

**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 Yordy, 2019
ONCSWSSW 6

Decision date: 20190528

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

JANET YORDY

PANEL:	Frances Keogh, RSW	Chair, Professional Member
	Sanjay Govindaraj, RSW	Professional Member
	Gerald Mak	Public Member

Appearances: Jill Dougherty, counsel for the College
Thomasina Dumonceau, counsel for the Member
Aaron Dantowitz, Independent Legal Counsel to the Panel

DECISION AND REASONS FOR DECISION

[1] This matter came up for hearing before a panel of the Discipline Committee (the “**Panel**”) on May 28, 2019 at the Ontario College of Social Workers and Social Service Workers (the “**College**”).

The Allegations

[2] In the Notice of Hearing dated March 1, 2018, the Member is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, S.O. 1998, c 31 (the “**Act**”) in that she is alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the “**Professional Misconduct Regulation**”), Schedule “A” to By-law No. 66 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. 66 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**").

[3] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

1. At all times relevant to the allegations you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**"), having registered with the College in March of 2000.
2. In or about June of 2015, you were retained by J.L. and C.N. to provide counseling services to their son, S.N., as a result of concerns relating to bullying, anxiety and low self-esteem. From June of 2015 until in or about April of 2017, you provided about 88 counseling sessions to S.N.
3. At the outset of the counseling relationship, you involved J.L. and C.N. in the goal setting process and invited them to attend sessions with their son and to provide feedback before and after sessions. On at least one occasion, you provided counseling to both parents without S.N. in attendance and you offered to provide social work services to the parents on other occasions. It is therefore alleged that each of J.L., C.N. and S.N. were your clients.
4. In 2016, J.L. and C.N. separated which led to various court proceedings to address the issue of custody and access of S.N.
5. You continued to provide counseling services to S.N. throughout the separation. During the separation, you did not engage J.L., C.N. and S.N. in setting new goals for counseling, nor did you advise J.L. and C.N. about how the separation may impact upon your professional obligations including the obligation to maintain confidentiality over information received from your clients.
6. In preparation for various court proceedings, C.N. requested, and you provided, two letters which you knew or ought to have known would be used for the purpose of determining an appropriate custody and access order.
7. The letters:
 - (a) Were provided directly to C.N. without J.L.'s knowledge or consent;
 - (b) contained facts and opinions that were false and/or misleading and/or inaccurate and/or improper and/or were not appropriately substantiated by evidence and information, including, but not limited to:
 - (i) that J.L. was emotionally unstable as a result of a traumatic childhood;
 - (ii) that J.L.'s need to be the focus of S.N.'s attention would override S.N.'s needs and that J.L. would attempt to alienate S.N. from his father;

- (iii) that J.L. is using S.N. to meet her own needs and ignoring how S.N. feels;
 - (iv) that J.L. may have sexually abused S.N.;
 - (v) that J.L. coerced S.N. into permitting her to attend sessions in order to ensure that S.N. did not say anything that J.L. did not want him to say;
 - (vi) that you did not see commitment from J.L. to address her problematic parenting relationship with her son;
 - (vii) that S.N. is in a “toxic environment of stress and anxiety” due to the unpredictability of J.L.’s behavior;
 - (viii) that J.L. has not addressed her own emotional issues and therefore is like a “time bomb waiting to be triggered whenever she is upset”;
 - (ix) that S.N. was able to “blossom” under C.N.’s care while J.L. was away;
 - (x) that J.L. attempted to coerce S.N. to say bad things about C.N. in therapy which “shows how low J.L. is willing to stoop to manipulate the outcome of this separation/divorce”;
 - (xi) that S.N. would be “far happier and better adjusted” if contact with J.L. was limited and supervised; and,
 - (xii) that it was in S.N.’s best interest to have his contact with his mom limited.
- (c) contained recommendations regarding custody and access that:
- (i) you were not retained by J.L. and C.N. or ordered by a court to provide;
 - (ii) were arrived at without first engaging in a comprehensive exploration/examination and analysis of all relevant factors, including interviewing and observing parties and collaterals, as is the standard for custody and access assessments where recommendations are made; and,
 - (iii) were not disclosed in a balanced and equitable manner to J.L. and C.N.
8. Your letters were ultimately relied upon by judges of the Superior Court of Justice, Family Court, in order to set and maintain a custody and access schedule that limited J.L.’s access to supervised visits with S.N.

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 Principle I of the Handbook (commented on in Interpretation 1.2 and 1.5)** by failing to observe, clarify and inquire about information presented to you by clients and by failing to be aware of your values, attitudes and needs and how these impact on your professional relationship with clients;
- b) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.4)** by failing to ensure that any professional recommendations or opinions that you provide are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge;
- c) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretations 4.1.2, 4.4.1 and 4.4.2)** by making a statement in the record, or in reports based on the record, or issue or sign a certificate, report or other document in the course of practice that you knew or ought to have known is false, misleading, inaccurate or otherwise improper; by failing to inform clients as to the limits of client confidentiality, and by disclosing information without consent and without seeking to clarify client consent to disclosure in a situation where the disclosure of information pertains to more than one client;
- d) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretation 5.3)** by disclosing information concerning or received from clients where no exception applies;
- e) In that you violated **Section 2.11 of the Professional Misconduct Regulation** by giving information about a client to a person other than the client or his or her authorized representative except (i) with the consent of the client or his or her authorized representative, (2) as required or allowed by law, or, (3) in a review investigation or proceeding under the Act in which the conduct, competency or capacity of the member is in issue.
- f) In that you violated **Section 2.21 of the Professional Misconduct Regulation** by making a record, or issuing or signing a certificate, report or other document in

the course of practicing the profession that you knew or ought to have known is false, misleading or otherwise improper; and;

- g) 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

[4] The Member admitted the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

The Evidence

[5] The evidence was tendered by way of an Agreed Statement of Facts, which provided in relevant part as follows.

1. Since March of 2000, Ms. Janet Yordy ("**Ms. Yordy**" or the "**Member**") has been a registered social worker under *the Social Work and Social Service Work Act*, 1998, S.O. 1988, Chapter 31 (the "**Act**") with the Ontario College of Social Workers and Social Service Workers (the "**College**").
2. In or about June of 2015, the Member was retained by J.L. and C.N. to provide counseling services to their son, S.N., as a result of concerns relating to bullying, anxiety and low self-esteem. From June of 2015 until in or about April of 2017, the Member provided about 88 counseling sessions to S.N.
3. At the outset of the counseling relationship, the Member involved J.L. and C.N. in the goal setting process and invited them to attend sessions with their son and to provide feedback before and after sessions. On at least one occasion, the Member provided counseling to both parents without S.N. in attendance and offered to provide social work services to the parents on other occasions. The Member therefore acknowledges that each of J.L., C.N. and S.N. were her clients.
4. In 2016, J.L. and C.N. separated which led to various court proceedings to address the issue of custody and access of S.N.
5. The Member continued to provide counseling services to S.N. throughout the separation. During the separation, the Member did not engage J.L., C.N. and S.N. in setting new goals for counseling, nor did she advise J.L. and C.N. about how the separation may impact upon the Member's professional obligations including the obligation to maintain confidentiality over information received from her clients.
6. In preparation for various court proceedings, C.N. requested, and the Member provided, two letters (the "**Letters**") which the Member was aware would be used

for the purpose of determining an appropriate custody and access order.

7. The Letters:
- (a) were provided directly to C.N. without J.L.'s knowledge or consent;
 - (b) contained facts and opinions that were in part false, misleading, and inaccurate, and that were improper or not appropriately substantiated by evidence and information, including, but not limited to:
 - (i) that J.L. was emotionally unstable as a result of a traumatic childhood;
 - (ii) that J.L.'s need to be the focus of S.N.'s attention would override S.N.'s needs and that J.L. would attempt to alienate S.N. from his father;
 - (iii) that J.L. is using S.N. to meet her own needs and ignoring how S.N. feels;
 - (iv) that J.L. may have sexually abused S.N.;
 - (v) that J.L. coerced S.N. into permitting her to attend sessions in order to ensure that S.N. did not say anything that J.L. did not want him to say;
 - (vi) that the Member did not see commitment from J.L. to address her problematic parenting relationship with her son;
 - (vii) that S.N. is in a "toxic environment of stress and anxiety" due to the unpredictability of J.L.'s behavior;
 - (viii) that J.L. has not addressed her own emotional issues and therefore is like a "time bomb waiting to be triggered whenever she is upset";
 - (ix) that S.N. was able to "blossom" under C.N.'s care while J.L. was away;
 - (x) that J.L. attempted to coerce S.N. to say bad things about C.N. in therapy which "shows how low J.L. is willing to stoop to manipulate the outcome of this separation/divorce";
 - (xi) that S.N. would be "far happier and better adjusted" if contact with J.L. was limited and supervised; and,
 - (xii) that it was in S.N.'s best interest to have his contact with his mom limited.
 - (c) contained recommendations regarding custody and access that:

- (i) the Member was not retained by J.L. and C.N. or ordered by a court to provide;
 - (ii) were arrived at without first engaging in a comprehensive exploration/examination and analysis of all relevant factors, including interviewing and observing parties and collaterals, as is the standard for custody and access assessments where recommendations are made; and
 - (iii) were not disclosed in a balanced and equitable manner to J.L. and C.N.
8. The letters were ultimately relied upon by judges of the Superior Court of Justice, Family Court, in order to set and maintain a custody and access schedule that limited J.L.'s access to supervised visits with S.N.

THE MEMBER'S ADMISSIONS AS TO ACTS OF PROFESSIONAL MISCONDUCT

9. 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 *Act*:
- a) In that she violated **Section 2.2 of Ontario Regulation 384/00 (the "Professional Misconduct Regulation")** and **Principle I of the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "Handbook") (commented on in Interpretation 1.2 and 1.5)** by failing to observe, clarify and inquire about information presented to her by clients or by failing to be aware of her values, attitudes and needs and how these impacted on her professional relationship with clients;
 - b) In that she violated **Section 2.2 of the Professional Misconduct Regulation** and **Principle II of the Handbook (commented on in Interpretation 2.1.4)** by failing to ensure that any professional recommendations or opinions that she provided were appropriately substantiated by evidence and supported by a credible body of professional social work knowledge;
 - c) In that she violated **Section 2.2 of the Professional Misconduct Regulation** and **Principle IV of the Handbook (commented on in Interpretations 4.1.2, 4.4.1 and 4.4.2)** by making a statement in the record, or in reports based on the record, or issuing or signing a certificate, report or other document in the course of practice that she knew or ought to have known were false, misleading, inaccurate or otherwise improper; by failing to inform clients as to the limits of client confidentiality, and by disclosing information without consent and without seeking to clarify client consent to disclosure in a situation where the disclosure of information pertains to more than one client;
 - d) In that she violated **Section 2.2 of the Professional Misconduct Regulation** and **Principle V of the Handbook (commented on in Interpretation 5.3)** by

disclosing information concerning or received from clients where no exception applied;

- e) In that she violated **Section 2.11 of the Professional Misconduct Regulation** by giving information about a client to a person other than the client or his or her authorized representative except (i) with the consent of the client or his or her authorized representative, (2) as required or allowed by law, or, (3) in a review investigation or proceeding under the Act in which the conduct, competency or capacity of the member is in issue.
- f) In that she violated **Section 2.21 of the Professional Misconduct Regulation** by making a record, or issuing or signing a certificate, report or other document in the course of practicing the profession that she knew or ought to have known is false, misleading or otherwise improper; and,
- g) In that she 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.

Decision of the Panel

[6] Having considered the admissions of the Member, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel finds that the Member committed the acts of professional misconduct alleged in the Notice of Hearing. With respect to the Member's admissions to allegation g) the Panel finds that the Member's conduct would reasonably be regarded by members as dishonourable and unprofessional.

Reasons for Decision

[7] Allegation (a) in the Notice of Hearing is supported by paragraphs 2, 3, 4, and 5 in the Agreed Statement of Facts. The Member violated **Section 2.2 of the Professional Misconduct Regulation** and **Principle I of the Handbook (commented on in Interpretation 1.2 and 1.5)** by failing to observe, clarify and inquire about information presented to her by clients or by failing to be aware of her values, attitudes and needs and how these impacted on her professional relationship with clients. The Member was retained by J.L and C.N to provide counseling services to their son S.N. The Member also provided counselling and social work services to both parents which now made J.L and C.N along with their son S.N, all clients of the Member. The Member with 20 years of being a registered member of the College, ought to have known that due to the change in circumstances, when the parents decided to separate, she was professionally obligated to engage with J.L, C.N and S.N to reset goals.

[8] Allegation (b) in the Notice of Hearing is supported by paragraphs 7 (b) and (c) in the Agreed Statement of Facts. The Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.4) by failing to ensure that any professional recommendations or opinions that she provided were appropriately substantiated by evidence and supported by a credible body of professional social work

knowledge. The Member failed to appropriately substantiate by evidence the statements in her letters that she provided to C.N that J.L was “emotionally unstable as a result of a traumatic childhood”, “would attempt to alienate SN from his father”, and that “she was a time bomb waiting to be triggered” and even speculated that she “may have sexually abused S.N”.

[9] Allegation (c), (d), (e) and (f) in the Notice of Hearing are supported by paragraphs 6, 7 and 8 in the Agreed Statement of Facts. The Member violated Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretation 4.12, 4.41 and 4.42) as well as Section 2.21 of the Professional Misconduct Regulation by making a record, or issuing or signing a certificate, report or other document in the course of practicing the profession that she knew or ought to have known is false, misleading or otherwise improper. The Member also violated Section 2.2 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretation 5.3) and Section 2.11, of the Professional Misconduct Regulation by giving information about a client to a person other than the client or his or her authorized representative. The Member provided client C.N with 2 letters containing recommendations regarding custody and access without first engaging in a comprehensive assessment which is expected for these types of reports. She was not retained by the client to provide this nor was she retained by the court.

[10] The Member knew that her client C.N would provide the 2 letters in court to influence the determination of custody and access privilege provided to J.L regarding their son S.N.

[11] The Member provided 2 letters directly to C.N containing information about her other clients J.L and S.N without their consent. These letters provided by the Member were misleading and improper, and details not balanced or equitable. The letters painted a very disturbing and negative image of J.L. These letters were relied upon by Judges of the Superior Court of Justice, Family Court and influenced their final decision.

[12] Regarding allegation (g), the above facts also support a finding that the Member 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. The Panel received advice from Independent Legal Counsel that they could specify which of the adjectives “disgraceful, dishonourable or unprofessional” they found applied in the circumstances. The Panel received submissions from both parties in this regard. The College’s position was that all three applied. The Member’s position was that the facts support a finding that her conduct was unprofessional, but do not go so far as a finding of disgraceful or dishonourable.

[13] The Panel concluded that unprofessional and dishonourable applied to the Member’s behaviour but disgraceful did not, for the following reasons. The Member failed to recognize that the impending separation of the parents created a requirement for a review of counselling goals and failed to take into account that she was now dealing with the needs of 3 separate clients including a vulnerable 6-year-old child. The Member showed a serious disregard for the standards of her professional obligations. The Member’s conduct in writing 2 letters discrediting one client, which she knew would be used in a custody and access hearing that she was not retained to provide or ordered by the court to provide, demonstrated a level of dishonesty or deceit and is therefore dishonourable. The Panel found that were no elements of a moral failing that the use of the word ‘disgraceful’ would imply. Furthermore, the Member accepted all the

admissions in the Agreed Statement of Facts and by doing so spared vulnerable clients further emotional distress and avoided the costs involved in a contested hearing.

[14] The Panel concluded that the Member is guilty of professional misconduct as set out in the Notice of Hearing in that she engaged in conduct that contravenes the Act, the Professional Misconduct Regulation, the Code of Ethics, and the Handbook.

Submissions on Order

[15] The parties were in agreement on the issue of what order the Panel should make in light of the findings of professional misconduct. They presented to the Panel a Joint Submissions as to Order (“**Joint Submission**”) asking this Panel make an order as follows.

1. Requiring that the Member be reprimanded by the Discipline Committee and that the fact of the reprimand be recorded on the register for an unlimited period of time;
2. Directing the Registrar to suspend the Member's Certificate of Registration for a period of six (6) months, the first five (5) months of which shall be served commencing on June 11, 2019. The remaining one (1) month of the suspension shall be remitted if, on or before October 28, 2019, the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed in paragraph 3(a) as set out below. If the Member fails to comply with those terms and conditions, the Member shall serve the remaining one (1) month of the suspension, which shall be served immediately following the first five (5) month period of suspension.¹¹
3. Directing the Registrar to impose the following specified terms, conditions or limitations on the Member's certificate of registration, to be recorded on the College's public register:
 - a) The Member shall, at her own expense, participate in and successfully complete a boundaries and ethics course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar, by October 28, 2019;
 - b) The Member shall, at her own expense, participate in therapy with a therapist who is either a regulated health professional or a registered social worker and approved by the College, for a minimum of six (6) sessions over a period of six (6) months following the date of the Discipline Committee's order herein;
 - c) For a period of one (1) year beginning on the date on which the Member returns to practice following her suspension, the Member shall:

¹ For greater clarity, the terms, conditions or limitations imposed under paragraph 3 hereof will be binding on the Member regardless of the length of suspension served, and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its

authority, may take such action as it deems appropriate, which may include referring allegations of professional misconduct to the Discipline Committee arising from any failure to comply with the terms, conditions or limitations.

- a. notify any current or new employers of the Discipline Committee's decision, and:
 - i. ensure that the Registrar is notified of the name, address, and telephone number of all employer(s) within fifteen (15) days of commencing or resuming employment in any social work position;
 - ii. provide her employer(s) with a copy of:
 1. the Discipline Committee's Order;
 2. the Notice of Hearing;
 3. the Agreed Statement of Facts;
 4. this Joint Submission As To Order; and
 5. a copy of the Discipline Committee's Decisions and Reasons, once available;
 - iii. subject to paragraph (iv), below, only practice social work for an employer who agrees to, and does, forward a report to the Registrar within fifteen (15) days of the commencement or resumption of the Member's employment in any social work position, confirming:
 1. that they received a copy of the required documents; and
 2. that they agree to notify the Registrar immediately upon receipt of any information that the Member has breached the Code of Ethics and Standards of Practice of the profession; and
 - iv. in the event that the Member operates a private practice, the Member must, at her own expense, receive supervision of her social work practice from an approved member of a regulated health profession or a registered social worker approved by the College (the "Supervisor"). The Member must additionally provide to the approved Supervisor (and any subsequent approved Supervisor) the Notice of Hearing and the final decision of the Discipline Committee and must provide written confirmation, signed by the Supervisor, of receipt of those documents to the Registrar within fifteen (15) days of the Member returning to practice under supervision (and within 15 days of the approval of any subsequent Supervisor). The Member must seek consent from prospective clients to share personal health information with her Supervisor, in order to allow the Supervisor to review client files and engage in supervision.² The Supervisor shall provide a report to the Registrar at six (6) months and at twelve (12)

² For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the Supervisor.

months, confirming that the supervision took place and the nature of the supervision.³

4. Directing that the finding and the order of the Discipline Committee be published, in detail, with the name of the member, in the official publication of the College, on the College's website, on the College's public register, on the CanLII website, and in any other media related document that is provided to the public and is deemed appropriate by the College; and,
5. Directing the Member to pay costs of this proceeding to the College fixed in the amount of five thousand dollars (\$5,000.00) to be paid by way of certified cheque or money order immediately following the hearing of this matter.

[16] College counsel and Member's counsel submitted a Joint Submission As To Order, with respect to the appropriate order of penalty and costs. College counsel highlighted to the Panel by sharing case law *R. v. Anthony-Cook*, 2016 SCC 43, Book of Legislation and Authorities, Tab 6, paragraph 34, that "a joint submission should not be rejected lightly". Both the Court of Appeal for Ontario and the Supreme Court of Canada have held that unless the Panel of the Discipline Committee is of the view that "the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest", a joint submission should not be rejected. College counsel and Member's counsel also shared *OCSWSSW v. Sara Rahmani-Azad*, Decision and Reasons for Decision, February 16, 2017 where the Member was found to have committed acts of professional misconduct by conveying false and/or distorted and/or misleading information and similar penalties were imposed by the Panel.

Decision on Order

[17] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepts the Joint Submission and makes an order in the terms of the Joint Submission.

Reasons for Decision on Order

[18] 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, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member's practice. As noted above, College counsel relied on the decision *R v Anthony-Cook* (2016), SCC 43, [2016] 2 S.C.R. 204 for the principle that the Panel should not reject a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute. Counsel for the Member echoed and reiterated that the joint submission and penalty was reasonable. As also noted above, College counsel and Member's counsel shared a precedent case in 2017 which had similar professional misconduct (*OCSWSSW v. Sara Rahmani-Azad*) and in which the order made by the Discipline Committee had similar elements to the present case.

³ For clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

[19] The penalty element of the order includes publication of this decision (including a summary on the College website and the terms of the order on the College Register), which will further communicate a clear message to the membership that conduct of this nature is intolerable. The verbal, in-person reprimand administered to the Member by her peers will be recorded on the Register. The Panel concluded that the jointly proposed penalty was within the acceptable range of penalty for this type of professional misconduct. The Panel noted that the Member was remorseful in her verbal statement, cooperated with the College, and has agreed to the proposed penalty. By agreeing to the facts and proposed penalty, the Member has accepted responsibility for her actions. Further, the penalty also has components that will serve the objective of remediation, including the requirement that the Member complete a boundaries and ethics training course, engage in therapy, along with seeking supervision. The Panel considers that the proposed penalty is reasonable in the light of the goals and principles of maintaining high professional standards, preserving public confidence in the College's ability to regulate its members and above all, protecting the public.

[20] Regarding item 5 of the joint submission, the Member is directed to pay costs to the College in the amount of \$5,000. The Panel recognized that the parties had agreed on costs and considered the amount to be reasonable.

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

Date: _____

Signed: _____
Frances Keogh, Chair
Sanjay Govindaraj
Gerald Mak