



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

On June 19, 2020 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. In brief summary, it is alleged that the Member engaged in conduct that violated sections 2.2, 2.19, 2.20, 2.21, 2.24, 2.28 and 2.36 of O. Reg. 384/00 (Professional Misconduct), and Principles I, II, IV and VI of the Ontario College of Social Workers and Social Service Workers Code of Ethics and Standards of Practice Handbook commented on in Interpretations 1.5, 2.28, 4.1.1, 4.1.2, 4.1.3, 4.1.6, 6.1 and 6.1.5. 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 Essa Egal, a Social Worker and member of 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) 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. 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, Essa Egal, which allegations were referred to the Discipline Committee pursuant to section 25(i) 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. Now and at all times relevant to the allegations, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**").
2. Between in or about August 2018 and February 2019 (the "**Relevant Period**"), you provided social work services to XX and his estranged wife XX in your private practice. Those services included individual counselling for both clients.
3. During the Relevant Period, you failed to keep appropriate records with respect to client XX in that:
 - (a) you failed to document all therapeutic sessions with her;
 - (b) you failed to document one or more phone calls with her, including phone calls that were of a significant length; and/or
 - (c) you failed to keep accurate and truthful financial records of the services you provided to her.
4. During the Relevant Period, you also failed to keep appropriate records with respect to client XX, in that you failed to keep accurate and truthful financial records of the services you provided to him.
5. During the Relevant Period, you issued several invoices for services you purported to have provided to XX (the daughter of XX and XX).
6. You did not provide services to XX during the Relevant Period. The invoices issued in XX's name were in fact for services you provided to XX or XX.
7. You knew, or ought to have known, that those invoices would be used to obtain payment from XX's insurance company for those services.
8. As a result of the false and misleading invoices you issued in XX's name, insurance payments were made for services that would not otherwise have been covered.

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.

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** by failing to meet the standards of the profession and, in particular, by:
 - (i) **Principle I of the Handbook (commented on in Interpretation 1.5)** by failing to be aware of your values, attitudes and needs and how these impact on your professional relationship with clients;
 - (ii) **Principle II of the Handbook (commented on in Interpretation 2.2.8)** by engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work;
 - (iii) **Principle IV of the Handbook (commented on in Interpretations 4.1.1, 4.1.2, 4.1.3, and/or 4.1.6)** by failing to ensure that records are current, accurate, contain relevant information about clients and are managed in a manner that protects client privacy and in accordance with any applicable privacy and other legislation, including by:
 - (A) failing to keep recorded information in a manner that conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and/or in a format that facilitates the monitoring and evaluation of the effects of the service/intervention;
 - (B) 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 practising the profession that you knew or ought reasonably to have known was false, misleading, inaccurate, or otherwise improper;
 - (C) failing to keep systematic, dated, and legible records for each client or client system served;
 - (D) failing to record information when the event occurs or as soon as possible thereafter;
 - (iv) **Principle VI of the Handbook (commented on in Interpretations 6.1 and 6.1.5)** by:
 - (A) charging or accepting any fee which is not fully disclosed;

- (B) charging a fee on the basis of material or financial benefits accruing to clients as a result of services rendered or fees which are excessive in relation to the service provided;
- (b) In that you violated **Section 2.19 of the Professional Misconduct Regulation** by falsifying a record relating to your practice;
- (c) In that you violated **Section 2.20 of the Professional Misconduct Regulation** by failing to keep records as required by the regulations and standards of the profession;
- (d) In that you violated **Section 2.21 of the Professional Misconduct Regulation** by making a record, or issuing or signing a certificate, report or other document in the course of practising the profession that you knew or ought reasonably to have known was false, misleading or otherwise improper;
- (e) In that you violated **Section 2.24 of the Professional Misconduct Regulation** by submitting an account or charge for services that you knew to be false or misleading;
- (f) In that you violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the *Act*, regulations or by-laws; and/or
- (g) 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 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 22nd day of June 2020.

A handwritten signature in black ink, appearing to be 'A. J. ...', written over a horizontal line.

By:

Registrar and CEO

Ontario College of Social Workers and Social Service Workers