



Ontario College of
Social Workers and
Social Service Workers

Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

250 Bloor Street E.
Suite 1000
Toronto, ON M4W 1E6

Phone: 416-972-9882
Fax: 416-972-1512
www.ocswssw.org

**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 Burkart, 2018 ONCSWSSW 14

Decision date: 20181212

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

LISA BURKART

PANEL: Frances Keogh Chair, Professional Member
Angèle Desormeau Professional Member
Andy Kusi-Appiah Public Member

Appearances: Jordan Stone, counsel for the College
Jeff Hopkins, counsel for the Member
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: November 7, 2018

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) on November 7, 2018, at the Ontario College of Social Workers and Social Service Workers (the “**College**”).

The Allegations

[2] In the Notice of Hearing dated October 19, 2017, the Member is alleged to be guilty of professional misconduct pursuant to the Social Work and Social Service Work Act, 1998, S.O. 1998, Chapter 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**”).

[3] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

1. At all relevant times, you were registered as a social worker with the Ontario College of Social Workers and Social Service Workers (the “College”).
2. In or about September 2016, you were employed as a social worker in the Child & Adolescent Mental Health Unit at the [“Hospital”].
3. On or about September 13, 2016, a fourteen year-old boy (the “Client”) was admitted as an inpatient to the Child & Adolescent Mental Health Unit. While in the hospital, the Client expressed thoughts of self-harm and harm to others.
4. On or about Friday September 16, 2016, the Client disclosed to you that his older brother had sexually abused him on one or more occasions. The Client also implied that his brother had attempted to do the same to his two sisters. The Client indicated that his brother still lived at home. Both of the Client’s sisters were minors at the relevant time, and also lived at home.
5. You did not document the Client’s disclosure in his file that day. As a result, staff who were caring for the Client over the weekend did not have access to documentation outlining the Client’s disclosure.
6. You did not report the Client’s disclosure to a Children’s Aid Society that day, despite the fact that you were required to make a report forthwith under the *Child and Family Services Act*, R.S.O. 1990, c. C.11.
7. Over the weekend, the Client’s condition deteriorated, and he was admitted to the Psychiatric Intensive Care Unit. Because the Client’s disclosure had not been documented, staff did not have relevant information that could have assisted them in understanding the Client’s behaviour and/or condition.

8. You did not document the Client's disclosure or make a report to a Children's Aid Society until on or about Monday September 19, 2016.

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 I of the Handbook (commented on in Interpretation 1.2) by failing to observe, clarify, and inquire about information presented to you by clients;
- (b) In that you violated Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.5 and 1.6) by failing to be aware of your values, attitudes and needs and how those impacted on your professional relationship with clients, and by failing to distinguish your needs and interests from those of your clients to ensure that, within your professional relationship, clients' needs and interests remained paramount;
- (c) 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) by failing to maintain current knowledge of policies, legislation, programs, and issues related to the community, its institutions and services in your area of practice;
- (d) In that you violated Sections 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.4) by 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;
- (e) 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;
- (f) In that you violated Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.2) by failing to deliver client services and respond to client queries, concerns, and/or complaints in a reasonable and/or timely manner;
- (g) In that you violated Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretation 4.1.6) by failing to record information when the event occurs or as soon as possible thereafter;

- (h) In that you violated Section 2.2 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretation 5.2) by failing to acquire and maintain a thorough understanding of the organization policies and practices relating to the management of client information, including when, how, and the purposes for which the organization routinely collects, uses, modifies, discloses, retains, or disposes of information;
- (i) In that you violated Section 2.20 of the Professional Misconduct Regulation in that you failed to keep records as required by the regulations and standards of the profession;
- (j) In that you violated Section 2.28 of the Professional Misconduct Regulation by contravening the *Act*, regulations or by-laws;
- (k) In that you violated Section 2.29 of the Professional Misconduct Regulation by contravening a federal, provincial or territorial law or a municipal by-law where the purpose of the law or by-law is to protect public health; and/or
- (l) 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.

Member's Position

[4] The Member admitted the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

The Evidence

[5] The evidence was tendered by way of an Agreed Statement of Facts, which in relevant part provided as follows.

1. Now and at all times relevant to the allegations, Lisa Burkart (the "Member") was a registered social work member of the Ontario College of Social Workers and Social Service Workers (the "College").
2. On August 28, 2000, the Member began working as a social worker for ["the Hospital"]. At all times relevant to the allegations, the Member worked as a social worker in the Child & Adolescent Mental Health Unit at ["the Hospital"] where she provided assessments and therapy to children and adolescents.

3. On September 13, 2016, a 14 year old boy (the “Client”) was admitted to the inpatient facility at [“the Hospital”]. The Client was suffering from depression and anxiety and expressed thoughts of killing humans and animals.
4. On Friday, September 16, 2016, the Member met with the Client for individual therapy. During this session, the Client disclosed to the Member that he had been sexually abused by his older brother on multiple occasions over the course of several years. The Client indicated that his urges to kill people and animals only began after this abuse occurred.
5. During this session, the Client also disclosed that his brother had attempted to sexually abuse both of his two sisters, who were 12 and 17 respectively, but that his brother failed in these attempts. The Client informed the Member that his parents have known about his older brother’s abuse since January 2016, but that his brother was still living in their house with him and his two sisters. At the time of the disclosure, the older brother was 19 years old.
6. The Member conducted a session with the Client and his parents later that afternoon, where the Member informed the Client’s parents about his disclosure of sexual abuse. The parents confirmed that they had known about the abuse since January 2016, that the older brother still lived in the house (and, in fact, still shared a bedroom with the Client), and that they knew he had attempted to sexually abuse the Client’s two sisters. The Client’s parents confirmed during the session that the Client would be given his own bedroom once he returned home.
7. The parents admitted that they leave their 12 year old daughter alone with their eldest son, but that he was remorseful and that they did not think he would attempt anything sexual with her again. The Member reminded the parents that the Client’s brother was an adult, while the Client and his younger sister were 14 and 12 years old respectively. Towards the end of the session, the Member told the parents that they must not leave their youngest daughter alone with their eldest son under any circumstances. The Member also advised the parents that she was under a professional and legal obligation to report the Client’s disclosure to the Children’s Aid Society (“CAS”).
2. Following the session with the Client and his parents, the Member did not make a report to the CAS or document the disclosure in the Client’s file. While the Member did not document a safety plan, as she was required to do, she advised the parents that they must not leave their youngest daughter alone with their eldest son, to which they agreed.
3. The session with the Client and his parents concluded at approximately 5:00 pm. The Member left [“the Hospital”] for the weekend without making a report.
4. The Member acknowledges that she was required to make a report to the CAS “forthwith” under the *Child and Family Services Act*, R.S.O. 1990, c. C.11 and that she therefore was required to make the report in the circumstances of

this case on Friday, September 16, 2016. The Member knew of this requirement at the time of the Client's disclosure.

5. After the Client's session with the Member on Friday, the Client expressed thoughts of suicide and self-harm, engaged in self-harm, and acted aggressively and violently on several occasions. Because the Client's disclosure had not been documented in his patient notes, staff were unable to understand and properly address the Client's change in behaviour, and the Client was admitted to the Psychiatric Intensive Care Unit. If the Member were to testify, she would state that she provided a verbal report to a nurse before leaving. However, the Member acknowledges that if such a report was made to a nurse, it would not have removed her obligation to report the abuse to the CAS.
6. On Monday, September 19, 2016, at approximately 1:30 pm, the Member reported the Client's disclosure to the CAS and documented the Client's disclosure from the previous Friday in the Client's file.
7. On Tuesday, September 20, 2016, the Client's brother was removed from the parent's home by the CAS. As a result of the Member's failure to report, the brother was left in the home with the Client's two sisters over the weekend.
8. On October 6, 2016, the Member was terminated for cause from ["the Hospital"] for the conduct described above. The Member's employment status was subsequently amended to indicate that she had resigned.

[6] In the Agreed Statement of Facts the Member expressly admitted that by reason of engaging in the conduct outline above, she is guilty of professional misconduct as set out in s. 26(2)(a) and (c) of the Act, and as alleged at paragraphs (a) to (l) of the Notice of Hearing. The Agreed Statement of Facts also confirmed the Member's understanding of the consequences of her admissions, in terms similar to questions the Panel posed of the Member during the oral plea inquiry.

Decision of the Panel

[7] Having considered the admissions of the Member, the evidence contained in the Agreed Statement of Fact, and the submissions of counsel, the Panel finds that the Member committed professional misconduct as alleged in paragraphs (a) through (l) of the Notice of Hearing.

Reasons for Decision

[8] The Panel accepted the Member's admissions and was satisfied that the Agreed Statement of Facts proved on a balance of probabilities each of the allegations against the Member.

[9] With respect to allegation (a) in the Notice of Hearing, the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.2) by failing to observe, clarify and inquire about information that her Client had presented to her. The Member spoke to the Client's parents on

the day the Client made the disclosure of sexual abuse to her, and the Client's parents confirmed that they knew about it, but the Member failed to contact CAS to report the Client's disclosure even though the Member was under legal obligation to do so. The Member also failed to make a written report to those who were providing care to her Client over the weekend, and as a result they did not have the information that the Client had disclosed to the Member and were unable to provide appropriate care to the Client over the weekend when the Member was off duty. The Member claims she had provided a verbal report to a nurse, but if that occurred, it does not meet the requirement for documentation.

[10] With respect to allegation (b) in the Notice of Hearing, the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.5 and 1.6) by failing to be aware of her values, attitudes and needs and how those impacted on her professional relationship when she failed to take appropriate steps in response to the Client's disclosure of sexual abuse. The Member failed to distinguish her needs and interests from those of her Client to ensure that, within her professional relationship, the Client's needs and interests remained paramount. The Client was a minor and was vulnerable, and he needed protective measures initiated by the Member, but the Member failed to provide or document information vital to the Client's care and wellbeing.

[11] With respect to allegation (c) in the Notice of Hearing, the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.3) by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in her areas of practice. Subsection 72(1)3 of the *Child and Family Services Act*, R.S.O. 1990, c. C.11, requires a person working professionally with a child to report forthwith if the person has reasonable grounds to suspect that the child has been sexually molested or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation. Even though the Member knew the requirements of s. 72(1)3 of the *Child and Family Services Act*, she failed to report the disclosure "forthwith". By her actions, the Member did not demonstrate adequate knowledge of the importance of a timely report and the potentially harmful consequences to the Client and his siblings of a delay in reporting.

[12] Regarding allegation (d) in the Notice of Hearing, the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.4) by failing to ensure that any professional recommendations or opinions the Member provides are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge. The Member failed to make a full written report of information presented to her by her Client, and left both the Client and the Client's siblings at home at risk. There is no credible body of professional social work knowledge that would support a failure to report in those circumstances.

[13] With respect to allegation (e) in the Notice of Hearing, the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as 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. The Member confirmed to the parents of the Client that she has a duty to report the disclosure of sexual abuse but she did not report to CAS the day of the disclosure, as would be expected of a social worker who had been provided

with this type of information. In addition, the needs of the Client's siblings at home were not properly addressed – they were left at risk all weekend in the presence of their elder sibling, a potential abuser. By failing to report her Client's disclosures, the Member failed her Client, his siblings and his parents, who had confirmed the Client's allegations of sexual abuse.

[14] With respect to allegation (f) in the Notice of Hearing, the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.2) by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner. Specifically, the Member failed to report the disclosure forthwith. The Member made the report on the following Monday (on the third day after the day of disclosure), leaving the Client's siblings at risk all weekend, and leaving the Client with caregivers who did not have critical information about his situation.

[15] Regarding allegation (g) in the Notice of Hearing, the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretation 4.1.6) by failing to record information when the event occurred or, as soon as possible thereafter. The Member did not document a safety plan even though she was made aware that the Client's siblings were at risk and had advised the parents that they must not leave their youngest daughter alone with their eldest son.

[16] As to allegation (h) in the Notice of Hearing, the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle V of the Handbook (as commented on in Interpretation 5.2) by failing to acquire and maintain a thorough understanding of the organization policies and practices relating to the management of client information, including when, how, and the purposes for which the organization routinely collects, uses, modifies, discloses, retains, or disposes of information. The Member failed to follow up on her Client's disclosure, even though the Client was a minor and was a danger to himself (and possibly others), and the Member had the obligation to be thorough and make a report forthwith.

[17] With respect to allegation (i) in the Notice of Hearing, the Member violated Section 2.20 of the Professional Misconduct Regulation in that she failed to keep records as required by the regulations and standards of the profession. The standards of the profession regarding record keeping are set out in the Code of Ethics Principle IV of the Handbook. Contrary to those standards, the Member failed to record the information provided by her Client about sexual abuse at the time of the disclosure or as soon as possible thereafter, and she failed to document a safety plan as she was required to do.

[18] The Handbook is a by-law of the College. Section 2.28 of the Professional Misconduct Regulation makes it an act of professional misconduct for a member to contravene a by-law of the College. By virtue of her various contraventions of the College's Handbook, as set out above, the Member committed professional misconduct as alleged in paragraph (j) in the Notice of Hearing.

[19] With respect to allegation (k) in the Notice of Hearing, section 2.29 of the Professional Misconduct Regulation makes it an act of professional misconduct for a member to contravene a federal, provincial or territorial law or a municipal by-law in circumstances in which the purpose of the law or by-law is to protect public health or the contravention is relevant to the member's suitability to practise. Subsection 72(1)3 of the *Child and Family Services Act* imposed on the

Member a legal obligation to report to the CAS the Client's disclosure of sexual abuse. By failing to report the Client's disclosure of sexual abuse "forthwith" upon receiving the information from him, the Member contravened the requirements of s. 72(1)3 of the *Child and Family Services Act*, which is provincial law. That contravention is relevant to the Member's suitability to practise because in failing to report as was required, the Member failed to protect her Client, who was a child at that time. In addition, in contravening s. 72(1)3 of the *Child and Family Services Act*, the Member did not follow procedures that formed part of her professional obligations.

[20] Finally, with respect to allegation (l) in the Notice of Hearing, the Panel found that the Member contravened 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. The Member failed to fulfil her duty to report information about possible sexual abuse disclosed to her by her Client, who was a child at the time. The Member's conduct falls short of what the public rightly expects of registered social workers. The Member demonstrated a serious disregard for her professional obligations, and a lack of good judgment and sense of responsibility.

Penalty Submissions

[21] The parties were in agreement on the issue of penalty, and jointly proposed that this Panel make an order as follows.

1. The Member shall be reprimanded by the Discipline Committee and the fact of the reprimand be recorded on the register.
2. The Registrar shall suspend the Member's certificate of registration for a period of three (3) months commencing on the date of the Discipline Committee's Order herein.
3. The Registrar shall impose the following terms, conditions or limitations on the Member's certificate of registration:
 - a. For a period of eight (8) months following the date upon which the Member returns to or commences any activities that fall within the scope of practice of social work, the Member shall:
 - i. in advance of returning to or commencing any activities that fall within the scope of practice of social work, advise the Registrar, in writing, of the nature and particulars of the employment or professional practice in which the Member proposes to engage, including but not limited to the name, address and telephone number of her practice and her employer, if any, the position or other capacity in which she will be working, and the proposed start date;
 - ii. at her own expense, receive supervision of her social work practice, whether in private practice or in the context of

employment, and shall advise the Registrar of the name of the person who will be providing supervision of her social work practice, who shall be a regulated professional and approved in advance by the Registrar, but who is not required to be employed by the Member's employer. The Member shall meet with her supervisor not less than once per month to discuss and review her social work practice, and the approved supervisor shall provide two (2) written reports to the Registrar, at months four (4) and eight (8), providing details of the supervision;

- iii. review with the supervisor her reporting requirements under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, and the supervisor shall provide a letter to the Registrar within two (2) months of the commencement of the supervision verifying that the supervisor reviewed with the Member her reporting requirements and verifying the date on which such review took place;
- iv. provide her approved supervisor with a copy of the Discipline Committee's Order herein, the Notice of Hearing, Agreed Statement of Facts, Joint Submission as to Penalty, and the Decision and Reasons of the Discipline Committee, if available, and provide confirmation in writing signed by the supervisor to the Registrar that the supervisor has received a copy of these documents, within fourteen (14) days of the commencement of her employment or practice;
- v. if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her proposed new supervisor and shall provide confirmation in writing signed by the supervisor to the Registrar that the supervisor has received a copy of the documents listed in paragraph 3(a)(iv) within fourteen (14) days of the approval of any new supervisor; and
- vi. in the event that the Member operates a private practice and/or receives supervision from an approved supervisor who is not employed by her employer, the Member shall seek consent from prospective clients and, if applicable, her employer to share personal health information with her supervisor in order to allow the supervisor to review client files and engage in supervision, and shall anonymize all personal information of clients while discussing her client files with her supervisor.^[1]

^[1] For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

4. The finding and the 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 five thousand dollars (\$5,000.00), payable in twenty (20) equal instalments of two hundred and fifty dollars (\$250.00) each, payable on the first day of the month for twenty (20) consecutive months, beginning with the first instalment on the first day of the next month after the month in which the Member returns to work as a social worker pursuant to paragraph 3(a) above.

[22] College counsel submitted 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.

[23] Counsel for the College referred to one case involving similar misconduct by a member of this College: *Ontario College of Social Workers and Social Service Workers v Carere*. The member in that case also failed to make a mandatory report of a client's sexual abuse disclosure. The Discipline Committee panel accepted a joint submission and imposed a penalty including a suspension of the member's certificate of registration for a period of three months with one month remitted if the member complied with the terms, conditions and limitations imposed under the panel's order. The member also received a reprimand, was subject to terms, conditions and limitations on his certificate of registration, and was ordered to pay costs.

[24] College counsel submitted 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. The aggravating factors are that (1) the conduct was serious, and (2) it included a breach of not only the standards of this profession but also of the *Child and Family Services Act*. The Member's failure to report led to children being left over the weekend with an adult who had attempted to sexually abuse them, and left other care providers unable to treat the Client properly when he acted violently and threatened self-harm.

Penalty Decision

[25] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel orders as follows.

1. The Member shall be reprimanded by the Discipline Committee and the fact of the reprimand shall be recorded on the register.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of three (3) months commencing on the date of the Discipline Committee's Order herein.

3. The Registrar is directed to impose the following terms, conditions or limitations on the Member's certificate of registration:
 - a. For a period of eight (8) months following the date upon which the Member returns to or commences any activities that fall within the scope of practice of social work, the Member shall:
 - i. in advance of returning to or commencing any activities that fall within the scope of practice of social work, advise the Registrar, in writing, of the nature and particulars of the employment or professional practice in which the Member proposes to engage, including but not limited to the name, address and telephone number of her practice and her employer, if any, the position or other capacity in which she will be working, and the proposed start date;
 - ii. at her own expense, receive supervision of her social work practice, whether in private practice or in the context of employment, and shall advise the Registrar of the name of the person who will be providing supervision of her social work practice, who shall be a regulated professional and approved in advance by the Registrar, but who is not required to be employed by the Member's employer. The Member shall meet with her supervisor not less than once per month to discuss and review her social work practice, and the approved supervisor shall provide two (2) written reports to the Registrar, at months four (4) and eight (8), providing details of the supervision;
 - iii. review with the supervisor her reporting requirements under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, and the supervisor shall provide a letter to the Registrar within two (2) months of the commencement of the supervision verifying that the supervisor reviewed with the Member her reporting requirements and verifying the date on which such review took place;
 - iv. provide her approved supervisor with a copy of the Discipline Committee's Order herein, the Notice of Hearing, Agreed Statement of Facts, Joint Submission as to Penalty, and the Decision and Reasons of the Discipline Committee, if available, and provide confirmation in writing signed by the supervisor to the Registrar that the supervisor has received a copy of these documents, within fourteen (14) days of the commencement of her employment or practice;
 - v. if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her proposed new supervisor and shall provide confirmation in writing signed by the supervisor to the Registrar that the supervisor has received a copy of the documents listed in paragraph 3(a)(iv) within fourteen (14) days of the approval of any new supervisor; and

- vi. in the event that the Member operates a private practice and/or receives supervision from an approved supervisor who is not employed by her employer, the Member shall seek consent from prospective clients and, if applicable, her employer to share personal health information with her supervisor in order to allow the supervisor to review client files and engage in supervision, and shall anonymize all personal information of clients while discussing her client files with her supervisor.^[1]
4. The finding and the 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 five thousand dollars (\$5,000.00), payable in twenty (20) equal instalments of two hundred and fifty dollars (\$250.00) each, payable on the first day of the month for twenty (20) consecutive months, beginning with the first instalment on the first day of the next month after the month in which the Member returns to work as a social worker pursuant to paragraph 3(a) above.

Reasons for Penalty Decision

[26] The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member's practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

[27] The Panel concluded that the jointly proposed penalty was within the acceptable range of penalty for this type of professional misconduct. The Panel also considered the aggravating and mitigating circumstances submitted by both counsel. The Panel noted that the Member was remorseful, cooperated with the College, and has agreed to the proposed penalty, and has no prior complaints during her professional social work career. By agreeing to the facts and proposed penalty, the Member has accepted responsibility for her actions.

[28] The elements of the jointly proposed penalty will deter other members of the profession from engaging in similar misconduct, and will specifically deter the Member from repeating her misconduct. The Panel considers that the proposed penalty is reasonable in the light of the goals and principles of maintaining high professional standards, preserving public confidence in the College's ability to regulate its members and above all, protecting the public. For these reasons, the Panel found no reason to depart from the joint submission on penalty.

^[1] For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

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

Date: _____

Signed: _____

Frances Keogh, Chair
Angèle Desormeau
Andy Kusi-Appiah