



Ontario College of
Social Workers and
Social Service Workers

Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

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**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS**

Indexed as: Ontario College of Social Workers and Social Service Workers v JoAnn Hill,
2018 ONCSWSSW 13

Decision date: 20181012 (finding);
20181121 (penalty and costs)

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

JOANN HILL

PANEL: Charlene Crews, RSSW Chair, Professional Member
Frances Keogh, RSW Professional Member
Sophia Ruddock Public Representative

Appearances: Jordan Stone, counsel for the College
No one appearing for the Member
Aaron Dantowitz, Independent Legal Counsel to the Panel

Heard: October 12, 2018

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) on October 12, 2018 at the Ontario College of Social Workers and Social Service Workers (the “**College**”). The Panel communicated its decision on the question of professional misconduct at the hearing, with reasons to follow, and reserved its decision on penalty and costs.

What follows are the Panel's reasons for decision both on professional misconduct, and on penalty and costs.

Absence of the Member

[2] JoAnn Hill (the "**Member**" or "**Ms. Hill**") was neither present nor represented at the hearing. College counsel provided evidence that the Member had been served with the Notice of Hearing on June 20, 2017, and with correspondence indicating the date and time of the hearing on August 16, 2018. College counsel also provided evidence of e-mail correspondence from July 2018 in which he made efforts to seek Ms. Hill's input into the scheduling of the hearing, but in her responses, she claimed that she would be unable to attend a hearing, only had access to internet at Ontario Works, and could not read or receive papers with no internet.

[3] The Panel was satisfied that the requirements for notice set out in the *Statutory Powers Procedure Act* were complied with, and that it could therefore proceed in the absence of the Member. Accordingly, the Panel proceeded with the hearing on the basis that the Member denied the allegations against her.

The Allegations

[4] The Notice of Hearing dated June 12, 2017, set out allegations against the Member as follows:

You are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, Chapter 31 (the "**Act**") in that you are alleged to have engaged in conduct that contravenes the *Act*, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law No. 24 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 24 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**").

I. The following are particulars of the said allegations:

1. You obtained a certificate of registration with the Ontario College of Social Workers and Social Service Workers (the "**College**") as a member of the social work class, on or about January 18, 2008.

2. Your certificate of registration was suspended for the non-payment of fees from on or about October 10, 2012 through on or about January 6, 2015, on which date your certificate of registration was reinstated. Your certificate of registration was suspended again for the non-payment of fees on from on or about July 5, 2016 through on or about April 7, 2017, on which date your certificate of registration was reinstated.

3. Pursuant to the *Act* and its regulations, you were not entitled to engage in the practice of social work, to hold yourself out as a social worker or registered

social worker, and/or to use the restricted titles and abbreviations “social worker,” “registered social worker,” “RSW”, or abbreviations of those terms during the periods when your certificate of registration was suspended.

4. On or about April 1, 2015, s. 8 of the *Psychotherapy Act, 2007*, S.O. 2007, c. 10, Sched. R, came into force. Section 8 of the *Psychotherapy Act* provides that only individuals registered with the College of Registered Psychotherapists of Ontario (the “CRPO”) may use the titles “psychotherapist”, “registered psychotherapist,” “registered mental health therapist,” and abbreviations or variations of those titles, and that only members of the CRPO may hold themselves out as qualified to practise in Ontario as a psychotherapist, registered psychotherapist, or registered mental health therapist.

5. From in or about September 2015 to in or about March 2017, you worked as a social worker and/or psychotherapist at the [“Health Team”]. In that capacity, you provided social work services to clients.

6. Between on or about April 1, 2015 and on or about March 6, 2017, you:

- (a) represented that you were qualified to practise in Ontario as a psychotherapist and/or registered psychotherapist despite the fact that you were not a member of the CRPO;
- (b) used the restricted titles “psychotherapist,” “registered psychotherapist,” and/or abbreviations or variations thereof, despite the fact that you were not a member of the CRPO;
- (c) improperly used the restricted titles “social worker,” “registered social worker,” abbreviations thereof, and/or the restricted abbreviation “RSW” when your certificate of registration was suspended;
- (d) improperly used some or all of the restricted titles and abbreviations referred to in subparagraphs (b) and (c) in your workplace email signature, on workplace correspondence, on workplace records and/or documentation, and/or on your business cards while your certificate of registration was suspended and/or while you were not a member of the CRPO;
- (e) held out expressly or by implication that you were a social worker and/or a registered social worker while your certificate of registration was suspended;
- (f) represented that you were a member in good standing with the College when your certificate of registration was suspended;
- (g) engaged in the practice of social work while your certificate of registration was suspended; and/or

- (h) inaccurately and/or misleadingly represented your professional qualifications, affiliations, training, areas of competence, services, and/or experience by providing inaccurate and/or misleading information about the date(s) on which you were registered with the College; misrepresenting that you had been a social worker and/or registered social worker during time periods when you did not hold a certificate of registration and/or during time periods when your certificate of registration was suspended; misrepresenting that you were a psychotherapist and/or registered psychotherapist; and/or misrepresenting that you were entitled to practise as a psychotherapist and/or registered psychotherapist in Ontario.

7. The College sent you communications by letter, phone, and/or email between in or about July 2016 and in or about March 2017 indicating that your certificate of registration was suspended, that you were not allowed to use the restricted titles or abbreviations under the Act, hold yourself out as a social worker, or engage in the practice of social work, and that you could only use the restricted titles in the *Psychotherapy Act* if you were a member of the CRPO. The communications were sent to the most recent contact information the College had on file, to the address you listed on a recent job application, and/or to the email address you had used to correspond with the College.

8. Despite these communications, you continued to provide social work services to clients at the ["Health Team"], to represent that you were entitled to engage in the practice of social work, to represent that you were qualified to practise as a psychotherapist or registered psychotherapist in Ontario, and/or continued to use the titles and abbreviations "social worker," "registered social worker," "RSW", "psychotherapist," "registered psychotherapist," and/or abbreviations or variations of those terms.

9. If and when you changed employers, residential addresses, and/or contact information between on or about April 1, 2015 and on or about March 29, 2017, you did not update the required information with the College within the timelines required by the College's by-laws.

10. You did not apply to reinstate your certificate of registration until on or about March 29, 2017.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:

- (a) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principles II and VII of the Handbook (commented on in Interpretations 2.2.7 and 7.3)** by misrepresenting and/or failing to honestly and accurately describe your education, training, experience, areas of competence, professional affiliations, and/or services, when you misrepresented that you were a social worker and/or registered social worker, that you were a member of the College in good standing, that you

were entitled to engage in the practice of social work, that you were entitled to practise in Ontario as a psychotherapist and/or registered psychotherapist, that you were a psychotherapist or registered psychotherapist, and/or misrepresenting the dates during which you were registered with the College;

- (b) In that you violated **Section 2.2 of the Professional Misconduct Regulation** and **Principle III of the Handbook (commented on in Interpretation 3.1)** by failing to provide clients with accurate and complete information regarding the extent, nature, and limitations of any services available to them, when you misrepresented that you were a social worker, registered social worker, psychotherapist, and/or registered psychotherapist; that you held a certificate of registration in the College; that you were entitled to engage in the practice of social work; and/or that you were qualified to practise in Ontario as a psychotherapist;
- (c) In that you violated **Sections 2.2 and 2.21 of the Professional Misconduct Regulation** and **Principle IV of the Handbook (commented on in Interpretation 4.1.2)** by making a record, a statement in a record, or a statement in reports based on a record, or issuing or signing a certificate, report, or other document in the course of practising the profession that you knew or ought reasonably to know was false, misleading, inaccurate, or otherwise improper, when you misrepresented that you were a social worker, registered social worker, RSW, psychotherapist, and/or registered psychotherapist; that you held a valid certificate of registration in the College; that you were entitled to engage in the practice of social work; and/or that you were qualified to practise in Ontario as a psychotherapist;
- (d) In that you violated **Section 2.15 of the Professional Misconduct Regulation** in that you inappropriately used a term, title, or designation in (and, in particular, the terms, titles, or designations “social worker,” “registered social worker,” “RSW”, “psychotherapist”, “registered psychotherapist,” and abbreviations or variations thereof) in respect of your professional practice;
- (e) In that you violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the *Act*, regulations or by-laws when you inappropriately used the term, title, or designation “social worker,” “registered social worker,” “RSW”, “psychotherapist,” “registered psychotherapist,” and/or abbreviations or variations thereof; inaccurately represented that you were a social worker or registered social worker; engaged in the practice of social work while your certificate of registration was suspended; and/or failed to update information about your residential address, contact information, and employer with the College within the timelines required by the by-laws;

- (f) In that you violated **Section 2.29 of the Professional Misconduct Regulation** by contravening a provincial law(s), the purpose of which is to protect public health and/or the contravention of which is relevant to your suitability to practice, when you inappropriately used the term, title, or designation “social worker,” “registered social worker,” “RSW”, “psychotherapist”, “registered psychotherapist,” and abbreviations or variations thereof; engaged in the practice of social work while your certificate of registration was suspended; inaccurately represented that you were a social worker or registered social worker; and/or inaccurately represented that you were qualified to practise in Ontario as a psychotherapist or registered psychotherapist;
- (g) In that you violated **Section 2.35 of the Professional Misconduct Regulation** by engaging in the practice of social work while your certificate of registration was suspended; and/or
- (h) In that you violated **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 disgraceful, dishonourable or unprofessional.

Member’s Position

[5] Because the Member was not present or represented, she was deemed by the Panel to deny the allegations.

The Evidence

[6] The College called 3 witnesses in the liability stage of the hearing and relied on 2 affidavits and other documents including copies of by-laws, letters, e mails and social media pages as evidence. The first witness was Ms. Tracy Raso, Complaints and Discipline Officer, with the College. Ms. Raso testified that the Member, Ms. Hill, was suspended on two separate occasions for non-payment of fees. The first time was on October 10, 2012 and she was reinstated on January 16, 2015. The second suspension dated from July 5, 2016 until her reinstatement on April 7, 2017 and Ms. Hill is currently registered with the College.

[7] Regarding the responsibilities expected of a Registered Member, Ms. Raso confirmed that the sections of the College’s Bylaw No. 1 (section 26.01 and 26.02), and No. 2 (section 4.05) outlining the Members duty to notify the College regarding changes in their professional and personal circumstances and responsibility to pay their fees had remained the same during the time of the Member’s employment as a social worker with the [“Health Team”]. A copy of these Bylaws as they read at the relevant times were entered as evidence.

[8] Ms. Raso stated that it was the usual practice for a Member who is suspended to be informed about what they can and cannot do while they are under suspension. A copy of a letter to Ms. Hill dated July 5, 2016 from the Registrar was entered as evidence and included information about the limitations regarding the use of restricted titles. Two further letters sent to the Member by the Registrar, one dated November 9, 2016 and another dated January 6, 2017,

were also entered as evidence. The November 9 letter stated that Ms. Hill was, by virtue of being suspended, prohibited from using restricted titles and indicated that the College had received information alleging that Ms. Hill was holding herself out as a social worker and invited her to reinstate her certificate of registration. The letter in January 2017 reiterated the earlier concerns but also indicated that as a result of a lack of response from the Member, an investigation would commence and an information package pertaining to that was enclosed.

[9] Ms. Raso stated that she and other College staff became aware that at the end of September/early October 2016, Ms. Hill had applied for a social work job, as that information had been sent to the College, with an enquiry about the Member's status. Documents, including copies of the Member's resume and a completed job application, were entered as evidence in the form of an Affidavit from Ms. ["name withheld"], Portfolio Lead at the ["Health Care Facility"], Brantford, Ontario. In the resume and the job application for the position of Social Worker with ["Health Care Facility"], Ms. Hill refers to herself as Registered Social Worker and a "member in good standing with the Ontario College of Social Workers" and as a Registered Psychotherapist.

[10] Ms. Raso testified that she checked Ms. Hill's Facebook page and LinkedIn profile, and screenshots of these dated November 7, 2016 and February 14, 2017, respectively, were entered as evidence. These indicated that Ms. Hill was using a range of titles including Psychotherapist/Social Worker and Registered Psychotherapist. To clarify Ms. Hill's status with the College of Registered Psychotherapists of Ontario (CRPO), Ms. Raso testified that she checked their website in February 2017 and Ms. Hill was not listed as a member. A copy of a screenshot of the relevant webpage was entered as evidence. Ms. Raso testified that on December 13, 2017 she phoned the Member and left a message asking her to return the call but has never heard from Ms. Hill.

[11] The second staff member of the College who was called as a witness was Mr. Paul Cucci, Manager of Membership Services. In his role as Membership Manager he testified that he is in contact with members regarding any changes in their status, and that in his e-mail exchanges with the Member in December 2017 she signed with the title Registered Psychotherapist, and he advised her that if she was using that title she would be required to be registered with the CRPO. A copy of these emails was entered as evidence. Mr. Cucci testified that in early January 2017, he reviewed the Member's file and determined that she was under suspension and sent an e-mail on January 4, 2017 advising her that she needed to complete a 'reinstatement' form to become registered with the College.

[12] He testified that in February 2017 he and Ms. Raso exchanged e-mails, and a copy was entered as evidence. Ms. Raso had contacted him because she had seen recorded in the College's database that he had had a conversation with the Member the previous month. His response to this enquiry from Ms. Raso was that he had sent a reinstatement form. He also informed Ms. Raso that the Member had used restricted titles in her emails to him.

[13] Ms. ["name withheld"], Manager of Human Resources at the ["Health Team"], was called as a witness. She testified that Ms. Hill was hired in mid/late 2015 as a social worker and was required to provide social work services to clients who were served by that Team. Membership of the College was a condition of employment for her position. Ms. ["name withheld"] also testified that the ["Health Team"] had a policy whereby employees could apply

to be reimbursed up to the amount of \$750.00 per year for membership fees in a professional association or regulatory body. Ms. [“name withheld”] stated that she became aware that the Member’s registration was suspended when the College contacted the [“Health Team”] at the beginning of March 2017. Ms. [“name withheld”] subsequently informed the Member at a meeting that she was being suspended so the [“Health Team”] could investigate the matter. In that meeting, the Member confirmed that she had let her registration expire due to financial difficulties and that the College had been trying to get in touch with her, but she was in a situation where she did not want to deal with it at the time.

[14] The Member also confirmed to Ms. [“name withheld”] in that meeting that she was aware of the professional fees reimbursement policy but that she simply didn’t have the money to pay the fees up front. However, Ms. [“name withheld”] indicated that the [“Health Team”] would have considered alternative ways to pay, and that the Member was aware of this possibility. Indeed, in May 2016, the Member had asked for financial assistance, i.e. an advance in pay, and this was granted.

[15] Ms. [“name withheld”] also testified that the Member, while providing social work services, had used on her business cards and correspondence, the title Registered Social Worker and Registered Psychotherapist. On March 16, 2017, the Member was terminated for failing to maintain her membership in the College, and due to her use of these restricted titles, while she was under suspension from the College. A copy of the policy for reimbursement and the letter of termination were entered as evidence.

[16] The second affidavit introduced as evidence was from Ms. Lisa Loiselle, Investigations Manager of Complaints and Discipline at the College, and relates to email exchanges between College staff and Ms. Hill on March 3 and 6, 2017. The College emails made a request for a response to the letter sent by the Registrar on January 6, 2017 and included information about the repercussions if no response was forthcoming and set a time limit, March 9, 2017, for a response. There was no substantive reply from the Member in these exchanges except that she denied that she had received any other correspondence from the College, but she acknowledged that she was responsible for her actions.

Decision of the Panel

[17] After deliberating, the Panel concluded that the College had proven the allegations of professional misconduct. Accordingly, the Panel found that the Member had engaged in professional misconduct as alleged in paragraphs (a) through (h) of Part II of the Notice of Hearing.

Reasons for Decision

[18] The Member’s certificate was suspended on two separate occasions, for non-payment of fees. During the second period of administrative suspension, which is relevant to these allegations, the Member, held herself out as a social worker, provided social work services and used restricted titles including RSW and Registered Social Worker, Psychotherapist and Registered Psychotherapist, and by doing so engaged in professional misconduct and contravened the *Act*, section 26(2)a and (c), the *Psychotherapy Act, 2007* and the Professional Misconduct Regulation, as set out in allegations 1-10 in the Notice of Hearing.

[19] With regard to the allegations 1, 2, 5, and 8, the Member, from July 5, 2016 to April 7, 2017, a period of time when her certificate was under suspension, engaged in social work practice, used restricted titles and misrepresented her professional status, while employed as a social worker at the ["Health Team"]. She failed to respond to 3 letters sent by the Registrar during this period regarding her suspended status. The first letter dated July 5, 2016 outlined the terms, limitations and conditions that would apply to Ms. Hill's professional practice while under suspension and specifically stated that she " may no longer use the protected title social worker or registered social worker or their French equivalent" and that she" could no longer represent or hold out expressly or by implication that you are (she is) a social worker"" and that "it is an act of professional misconduct to engage in the practice of social work or social service work while your (her) certificate is suspended". Two further letters to the Member, restated these regulations after the College became aware that Ms. Hill was misrepresenting herself as a social worker on a job application form and was using designations such as Registered Social Worker and Registered Psychotherapist and the invalid "Former Psychotherapist Social Worker", thereby contravening sections 2.2 of the Professional Misconduct Regulation and Principles II (interpretation 2.2.7), and III (interpretation 3.1), and VII (interpretation 7.3) of the Handbook, by inappropriately using these titles. Together, these three notifications from the Registrar clearly and comprehensively stated the restrictions that applied to Ms. Hill while her certificate was under suspension, but she continued, for nine months to provide social work services and to improperly use the restricted titles. The panel therefore found that the Member has committed professional misconduct as alleged in II.(a) and II.(b) in the Notice of Hearing.

[20] With regard to allegation 9, the member, by her failure to take steps outlined in letters from the College to remedy the matter of her suspension, and by her failure to update her contact information in the College register, showed a total disregard for the requirements of the bylaws relevant at that time (Bylaw No. 1 (section 26.01 and 26.02), and No. 2 (section 4.05)), and thereby contravened s. 2.28 of the Professional Misconduct Regulation. Furthermore, while employed at the ["Health Team"], she continued, over this nine month period of suspension, to use restricted titles such as Social Worker and RSW on her work correspondence and appointment cards and thereby failed to provide her clients with adequate and complete information. On social media sites such as Facebook and LinkedIn she also failed to amend her profile to reflect her suspended status, continuing to use, as late as February 2017, the titles of Registered Social Worker and Registered Psychotherapist, designations which suggested that she was entitled to engage in all aspects of social work practice. These combined behaviours violated 2.2.1 of the Professional Misconduct Regulation and Principle IV of the Handbook (interpretation 4.1.2). The panel therefore found that the Member committed professional misconduct as alleged in the Notice of hearing at II.(c) and II.(e).

[21] With regard to allegations 6 and 10, the Panel found that by using the range of 4 protected titles – Social Worker, Registered Social Worker, Psychotherapist and Registered Psychotherapist – during her suspension, the Member implied that she was registered and qualified to provide social work and psychotherapy services. A condition of her employment in the social work position at ["the Health Team"] was that she was to remain in good standing with her regulatory College, but she never revealed her suspension thus misrepresenting herself to her Employer. At this same time she had also misrepresented herself to her clients at the Family Health team, suggesting that her clients' best interests or the protection of the public were not at the forefront of her mind. By engaging in the practice of social work while suspended, she violated s. 2.35 of the Professional Misconduct Regulation, and by inappropriately using these

titles, she contravened section 2.15 of the Professional Misconduct Regulation. The panel therefore found that the Member had committed professional misconduct as alleged in the Notice of hearing at II.(d) and II.(g).

[22] With regard to allegation 3 the panel found that the member engaged in conduct that contravenes provincial law, the contravention of which is relevant to the Member's suitability to practice, by using the protected social work titles, while under suspension. Specifically, the member contravened subsection 46(1) of the *Act* which states that 'No person except a registered social worker shall use the titles social worker or registered social worker or hold out that he or she is a social worker or registered social worker'. The contravention brings into question the Member's suitability to practice as she displayed an unwillingness to respect the legislation that governs her profession. By her insistence on using the protected titles while suspended, she violated Section 2.29 of the Professional Misconduct Regulation. The panel therefore found that the Member committed professional misconduct as alleged in the Notice of Hearing at II.(f).

[23] With regard to allegations 4 and 7 the panel found that Ms. Hill contravened the *Psychotherapy Act, 2007*, by improperly using protected titles on social media pages and signing e mails specifically with the restricted title of Registered Psychotherapist. She had been informed by College staff via e-mail, at the end of December 2016, that she was required to be a member of the CRPO, to be allowed to use this title. Even though she was never registered with the CRPO, by February 2017 she was continuing to misrepresent her status and as a result contravened legislation that governs that profession. By persisting in using the title Registered psychotherapist while not being a member of that College, Ms. Hill showed a lack of respect for protected titles, in the same way she had done by continuing to use protected social work titles, despite repeated warnings that, while suspended, she was not allowed to do so.

[24] The panel found, that while under suspension, the Member's cavalier and widespread use of the protected titles of two regulatory bodies set out under two separate acts (the *Act* and the *Psychotherapy Act, 2007*) demonstrates a persistent disregard for the legislation governing these professions and violates section 2.36 of the Professional Misconduct regulation, in that, having regard to all the circumstances, it would reasonably be regarded by members as unprofessional and dishonourable. The panel therefore found that the Member committed professional misconduct as alleged in the Notice of Hearing at II.(h).

[25] The panel found that the terms unprofessional and dishonourable were appropriate for the members conduct but were not satisfied that her conduct could reasonably be regarded as disgraceful: the term that denotes an element of "moral failing" or "dishonesty". The panel was concerned that despite repeated communications from the College, via formal letters plus e mails and phone calls, about her status, the Member continued to use restricted titles for a nine month period and failed to take any steps to remedy the situation, which indicated a significant degree of negligence and carelessness about maintaining membership with her regulatory College. The Panel was satisfied that on balance her conduct is best described as unprofessional and dishonourable.

[26] The panel therefore finds that the Member has committed professional misconduct as set out in the allegations 1 through 10, and II.(a) through II.(h) in the Notice of Hearing.

Evidence and Submissions on Penalty and Costs

[27] The College requested an order containing the following terms:

1. Ms. Hill shall be reprimanded 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 Ms. Hill's Certificate of Registration for a period of five (5) months.
3. The Registrar shall be directed to impose terms, conditions and limitations on Ms. Hill's Certificate of Registration, to be recorded on the Register, requiring Ms. Hill to, at her own expense, participate in and successfully complete a directed reading course, and provide proof of such completion to the Registrar within six (6) months from the date of the Order of the Discipline Committee herein, as follows:
 - a. Ms. Hill shall read the article "What Does It Mean To Be a Self-governing Regulated Profession?" by Robert Schultze (the "**Article**");
 - b. Within six (6) months from the date of the Order of the Discipline Committee herein, and at her own expense, Ms. Hill shall provide to the Registrar a typewritten essay of at least 2500 words that is written by Ms. Hill, reflects on Ms. Hill's understanding of the Article, and addresses the following:
 - i. The acts or omission for which Ms. Hill was found to have committed professional misconduct in the Order of the Discipline Committee herein;
 - ii. The potential consequences of Ms. Hill's professional misconduct to her clients, colleagues, the profession of social work, and to herself; and
 - iii. Strategies put in place by Ms. Hill to prevent her professional misconduct from recurring; and
 - c. Ms. Hill shall, on a date to be set by the Registrar, attend at the College's office to meet with the Registrar or her designate for the purpose of discussing Ms. Hill's essay, the Article, and the directed reading course, to the satisfaction of the Registrar.
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of Ms. Hill, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register.
5. Ms. Hill shall pay costs to the College in the amount of seven thousand five hundred dollars (\$7,500.00) payable in thirty (30) equal instalments of two

hundred and fifty dollars (\$250.00) each, payable on the first day of the month for thirty (30) consecutive months, beginning with December 1, 2018. In the event that any of the payments are not made in accordance with the above schedule, the entire amount outstanding shall become immediately due.

[28] College Counsel submitted that all components of the proposed order are appropriate as they protect the public interest by providing general and specific deterrence, address the remediation and rehabilitation of the Member and are proportionate to the panel's misconduct findings. College Counsel identified concerns regarding the repeated and deliberate nature of the members conduct in failing to reinstate her Membership, raising concerns about her governability and about her negligence of care towards vulnerable clients.

[29] College Counsel submitted that the reprimand is appropriate as it serves as a specific deterrent and allows the College to convey its disapproval. Also, College Counsel submitted that suspension is appropriate due to the serious nature of the misconduct and argued that it is within the general range of similar cases.

[30] College Counsel argued that the terms conditions and limitations that the College seeks to impose on Ms. Hill's certificate of registration are designed with her remediation in mind. The coursework is a measure that is not intended to be punitive, but rather remedial and educational and it provides both specific and general deterrence. Regarding the publication of the Member's name, the College argued that this has become a routine part of professional discipline proceedings and serves the dual purpose of deterring the Member from repeating the behaviours and the deters other members from engaging in similar conduct. To support the penalty overall College Counsel cited 2 cases, Ontario College of Social Workers and Social Service Workers v Weldon (2018) and College of Nurses of Ontario v Librado (2014).

[31] At the cost stage of the hearing, the College relied on an affidavit from Ms. ["S. A."] legal assistant with Weirfoulds LLP. This information was marked as Exhibit 24 and included a Bill of Costs to the total of \$22,848.68, including fees and disbursements for College Counsel, estimated fees for Independent Legal Counsel and the College's internal costs to conduct the hearing. The College submitted that the costs part of the order sought falls within a reasonable range and cited a number of similar cases to support this including Weldon, supra, Ontario College of Social Workers and Social Service Workers v Vaz (2017) and the College of Early Childhood Educators v Swain (2017).

Penalty and Costs Decision

[32] The Panel decided to accept the College's submission on penalty and costs and therefore makes an order in the terms set out above at paragraph [27] of these reasons.

Reasons for Penalty and Costs Decision

[33] The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members and above all to protect the public. These objectives are achieved through a penalty that addresses the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the member's practice.

[34] The panel found that the penalty sought maintains high professional standards and falls within an appropriate range when compared to similar cases from other regulatory bodies and the Discipline Committee. The panel found that a suspension of the Member's certificate for 5 months serves as a specific deterrent and it also sends message to other members of the profession that this behaviour will not be tolerated by the College. The reprimand allows the Member to hear directly from the panel of the Discipline Committee regarding their concerns and disapproval of her behaviour. In this way it informs Ms. Hill about the seriousness of her duplicitous conduct and serves to protect the public.

[35] Regarding the Member's remediation and rehabilitation, the requirements to do prescribed reading and writing regarding the obligations and responsibilities attached to membership in a College are educational in nature, with the focus being on developing awareness and knowledge about how not to engage in this type of misconduct in the future. The publication of the Discipline decision on the College's register with the Member's name functions both as a specific deterrent and a general deterrent in that it serves to deter Ms. Hill from engaging in professional misconduct again and it serves to inform other members about the consequences of engaging in this type of professional misconduct.

[36] Therefore the panel found that this penalty is appropriate and reasonable and satisfies the College's duty to protect the public interest.

[37] Regarding the College's request for costs, the panel considered that the rationale of a cost order is to mitigate some of the burden borne by the general membership of a regulatory college (see Reid v College of Chiropractors of Ontario). In this case Ms. Hill's misconduct necessitated the considerable costs of a discipline hearing and so a cost order against her is reasonable and addresses the matter of fairness. The Panel also considered the need to convey clearly to its members that professional misconduct is a very serious matter and will be dealt with accordingly. With regard to the amount of \$7,500, which is approximately one third of the total costs of the hearing, the Panel considered that this was proportionate and comparable to costs awards in similar circumstance of other regulators decisions, such as the College of Early Childhood Educators v Swain (2017) and in other previous cases of this Discipline Committee such as include Weldon ((2018).

I, Charlene Crews, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: _____

Signed: _____

Charlene Crews, RSSW
Frances Keogh, RSW
Sophia Ruddock