



On May 10, 2023 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

**ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS**

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act*, 1998, S.O. 1998, Chapter 31;

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act*, 1998;

AND IN THE MATTER OF allegations respecting the professional conduct of Cathy Brohman, a Social Worker and registrant with the said College;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) electronically, in writing or in person at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers (to be confirmed). The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "Act") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Cathy Brohman, which allegations were referred to the Discipline Committee pursuant to section 24(5)(a) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of 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. 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**")¹.

I. The following are particulars of the said allegations:

1. At all relevant times, you were registered as a social work member with the Ontario College of Social Workers and Social Service Workers (the “**College**”) and maintained a private practice, in addition to being employed in a social work position at a hospital;
2. Between in or about October 2019 to May 2021, you provided counselling and/or psychotherapy services to the Complainant, C1, and her spouse, C2, both individually and jointly, for issues related to C2’s anxiety and C1’s depression and anxiety, as well as issues around trust and C2’s infidelity.
3. While receiving counselling and/or psychotherapy from you, C1 and C2 struggled with infertility, went through IVF and had a miscarriage. Therefore, the counselling also addressed issues related to infertility and the miscarriage.
4. During an individual counselling session over the phone, C2 made comments of a sexual nature to you. You failed to discourage or properly address those comments.
5. While providing counselling and/or psychotherapy services to C1 and C2, you and C2 began to develop personal, romantic and/or sexual feelings for one another. You failed to properly address those feelings and failed to prevent the erosion of professional therapist/client boundaries within the therapeutic relationship.
6. You failed to keep either any documentation or adequate documentation relating to the provision of social work services to C1 and C2.

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

7. You engaged in a series of boundary violations with C2, including, but not limited to:
 - i. inappropriately disclosing personal information to C2, including (but not limited to) information relating to your sexuality and your other personal and/or sexual relationship(s);
 - ii. having conversations and communications with C2 (including but not limited to by phone, e-mail and/or text message) of a personal and sexual nature, including (but not limited to):
 - A. Commenting on your personal likes and dislikes;
 - B. Discussing your sexual preferences, activities and practices;
 - C. Describing your intimate attire, bra size and pantie size;
 - D. Describing the sexual activities you wanted to engage in with C2; and
 - E. Sending photographs of yourself in a bathing suit and nude photographs of yourself, including a photograph of your genitals.
 8. You terminated the counselling relationship with C2 so that you could engage in a personal and sexual relationship with him.
 9. You engaged in a personal and sexual relationship with C2, including behaviour or remarks of a sexual nature by you towards C2.
 10. While engaging in the conduct described above, you continued to provide counselling and/or psychotherapy to C1 and/or C2 while you were in a conflict of interest by reason of your personal and sexual relationship with C2.
- 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:
- i. **Principle I of the Handbook (commented on in Interpretation 1.5 and 1.6)** by failing to be aware of your values, attitudes and needs and how those impact on your professional relationships with clients; and failing to distinguish your needs and interests from those of the client;
 - ii. **Principle II of the Handbook (commented on in Interpretation 2.2.1, 2.2.2, 2.2.3 and 2.2.8)** by engaging in a professional relationship that constituted a conflict of interest, or that you ought reasonably to have known would put the client at risk; using your professional position of authority to improperly influence or exploit a client or former client, and by engaging in conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
 - iii. **Principle IV (commented on in Interpretations 4.1, 4.1.1, 4.1.3, 4.1.4 and 4.1.6)** by failing to keep systematic, dated, and legible records for each client served;
 - iv. **Principle VIII of the Handbook (commented on in Interpretation 8.1, 8.2.3, 8.3, 8.4 and 8.4.1, 8.6, 8.7, 8.8 and 8.9)** by engaging in behaviour of a sexual nature with a client including: behaviour or remarks of a sexual nature towards a client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by failing to seek consultation/supervision and develop an appropriate plan if you developed sexual feelings toward a client that could put the client at risk; by failing to clearly state that the client's behaviour of a sexual nature was inappropriate by virtue of the professional relationship; by engaging in sexual relations with a client at the time of referral, assessment, counselling, psychotherapy or other professional services; by engaging in sexual relations with a client to whom you provided psychotherapy and/or counselling services; and/or by engaging in sexual activities with the spouse (C2) of your client (C1).
- b) In that you violated **Section 2.5 of the Professional Misconduct Regulation** by abusing a client sexually, verbally, psychologically and/or emotionally in that you engaged in comments and/or behaviour of a sexual nature with C2.

- c) In that you violated **Section 2.10 of the Professional Misconduct Regulation** by providing a professional service while you were in a conflict of interest.
- d) In that you violated **Section 2.20 of the Professional Misconduct Regulation** by failing to appropriately document the social work services provided to C2 and/or C1 in the clinical record and failing to keep records as required by the regulations and standards of the profession.
- e) 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.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that if the hearing is proposed to take place in writing, either of the parties (including the College and you) may, in accordance with the procedures set out in the *Statutory Powers Procedure Act*, RSO 1990, c S.22 (the “SPPA”) and the Discipline Committee’s Rules of Procedure, seek to require that the hearing be held electronically or orally by satisfying the Discipline Committee that there is good reason for not holding a written hearing.

AND FURTHER TAKE NOTICE that if the hearing is proposed to take place electronically, either of the parties (including the College and you) may, in accordance with the procedures set out in the SPPA and the Discipline Committee’s Rules of Procedure, seek to require that the hearing be held orally by satisfying the Discipline Committee that holding an electronic hearing is likely to cause the party significant prejudice.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the 10th day of May, 2023.

By: _____
Registrar and CEO
Ontario College of Social Workers and Social Service Workers