



Ontario College of
Social Workers and
Social Service Workers

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Discipline Decision Summary

This summary of the Discipline Committee's Decisions and Reasons for Decision is published either pursuant to the Discipline Committee's penalty order or with the agreement of the College member who is the subject of the Decisions.

By publishing such summaries, the College endeavours to:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding to the College's discipline process.

APPLICATION FOR REMOVAL OF TERMS, CONDITIONS AND LIMITATIONS IMPOSED ON THE MEMBER'S CERTIFICATE OF REGISTRATION MEMBER, RSW

Background – Previous Discipline Committee Decision

A summary of the Discipline Committee's 2004 Decision, finding that the member had committed the following acts of professional misconduct, was previously published in Volume 4, Number 1 of *Perspective*:

1. Abusing a client, physically, sexually, verbally, psychologically or emotionally (but not including sexual intercourse or another form of physical sexual relations with a client);
2. Using information obtained during the member's professional relationship with a client, or using the member's professional position of authority to coerce, improperly influence, harass or exploit a client or former client,
3. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
4. Failing to regard the well-being of the member's client, as the member's primary professional obligation and failing to facilitate self-determination in the client. In

particular, the member failed to distinguish the member's own needs from those of the client, failed to appreciate how the member's needs might impact on the member's professional relationship with the client, placed the member's own needs before those of the client and failed to ensure that the clients' interests were paramount;

5. Failing to maintain clear and appropriate boundaries in the member's professional relationship with the client. In particular, the member was in a conflict of interest situation in which the member ought reasonably to have known that the client would be at risk, and the member used the professional position of authority to abuse or exploit the client.

By way of penalty, the Discipline Committee ordered that,

1. The Member be reprimanded and the reprimand be recorded on the Register.
2. The Registrar be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register,
 - a) prohibiting the Member from providing psychotherapy services or counselling services, as defined in Principle VIII, footnotes 5 and 6 of the Colleges Standards of Practice, subject to specified exceptions;
 - b) restricting the scope of the Member's practice to engaging in the activities described in sub-paragraphs (ii), (iii), (iv), (v) and (vi) of the Scope of Practice of the Profession of Social Work, subject to specified exceptions;
 - c) prohibiting the Member from applying under section 29 of the *Social Work and Social Service Work Act, 1998, S.O. 1998*, as amended, for the removal or modification of the terms, conditions or limitations imposed on his Certificate of Registration for a period of two years from the date of the Discipline Committee's order imposing the said terms, conditions and limitations.
3. The Discipline Committee's finding and order (or a summary thereof) be published, with identifying information removed, in the College's official publication and the results of the hearing be recorded on the Register.
4. The Member engage in intensive insight-oriented psychotherapy for a period of two years from the date of the Discipline Committee's order and allow the psychotherapy to be monitored at the College's discretion.

Application for removal of terms, conditions and limitations imposed on the member's certificate of registration

In late 2006, the member provided the Discipline Committee with documentary evidence and written submissions to support his application to have the above-described terms,

conditions and limitations removed from the member's Certificate of Registration.

The member's evidence and submissions included quarterly reports received by the College from the member's psychiatrist, from whom the member had received two years of intensive insight-oriented psychotherapy. These reports detailed the treatment the Member received and provided a favourable report.

In his submissions, the member took full responsibility for the conduct that resulted in the original imposition of terms, conditions and limitations, and the member described the measures taken to ensure that there would be no real or perceived boundary violations with clients in the future.

The College did not oppose the member's application.

The Discipline Committee's Decision

The panel of the Discipline Committee decided to grant the member's application, and directed the College Registrar to remove the terms, conditions and limitations previously imposed on the member's Certificate of Registration.

The panel of the Discipline Committee accepted the member's evidence of rehabilitation, including the member's ongoing psychotherapy and continued compliance with the terms and conditions previously imposed on the member's Certificate of Registration, and the member's submissions accepting responsibility for the conduct that resulted in the imposition of the terms, conditions and limitations.

While the panel was encouraged and impressed by the member's comments and understanding of the member's own vulnerabilities, the panel encouraged the Member to continue in psychotherapy, to continue to be aware of the member's own vulnerabilities, to continue receiving education in the area of boundary violation, and to raise the bar in the profession by educating the member's peers in the member's future writings in the areas of ethics and boundary violations. The panel also recommended that the member continue to engage in collegial consultation and to receive peer supervision where warranted.