



# Your Responsibilities as a Registered Psychologist

NEW ZEALAND PSYCHOLOGISTS BOARD

# Advice from the Psychologists Board on your Responsibilities as a Registered Psychologist

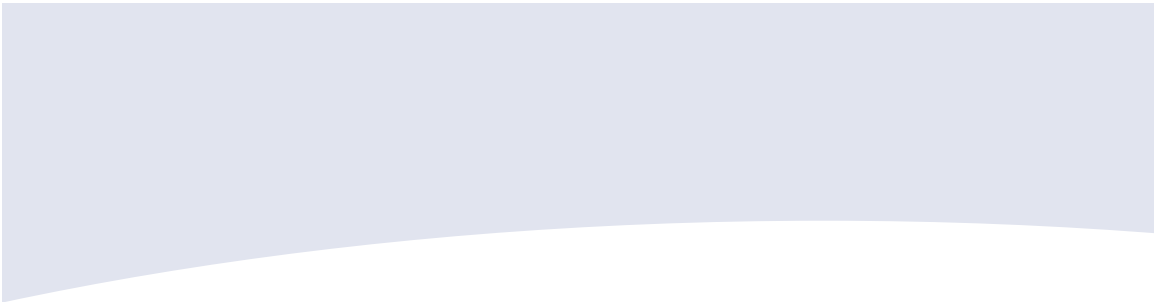
This publication has been produced by the New Zealand Psychologists Board to ensure that Registered Psychologists have access to key information that should govern their practice. This information comes from:

- **The Health Practitioners Competence Assurance Act 2003**
- **The New Zealand Code of Ethics for Psychologists Working in Aotearoa/New Zealand 2002**
- **The New Zealand Psychologists Board**

## Code of Ethics

The Code of Ethics for Psychologists Working in Aotearoa/New Zealand 2002 ("Code of Ethics") was prepared by the Code of Ethics Review Group, a joint working party of the New Zealand Psychological Society, the New Zealand College of Clinical Psychologists and the New Zealand Psychologists Board.

The Code of Ethics was adopted by members of the New Zealand Psychological Society and members of the New Zealand College of Clinical Psychologists at their respective 2002 Annual General Meetings. The New Zealand Psychologists Board resolved to formally adopt the Code of Ethics for Registered Psychologists on 6 December 2002.



The Code of Ethics sets out the ethical standards by which all Registered Psychologists should conduct themselves.

The Code of Ethics is based on four principals:

***Principal One***

**Respect and Dignity of Persons and Peoples**

***Principal Two***

**Responsible Caring**

***Principal Three***

**Integrity in Relationships**

***Principal Four***

**Social Justice and Responsibility to Society**

Copies of the Code of Ethics can be obtained the Psychologists Board's website (see "Publications"), along with detailed information about the HPCA Act.

# Health Practitioners Competence Assurance Act 2003

The HPCA Act 2003 replaced the Psychologists Act 1981 on 18 September 2004. It is the governing legislation for all Registered Psychologists in New Zealand.

## **Purpose of the HPCA Act**

The principal purpose of the HPCA Act is to protect the health and safety of members of the public by providing for mechanisms to ensure that health practitioners are competent and fit to practice their professions.

The HPCA Act comprises 218 pages and is divided into seven parts:

**Part One – Preliminary and Key Provisions**, includes:

- unqualified persons must not claim to be a health practitioner
- health practitioners must not practise outside their scope of practice
- certain activities restricted to particular health professionals

**Part Two – Registration of, and Practising Certificates for, health practitioners**, includes:

- prescribed scopes of practice, qualifications and experience
- registration of practitioners and authorisations of scopes of practice
- practising certificates

**Part Three – Competence, Fitness to Practise and Quality Assurance**, includes:

- notification of practice below required standard of competence
- competence programmes and recertification programmes
- inability to perform required functions
- quality assurance activities



**Part Four – Complaints and Discipline**, includes:

- referral of complaints and interim suspensions
- Professional Conduct Committees
- Health Practitioners Disciplinary Tribunal (HPDT)
- procedure and decisions of HPDT, findings of HPDT and recovery of costs and fines

**Part Five – Appeals**, includes:

- rights of and procedures on appeal

**Part Six – Structures and Administration**, includes:

- continuation and establishment of authorities
- status, functions and members of authorities
- Registrars

**Part Seven – Miscellaneous Provisions, Consequential Amendments and Repeals and Transitional Provisions**, includes:

- persons registered under former registration Acts deemed to be registered under the HPCA Act
- persons deemed to have authorised scope of practice

# Your Practice as a Registered Psychologist

From the Code of Ethics to the HPCA Act, the five key elements governing the practice of Registered Psychologists are:

1. **As a Registered Psychologist, you must ensure that your practice is consistent with the Code of Ethics 2002 and the HPCA Act 2003.**
2. **You are required to advise the Board Registrar of any change of name or address.**

The following is an extract from **Part 6** of the HPCA Act.

#### **Section 140 – Health Practitioners must notify Registrar of address**

- (1) A health practitioner who is first registered with an authority must ensure that the Registrar has the practitioner's current postal address, residential address, and (if applicable) work address.
- (2) A health practitioner must promptly give the Registrar of the responsible authority written notice of any change in the practitioner's postal address, residential address, and (if applicable) work address.

**[NB: This information is not made public]**

#### **Section 141 – Changes of Name**

- (2) Within one month after a health practitioner changes his or her name, the practitioner must give the Registrar of the responsible authority written notice of the practitioner's new name.

**[NB: Address and name changes can be made on the Board's website.]**

#### **Section 144 – Revision of Register**

- (1) The Registrar of the responsible authority may at any time, and must if the authority directs, ask whether a health practitioner wishes to have their entry in the register cancelled.
- (2) The Registrar must ask by letter addressed to the health practitioner at his or her last known address.
- (3) If the health practitioner tells the Registrar in writing that he or she wishes to have their entry in the register cancelled, the Registrar may cancel the entry in the register.
- (4) If the Registrar does not receive a reply to the letter within six months after it was posted, or if the letter is returned to the Registrar undelivered, the Registrar may give the health practitioner notice in writing at his or her last known address that their entry in the register may be cancelled if they do not respond within ten working days after the date of the notice.
- (5) If the Registrar does not receive a reply within ten working days after the date of the notice, the authority may direct the Registrar to cancel the entry relating to the health practitioner.

#### **Section 145 – Restoration of Entries**

- (1) This section applies to a person if their entry in the register has been cancelled under section 143(3) or section 144(3) or (5).
- (2) On the written application of a person to whom this section applies, the Registrar of the responsible authority must restore the entry in the register relating to the person unless the person could not be registered in accordance with section 16 (which outlines fitness for registration) or is subject to pending disciplinary proceedings under Part 4 (which relates to complaints and discipline) or to an order under section 101(1)(a) (which relates to cancellation of registration as a penalty).

### 3. Registered Psychologists must not give false information to the Psychologists Board

Under the previous legislation governing Registered Psychologists, the Psychologists Act 1981, the only term protected by law was “Registered Psychologist”.

Since 18 September 2004, when the HPCA Act came into effect, all Psychologists registered under the Psychologists Act 1981 were deemed to be registered under the HPCA Act 2003 in the “Psychologist” scope of practice.

In total, the Psychologists Board has prescribed five scopes of practice, each of which has title protection by law:

“Psychologist”

“Intern Psychologist”

“Trainee Psychologist”

plus two vocational scopes of practice:

“Clinical Psychologist” and

“Educational Psychologist”

The Psychologists Board's website provides detailed information about the academic and practical criteria for fulfilling a vocational scope of practice. There is no fee attached to vocational scope of practice applications and application forms are available to download as a PDF on the website.



**4. Registered Psychologists must not practice as a Psychologist without a current Annual Practising Certificate**

The standard Annual Practising Certificate ("APC") year is from 1 April to 31 March. Registered Psychologists are responsible for ensuring that the Psychologists Board receives the relevant practising certificate application form accompanied by the APC fee payment.

**5. Registered Psychologists need to understand the complaints investigation process**

With the implementation of the HPCA Act, a new system of complaints processing and investigation is in place. These processes are outlined in Part 4 of the HPCA Act and are explained in detail on the Board's website. The complaints procedures enable the Psychologists Board to exercise more flexibility in addressing concerns about a Registered Psychologist's practice and competence in a constructive rehabilitative manner.

All complaints received by the Psychologists Board are initially forwarded to the office of the Health and Disability Commissioner. The Commissioner may refer all or part of a complaint to the Psychologists Board. When this happens (as in most cases), the Board must assess the complaint and consider, in light of the nature and circumstances of the complaint, the action or actions that it should take to respond to the complaint. This may include referring the complaint to a Professional Conduct Committee (PCC).

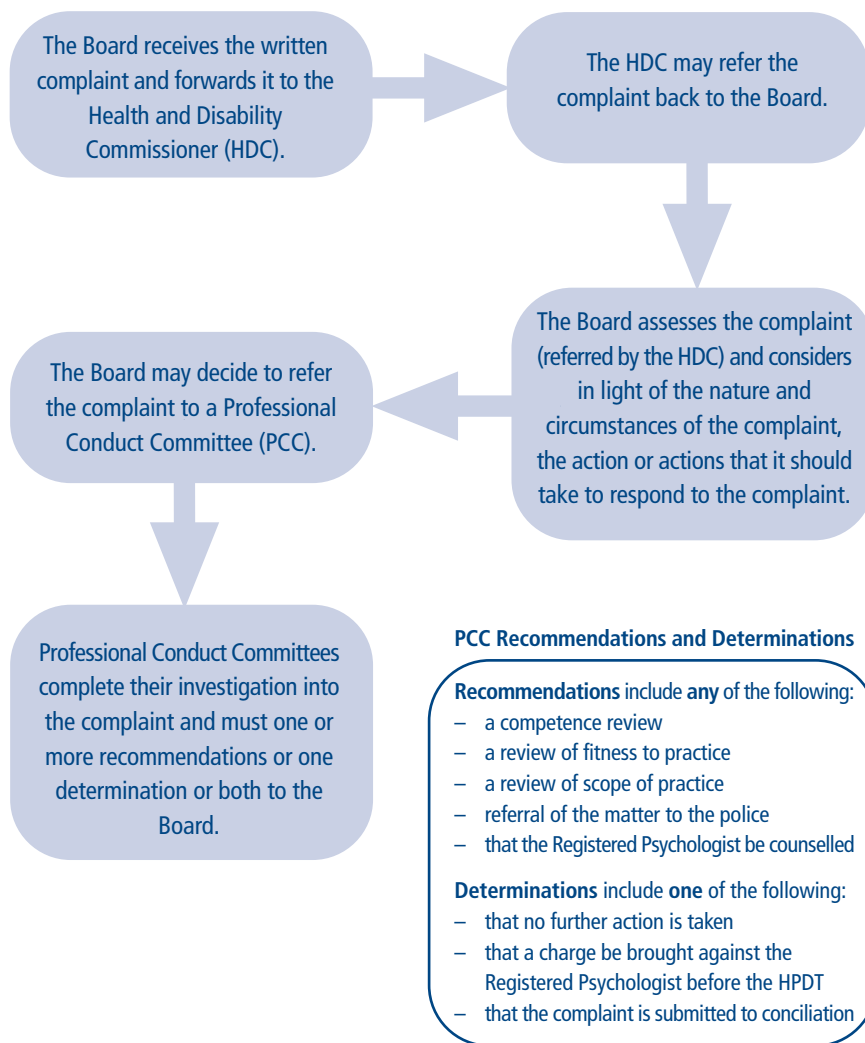
## Complaints and Discipline

### **Professional Conduct Committees**

Professional Conduct Committees (PCCs) are established by the Board to investigate complaints. Under the HPCA Act, PCC's are also required to investigate the circumstances of certain offences committed by health practitioners. A PCC can make one or more recommendations; or one determination; or both to the Board (as specified in section 80). These include submitting the complaint to conciliation or bringing a charge(s) against a health practitioner to the Health Practitioners Disciplinary Tribunal (HPDT).

The Board has prepared helpful guidelines for PCC members and for Registered Psychologists being investigated by a PCC.

## Complaints Process Flowchart



## Competence Reviews

A competence review is one of the recommendations a PCC can make and is one of the new processes provided by the HPCA Act. As outlined in section 40, a Competence Review Panel may make one of the following orders:

- That the Registered Psychologist undertakes an individual competence programme. If this is the case, the Psychologists Board works to develop an individual competence programme to fill any gaps in skill, as described by the Review Panel. This may include specific objectives, educational activities, and an agreed process of reporting or reassessment at the end of the process. The competence programme may also include the appointment of an educational or clinical supervisor. Registered Psychologists are required to meet the cost of completing a competence programme.
- That one or more conditions be included in the Registered Psychologist's scope of practice.
- That the Registered Psychologist sits a specified examination or assessment.
- That the Registered Psychologist be counselled or assisted by one or more nominated persons.

The Board meets the cost of a competence review.

It is important to note that under section 118(i), one of the Board's functions is to set standards of clinical competence, cultural competence and ethical conduct to be observed by Registered Psychologists.

Further information on competence reviews and programmes is available on the Psychologists Board's website.

# Health Practitioners Disciplinary Tribunal

*More information is available on the HPDT website ([www.hpdt.org.nz](http://www.hpdt.org.nz)).*

The HPCA Act has established a Health Practitioners Disciplinary Tribunal (HPDT) to hear and determine charges brought against health practitioners.

The HPDT is a separate body from the Psychologists Board and serves 19 health disciplines. In general, the HPDT will consider only the most serious of complaints. Health registration authorities will not hear charges that arise from the operation of the HPCA Act.

Membership of the HPDT includes a chairperson, one or more deputy chairpersons, and four others, three of whom must be professional peers of the health practitioner and one layperson. None of the HPDT members are Board members.

The source of charges before the HPDT is either the Director of Proceedings (Health and Disability Commissioner's office) or a Professional Conduct Committee (PCC).

#### **The main features of the Tribunal's hearing procedure are:**

1. Hearings are open to the public unless the Tribunal orders otherwise.
2. The Tribunal hears and considers the evidence as well as submissions.
3. The Tribunal endeavours to announce its finding at the conclusion of the hearing.
4. The Tribunal's written reasons for its decision are usually made available 3 to 4 weeks after the conclusion of the hearing.
5. If a health practitioner is found guilty the Tribunal hears and considers submissions on penalty including costs and, where relevant, name suppression.
6. The Tribunal then delivers its written decision on penalty.
7. Dissatisfied parties may appeal the Tribunal's decision to the High Court.

# Appeals

## General Information

Appeal provisions are set out in Part 5 of the HPCA Act and outline the appeal processes to the District Court and High Court of New Zealand.

An appeal must be brought to the appropriate court by way of Notice of Appeal and must be lodged within 20 working days after the notice of the Board's decision or order is communicated to the appellant.

It is normal (and recommended) that a health practitioner seeking to exercise a right of appeal seeks the advice and services of a lawyer.

## Rights of Appeal to the District Court

- Declined registration.
- Declined application for change to the existing scope of practice.
- Declined annual practising certificate application.
- Suspension of a practitioner's practising certificate or registration.
- Cancellation of registration.
- Inclusion of conditions in a practitioner's scope of practice or proposed scope of practice.
- Variation of any conditions in a practitioner's scope of practice.

## Rights of Appeal to the High Court

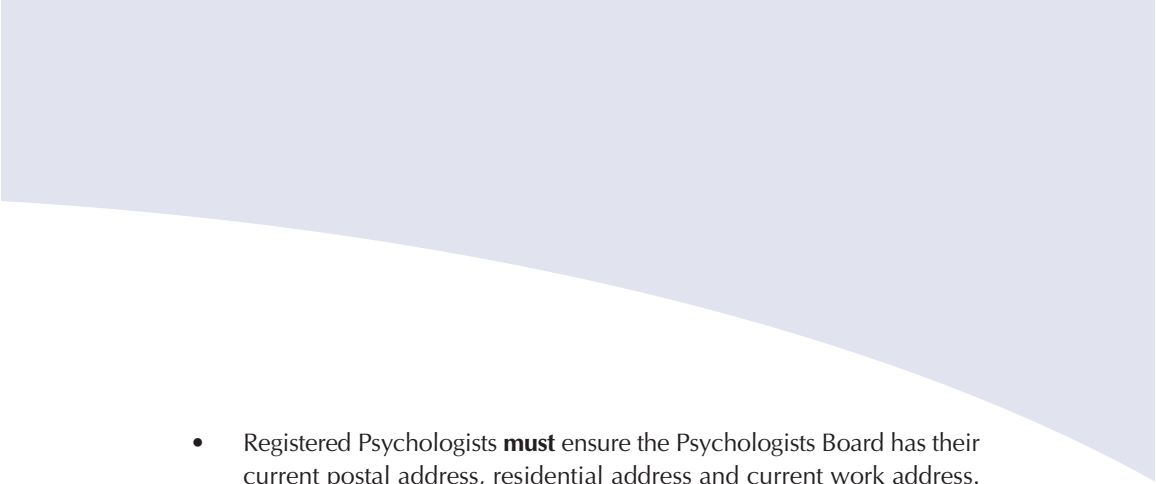
This appeal avenue is against a decision of the Health Practitioners Disciplinary Tribunal. A party may appeal against any determination of law arising in the appeal. If the appeal is from the District Court it must be to the High Court, if it is from the High Court, it must be made to the Court of Appeal.

## HPCA Act –Legal Requirements

### What Registered Psychologists “Must” and “Should” Do

#### Musts:

- A person **must** not use names, words, titles, initials, abbreviations or descriptions stating or implying they are a Registered Psychologist unless the person is registered, and qualified to be registered, as a Psychologist.
- A person **must** not claim to be practising psychology or state or do anything that is calculated to suggest that they practise psychology unless they are registered and hold a current practising certificate.
- Registered Psychologists **must** hold a current practising certificate if working as a Psychologist in New Zealand.
- Registered Psychologists **must** observe conditions on their scope of practice.
- Registered Psychologists **must** apply for a practising certificate using the correct form accompanied by the set fee.
- Registered Psychologists **must** surrender their practising certificate within 14 days if requested to do so by the Psychologists Board for the purpose of endorsement, registration suspension or removal from the register.
- Employers **must** immediately notify the Psychologists Board when a Registered Psychologist employee resigns or is dismissed from employment for reasons relating to competence.
- Registered Psychologists **must** make clinical records available for a competence review or programme or recertification programme.
- Registered Psychologists, employers of Registered Psychologists and persons in charge of an organisation providing health services **must** promptly notify the Psychologists Board in writing of any Registered Psychologist they believe is unable to perform functions required for the practice of psychology because of some mental or physical condition.

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- Registered Psychologists **must** ensure the Psychologists Board has their current postal address, residential address and current work address.
  - Registered Psychologists **must** give the Psychologists Board Registrar written notice of any change of name (e.g. deed poll, or certificate of marriage).

#### Shoulds

- Registered Psychologists should notify the Psychologists Board of any person falsely claiming they are a Psychologist (of any kind) if that person is not registered.
- Registered Psychologists should notify the Board of any Registered Psychologist knowingly practising without a current practising certificate.
- Registered Psychologists should pay any outstanding fines or costs payable to the Board before applying for a practising certificate.
- Registered Psychologists should complete the requirements of any competence programme or recertification programme ordered by the Psychologists Board.
- Registered Psychologists should maintain the required standard of competence and keep up to date with the practice of psychology, e.g. continuing professional development.
- If a Registered Psychologist has reason to believe that another Registered Psychologist may pose a risk of harm to the public, by practising below the required standard of competence, they should notify the Psychologists Board in writing of the reasons on which that belief is based.

## Information on the New Zealand Psychologists Board Website

Go to: [www.psychologistsboard.org.nz](http://www.psychologistsboard.org.nz)

HOW TO REGISTER AS A PSYCHOLOGIST	FOR REGISTERED PSYCHOLOGISTS	PROFESSIONAL CONDUCT	BOARD INFORMATION
<p>NZ Graduates</p> <p>Registered in Australia</p> <p>Qualified Overseas?</p> <p>Scopes of Practice &amp; Qualifications</p> <p>Employment</p> <p>Appeals</p> <p>Fees</p> <p>Non-Bind Assessment</p> <p><b>Application Forms:</b></p> <ul style="list-style-type: none"> <li>- Registration</li> <li>- Practising Certificates</li> <li>- Non-Binding Assessment</li> <li>- TTMRA Registration</li> </ul>	<p><b>What's New?</b></p> <p>HPCA Transition Provisions</p> <p>Practising Certificates</p> <p>Fees &amp; Payment</p> <p>Change Name and Address Details</p> <p>Travelling Overseas?</p> <p>Certificate of Registration</p> <p><b>Application Forms:</b></p> <ul style="list-style-type: none"> <li>- Vocational Scopes of Practice</li> <li>- Practising Certificates</li> <li>- Proposal for new Vocational Scope of Practice</li> </ul>	<p><b>Complaints &amp; Discipline Processes</b></p> <p><b>Competence:</b></p> <ul style="list-style-type: none"> <li>- General Overview</li> <li>- Competence Reviews &amp; Programmes</li> <li>- Cultural Competence</li> <li>- Questions and Answers</li> </ul> <p><b>Code of Ethics</b></p>	<p><b>About the Board:</b></p> <ul style="list-style-type: none"> <li>- Board Functions</li> <li>- Board Members &amp; Appointments</li> <li>- Board Meetings</li> <li>- Legislation</li> <li>- Contact Us</li> </ul> <p><b>Publications:</b></p> <ul style="list-style-type: none"> <li>- Board Newsletters</li> <li>- Annual Report</li> <li>- Code of Ethics</li> <li>- Confidence in your Health Practitioner</li> <li>- Your Responsibilities as a Registered Psychologist</li> </ul> <p><b>Links:</b></p> <ul style="list-style-type: none"> <li>- Psychology Links</li> <li>- Application Forms</li> <li>- News</li> <li>- Legislation</li> </ul>