Ontario College of Social Workers and Social Service Workers | L'Ordre des travailleurs sociaux et des techniciens en travail social de l'Ontario

On June 18, 2025, allegations of the Registrant'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 **BREANNA MASHINTER, RSW** a Social Worker and former 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, Breanna Mashinter, which allegations were referred to the Discipline Committee pursuant to section 25(1) 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. You are a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**"), having obtained a certificate of registration on November 29, 2012.

2. On February 9, 2022, the College received a report from Sun Life that you had been providing social work services to family members, including with respect to two infants aged [age], commencing in 2018 and continuing to 2022.

3. During the College's investigation, you provided records to the College which indicated that you provided or purported to provide:

    (a) Counselling services to an adult female member of your family between 2018 and 2022;

    (b) Counselling services to an adult male member of your family between 2018 and 2022;

    (c) Counselling services to an infant member of your family between 2018 (when the infant was [age]) and 2022;

    (d) Counselling services to an infant member of your family between 2021 (when the infant was [age]) and 2022.

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[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.

4. You issued documentation and provided same to College, including invoices, charging fees for providing and/or purporting to provide "counselling services" to these to family members.

5. The adult male family member denies you provided him any social work services.

6. In respect of the infants, your records, including invoices, indicate the "counselling services" you provided or purported to provide included "sound", "noise" and "color therapy" which entailed activities such as observing the baby crawling, engaging in water play, and using rattles. You mispresented these services as social work services, specifically "counselling."

7. Your clinical records were deficient in numerous respects and failed to comply with the Standards of Practice including:

    (a) You failed to clearly and appropriately demonstrate each client presentation, the planning and the social work interventions.

    (b) The information recorded fails to conform with accepted service interventions standards in a format that facilitates the monitoring and evaluation of the effects of the service.

    (c) Your electronic records fail to ensure security features including an audit trial in accordance with specifications in the Handbook;

    (d) You failed to document any discussion of fees including a reasonable estimate of projected fees and disbursements. You failed to record the disclosure of fees and set out in writing an agreement with respect to fees.

8. To the extent you provided social work services to your family members, you engaged in a dual relationship and practiced in a conflict of interest.

9. To the extent <u>no</u> social work services were in fact provided, the records you submitted to the College and the invoices generated were fabricated, false and misleading.

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 sections 2.2, 2.9, 2.10 of the Professional Misconduct Regulation, Principle I of the Handbook 2nd ed. (as commented on by Interpretation 1.6) and Principle II of the Handbook 2nd ed. (as commented on in Interpretations 2.1.1, 2.1.4, 2.2.1 and 2.2.8) and the Code of Ethics, including by:

(i) Failing to distinguish your needs and interests from those of your clients to ensure that, within professional relationships, clients' needs and interests remain paramount.

(ii) Failing to be aware of the extent and parameters of their competence and their professional scope of practice and limit their practice accordingly. When a client's needs fall outside the College member's usual area of practice, the member informs the client of the option to be referred to another professional.

(iii) Failing to ensure that any professional recommendations or opinions you provide are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge.

(iv) Providing a professional service to the client while the member is in a conflict of interest by engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client or former client would be at risk; failing to evaluate professional relationships and other situations involving clients or former clients for potential conflicts of interest; failing to avoid conflicts of interest and/or dual relationship with clients that could impair your professional judgment or increase risk of exploitation or harm to

clients; failing to declare the conflict of interest and take appropriate steps to address it.

(v) In the practice of social work or social service work, failing to avoid conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work.

(b) In that you violated sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle III of the Handbook 2nd ed. (as commented on by Interpretation 3.8) including by:

(i) Failing to provide services and/or products that are relevant and conform to College standards and providing a service and/or product that you know or ought to reasonably know is not likely to benefit the client.

(c) In that you violated sections 2.2, 2.19. 2.20 and 2.21 of the Professional Misconduct Regulation and Principle IV of the Handbook 2nd ed. (as commented on in Interpretations 4.1.1. 4.1.2 and 4.1.3, 4.2.2, and footnote 7) including by:

(i) Failing to ensure recorded information conforms with accepted service or intervention standards and protocols within the profession of social work and social service work, relevant to the services provided, and is in a format that facilitates the monitoring and evaluation of the effects of the service/intervention.

(ii) 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 practicing the profession that you know or ought reasonably to know is false, misleading, inaccurate or otherwise improper.

(iii) Failing to keep systematic, dated, and legible records for each client or client system served.

(iv) Failing to take necessary steps to maintain the security of electronic records.

(d) In that you violated sections 2.2, 2.23, 2.24 and 2.25 of the Professional Misconduct Regulation and Principle VI of the

Handbook 2nd ed. (as commented on in Interpretations 6.1, 6.1.2 and 6.1.7) including by:

(i) Charging or accepting a fee which is not fully disclosed.

(ii) Submitting an account or charge for services that the member knows is false or misleading.

(iii) Charging a fee that is excessive in relation to the service performed.

(iv) Failing to discuss and renegotiate the service contract with clients when changes in the fee schedule are anticipated.

(v) Failing to seek an agreement, preferably in writing, dealing with the provisions of Interpretations 6.1.1 to 6.1.5 inclusive, at the time of contracting for service with a client.

(e) In that you violated section 2.28 of the Professional Misconduct Regulation.

(f) 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 20th day of June 2025.

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