



Ontario College of
Social Workers and
Social Service Workers

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

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On January 27, 2021 allegations of the Member'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 Sharleen Cainer, 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, Sharleen Cainer, which allegations were referred to the Discipline Committee pursuant to section 24(5)(a) 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. 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 2019, you were working as a sub-contractor for Injury Management and Medical Assessments (“**IMMA**”), providing social work services to individuals who had been involved in motor vehicle accidents.
3. In order to obtain payment from insurers, IMMA required you to provide a copy of a “sign-in sheet.” The sign-in sheet was required to include the date the service was provided, the start and end time of the session, the signatures of both the client and you, and an invoice.
4. One of the clients to whom you provided services was [XX]. Your records with respect to [XX] contained inaccurate, false, and/or misleading information in that:
 - (a) For three clinical notes, the session date at the top of the note and the date of your signature at the bottom of the note differ. In each case, the date beside your signature pre-dated the listed session date.
 - (b) Your invoices, sign-in sheets, and email correspondence with IMMA presented

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.

different, incomplete, and/or conflicting information about the dates of [XX's] sessions.

5. Another client to whom you provided services was YY. In reviewing your records, the Director of Injury Management at IMMA noted that clinical notes for [YY's] session on March 28, 2019 were missing. He contacted you to request this note, but inadvertently requested the clinical note for March 13, 2019, which you had already provided. In response to his request, you provided a clinical note for March 13, 2019 that differed from the one you had already provided.

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 and Principle IV of the Handbook (as commented on in Interpretation 4.1.1)** by failing to ensure that recorded information conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and is in a format that facilitates the monitoring and evaluation of the effects of the service/intervention;
- (b) In that you violated **Section 2.2 and 2.21 of the Professional Misconduct Regulation, and Principle IV of the Handbook (as commented on in Interpretation 4.1.2)** by making a statement in the record or in reports based on the record; 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 know was false, misleading, inaccurate, or otherwise improper;
- (c) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretation 4.1.3)** by failing to keep systematic, dated, and legible records for each client or client system served;
- (d) In that you violated **Section 2.19 of the Professional Misconduct Regulation** by falsifying a record relating to your professional practice;

- (e) 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; and/or
- (f) In that you violated **Sections 2.2 and 2.36 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8)** 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/or by failing to avoid conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work.

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 _____ day of January, 2021

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