



Requirement to Designate a Professional Executor – Information Package

PROFESSIONAL EXECUTOR DESIGNATION

(Revised Nov 2021)

This package provides basic information about the requirement to name a Professional Executor, and includes FAQs regarding the requirement as well as a copy of the Professional Executor Designation Declaration Form that can be completed and returned to the College as needed to update your information.

Designating an executor for your private practice and/or arranging for information access within your institution(s) is part of the requirement that you ensure, in the event of your incapacity or death, you will meet your obligations under the *Code of Conduct* concerning continuity of care for clients. (See, for example, Standard 14.6 regarding contingency planning.) Your signed declaration will enable the College, in the event of your incapacity or death, to direct members of the public seeking your records to the appropriate registrant or institutional contact, and will facilitate access to and management of practice records.

Registrants are obligated to name a registrant of the College as a Professional Executor if they own any practice records. Registrants are also obliged to provide information to enable access to records created by them but under the control of an institution (e.g., a health authority, a government ministry, a correctional centre, etc.) or a provide business (e.g., a group practice owner, private managed care provider, etc.). Each registrant is responsible for ensuring that the College is kept apprised of current information regarding his or her Professional Executor, and appropriate contact information for institutionally held practice records, as relevant. As examples, if your Professional Executor changes, or you begin creating practice records for which you do not have control in a new institutional setting, you are responsible for updating this information with the College.

We will grant extensions for this requirement to registrants in their first year, but you must provide the College with the name of a registrant who has agreed to serve as your professional executor as soon as you have one and, in any event, no later than December 31st of your registration year. If you own private practice records, you must name a professional executor in order to renew your registration. You are required to provide information for any institutional records created by you at the time of your initial registration.

If after careful review of this information package you still have questions, you are invited to contact the College for assistance.

FREQUENTLY ASKED QUESTIONS

Q: I am currently in private practice, and I have practice records. Do I need to name a professional executor?

A: Yes.

Q: I was in private practice, but I am not anymore. I have practice records. Do I need to name a professional executor?

A: Yes.

Q: I have worked in several institutions over the years. Do I have to provide information for all of them?

A: No. You only need to provide the required institutional information for your current institutional practice location(s).

Q: I work mainly in Alberta, but I have one active client in British Columbia (BC). For the client in BC, I have a practice record. Do I need to name a professional executor in British Columbia?

A: Yes. You must name a professional executor in BC concerning practice records for work you are, or have been, providing to clients in BC. You must name a professional executor for as long as you are maintaining practice records for work provided to clients in BC.

Q: I now practice entirely in Alberta, but I have practice records from when I practiced in BC. My registration status is Non-Practicing (Out of Province). Do I need to name a professional executor in British Columbia?

A: Yes. You must name a professional executor in BC concerning practice records for work you provided to clients in BC. You must name a professional executor for as long as you are maintaining practice records for work provided to clients in BC.

Q: I was formerly in private practice, but now I work exclusively in an institutional setting. I made this transition several years ago. I have practice records from when I was in private practice. Do I need to name a professional executor?

A: Yes, as long as you retain ownership of practice records concerning past private practice clients you saw in BC, you must name a professional executor. You must also provide the required institutional information for the institutional records you have created.

Q: I do most of my work in an institutional setting, but keep one or two private patients. I have practice records relating to them. Do I need to name a professional executor?

A: Yes. You must name another registrant as a professional executor with respect to all practice records that you own. For your institutional practice, you must also provide the required institutional information for the institutional records you have created but do not own.

Q: I work in a mental health centre. The mental health centre owns all the records. Do I need to name a professional executor?

A: No, but you must provide the required institutional information while you are working in this setting.

Q: Who in my institution should I name as a contact person? I work with another psychologist, but there is also a manager.

A: You need to provide the name or the title of a contact person who is able either to respond to an information request or appropriately to redirect the person seeking release of information. You do not need to name another registrant for this purpose.

Q: Can I name the position responsible for the institutional records, or do I need to name a particular person?

A: You may provide either the name or the title of the contact person, or both.

Q: Although I maintain my BC registration, I have not lived or worked in BC in many years. I do not own or have responsibility for any BC practice records. Am I exempt from the requirement to name a professional executor?

A: You may request an exemption.

NAMING A PROFESSIONAL EXECUTOR

This requirement is in place to ensure continuity of care for clients. This information will enable the College, in the event of your incapacity or death, to direct members of the public seeking your records to the appropriate registrant or an institutional contact, and will facilitate access to and management of practice records. The requirement applies to all registrants who own (i.e., have primary control over) any practice records. Under this requirement, registrants are also obliged to provide contact information enabling access to records created by them but under the control of an institution (e.g., a health authority, a government ministry, a correctional centre, a university, etc.) or a private entity such as a group practice or managed care provider.

Each registrant is responsible for ensuring that the College is kept apprised of current information regarding his or her Professional Executor, and appropriate information for institutionally held practice records, as relevant. As examples, if your Professional Executor changes, or you begin creating practice records for which you do not have control in a new institutional setting, you are responsible for updating this information with the College.

Responsibility for Records

Per the *Code of Conduct*, registrants are obligated to maintain practice records which document their professional work (Standards 7.19 and 13.6) and have a duty to provide client access to records (Standard 6.12). Registrants must maintain records for at least seven years (Standard 13.1), and in some cases longer (Standard 13.4).

Key Definitions

Private Practice: Registrants are, or have been, in private practice insofar as they have ownership of, or primary control over, practice records. Ownership arises when a registrant has an enforceable right to retain possession of practice records. Registrants who have worked, or are currently working, in a group practice or private business and who retain ownership of their records must name a professional executor.

Institutional or Group Practice: Registrants are in institutional practice where they have no ownership of practice records, but they have responsibility for practice records, including creating, maintaining, retaining, securing, or otherwise having care or control over practice records to any significant degree. Registrants in group practice who do not own the records they have created are also included here. For the purpose of this requirement, an institution is defined as a public entity and subject to *Freedom of Information and Protection of Privacy Act* legislation (e.g., a health authority, a government ministry, a correctional centre, school board, etc.). For the purpose of this requirement, a group practice or private business is defined as a private entity and is subject to *Personal Information Protection Act* legislation (e.g., a group practice owned by a person, a managed care provider, etc.).

Administrative Practice: Registrants are in neither private nor institutional practice when they hold exclusively administrative institutional positions, or positions which otherwise lack any responsibility for practice records. While teaching and other activities do fall within the practice of psychology, the naming of a professional executor requirement addresses client access to practice records. Clinical supervisors are not exempt from record keeping obligations and have the same responsibilities for supervision records as are required for client records.



PROFESSIONAL EXECUTOR DESIGNATION DECLARATION FORM

Please carefully review each declaration below and select (check) one or more, as appropriate

1. Private Practice (ownership of records)

I am, or was, in private practice in BC, and have ownership of records pertaining to my work with clients in BC. I have named a professional executor who is a registrant of this College.

Name of Executor: _____ CHCPBC Registration Number: _____

2. Institutional Practice or Work in Private Business (no ownership of records)

I am in an institutional practice or work for a private business in BC, and I have responsibility for records, but not ownership. I declare that I have informed my institutional contact of my obligations in this regard and have informed them that, in the event of my incapacity or death, they may be contacted in this regard.

***** Do NOT use abbreviations. Spell out the name of the institution or business in full *****

Name of institution or business: _____

Address of institution or business: _____

Name of Contact and/or Contact's position: _____

Contact's telephone number: _____

Name of institution or business: _____

Address of institution or business: _____

Name of Contact and/or Contact's position: _____

Contact's telephone number: _____

3. Other Practice (no ownership or responsibility for records) [if neither of the above apply]

I declare that I have no records for BC clients over which I have responsibility or ownership, nor do I have institutional or business practice records. I therefore request an exemption from the requirement to name a professional executor with respect to my work in British Columbia. (This includes registrants previously in private practice whose records have now been destroyed.)

Position: _____

Name of Employer or Institution: _____



AFTER CHECKING AT LEAST ONE OF THE ABOVE BOXES PLEASE SIGN BELOW:

I give permission for the College of Health and Care Professionals of BC to contact my Professional Executor should the need arise in the context of the College carrying out its regulatory duties under the *Health Professions Act*.

SIGNATURE

DATE

PRINT NAME