



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 Templer Teran, 2021 ONCSWSSW 1

Decision 20210212
date:

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS
- and -
ALISON TEMPLER TERAN

PANEL: Charlene Crews Chair, Professional Member
Frances Keogh Professional Member
Andy Kusi-Appiah Public Member

Appearances: Jill Dougherty and Alyssa Armstrong for the College
Alison Templer Teran, Member, Self-Represented
Aaron Dantowitz, Independent Legal Counsel to the Panel

Heard: November 2, 2020

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers Ontario (the “**College**”), via videoconference, on November 2, 2020. Alison Templer Teran (the “**Member**”) was present at the hearing.

The Allegations

[2] This matter involved two Notices of Hearing, dated December 12, 2017 and April 16, 2018 respectively. In both Notices of Hearing, the Member is alleged to be guilty of professional misconduct within the meaning of Section 26(2) 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**”).

2017 Notice of Hearing

[3] The factual particulars of the allegations set out in the Notice of Hearing dated December 12, 2017 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 May of 2011.
2. Beginning April 2011, you were employed as a social worker by [redacted] (the “Agency”) in Windsor Ontario. The Agency provides individualized support to children from age 0-6 with developmental and/or mental health challenges through early identification, education and clinical intervention.
3. In early 2016, in your role as social worker for the Agency, you were referred to speak with H.W. regarding developmental and behavioural concerns that she had for her son E.L. H.W. was seeking an assessment for E.L. and subsequent help and support as he transitioned to junior kindergarten in September of 2016.
4. You falsely advised H.W. that the Agency was “backlogged”, “swamped” and/or “backed-up”, that there would be delay regarding available Agency services. You further falsely advised that the Agency did not supply some of the services that H.W. was seeking. You additionally falsely advised that there was a waitlist for an assessment of 18 to 36 months and that E.L. could not be assessed until he was 6 years old.
5. After communicating the false information as alleged in paragraph 4 above, you did not have further contact or communication with H.W., E.L. or E.L.’s father G.L. In the alternative, you had only limited contact and did not provide any further social work services. Nonetheless, you fabricated a clinical record which falsely documented an “Individual Family Plan” as well as numerous in person meetings and telephone calls that never occurred between the period July 2016 until January 2017.
6. You forged H.W.’s signature and initials on the “Individual Family Plan” which was never provided to H.W. for review and signature.
7. In or about February or March of 2017, you falsely created a discharge summary in letter form which purported to summarize the services provided, progress, outcomes and recommendations. The content of the discharge summary was fabricated and the letter was never sent to H.W. or G.L.
8. The conduct alleged in paragraphs 3-7 above occurred at a time when you were experiencing illness and/or dysfunction which was known or ought to have been known would reasonably impair your ability to provide social work services.

[4] The allegations of professional misconduct set out in the Notice of Hearing dated December 12, 2017, are as follows:

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 II of the Handbook (commented on in Interpretation 2.1.3 and**

- 2.1.5)** by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services; and by failing to engage in the process of self-review and evaluation of your practice and seek consultation when appropriate;
- b) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.6)** by engaging in the practice of social work while suffering from illness or dysfunction which you knew or ought reasonably to have known impaired your ability to practice;
 - c) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.8)** by failing to avoid conduct that could reasonably be perceived as reflecting negatively on the profession of social work or social service work;
 - d) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.1, 3.2, 3.6 and 3.11)** by failing to provide clients with accurate and complete information regarding the extent, nature and limitations of any services available to them and by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services; and by failing to advocate for and/or with clients and inform clients of any action taken and its outcome;
 - e) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretations 4.1.1, 4.1.2 and 4.1.3)** by failing to record information in a manner which conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the service/intervention; 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 practising the profession that the member knows or ought reasonably to know is false, misleading, inaccurate or otherwise improper; and by failing to keep systematic, dated and legible records for each client or client system served;
 - f) In that you violated **Section 2.19 of the Professional Misconduct Regulation** by falsifying a record relating to your practice;
 - g) In that you violated **Section 2.20 of the Professional Misconduct Regulation** by failing to keep records as required by the regulations and the standards of the profession;
 - h) 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 practising the profession that you knew or ought reasonably to have known is false, misleading or otherwise improper; and,
 - i) 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.

2018 Notice of Hearing

[5] The factual particulars of the allegations set out in the Notice of Hearing dated April 16, 2018 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 May of 2011.
2. Beginning April 2011, you were employed as a social worker by [redacted] (the “Agency”) in Windsor Ontario. The Agency provides individualized support to children from age 0-6 with developmental and/or mental health challenges through early identification, education and clinical intervention.
3. In or about the years 2015 to 2017, in your role as social worker for the Agency, you:
 - (a) forged the signatures of the parents of clients in the clinical record with respect to the clients listed in Appendix “A”;
 - (b) falsified clinical documents relating to the clients listed in Appendix “B” by documenting telephone calls or home visits that never occurred;
 - (c) backdated clinical records with respect to the clients listed in Appendix “C” without documenting that the records were backdated; and,
 - (d) breached the Agency’s Privacy and Confidentiality Policy and Privacy Statement by e-mailing confidential client records to your personal Yahoo email account.
4. In early 2016, in your role as social worker for the Agency, you were referred to speak with H.W. regarding developmental and behavioural concerns that she had for her son E.L. H.W. was seeking an assessment for E.L. and subsequent help and support as he transitioned to junior kindergarten in September of 2016.
5. You falsely advised H.W. that there was a waitlist for an assessment of 18 to 36 months and that E.L. could not be assessed until he was 6 years old.
6. The conduct alleged in paragraphs 3-5 above occurred at a time when you were experiencing illness and/or dysfunction which was known or ought to have been known would reasonably impair your ability to provide social work services.

[6] The allegations of professional misconduct set out in the Notice of Hearing dated April 16, 2018 are as follows:

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 II of the Handbook (commented on in Interpretation 2.1.5)** by failing to engage in the process of self-review and evaluation of your practice and seek consultation when appropriate;
- b) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.6)** by engaging in the practice of social work while suffering from illness or dysfunction which you knew or ought reasonably to have known impaired your ability to practice;

- c) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.8)** by failing to avoid conduct that could reasonably be perceived as reflecting negatively on the profession of social work or social service work;
- d) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.1, 3.2, 3.6 and 3.11)** by failing to provide clients with accurate and complete information regarding the extent, nature and limitations of any services available to them and by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services; and by failing to advocate for and/or with clients and inform clients of any action taken and its outcome;
- e) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretations 4.1.1, 4.1.2, 4.1.3, 4.2.1 and 4.2.2)** by failing to record information in a manner which conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the service/intervention; 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 practising the profession that the member knows or ought reasonably to know is false, misleading, inaccurate or otherwise improper; by failing to keep systematic, dated and legible records for each client or client system served; by failing to maintain a thorough understanding and complying with organizational requirements regarding record retention, storage, preservation and security; and by failing to take necessary steps to protect the confidentiality and security of paper records, faxes, electronic records and other communications.
- f) In that you violated **Section 2.19 of the Professional Misconduct Regulation** by falsifying a record relating to your practice;
- g) In that you violated **Section 2.20 of the Professional Misconduct Regulation** by failing to keep records as required by the regulations and the standards of the profession;
- h) 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 practising the profession that you knew or ought reasonably to have known is false, misleading or otherwise improper; and,
- i) 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.

[7] At the outset of the hearing, the panel inquired why the matter was proceeding through the College's Discipline process and not Fitness to Practise (FTP). College counsel submitted that in order to have the matter proceed as an FTP matter, there would have had to have been evidence at the referral stage or subsequently of an incapacity issue that was significant enough to provide a full explanation for the conduct that occurred. According to College counsel, that evidence was

not available and the College viewed the available information concerning certain health issues as something that was more in the nature of a mitigating circumstance. The panel was satisfied with that explanation.

Member's Plea

[8] The Member admitted the allegations of professional misconduct set out in both of the Notices of Hearing.

[9] The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

The Evidence

[10] The evidence was tendered by way of two Agreed Statements of Facts, one corresponding to each Notice of Hearing.

Agreed Statement of Facts #1

[11] The substantive portion of Agreed Statement of Facts #1 ("ASF#1"), which corresponds to the 2017 Notice of Hearing, read as follows:

1. Now and at all times relevant to the allegations, Alison Templer Teran (the "**Member**") was a registered social work member of the Ontario College of Social Workers and Social Service Workers (the "**College**").
2. Beginning in April 2011, and at all times relevant to the allegations, the Member was employed as a social worker by [redacted] (the "**Agency**") in Windsor, Ontario. The Agency provides individualized support to children from age 0-6 with developmental and/or mental health challenges through early identification, education and clinical intervention.
3. In approximately March/April 2016, the Member was referred, in her role as a social worker for the Agency, to speak with H.W. regarding developmental and behavioural concerns H.W. had with her son (E.L.). H.W. sought an assessment for E.L. and subsequent help and support in advance of his transition to junior kindergarten in September 2016.
4. Although the Member did not intend to misinform H.W. as to the services available at the Agency, H.W. understood, based on the Member's advice, that there would be a delay in Agency services because the Agency was backlogged; that the Agency did not supply some of the services that H.W. was seeking; that there was an 18 to 36 month waitlist for an assessment; and that E.L. could not be assessed until he was 6 years old.
5. If she were to testify at a contested hearing, the Member would deny that she intentionally provided any incorrect or misleading information to H.W., although the Member acknowledges that some of her statements to H.W. may not have been sufficiently clear.
6. After communicating the false information described in paragraph 4 above, the Member had no further contact or communication with H.W., E.L., or E.L.'s father (G.L.).

7. Although the Member never provided social work services to E.L. the Member fabricated a clinical record, which included:
 - (a) fabricating an “Individual Family Plan” and forging H.W.’s signature and initials;
 - (b) fabricating goal tracking sheets to falsely indicate that she had performed a home visit with E.L. and H.W. and that she had spoken with H.W. and G.L. over the phone;
 - (c) fabricating progress reports to falsely indicate that she had met with and/or spoken with H.W. and G.L.; and
 - (d) fabricating a discharge summary to falsely indicate that the Member had provided social work services to E.L. and that the Member had contacted H.W. and/or G.L.
8. If the member were to testify, she would say that she had met with the family.
9. Because of the information communicated by the Member, as described in paragraph 4 above, H.W. and G.L. understood that the Agency could not provide any services to E.L. As a result, H.W. and G.L. were forced to seek a private assessment, which delayed the assessment of E.L. and cost approximately \$3500.
10. E.L. was eventually diagnosed with Autism Spectrum Disorder in December 2016, several months after beginning junior kindergarten. Because he had not been assessed and diagnosed earlier, E.L. experienced frequent issues at school, and his teachers were unable to understand and manage his behaviour properly until after he was assessed and diagnosed.
11. During the time when the conduct described in paragraphs 3-8 above occurred, the Member was experiencing health issues that she knew impaired her ability to provide social work services.
12. The Member agrees that her conduct described above would reasonably be regarded as disgraceful, dishonourable, and unprofessional.
13. 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*:
 - a) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.3 and 2.1.5)** by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services; and by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate;
 - b) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.6)** by engaging in the practice of social work while suffering from illness or dysfunction which she knew or ought reasonably to have known impaired her ability to practice;
 - c) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.8)** by failing to avoid conduct that could reasonably be perceived as reflecting negatively on the profession of social work or social service work;

- d) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.1, 3.2, 3.6 and 3.11)** by failing to provide clients with accurate and complete information regarding the extent, nature and limitations of any services available to them and by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services; and by failing to advocate for and/or with clients and inform clients of any action taken and its outcome;
- e) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretations 4.1.1, 4.1.2 and 4.1.3)** by failing to record information in a manner which conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the service/intervention; 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 practising the profession that the member knows or ought reasonably to know is false, misleading, inaccurate or otherwise improper; and by failing to keep systematic, dated and legible records for each client or client system served;
- f) In that she violated **Section 2.19 of the Professional Misconduct Regulation** by falsifying a record relating to her practice;
- g) In that she violated **Section 2.20 of the Professional Misconduct Regulation** by failing to keep records as required by the regulations and the standards of the profession;
- h) 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 practising the profession that she knew or ought reasonably to have known is false, misleading or otherwise improper; and,
- i) 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.

Agreed Statement of Facts #2

[12] The substantive portion of the Agreed Statement of Facts #2 (ASF#2), which corresponds to the 2018 Notice of Hearing, read as follows:

1. Now and at all times relevant to the allegations, Alison Templer Teran (the “**Member**”) was a registered social work member of the Ontario College of Social Workers and Social Service Workers (the “**College**”).

2. Beginning in April 2011, and at all times relevant to the allegations, the Member was employed as a social worker by [redacted] (the “Agency”) in Windsor, Ontario. The Agency provides individualized support to children from age 0-6 with developmental and/or mental health challenges through early identification, education and clinical intervention.
3. As a result of the conduct described below, the Member was suspended from her position at the Agency on March 21, 2017. She resigned from the Agency on March 23, 2017.
4. From approximately December 2014 to approximately November 2016, the Member forged parent signatures and/or initials in the clinical records of several clients. The Member forged parent signatures and/or initials in the Individual Family Plan (“IFP”) of clients C.G., E.L., J.R.M.D., M.Y., C.P., J.S., and A.S. The Member also forged the signature of J.R.M.D.’s mother in a consent form authorizing the Member to disclose and/or access J.R.M.D.’s personal health information.
5. From approximately April 2016 to approximately February 2017, the Member falsified clinical documents to create the impression that she provided social work services that were never provided. In particular, the Member documented:
 - (a) six home visits and seven phone calls for her patient C.G. that never occurred;
 - (b) three home visits and at least three phone calls for her patient E.L. that never occurred;
 - (c) one home visit for her patient J.R.M.D. that never occurred;
 - (d) one home visit for her patient J.B. that never occurred;
 - (e) seven home visits and two phone calls for her patient M.Y. that never occurred.
6. From approximately February 2016 to approximately March 2017, the Member backdated the clinical records of several clients without documenting that she was backdating those records. In particular, the Member backdated the IFP of her clients C.G., J.R.M.D., J.S. and the discharge summary of E.L.
7. In approximately March 2017, the Member emailed documents containing personal health information from the confidential clinical records of Agency clients to her personal Yahoo email address, contrary to the requirements of the Agency’s Privacy and Confidentiality Policy and Privacy Statement.
8. Although the Member did not intend to misinform H.W. as to the services available at the Agency, H.W. understood, based on the Member’s advice, that there would be a delay in Agency services because the Agency was backlogged; that the Agency did not supply some of the services that H.W. was seeking; that there was an 18 to 36 month waitlist for an assessment; and that E.L. could not be assessed until he was 6 years old.
9. If she were to testify at a contested hearing, the Member would deny that she intentionally provided any incorrect or misleading information to H.W., although the Member acknowledges that some of her statements to H.W. may not have been sufficiently clear.
10. During the time when the conduct described in paragraphs 4-9 above occurred, the Member was experiencing health issues that she knew impaired her ability to provide social work services.

11. The Member agrees that her conduct described above would reasonably be regarded as disgraceful, dishonourable, and unprofessional.
12. 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*:
 - (a) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.5)** by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate;
 - (b) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.6)** by engaging in the practice of social work while suffering from illness or dysfunction which she knew or ought reasonably to have known impaired her ability to practice;
 - (c) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.8)** by failing to avoid conduct that could reasonably be perceived as reflecting negatively on the profession of social work or social service work;
 - (d) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.1, 3.2, 3.6 and 3.11)** by failing to provide clients with accurate and complete information regarding the extent, nature and limitations of any services available to them and by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services; and by failing to advocate for and/or with clients and inform clients of any action taken and its outcome;
 - (e) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretations 4.1.1, 4.1.2, 4.1.3, 4.2.1 and 4.2.2)** by failing to record information in a manner which conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the service/intervention; 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 practising the profession that the member knows or ought reasonably to know is false, misleading, inaccurate or otherwise improper; by failing to keep systematic, dated and legible records for each client or client system served; by failing to maintain a thorough understanding and complying with organizational requirements regarding record retention, storage, preservation and security; and by failing to take necessary steps to protect the confidentiality and security of paper records, faxes, electronic records and other communications.
 - (f) In that she violated **Section 2.19 of the Professional Misconduct Regulation** by falsifying a record relating to her practice;

- (g) In that she violated **Section 2.20 of the Professional Misconduct Regulation** by failing to keep records as required by the regulations and the standards of the profession;
- (h) 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 practising the profession that she knew or ought reasonably to have known is false, misleading or otherwise improper; and,
- (i) 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.

[13] During the hearing, the Panel raised with the parties whether all three of the adjectives in section 2.36 of the Professional Misconduct Regulation should apply, noting that in the case of *Ontario College of Social Workers and Social Service Workers v Yordy*, 2019 ONCSSW 6, which was included in the Book of Authorities and Legislation of the College, the Panel found that only “unprofessional” and “dishonourable” would apply to the facts of that case. The College was amenable to agreeing that, for reasons including the fact of the Member’s health condition, while the conduct in this case would be regarded as “unprofessional” and “dishonourable”, “disgraceful” did not apply here (and therefore agreed to in effect modify the position in paragraph 12 of Agreed Statement of Facts #1 and paragraph 11 of Agreed Statement of Facts #2). The Member had no additional submissions on this point.

Decision of the Panel

[14] The Panel accepted the admissions of professional misconduct set out in the Agreed Statements of Facts, and accordingly made findings of professional misconduct as alleged in both of the Notices of Hearing.

[15] Regarding the allegation in each Notice of Hearing concerning s. 2.36 of the Professional Misconduct Regulation, the Panel finds that, having regard to all circumstances, the Member’s conduct would reasonably be regarded by members as dishonourable and unprofessional, but not disgraceful.

Reasons for Decision

2017 Notice of Hearing – ASF #1

[16] The Panel accepts the Member’s admissions and ASF #1 proved on a balance of probabilities each of the allegations against the Member.

[17] With respect to the allegation (a) in the 2017 Notice of Hearing the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.3 and 2.1.5), by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services; and by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate. The Member provided incorrect and misleading

information to her client that the Agency could not provide any services to E.L. and as a result, H.W., and G.. were forced to seek a private assessment, which delayed the assessment of E.L. and cost them approximately \$3,500. The Member also fabricated an “Individual Family Plan” and forged H.W.’s signature and initials; fabricated goal tracking sheets to falsely indicate that she had performed a home visit with E.L. and H.W. and that she had spoken with H.W. and G.L. over the phone. The Member also fabricated progress reports to falsely indicate that she had met with and/or spoken with H.W. and G.L. Finally, the Member fabricated a discharge summary to falsely indicate that the Member had provided social work services to E.L. and that the Member had contacted H.W. and/or G.L.

[18] Regarding allegation (b) in the 2017 Notice of Hearing the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.6) by engaging in the practice of social work while suffering from illness or dysfunction which she knew or ought reasonably to have known impaired her ability to practice. During the time when the conduct described in paragraph 3-8 of ASF #1, the Member was experiencing health issues that she knew impaired her ability to provide social work services;

[19] As to allegation (c) of the 2017 Notice of Hearing the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.8) by failing to avoid conduct that could reasonably be perceived as reflecting negatively on the profession of social work or social service work. The Member fabricated an “Individual Family Plan” and forged H.W.’s signature and initials; The Member also fabricated goal tracking sheets to falsely indicate that she had spoken with H.W. and G.L. over the phone, and finally, the Member fabricated a discharge summary to falsely indicate that the Member had provided social work services to E.L. and that the Member had contacted H.W., and/or G.L.;

[20] With respect to allegation (d) of the 2017 Notice of Hearing the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 3.1, 3.2, 3.6 and 3.11) by failing to provide clients with accurate and complete information regarding the extent, nature and limitations of any services available to them and by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services; and by failing to advocate for and/or with clients and inform clients of any action taken and its outcome. The Member provided incorrect and misleading information to her client, and fabricated a discharge summary to falsely indicate that the Member has contacted her client;

[21] Regarding allegation (e) of the 2017 Notice of Hearing the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretations 4.1.1, 4.1.2, 4.1.3) by failing to record information in a manner which conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the service/intervention; 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 practising the profession that the member knows or ought reasonably to

know is false, misleading, inaccurate or otherwise improper; by failing to keep systematic, dated and legible records for each client or client system served. The Member provided incorrect and misleading information to her client, and fabricated a discharge summary to falsely indicate that the Member has contacted her client.

[22] With respect to allegation (f) of the 2017 Notice of Hearing the Panel found that the member violated Section 2.19 of the Professional Misconduct Regulation by falsifying a record relating to her practice. The Member fabricated an “Individual Family Plan” and forged H.W.’s signature and initials; The Member also fabricated goal tracking sheets to falsely indicate that she had spoken with H.W. and G.L over the phone, and finally, the Member fabricated a discharge summary to falsely indicate that the Member had provided social work services to E.L. and that the Member had contacted H.W., and/or G.L.;

[23] As to allegation (g) of the 2017 Notice of Hearing the Panel found that the member violated Section 2.20 of the Professional Misconduct Regulation by failing to keep records as required by the regulations and the standards of the profession. During the time when the conduct described in paragraph 7 (a-d) of the ASF #1, the Member fabricated an individual family plan and forged H.W’s signature and initials. The member also fabricated goal tracking sheets to falsely indicate that she had performed a home visit with E.L. and H.W and that she had spoken with H.W., and G.L. over the phone. In addition, the Member fabricated progress reports to falsely indicate that she has met with and/or spoken with H.W., and G.L.;

[24] With respect to allegation (h) of the 2017 Notice of Hearing the Panel found that the member 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 reasonably to have known is false, misleading or otherwise improper. The Member provided incorrect and misleading information to her client, and fabricated a discharge summary to falsely indicate that the Member has contacted her client; and,

[25] Finally, regarding allegation (i) of the 2017 Notice of Hearing the Panel found 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 dishonourable and unprofessional. As noted above in paragraph [13], the question of whether “disgraceful” applied to this conduct was discussed by the Panel and the parties. The Panel felt it was appropriate not to include “disgraceful” here, for the reasons acknowledged by College counsel.

2018 Notice of Hearing - ASF #2

[26] The Panel accepts the Member’s admissions and ASF #2 proved on a balance of probabilities each of the allegations against the Member.

[27] With respect to the allegation (a) in the 2018 Notice of Hearing the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.5) by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate. The Member emailed

documents containing personal health information from the confidential clinical records of Agency clients to her personal Yahoo email address, contrary to the requirements of the Agency's Privacy and Confidentiality Policy and Privacy Statement. The Member also misinformed H.W. as to the services available at the Agency. The falsely told H.W. that there would be a delay in Agency services because the Agency was backlogged; that the Agency did not supply some of the services that H.W. was seeking; that there was an 18 to 36 month waitlist for an assessment; and that E.L. could not be assessed until he was 6 years old.

[28] Regarding allegation (b) in the 2018 Notice of Hearing the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.6) by engaging in the practice of social work while suffering from illness or dysfunction which she knew or ought reasonably to have known impaired her ability to practice. During the time when the conduct described in paragraphs 4-9 above occurred, the Member was experiencing health issues that she knew impaired her ability to provide social work services.

[29] As to allegation (c) of the 2018 Notice of Hearing the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.8) by failing to avoid conduct that could reasonably be perceived as reflecting negatively on the profession of social work or social service work. From approximately April 2016 to approximately February 2017, the Member falsified clinical documents to create the impression that she provided social work services that were never provided. In particular, the Member documented six home visits and seven phone calls for her client C.G. that never occurred; three home visits and at least three phone calls for her client E.L. that never occurred; one home visit for her client J.R.M.D. that never occurred; one home visit for her client J.B. that never occurred; and seven home visits and two phone calls for her client M.Y. that never occurred.

[30] With respect to allegation (d) of the 2018 Notice of Hearing the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 3.1, 3.2, 3.6 and 3.11) by failing to provide clients with accurate and complete information regarding the extent, nature and limitations of any services available to them and by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services; and by failing to advocate for and/or with clients and inform clients of any action taken and its outcome. The Member misinformed H.W. as to the services available at the Agency. Based on the Member's advice, H.W. was led to believe that there would be a delay in Agency services because the Agency was backlogged; that the Agency did not supply some of the services that H.W. was seeking; that there was an 18 to 36 month waitlist for an assessment; and that E.L. could not be assessed until he was 6 years old.

[31] Regarding allegation (e) of the 2018 Notice of Hearing the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretations 4.1.1, 4.1.2, 4.1.3, 4.2.1 and 4.2.2) by failing to record information in a manner which conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and in a format

that facilitates the monitoring and evaluation of the effects of the service/intervention; 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 practising the profession that the member knows or ought reasonably to know is false, misleading, inaccurate or otherwise improper; by failing to keep systematic, dated and legible records for each client or client system served; by failing to maintain a thorough understanding and complying with organizational requirements regarding record retention, storage, preservation and security; and by failing to take necessary steps to protect the confidentiality and security of paper records, faxes, electronic records and other communications. The Member forged parent signatures and/or initials in the clinical records of several clients. The Member also forged the signature of J.R.M.D.'s mother in a consent form authorizing the Member to disclose and/or access J.R.M.D.'s personal health information. The Member falsified clinical documents to create the impression that she provided social work services that were never provided. In particular, the Member documented six home visits and seven phone calls for her client C.G. that never occurred ;three home visits and at least three phone calls for her client E.L. that never occurred; one home visit for her client J.R.M.D. that never occurred; one home visit for her client J.B. that never occurred; seven home visits and two phone calls for her client M.Y. that never occurred. In approximately March 2017, the Member emailed documents containing personal health information from the confidential clinical records of Agency clients to her personal Yahoo email address, contrary to the requirements of the Agency's Privacy and Confidentiality Policy and Privacy Statement.

[32] With respect to allegation (f) of the 2018 Notice of Hearing the Panel found that the member violated Section 2.19 of the Professional Misconduct Regulation by falsifying a record relating to her practice. The Member falsified clinical documents to create the impression that she provided social work services that were never provided. In particular, the Member documented six home visits and seven phone calls for her client C.G. that never occurred ;three home visits and at least three phone calls for her client E.L. that never occurred; one home visit for her client J.R.M.D. that never occurred; one home visit for her client J.B. that never occurred; seven home visits and two phone calls for her client M.Y. that never occurred.

[33] As to allegation (g) of the 2018 Notice of Hearing the Panel found that the member violated Section 2.20 of the Professional Misconduct Regulation by failing to keep records as required by the regulations and the standards of the profession. The Member forged parent signatures and/or initials in the Individual Family Plan ("IFP") of clients C.G., E.L., J.R.M.D., M.Y., C.P., J.S., and A.S. The Member also forged the signature of J.R.M.D.'s mother in a consent form authorizing the Member to disclose and/or access J.R.M.D.'s personal health information. The Member also falsified clinical documents to create the impression that she provided social work services that were never provided. In particular, the Member documented six home visits and seven phone calls for her client C.G. that never occurred; three home visits and at least three phone calls for her client E.L. that never occurred; one home visit for her client J.R.M.D. that never occurred; one home visit for her client J.B. that never occurred; seven home visits and two phone calls for her client M.Y. that never occurred. Between February 2016 and March 2017, the Member backdated the clinical records of several clients without documenting that she was backdating those records. In particular, the Member backdated the IFP of her clients C.G., J.R.M.D., J.S. and the discharge summary of E.L.

[34] With respect to allegation (h) of the 2018 Notice of Hearing the Panel found that the member 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 reasonably to have known is false, misleading or otherwise improper. The Member provided incorrect and misleading information to her client. The Member also falsified clinical documents to create the impression that she provided social work services that were never provided. In particular, the Member documented six home visits and seven phone calls for her client C.G. that never occurred; three home visits and at least three phone calls for her client E.L. that never occurred; one home visit for her client J.R.M.D. that never occurred; one home visit for her client J.B. that never occurred; seven home visits and two phone calls for her client M.Y. that never occurred. Between February 2016 and March 2017, the Member backdated the clinical records of several clients without documenting that she was backdating those records. In particular, the Member backdated the IFP of her clients C.G., J.R.M.D., J.S. and the discharge summary of E.L.; and,

[35] Finally, regarding allegation (i) of the 2018 Notice of Hearing the Panel found 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 dishonourable and unprofessional. As noted above in paragraph [13], the question of whether “disgraceful” applied to this conduct was discussed by the Panel and the parties. The Panel felt it was appropriate not to include “disgraceful” here, for the reasons acknowledged by College counsel.

Submissions on Penalties and Costs

[36] 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 Submission on Penalties and Costs (“**Joint Submission**”). Firstly, the parties jointly submitted the following additional facts for consideration by the Panel:

- The Member desires to resign from the College and to not engage in conduct that falls within the scope of practice of social work. The parties attached a copy of the Member’s resignation letter to the College.
- Provided this proposed penalty is accepted by the panel, the Registrar will forthwith accept the resignation of the Member pursuant to section 13(2) of the *Act*.

[37] Based on the findings of professional misconduct, as well as the facts stipulated above, College and the Member jointly submitted that the Discipline Committee make the following orders:

1. The Member shall be reprimanded in person or via electronic means, by the Discipline Committee and the fact and the 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 eight (8) months which shall be suspended (i.e. shall not begin to

run) and shall not be served until such time as the Member is reissued a certificate of registration.¹

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; and
 - (b) at her own expense, participate in and successfully complete a course on clinical documentation, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar.

The Member acknowledges that her failure to complete the requirements of sections 5(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 finding and order of the Discipline Committee shall be published, in detail or in summary with the name of the Member, 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. The Member shall pay costs to the College in the amount of \$5,000 to be paid in accordance with the following schedule:
 - (a) \$1,250 to be paid within 5 days of the acceptance by the panel of this penalty;
 - (b) \$1,250 to be paid within 90 days of the acceptance by the panel of this penalty;
 - (c) \$1,250 to be paid within 180 days of the acceptance by the panel of this penalty; and,
 - (d) \$1,250 to be paid within 270 days of the acceptance by the panel of this penalty.

In the event that any of the first three payments are not made in accordance with this schedule, the entire amount outstanding becomes immediately due..

Decision on Order

¹ For greater clarity, the terms and conditions imposed under paragraph 5 below will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the 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 to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms, conditions, and limitations.

[38] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepted the Joint Submission and made an order in the terms of the Joint Submission.

Reasons for Decision on Order

[39] College counsel submitted, and the panel agreed, that the penalty proposed in the joint submission meets the College's mandate to protect the public interest, maintains high standards of practice, is appropriate having regard to all the circumstances of the present case, and meets the objectives of specific and general difference.

[40] College counsel submitted, and the panel agreed, that there are a number of mitigating and aggravating circumstances that should be considered in determining the appropriate penalty in this case. The mitigating factors are that the Member, 1) had no prior discipline history with the college, and 2) acknowledged her misconduct early in the process and entered into the Agreed Statement of Facts and joint submission on penalty, which suggests that remedial measures are likely to be successful.

[41] The aggravating factors are that: The conduct was serious and included a breach of not only the Standards of the profession but also the *Child and Family Services Act*. The Member failed to communicate sufficiently clearly information about the age at which a child could be assessed or treated at the Agency and this created delay in the child receiving the necessary diagnosis and treatment.

[42] The panel recognized that the parties had agreed on costs and considered the amount to be reasonable.

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

Date: _____

Signed: _____

Charlene Crews, Chair
Frances Keogh
Andy Kusi-Appiah