



Saskatchewan College of Psychologists

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POLICY OP-1.9 **Professional Executor**

Background:

Sections 14.4 and 14.5 of the Saskatchewan College of Psychologists (SCP) Professional Practice Guidelines require members to “in advance” establish a contingency plan for clients and their records to ensure that clients and their health information are protected in the event of a member’s death, incapacity, or withdrawal from their position or practice. In April 2011 the Ad Hoc Committee on Privacy made a recommendation to Executive Council regarding establishing a requirement for members to identify a Professional Executor, and recommending to the membership the establishment of a professional will.

Requiring a formal articulation of a Professional Executor is consistent with the regulatory responsibilities/obligations of the SCP, the ethical responsibilities/obligations of the profession, legislative obligations regarding client health records, public expectation, and quality assurance efforts.

Policy:

Members of the SCP who are practicing** or who have previously practiced and have in their possession client information and /or client health records are required to identify for the SCP a Professional Executor for their practice who will be responsible to do the following in the event that the member is no longer able:

1. Ensure the security of their client health records and information.
2. Respond to requests for access to client health record information.
3. Assure or facilitate continuing client care.

** defined as any practice with and/or relating to clients from which one could reasonably expect that there would be a written/electronic record of that practice

On a yearly basis at annual renewal, members are required to update the contact information of their professional executor. This information will allow the SCP to respond to inquiries with regard to access to health record information. At this time, members are not required to establish a Professional Will but are strongly encouraged to do so.

Practice:

1. Members must annually at license renewal identify a Professional Executor for their client health records, who will take responsibility for those records in the event the member is no longer able to do so.

2. A professional Executor must be a member of the profession unless the member is practicing within an institution or organization, in which case the professional executor may be an employer or an employer designate. Family members cannot serve as the Professional Executor.
3. Individuals who were previously members of the profession, with no history of formal discipline or sanction (including Alternative Dispute Resolution; ADR) may serve in the capacity of professional executor with approval by the College Registrar or their designate.
4. Members must make their own arrangements with their Professional Executor to ensure compliance with the relevant legislation, Canadian Code of Ethics for Psychologists 3rd Edition, the SCP Professional Practice Guidelines, and governing privacy legislation.
5. Members are responsible to ensure that they inform the SCP in writing of any changes to who will serve as their Professional Executor if these occur prior to the license renewal period.
6. Members, who do not comply with the requirement to identify a Professional Executor, will be sent a letter from the SCP outlining the policy and again requesting compliance. Subsequent refusal to comply may be referred to the PCC for follow-up.
7. Executors are strongly encouraged to ensure a working understanding of relevant legislation (e.g. HIPA, the Psychologists Act 1997), the Canadian Code of Ethics for Psychologists, and the SCP Professional Practice Guidelines.