



Discipline Decision Summary

This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order.

By publishing this summary, the College endeavours to:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding of the College's discipline process

Cheryl Walther

Former Member # 525066

Agreed Statement of Fact

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. Now, and at all times relevant to the allegations, Cheryl Walther (the "**Member**") was a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**"). At all times relevant to the allegations, the Member was self-employed in a clinical practice, providing counseling and/or psychotherapy services to clients.
2. In May of 2012, the Member met [the Client]. They initially met in the community as the Client lived in an apartment close to the Member's office. The Client was a woman who had suffered torture and other significant physical and mental trauma before arriving in Canada, in or around 2004, as a refugee. The Client was vulnerable, suffering from post-traumatic stress disorder, physical issues, language and cultural barriers. These disclosures were made to the Member prior to the formation of a professional relationship. Prior to the formation of a professional relationship, the Member told the Client that she was a social worker and explained to her what her work entailed.
3. In July of 2013, the Client approached the Member and advised that her boyfriend had been taken into custody following a dispute between them and expressed worry about attending court and housing issues. The Client clarified that she was seeking social work services at which point the Member arranged to have the Client attend at her office to discuss the matter further. However, due to the Client's mobility issues, the Member subsequently agreed to meet the Client at her home.

4. At the first meeting, the Client mentioned that she was already accessing services through the [Community Mental Health Agency] but was seeking additional social work support with regard to the court proceedings and housing issues. The Client did not have access to funding for private social work services and so the Member agreed to provide these services to her free of charge.
5. The Member then reviewed the definition of CBT, the risks and benefits of treatment and the terms of confidentiality and the client signed an agreement to participate in counselling. The Client subsequently spoke about her past for several hours.
6. From July 2013 until March 2014, the Member provided social work services to the Client which included:
 - a. individual counseling;
 - b. individual meetings to discuss the court proceedings and housing issues;
 - c. support services with respect to the court proceeding;
 - d. assistance and stabilizing support with respect to the Client's housing issues when she was evicted from her apartment in order to assist her to address her housing issues and manage her stress; and,
 - e. assistance to access various community based resources including [Community Agency A],[Community Agency B], and the [Community Mental Health Agency].
7. If the Member were to testify, she would state that over the course of providing social work services, she clarified with the client that she could not provide long-term psychotherapy services due to her inexperience with the Client's culture, the difficulty in fully understanding her without an interpreter, and in view of the complexity of her presenting mental health issues.
8. The Member did not at any time set specific treatment goals with the Client, nor did the Member discuss with her the extent, nature and limitations of the social work services that she was providing to her. Consequently, the Client came to rely upon the Member for a broader range of services than the Member was able to provide.
9. While providing social work services to the Client, the Member engaged in conduct that eroded the appropriate boundaries between a professional and personal relationship as follows:
 - a. at the Client's request, assisted her in acquiring a computer as hers had been stolen and then subsequently arranged for a family member ("Family Member A"), and then another family member ("Family Member B") to assist her in making the computer operational, troubleshooting and training which involved several visits. The assistance was provided at the Client's home, thereby

revealing to the Member's family members where the Client lived and that she was a client who received social work services;

- b. the Member shared personal information about the Client with Family Member B including detailed information about the Client's experience prior to arriving in Canada. If the Member were to testify, she would state that she provided that information in order to persuade Family Member B to assist the Client free of charge and that some of the information that was shared was publicly available;
 - c. the Member encouraged a personal relationship between the Client and Family Member B when she:
 - i. on one occasion, attended at the Client's home with Family Member B who worked on the computer in one room while she provided counselling in another. The Member and the Client subsequently went for coffee, leaving Family Member B alone in the Client's apartment. When they returned, Family Member B was asleep in the Client's bed which upset the Client, though the Member told her that there was nothing to worry about;
 - ii. on another occasion, attended at the Client's home with Family Member B. After the counselling session, the Member left Family Member B with the Client alone in her apartment. If the Member were to testify, she would state that the Client and Family Member B proposed to run an errand together and she did not object;
 - iii. knowingly permitted Family Member B to attend at the Client's home alone on more than one occasion;
 - iv. knowingly permitted Family Member B to be in regular contact with the Client by telephone and through texting; and,
 - d. shared personal information about Family Member B with the Client.
10. The Member did not engage in the process of self-review, seek consultation or take any steps to address the evolving boundary erosion at the material times.
11. On February 7, 2014, the Member arranged for Family Member B to drive the Client to the hospital when she reported that she had tooth and jaw pain. Later that evening, Family Member B and the Client returned to the Member's home. The Member did not take adequate steps to ensure that the Client returned to her home safely, and the Client ultimately spent the night in Family Member B's room where they had sexual relations. When the Member discovered that the Client had spent the night at her home the next morning, the Member failed to take immediate steps to ensure the Client was returned home safely and did not address boundary concerns at that time. The Client subsequently reported to police that Family Member B had sexually assaulted her, though after an investigation, no charges were laid.

12. It was not until the next session on February 21, 2014 that the Member addressed with the Client for the first time her concern about the inappropriate blurring of personal and professional boundaries. In so doing, the Member failed to take responsibility for the erosion of professional boundaries. The Member also informed the Client that the professional relationship would have to be terminated if the personal relationship between the Client and Family Member B continued.
13. The Client terminated the professional relationship shortly thereafter. If the Member were to testify, she would state that the Client had been assigned a new worker at the [Community Mental Health Agency], and she also agreed to connect with the [Community Agency C] for employment counselling and skill development services. The Member attended with the Client at the first [Community Agency C] appointment on February 27, 2014. Then next arranged to meet on March 14, 2014 to discuss termination and supports. At that visit, the Client noted that her stolen laptop had been found and returned to her, and that her current focus was school and her future, with which [Community Agency C] could assist her.
14. The Member admits that by reason of engaging in the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*.
15. The following additional facts were jointly submitted by the parties for the purpose of a proposed penalty:
 - a. The Member ceased to practice as a social worker in October 2014 due to illness and has been unable to work since that date and continues to be unable to work until further notice.
 - b. The Member's only income has been a small pension.
 - c. The Member desires to resign from the College and to not engage in conduct that falls within the scope of practice of social work.
 - d. Provided the proposed penalty is accepted by the panel, the Registrar will forthwith accept the resignation of the Member pursuant to section 13(2) of the *Social Work and Social Service Work Act, 1998* (the "Act").

Decision

The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding that the Member committed acts of professional misconduct, and in particular, that the Member's conduct violated:

- a. Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.5 and 1.6) by failing to maintain awareness of her own values, attitudes and needs and how these impact on her professional relationship with the client and by failing to distinguish her

needs and interests from those of her client to ensure that her clients' needs and interests remain paramount;

- b. Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.5, 2.2, 2.2.1, 2.2.8 and 2.2.9) by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate, by engaging in boundary violations, by engaging in professional relationships that constitute a conflict of interest or in situations in which she ought reasonably to have known that the client would be at risk in any way, by failing to declare a conflict of interest and to take appropriate steps to address it and eliminate it, by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work and by not being sensitive to cultural and ethnic vulnerabilities of the client;
- c. Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.1 and 3.7) by failing to provide the client with accurate and complete information regarding the extent, nature and limitations of any services provided, and by failing to assume full responsibility for demonstrating that the client has not been exploited, coerced or manipulated intentionally or unintentionally;
- d. Sections 2.2, 2.10 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretations 5.1, 5.3 and 5.3.6 by failing to comply with applicable privacy legislation and by disclosing personal information about the client without consent and where no exception that would permit disclosure applies; and,
- e. Section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as dishonourable and unprofessional.

Penalty Order

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee ordered that:

1. The Member shall be reprimanded in person by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.

2. The Registrar shall be directed to suspend the Member's Certificate of Registration for a period of four (4) months which shall be suspended and shall not be served until such time as the Member is reissued a certificate of registration.
3. Prior to issuing a certification of registration, the Member shall:
 - a. at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar;
 - b. at her own expense, engage in insight oriented psychotherapy as directed by a regulated health professional, approved by the Registrar of the College, for a period of two (2) years. Prior to engaging in psychotherapy, the Member must provide to the approved regulated health professional the final decision of the Discipline Committee and must retain written confirmation, signed by the regulated health professional, that the final decision was provided and reviewed. The psychotherapy must be completed to the satisfaction of the Registrar based on a report from the regulated health professional which outlines the substance of the psychotherapy and the progress of the Member. The report must indicate that the regulated health professional reviewed at the outset the final decision of the Discipline Committee and that the focus of the psychotherapy was on concerns raised by the Member's conduct which gave rise to this matter.

The Member acknowledges that her failure to complete the requirements of sections 3(a) and (b) would provide the Registrar sufficient grounds to refuse to issue to her a certificate of registration pursuant to section 18(3)(a) of the Act should she reapply for registration with the College in the future.

4. The Registrar shall be directed to impose a term, condition and limitation on the Member's certificate of registration, which order shall be suspended until such time as the Member is issued a new certificate of registration and will commence upon completion of the Member's mandatory four (4) month suspension as indicated in paragraph 2 above.
5. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register.
6. The Member shall pay costs to the College in the amount of \$1,000 to be paid in accordance with the following schedule:
 - a. \$250 to be paid immediately upon acceptance by the panel of this penalty;

- b. \$250 to be paid within 90 days of the acceptance by the panel of this penalty;
- c. \$250 to be paid within 180 days of the acceptance by the panel of this penalty;
and,
- d. \$250 to be paid within 270 days of the acceptance by the panel of this penalty.

The Discipline Committee Concluded that:

- The joint penalty proposed was reasonable, maintains high professional standards, and serves to protect the interest of the public. The penalty provides both specific and general deterrence to demonstrate to members of the profession that engaging in similar misconduct is unacceptable.
- It considered the aggravating and mitigating circumstances submitted by both counsel. In addition, the panel considered that the Member has cooperated with the College, has admitted to the facts and accepted responsibility for her actions.
- The publication of this decision will communicate a clear message to the membership that conduct of this nature is intolerable.
- The penalty also has a rehabilitative function, including the need for the Member to participate in insight-oriented psychotherapy and to complete a boundaries and ethics training course prior to being reissued a certificate of registration.