



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 26, 2022 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 Brenda B. Isen, 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, Brenda B. Isen, which allegations were referred to the Discipline Committee pursuant to section 25(1) 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. You are, and were at all times relevant to these allegations, a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**").
2. At all material times, you were practising in Toronto, Ontario, and ran your social work practice out of Kaffko & Associates (the "**Clinic**").
3. In or about January 2015, you were engaged by [X.X.] (the "**Client**") to provide social work services to them, including counselling.
4. The Client was a vulnerable client who had sought assistance from you to deal with issues relating to family concerns and mental health issues.
5. As you were aware from the outset, the Client struggled with a longstanding history of relationship difficulties, as well as post-traumatic responses to

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.

experiences from childhood, including (among other things) feelings of abandonment by their mother.

6. During the period from approximately January 2015 to June 2018, you met with the Client approximately 232 times for individual sessions at the Clinic, and also met jointly with the Client and their spouse approximately 14 times.
7. You also conducted individual sessions, including counselling, with the Client's spouse and two of the Client's children.
8. As counselling progressed with the Client, the Client began to experience feelings for you and the Client expressed those feelings to you frequently.
9. During the professional relationship with the Client, you engaged in a series of boundary crossing and/or boundary violation behaviours relating to the Client, in that you:
 - (a) exchanged emails and texts with the Client of a personal nature, including during non-business hours and/or on while away on vacation;
 - (b) disclosed personal details to the Client, including information related to your health, family, travel, and/or social events you attended;
 - (c) communicated to the Client words to the affect that you would never leave the Client and/or would be like a "mother" to the Client;
 - (d) hugged the Client;
 - (e) hugged the Client's spouse and/or expressing words to the effect that you love them;
 - (f) gave gifts to the Client;
 - (g) received gifts from the Client;
 - (h) drove the Client home after sessions with you; and/or

- (i) invited the Client to one or more social events.
10. During the professional relationship with the Client, you practised and provided social work services, including counselling, while in a conflict of interest, in that you:
- (a) provided social work services to the Client and to the Client's spouse and to two of the Client's children;
 - (b) participated in numerous joint sessions with the Client and the Client's spouse;
 - (c) referred the Client's spouse to your own spouse for social work services; and/or
 - (d) facilitated the connection of a personal friend of the Client to your spouse for the purpose of pursuing personal and/or business interests.
11. During the professional relationship with the Client, you failed to demonstrate competence and appropriate clinical judgment, in that you:
- (a) failed to address in an appropriate and/or timely way ongoing boundary issues with the Client;
 - (b) provided services to the Client that you knew or ought reasonably to have known were not likely benefiting the Client;
 - (c) failed to recognize and/or respond appropriately to evidence that the Client's needs were beyond your capabilities; and/or
 - (d) failed to recognize and/or respond in a timely fashion to issues related to addiction.
12. During the professional relationship with the Client, you failed to report concerns about child protection issues to the Children's Aid Society and/or an appropriate agency concerned with the protection of children, in that you knew or ought to have known that there were risk factors with respect to the

safety of the Client's children and/or that those risk factors were sufficient to give rise to reasonable grounds to suspect that the Client's child(ren) were in need of protection.

13. During the professional relationship with the Client, you breached confidentiality, in that you:
 - (a) discussed information about another client with the Client;
 - (b) failed to secure client files and/or left client files in plain sight in your office at the Clinic;
 - (c) shared information arising out of individual sessions with the Client, the Client's spouse, and the Client's children; and/or
 - (d) failed to secure client information on your telephone such that your daughter was able to access the Client's texts and/or was aware that the Client was texting you.

14. You failed to appropriately terminate the professional relationship with the Client, in that you:
 - (a) were not clear about your intention to terminate the professional relationship and/or the reasons for termination;
 - (b) terminated the professional relationship with the Client in a manner that was abrupt, rude and/or hurtful to the Client;
 - (c) did not arrange for supports and/or a referral to an alternative provider for the Client.

15. During the professional relationship with the Client, you engaged in inappropriate billing, in that you:
 - (a) charged fees to the Client that were excessive and/or unreasonable;

- (b) were aware of the Client's financial hardship, but made inadequate efforts to reduce contacts and/or refer the Client to another service provider;
- (c) were aware of the Client's feelings of dependency and attachment for you and continued to provide services that you knew or ought reasonably to have known were not likely benefiting the Client;
- (d) allowed the Client to accrue significant debt for services; and/or
- (e) were inconsistent in enforcing an/or accepting payment from the Client.

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) violation of 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 presented to the Member with respect to risk factors relating to children living in the Client's home and in the Member's care;
- (b) violation of section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.3 and 2.1.5) by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in the Member's areas of practice; by failing to engage in the process of self-review and evaluation of the Member's practice and seek consultation when appropriate;
- (c) violation of sections 2.2 and 2.8 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.9 and 3.10) by failing to appropriately terminate professional services with the Client when such services were no longer required; by failing to anticipate termination or interruption of service to the Client and by failing to notify the

Client promptly and arrange the termination, transfer, referral, or continuation of service in accordance with the Client's needs and preferences;

- (d) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.1, 1.1.1, 1.5, and 1.6) by failing to set and evaluate goals together with the Client; by failing to identify a purpose for the relationship between the Member and the Client; by failing to pursue the goal of enhancing the Client's functioning and strengthening the Client's capacity to adapt and make changes; by failing to maintain awareness of the Member's values, attitudes and needs and how these impact on the Member's professional relationship with the Client; by failing to distinguish the Member's needs and interests from those of the Client to ensure the Client's needs and interests remain paramount;
- (e) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretations 2.1.1 and 2.1.5) by failing to maintain awareness of the extent and parameters of the Member's competence and the Member's professional scope of practice and limiting the Member's practice accordingly, including by failing to advise of the option of referral when the Client's needs fell outside of the Member's scope of expertise, by failing to ensure the services were competently provided by seeking additional supervision, consultation and/or education, or by failing to ensure the services were not beyond the Member's professional scope of practice; by failing to engage in the process of self-review and evaluation of the Member's practice and to seek consultation when appropriate;
- (f) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, and 2.2.8) by failing to ensure that the Client was protected from the abuse of power by the Member and by failing to establish and maintain clear and appropriate boundaries in professional relationships; by failing to ensure that the Member did not engage in professional relationships that constitute a conflict of interest or in situations in which the Member ought reasonably to have known that the Client would be at risk in any way and failing to evaluate situations for conflict of interest, avoid conflicts of interest and/or dual relationships; when a conflict of interest did arise, by failing to declare it and

take appropriate steps to address it and eliminate it; by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work;

- (g) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretations 3.1, 3.2, 3.5, 3.7, 3.8, and 3.12) by failing to provide the Client with accurate and complete information regarding the extent, nature, and limitations of any services available to them; by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to assist the Client in obtaining other services when the Member were unable, or unwilling, for appropriate reasons, to provide the requested professional help; by failing to assume full responsibility for demonstrating that the Client had not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurred with the Client; by failing to provide products and services that that were relevant and conformed by the College's standards or by providing a service and/or product that the Member knew or ought to have reasonably known was not likely to benefit the Client; by providing services as a courtesy without remuneration, where such services did not adhere to the College standards and constituted a conflict of interest;
- (h) violation of sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5 and 1.6) by failing to maintain awareness of the Member's own values, attitudes and needs and how these impact on the Member's professional relationship with the Client; by failing to distinguish the Member's needs and interests from those of the Client to ensure the Client's needs and interests remain paramount;
- (i) violation of sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretations 2.2, 2.2.1 and 2.2.4) by failing to establish and maintain clear and appropriate boundaries in the Member's professional relationships for the protection of the Client; by failing to ensure that the Member did not engage in professional relationships that constitute a conflict of interest or in situations in which the

Member ought reasonably to have known that the Client would be at risk in any way and failing to evaluate situations for conflict of interest, avoid conflicts of interest and/or dual relationships; when a conflict of interest did arise, by failing to declare it and take appropriate steps to address it and eliminate it; by soliciting or using information from the Client to acquire, either directly or indirectly, advantage or material benefits;

- (j) violation of sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.8) by failing to provide products and services that were relevant and conformed to College standards and/or by providing a service and/or product that the Member knew or ought to have reasonably known was not likely to benefit the Client;
- (k) violation of section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8) by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
- (l) violation of section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on Interpretations 4.2.2) by failing to take necessary steps to protect the confidentiality and security of paper records, faxes, electronic records and other communications;
- (m) violation of section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle V of the Handbook (as commented in Interpretations 5.1 and 5.3) by failing to comply with applicable privacy and other legislation, including obtaining consent to the collection, use or disclosure of client information including personal information, unless otherwise permitted or required by law; by disclosing information concerning or received from clients that was not subject to any exceptions under Interpretation 5.3;
- (n) violation of Sections 2.2 and 2.25 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5 and 1.6) by failing to maintain awareness of the Member's own values, attitudes and needs and how these impact on the Member's professional relationship with the Client; by failing to distinguish the Member's needs and interests from

those of the Client to ensure the Client's needs and interests remain paramount;

- (o) violation of sections 2.2 and 2.25 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretations 6.1.1, 6.1.4) by failing to explain in advance or at the commencement of a service the basis of all charges, giving a reasonable estimate of projected fees and disbursements, pointing out any uncertainties involved; by failing to reduce, waive or delay collecting fees in situations of financial hardship to the client, or to refer a client to appropriate alternative agencies;
- (p) violation of section 2.29 of the Professional Misconduct Regulation in contravening provincial or territorial law or a municipal by-law (namely, the *Child and Family Services Act*, R.S.O. 1990, c. C.11 and the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1), the contravention of which is relevant to the Member's suitability to practise, in that the Member failed to report a child in need of protection;
- (q) violation of 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.