

DISCIPLINE DECISION SUMMARY

This summary of the Discipline Committee's Decision and Reasons for Decision, is published pursuant to the Discipline Committee's penalty order.

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; and,
- implement the Discipline Committee's decision.

DISHONOURABLE AND UNPROFESSIONAL CONDUCT Member, RSW

Allegations and Plea

The Member admitted the following College allegations of professional misconduct:

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 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 appreciate how the Member's needs might impact on the professional relationship with the client, placed the Member's own needs before those of the client, and failed to ensure that the client's 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.

Agreed Statement of Fact

The College and the Member submitted a written statement to the Discipline Committee, in which the following facts were agreed:

- The Member is a social worker specializing in the treatment of youth and young adults with a mental health condition involving, among other features, severe and sustained impairment in social, occupational or other important areas of functioning.
- For almost two years, the Member provided counselling and psychotherapy services to the client, an adolescent who was then 17 years of age and had been diagnosed with a mental health disorder involving severe and sustained impairment in social functioning. During that period, the Member also saw the client's mother for a number of individual sessions, and in joint sessions with the client.
- During the period that the Member provided counselling and psychotherapy to the client, the Member engaged in a dual personal/professional relationship with the client and committed a series of boundary violations, including having extensive social, non-clinical contact with the client.
- The non-clinical contacts included, but were not limited to: going out to dinner with the client; attending supper with the client's mother and younger sibling at the family home, followed by attending the school play in which the client was performing; having dinner with the client at a restaurant and then going to a movie with the client; having the client alone, and the client along with another of the Member's clients to dinner at the Member's home; meeting and watching a video with the client at the client's home; after the client accessed a website on the Member's home computer containing nude photographs, viewing those photographs with the client and discussing the client's and the Member's sexuality and pornography; sending the client e-mails of a personal and sexual nature, including e-mails enclosing a nude photograph and a photograph of a person in underwear; providing alcohol to the client and consuming alcohol in the client's presence, accompanying the client to purchase "poppers", after the client had tried "poppers" belonging to the Member in the Member's home; having a framed picture of the client in the Member's home; hugging and kissing the client in a manner perceived by the client as sexual; having numerous evening and late-night communications of a personal nature with the client by telephone, e-mail and the internet; having discussions of sexuality with the client in non-clinical settings; making personal disclosures to the client, including disclosures about the Member's sexual orientation; and making comments of a sexual nature to the client, including comments that the Member was sexually attracted to the client and had inappropriate feelings about the client.
- The Member sought and received consultation from colleagues including two psychologists and a speech-language pathologist, and the Member's own health-care provider concerning aspects of the Member's relationship with the client. However, the Member continued to maintain a dual personal/professional relationship with the client and failed to appropriately recognize and effectively deal with issues of transference and counter transference with the therapeutic relationship with the client.
- The Member allowed a relationship of excessive emotional dependency by the client upon the Member to develop, and used the therapeutic relationship to meet the Member's own personal needs.

- The Member contacted the client by e-mail and invited the client to maintain contact with the Member after termination of the therapeutic relationship.
- After receiving Notice of the Discipline Committee Hearing concerning this case, the Member telephoned the client and said the Member was not angry with the client.

Finding

The Discipline Committee found that the Member engaged in the forms of professional misconduct listed earlier in this summary, which were admitted by the Member in the Agreed Statement of Fact. Specifically, concerning the allegation that the Member engaged in conduct or performed an act relevant to the profession of social work that, “having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional”¹, the Discipline Committee found that the facts support a finding that the Member’s professional misconduct was dishonourable and unprofessional.

In arriving at its finding, the Discipline Committee accepted the following definitions:

“Disgraceful” conduct is conduct that has the effect of shaming the member, and by extension, the profession. In order to be disgraceful, the conduct should cast serious doubt on the member’s moral fitness and inherent ability to discharge the higher obligations the public expects professionals to meet. “Dishonourable” conduct is similar, but need not be as severe. Both dishonourable and disgraceful conduct have an element of moral failing. By contrast, “unprofessional” conduct does not require any dishonest or immoral element.

Joint Submission on Penalty

The College and the Member jointly submitted 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 services², subject to the below-described exceptions;
 - (b) restricting the Member’s scope of 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 work³, subject to the below-described exceptions;

¹ Section 2.36, O. Reg. 334/00 (Professional Misconduct), made under the *Social Work and Social Service Work Act*.

² See Principle VIII, footnotes 5 and 6 of the College’s Standards of Practice, as prescribed by by-law No. 24 of the College.

³ The Scope of Practice for the profession of social work can be found in the College’s *Code of Ethics and Standards of Practice Handbook*.

- (c) prohibiting the Member from applying to the College for removal or modification of the terms, conditions or limitations imposed on the Member's certificate of registration, for a period of 2 years;
3. The Discipline Committee's finding and order (or a summary thereof) be published, with identifying information removed, in *Perspective* and the results of the hearing be recorded on the register.
4. The Member is to engage in intensive insight-oriented psychotherapy for a period of two years, and must allow the psychotherapy to be monitored at the College's discretion.

The exceptions to the terms, conditions and limitations to be imposed on the Member's certificate of registration permit the Member to:

- i. Conduct assessments and prepare assessment reports regarding clients and their families;
- ii. Provide psychoeducation⁴ services to clients and their families, provided that with respect to each client and his or her family,
 - (a) those services are supplied under a short-term service contract, not to exceed three one-hour sessions; and
 - (b) the combined total of any such sessions with the client, together with any such sessions with members of the client's family, does not exceed three hours.
- iii. Provide case management⁵ services for clients and their families; and
- iv. Provide group psychoeducation and group counselling (not to include psychotherapy) to clients' families (not including clients).
- v. In providing the services referred to in paragraphs i. to iv., any sessions with a client shall be conducted in the presence of that client's parent(s) or guardian(s), or in the presence of another member of the College or a regulated health professional. Where none of those individuals is available, sessions with clients may be conducted in the presence of an individual approved by the College, such approval to be obtained prior to the session in question.

Penalty Decision

The panel of the Discipline Committee accepted the Joint Submission on Penalty, and in so doing, made its order in accordance with the Joint Submission. The panel concluded that the penalty is reasonable, in the public interest, addresses the circumstances of the Member's serious acts of professional misconduct, and sends a message to the Member, the College membership and the public, that the profession will not tolerate the type of conduct engaged in by the Member.

In arriving at its penalty decision, the panel considered that the Member co-operated with the College by agreeing to the facts and proposed penalty, entering into and complying

⁴ **Psychoeducation:** The process of teaching clients with mental illness and their family members about the nature of the illness, including its etiology, progression, consequences, prognosis, treatment, and alternatives.

⁵ **Case Management:** A procedure to plan, seek, and monitor services from different social agencies and staff on behalf of a client.

with a pre-hearing Undertaking and Acknowledgement to the College, and personally accepting responsibility and expressing regret for his conduct.