

Discipline Decision Summary

This summary of the Discipline Committee's Decisions and Reasons for Decision is published pursuant to the Discipline Committee's penalty order dated August 31, 2012.

By publishing this summary, 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;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding to the College's discipline process.

PROFESSIONAL MISCONDUCT

Beth F. Eisen

(Former Member #800832)

Evidence

The parties agreed to the following facts.

In 2007, allegations of professional misconduct regarding Ms. Eisen were referred to the College.

The College and Ms. Eisen agreed to resolve the matter based on an Agreed Statement of Fact and Joint Submission as to Penalty, subject to the approval of the Discipline Committee. A hearing ensued at which Ms. Eisen admitted that she had committed professional misconduct. Those admissions included admissions that she had failed to maintain clear boundaries in her relationship with a client, failed to regard the well-being of her client as a primary professional obligation, failed to distinguish her own needs from the needs of her client, and had used personal information about her client to coerce the client into changing or withdrawing the client's allegations concerning Ms. Eisen's conduct.

Ms. Eisen and the College also agreed to a penalty order with respect to the allegations.

The Discipline Committee made an order which incorporated the penalty terms that Ms. Eisen had agreed to. They were as follows:

1. That Ms. Eisen be reprimanded and the reprimand be recorded on the Register.
2. That the Registrar be directed to suspend Ms. Eisen's certificate of registration for period of 24 months, which suspension shall be suspended and shall not be imposed if Ms. Eisen provides evidence, satisfactory to the Registrar of the College, of compliance with the below-described terms, conditions and limitations imposed on her Certificate of Registration.

3. That the Registrar be directed to impose a term, condition and limitation on Ms. Eisen's Certificate of Registration, to be recorded on the Register,
 - Requiring Ms. Eisen to restrict her professional practice to her then current employment and to her then existing private practice for a period of two years, and not to change her employment or professional practice during that period except with the prior approval of the Registrar. Ms. Eisen was also required to immediately notify the College Registrar, in writing, of any termination of, or proposed change in her then current employment or professional practice and to advise the Registrar in advance of the nature and particulars of any future professional employment or practice in which she proposed to engage within the two year period, for the purpose of obtaining the Registrar's prior approval of such other employment or professional practice;
 - Requiring Ms. Eisen to engage, at her own expense, in intensive insight-oriented psychotherapy with a therapist who is a regulated professional approved by the Registrar of the College (and who has been provided with a copy of the Discipline Committee's Order) for a period of two years, with quarterly written reports as to the substance of that psychotherapy and the progress to be provided to the Registrar of the College by the therapist;
 - Requiring Ms. Eisen to, at her own expense, participate in and successfully complete boundary prescriptive and/or social work ethics training, as prescribed by and acceptable to the College and provide proof of such completion to the Registrar within 2 years;
 - Requiring Ms. Eisen to receive supervision of her social work practice for a period of two years, from a named social worker (in respect of her then current employment) and from the previously mentioned, approved therapist (in respect of her then private practice), or from such other person or persons as may be approved, in advance, by the Registrar of the College. Ms. Eisen was also required to forthwith provide each supervisor with a copy of the Discipline Committee's Order and each supervisor was to make quarterly written reports to the Registrar of the College (or reports of such lesser frequency as the Registrar may from time to time determine) as to the substance of that supervision and her progress.
 - Prohibiting Ms. Eisen from applying for the removal or modification of the terms, conditions and limitations imposed on her Certificate of Registration for a period of two years.

4. That the Discipline Committee's finding and Order (or a summary thereof) be published, with identifying information removed, in the College's official publication, on the College's website, and the results of the hearing be recorded on the Register.

Approximately three months following the issuing of the Discipline Committee's Decision, Ms. Eisen advised the College that she had been struggling with health problems, including having been diagnosed with a serious disease, and was behind in meeting the requirements of her penalty.

Several months later, Ms. Eisen entered into an Undertaking and Acknowledgement with the College. In that Undertaking and Acknowledgement she:

- agreed to successfully complete the above-described terms, conditions and limitations within an extended two year period of time;
- agreed to apply, within that extended two-year period of time, to have the suspended suspension ordered by the Discipline Committee, and the time in which she is to satisfy the terms, conditions and limitations imposed on her Certificate of Registration, run for the extended two-year period;
- acknowledged and stated her understanding that should she fail to fulfil the terms of her Undertaking and Acknowledgement, the Registrar may refer the matter to the Executive Committee of the College, and the Executive Committee may refer to the Discipline Committee of the College allegations of Ms. Eisen's professional misconduct arising from any failure to fulfill the terms of her Undertaking and Acknowledgement.

There were various communications between the College and Ms. Eisen about satisfying the terms, conditions and limitations in the Order and in her Undertaking and Acknowledgement.

Approximately three months after making her Undertaking and Acknowledgement, Ms. Eisen advised the College that her employment had been terminated, that she was unable to find new employment and was therefore unable to satisfy the supervision requirement. Prior to the termination of her employment, the College had only received one report from Ms. Eisen's workplace supervisor.

The College only ever received one report from Ms. Eisen's therapist.

Two weeks later, Ms. Eisen informed the College that she had decided not to renew her membership in the College. Her certificate of registration was then suspended for non-payment of fees.

On August 18, 2010, Ms. Eisen's certificate of registration was cancelled, due to her resignation from membership in the College.

Allegations and Plea

The Discipline Committee accepted the Member's plea, admitting the following acts of professional misconduct, as alleged in the Notice of Hearing:

1. That Ms. Eisen violated Section 2.31 of the Professional Misconduct Regulation by failing to comply with an order of a panel of the Discipline Committee of the College and, more particularly with the terms and conditions set out in the order, which directed the Registrar to impose the above-described terms and conditions on her certificate of registration.

2. That Ms. Eisen violated Section 2.32 of the Professional Misconduct Regulation by failing to comply with a written undertaking given to the College and to carry out an agreement entered into with the College by failing to comply with her Undertaking and Acknowledgement, in which she undertook to comply with the above-described terms and conditions set out in the Discipline Committee's Order within an extended two-year period of time.
3. That Ms. Eisen 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 when she failed to comply with the above-described terms and conditions and with her Undertaking and Acknowledgement to the College.

Penalty

Prior to the hearing, Ms. Eisen's certificate of registration as a social worker was cancelled, further to her resignation. As such, the Discipline Committee ordered that:

1. Ms. Eisen be reprimanded on a date to be scheduled that is no later than three months from the date of this Order, such reprimand to be recorded on the Register for an unlimited period of time.
2. These findings and this Order of this Discipline Committee shall be published in detail, with the name of Ms. Eisen, in the official publication of the College, on the College's website, on the general newswire, and additionally in any other manner necessary to alert regulators in other provinces.

The Discipline Committee arrived at this penalty decision for the following reasons:

1. The reprimand will demonstrate to the public that the Discipline Committee takes findings of professional misconduct very seriously and will try to correct the conduct of specific members who have violated professional standards, even if those members have resigned from the College before the review of their alleged misconduct is complete. Recording the reprimand on the Register will serve as one avenue to notify the public of Ms. Eisen's actions and thereby protect the public from receiving services from her without knowledge of her previous conduct as a social worker.
2. The reprimand will also accomplish general deterrence because other College members will realize that they cannot avoid being held accountable for professional misconduct by resigning from the College before allegations against them are resolved.
3. Publication of the finding and Order of this panel with Ms. Eisen's name will serve an important public notification purpose. The panel shared the College's concern that Ms. Eisen might attempt to practice social work without registering with the College in the future. By publishing Ms. Eisen's name the risk is mitigated and the public is better protected.

4. Anyone with Ms. Eisen's education and experience would have to be familiar with the Code of Ethics of the College which prohibit sexual relationships with a client. The first Order was to ensure that Ms. Eisen learned from her mistakes and was given the opportunity to remediate herself through the penalty imposed at the time. However Ms. Eisen did not comply with the Order and it is important that the public be made aware of the underlying public protection concerns, as summarized in this decision.
5. The objective of remediation or rehabilitation is no longer available due to Ms. Eisen's resignation from the College.
6. Ms. Eisen's non-compliance with the Discipline Committee's Order from the first hearing and the subsequent Undertaking and Acknowledgement was concerning to the panel, even in light of Ms. Eisen's health concerns. Ms. Eisen did not pursue options that were available to her and chose instead to resign from the College.
7. Publishing Ms. Eisen's name will no doubt cause her some distress and humiliation. However, the panel felt that the Member's embarrassment is an insufficient consideration to compromise public protection. The panel considered Ms. Eisen's statement that she would have great difficulty finding a job outside of the social work field if details from the first hearing were made public, and her testimony that even though she has gone on to look at professional opportunities outside social work, the facts from the first hearing would prevent her from finding employment in a similar field. The panel concluded, however, that protection of the public is paramount and that Ms. Eisen appears not to have given serious consideration to the effect of not following through with the first Order.
8. Publishing Ms. Eisen's name will also serve as an important general deterrent to other members of the College, who may otherwise be tempted to avoid penalties they have agreed to.