

Practice Advisory #17

Use of Reserved Titles in Business Names

DRAFT FOR REGISTRANT FEEDBACK

Practice Issue

Registrants may carry on their professional practices through various vehicles, including private corporations or other types of businesses. Accordingly, clients may receive psychological services directly from registrants, or they may receive such services from registrants practicing under business names.

This practice advisory addresses the use of reserved titles in the names of psychology businesses.

Rationale and Background

An important part of protecting the public is to ensure that members of the public can readily identify when services they are considering and/or receiving are being offered by a regulated professional. The College requires business names that include titles restricted under the *Psychologists Regulation* to offer only psychological services, and to ensure that those services are provided by, or supervised by, a registrant or registrants of the College.

Reserved titles are restricted to use by registrants pursuant to the *Health Professions Act*, R.S.B.C. 1996, ch. 183 and the *Psychologists Regulation*, B.C. Reg. 442/99. The College may remedy the improper use of a reserved title through court injunction pursuant to s. 52 of the *Health Professions Act*.

The registration of corporate names is generally governed by Part 2, Division 2 of the *Business Corporations Act*, S.B.C. 2002, ch. 57.

N.B.: While Part 4 of the *Health Professions Act* provides for the possibility of health profession corporations relating to designated health professions, the *Psychologists Regulation*, B.C. Reg. 442/99 does not currently specify that Part 4 applies to the profession of psychology.

N.B.: A partnership carrying on the practice of a designated health profession under the *Health Professions Act* may not be registered as a limited liability partnership (or LLP). The *Health Professions Act* does not expressly authorize members of health professions governed by that Act to carry on practice through a limited liability partnership.

Relevant Standards of the Code of Conduct

While registrants can use reserved titles, in no case may registrants make public statements, through a business name or otherwise, inconsistent with their professional obligations, including Section **10.0** of the *Code of Conduct*, and especially Standards **10.1** and **10.16**:

10.1 Misleading information

A registrant must not include false or misleading information in public statements concerning psychological services he or she offers.

10.16 No false or deceptive statements

A registrant must not make public statements that are false, deceptive, misleading, or fraudulent, because of what he or she states, conveys, or suggests, or because of what he or she omits, concerning his or her research, practice, or other work activities or that of persons or organizations

with which he or she is affiliated. As examples, and without limiting this standard, a registrant must not make false or deceptive statements concerning his or her

- (a) training, experience, or competence,
- (b) academic degrees and credentials,
- (c) institutional or association affiliations,
- (d) fees,
- (e) scientific or clinical basis for, or results or degree of success of his or her psychological services, and
- (f) publications or research findings.

Advisory

- Registrants may wish to seek legal and/or accounting advice in determining what type of business, if any, they choose to establish.
- Registrants are expected to practice in accordance with the Code of Conduct and relevant professional standards regardless of any business arrangement under which they offer their services. This includes ensuring professionalism in naming a psychology company.
- Restricting access to certain titles, to ensure that only properly qualified and regulated persons may use those titles, is an important mechanism for protection of the public. Registrants have access to the restricted titles identified in the *Psychologists Regulation* by virtue of their registrant status. In the event that registrants wish to include a reserved title in their company name, an important step in signalling to the public their qualifications and regulated status, they are expected to ensure that: (1) all of the services the company offers fall within the definition of “practice of psychology” as set out in the *Psychologists Regulation*; (2) the company’s services are offered directly by, or supervised by, a registrant of the College; (3) their company name does not bring the profession into disrepute; and (4) their company name meets the requirements specified below.
- Where the Registrar of Companies requires the consent of the College to the registration of a business name which uses a reserved title, the College may consent to the use of a reserved title by a company, in its registered name, where the name of the company satisfies the following criteria:
 - 1. the name is not a number name,
 - 2. the name includes the surname of one or more Responsible Registrants,
 - 3. the name does not use a reserved title in a manner contrary to the best interests of the public or to the maintenance of a high standard of the profession, including but not limited to where
 - a) the name would violate Section **10.0** of the Code of Conduct if used as a business name by a registrant;
 - b) the name states, asserts or may be reasonably interpreted as stating or asserting a fact that is false, inaccurate, unverifiable, or misleading,
 - c) the name is likely to create in the mind of a client or patient an unjustified expectation of the results which can be achieved, or
 - d) the name compares the quality of services provided with those provided by another professional;

4. the responsible registrant(s) undertake to advise the College immediately if any of the above conditions are no longer met; and
 5. the responsible registrant(s) and the company undertake, consent and agree that the name of the company shall be changed to remove any reserved title in the event the College requests such a change by the company, or seeks an order to that effect, for any reason including but not limited to the above conditions no longer being met.
- Where the conditions underlying the College's consent are no longer met, the College may revoke its consent for a company to use a reserved title, and may require the company to change its name through a court injunction, or may request an order of name change. In the event the company is a corporation, this order would be sought from the Registrar of Companies under section 29(5) of the *Business Corporations Act*, S.B.C. 2002, ch. 57:

29 (5) If the registrar is informed by the proper officer of a self governing professional society, institute, college or association that a corporation, or an extraprovincial company, that was permitted to practise the profession has had that permission revoked by the society, institute, college or association, the registrar must, in writing, and giving reasons, order the corporation or extraprovincial company to change its name or assumed name to one that does not imply that the corporation or extraprovincial company is authorized to practise the profession.

- Registrants who plan to submit a company name that includes a restricted title to the Registrar of Companies may choose to seek the College's consent for the name prior to doing so. A model undertaking, consent and agreement which may be executed and submitted to the College by the Responsible Registrant(s) and a company seeking to register a business name containing a reserved title may be downloaded [here](#).

This form does not constitute nor substitute for legal advice. This form is intended for use by registrants of the College of Psychologists of British Columbia, or their legal representative.

Form to accompany Practice Advisory #17

**REQUEST FOR THE COLLEGE'S CONSENT TO USE
A RESERVED TITLE IN A BUSINESS NAME**

This application is dated for reference the ____ day of _____, 20____ and is submitted by the following registrant(s) [*attach additional sheet as necessary*]

[*print name*] [1] _____ [reg. #] _____ ;

[*print name*] [2] _____ [reg. #] _____ ; and

[*print name*] [3] _____ [reg. #] _____ ;

(the "Responsible Registrant(s)"), and by the subject corporation (if applicable) to be named as set out below.

The Responsible Registrant(s) applies/apply for the consent of the College of Psychologists of British Columbia (the "College") to the use of reserved titles or terms in the name of his/her/their psychology company.

The Responsible Registrant(s) applies/apply with respect to the following proposed name:

[*proposed name*] _____

In consideration of the College providing its consent to the use of a reserved title, the Responsible Registrant(s) and the subject corporation (if applicable) undertake, consent, acknowledge, and agree as follows:

1. The Responsible Registrant(s) represent(s) and undertake(s) that the company satisfies the following criteria:
 - a. All of the services the company offers fall within the definition of "practice of psychology" as set out in the *Psychologists Regulation*; and
 - b. All of the persons who will be providing the services on behalf of the firm are registrants of the College or are under the direct supervision of a registrant of the College.
2. The Responsible Registrant(s) acknowledge/acknowledges that the name of the company satisfies the following criteria:
 - a. The name is not a number name,
 - b. The name includes the surname of one or more Responsible Registrants, and
 - c. The name does not use a reserved title in a manner contrary to the best interests of the public or to the maintenance of a high standard of the profession, including but not limited to where

- The name would violate Section 10.0 of the Code of Conduct if used as a business name by a registrant;
- The name states, asserts or may be reasonably interpreted as stating or asserting a fact that is false, inaccurate, unverifiable or misleading,
- The name is likely to create in the mind of a client or patient an unjustified expectation of the results which can be achieved, or
- The name compares the quality of services provided with those provided another professional;

3. The Responsible Registrant(s) undertake(s) to advise the College immediately if any of the above conditions are no longer met; and
4. The Responsible Registrant(s), the corporation if applicable, and the company undertake, consent and agree that the name of the company shall be changed to remove any reserved title in the event the College requests such a change by the company, or seeks an order to that effect, for any reason including but not limited to the above conditions no longer being met.

RESPONSIBLE REGISTRANTS:

[signature] [1] _____

[signature] [2] _____

[signature] [3] _____

THE CORPORATION (if applicable):

[authorized signatory] _____
 Print Name:

THE COLLEGE OF PSYCHOLOGISTS OF BRITISH COLUMBIA:

The College consents to the use of the following business name, subject to the undertaking, consent, acknowledgement, and agreement of the Responsible Registrants (and the agreement of the subject company if applicable) on the terms stated above:

[approved name] _____

The College of Psychologists of BC

per: Registrar: _____ Dated: _____