five provinces (NB, ON, QC, PE and NS) with regulation of Clinical Counsellors/psychotherapists under a legislative act require master's level education in counselling psychology or equivalent.

As was done by the other regulated provinces, a legacy plan will also be developed which will look at a combination of education, training and experience in deciding whether those without the requisite education will be eligible for registration. This process may also be used by the government to determine if a particular practitioner/area of practice would fall under the category of a profession or an occupation. The BCACC is committed to helping its members/registrants prepare themselves for registration with the Regulatory College under the "profession" category and will support members with access to additional training at the appropriate time.

### 3. Which title will the new regulatory college use?

While it is up to the Ministry of Health to determine which occupational title will be used for clinical counsellors, it must keep the public's interest/familiarity and the established BC health eco-system in mind when doing so.

Given the prevalence of the Registered Clinical Counsellor title in BC and the fact that more than 60% of those regulated in Canada use "psychotherapist" as part of their title, we anticipate that the government will use one of the following titles:

- **Licensed Clinical Counsellor**
- **Registered Clinical Counsellor**
- **Licensed Psychotherapist**
- **Registered Psychotherapist**
- **Clinical Counsellor**
- **Psychotherapist**

### 4. How much support has BCACC received from other regulatory Colleges and stakeholders?

When the BCACC decided to switch gears and really forge ahead with its public protection enhancement/regulatory modernization measures, it sought the help of many organizations both provincially and nationally. The outcome of these efforts has been positive and will be refined further as we create regulatory building blocks for potential use by the new Regulatory College.

The BCACC consulted with, and/or received tangible help and encouragement from:

- A member of the government's steering committee for regulatory modernization
- The Ministry of Mental Health and Addictions
- The Ministry of Health
- The Coalition of Health Professionals Associations
- The BC Dental Hygienists Association
- The College of Psychologists of BC (for sharing their regulatory experience and best practices)
- All seven of the existing health regulatory colleges which will amalgamate to become part of the new Regulatory College of Allied Health and Care Professionals (for sharing their standards)
- The College of Pharmacists of BC (for guidance regarding HPA bylaws)
- The First Nations Health Authority (for providing valuable feedback for the ETPC)
- The College of Registered Psychotherapists of Ontario (for giving BCACC their ETPC document and sharing their experience with regulation)
- The Nova Scotia College of Counselling Therapists (for sharing their ETPC with BCACC)
- The College of Counselling Therapists of New Brunswick
- The College of Counselling Therapy of PEI
- The PEI Counselling Association (for sharing their experience in preparing for regulation and for jointly presenting with the BCACC at the Canadian Network of Agencies for Regulation <https://vimeo.com/769649943/dff5e9fcd9>)

## 5. What is the role of a National Association versus a Provincial Association?

For mature professions (e.g., legal, accountancy, nursing, psychology) there is a national association that advocates at the federal level and works with the provinces to enhance support of the profession at a national level. Typically, smaller provinces do not have the financial means to fully advocate for the profession, serve and educate the public, and provide member services and support. The national association leverages the resources of the larger provincial associations and best practices from all provinces for the betterment of the profession nationally.

However, a national association does not have the feet on the street required to be fully effective at the provincial level. As an example, the BCACC has 17 staff and 50 volunteers in British Columbia who advocate day in and day out for the profession, sit on multiple advisory councils, provide 150,000 to 200,000 referrals to members, partner with local organizations to improve access to mental health services, address issues that are province specific and continually protect the public through its regulatory processes.

The best structure utilized by more mature professions includes a national body and strong provincial associations working in tandem to enhance and support the profession.

The members belong to the provincial associations and by default also belong to the national association. All member services, including insurance, are provided provincially and membership dues are collected by the provincial bodies and a portion thereof is given to the national body to support all provinces, organize national conferences and advocate at the federal level, and sometimes at the international level as well.

## 6. What about labour mobility across Canada?

The BCACC has consulted with and informed those responsible for Labour Mobility within the BC government as well as those within the Federal/Provincial-Territorial Relations and Labour Mobility Branch. The enforcement of labour mobility provisions is only done once a profession is regulated under a provincial legislative act. But here is what one of the Managers had to say:

“Aligning the BC entry to practice competency framework and education requirements for clinical counsellors with those of other provinces that regulate the profession must have been a lengthy and complex process. You must be very excited of such an achievement. **It will certainly result in greater mobility of workers in this profession.**”

Some people have posited that labour mobility is determined prior to the profession's college creation and that the professional title used can determine its suitability for labour mobility. This is, in fact, not the case. Any talk of labour mobility between provinces is done once a profession is regulated under a provincial legislative act. The occupational and professional titles chosen by the provinces for a particular profession have no bearing on labour mobility. The regulatory colleges may choose to establish mutual recognition agreements and/or establish province specific guidelines for incoming professionals.

For example, Ontario uses the title of Registered Psychotherapist and Prince Edward Island uses the title of Counselling Therapist, AND this does not prevent regulated professionals from moving from one province to another province to practice (provided that they meet the entry requirements for admissibility under the labour mobility provisions set by the province – e.g., juris prudence exam, language proficiency, etc.).