



## **Discipline Decision Summary**

This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order dated September 5, 2014.

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**

**Nalini Singh-Boutilier**

**Former Member #802717**

#### **Allegations**

The Member's allegations relate to her conduct or actions in regard to her operation of two independent living homes for adults with developmental and functional limitations. The Member was the Executive Director of the business that carried on the operation of the independent living homes.

#### **Plea**

As the Member was neither present nor represented at the hearing (although notified of the hearing), she was deemed to have denied the allegations.

#### **Evidence**

The Discipline Committee found that the following factual allegations were proven by the College – that the Member,

- i. Through the business's website, represented that the business offered disability services, elder care, day/evening programs, respite programs, residential services and a multi-faceted vocational program for individuals with special needs;
- ii. Misrepresented to families who had placed or were considering placing relatives in the homes to reside that she would provide their relatives (the "residents") with assistance (appropriate to the residents' needs and abilities) with activities of daily living, including grocery shopping, meal preparation, bathing, personal hygiene and laundry, and appropriate daily programming and activities;
- iii. Failed to provide appropriate care, programming and activities to residents of the homes and failed to ensure that they received the services promised (orally to residents' families and on the business' website). In particular, the Member,
  - a. Failed to ensure that residents were provided with appropriate meals and failed to purchase sufficient groceries to enable staff to consistently complete meal

preparations, despite being repeatedly advised of food shortages by staff members, causing staff to at times bring food from their homes to feed the residents;

- b) Failed to ensure that residents received appropriate assistance with bathing, personal care and hygiene, in that the Member:
    - Repeatedly sent one resident home for visits with the resident's family soaked with urine and dry stool on the resident's bottom and with dirty nails and hair and unbrushed teeth;
    - Required another resident to sleep on an air mattress (despite the fact that a bed was available) and repeatedly sent the resident home for family visits in dirty clothes and in a state of poor personal hygiene;
  - c) Used inappropriate techniques to enforce the rules of the homes, including denying residents visitation with their families and withholding personal items (for example, cigarettes) purchased for residents by their families;
  - d) Failed to provide residents with regular outings, exercise or daily programming suitable to their needs and abilities; and
  - e) Took one resident with her on several occasions to a bar or nightclub.
- iv. Failed to deal appropriately with the depression and risk of self-injury of one resident whose parent had specifically warned staff that the resident was depressed and might self-injure. When staff conveyed that information to the Member, she dismissed it as an attempt by the resident to manipulate the resident's parent and get attention. The resident subsequently cut his throat with a kitchen knife deeply enough to require stitches while residing at one of the homes; and
- v. Failed to properly manage monies provided to the business by residents' families and disability benefits, provided to the Member in trust in relation to certain residents in that the Member failed to properly manage and expend the monies to fund the provision of necessities to the residents (including food and toiletries).

## Decision

The Discipline Committee found that the Member:

- a. Violated section 2.2 of the Professional Misconduct Regulation and Principle II (2.2) of the Standards of Practice (commented on in Interpretation 2.2.8) and section 2.36 of the Professional Misconduct Regulation by engaging in conduct that was disgraceful, dishonourable and unprofessional, in that,
  - In her role as Executive Director of the business, and as a primary care giver of clients within her two residential programs, the Member acted disgracefully by failing to ensure that the basic needs of her extremely vulnerable clients were met. This conduct “shames the [Member] and, by extension, the profession of social service work.”
  - The Member engaged in dishonourable conduct by misrepresenting the quality and amount of “specialized” care, programming and activities that was promised both verbally and in promotional materials. There was “convincing evidence” of “neglect and lack of any meaningful activity or programming for the clients” and the Member was “both dishonest and misleading to her clients and their families.”
  - The Member’s conduct was unprofessional. The evidence “showed a pattern of disregard for the care and well-being of [her] clients and their families. She refused to or avoided giving a financial accounting to the families of how the money received from the [residents’ disability benefits] was spent and as trustee of the residents’ funds, failed to return money to which she and or her [business] were not entitled.” The Member “failed to maintain open and active communication with family members and did not provide regular updates or adequately respond to their concerns.” The Discipline Committee found that “this behaviour falls far below the professional standards expected of a social service worker and constitutes professional misconduct as outlined in [the Professional Misconduct Regulation], and as such, is unprofessional.
- b. As both the residents and their family members were the Member’s clients, having respectively received direct and indirect social work services, the Member violated section 2.2 of the Professional Misconduct Regulation, section 1 of the Code of Ethics and Principle I of the Standards of Practice (as commented on in Interpretations 1.5 and 1.6). The evidence was “clear and convincing” that the Member failed to regard the well-being of her clients (including her indirect clients, the family members). The Member “did not consistently meet the basic needs of the clients in her direct care and did not meet the needs of her clients to whom she had indirect obligations, by responding to their concerns and by adequately answering their reasonable questions.” The Discipline Committee found that,

Testimony was given that [the business] did not have appropriate staffing and did not pay for the shifts of a personal support worker, often lacked sufficient food and other basic supplies, and that bill collectors were frequently attempting to make contact with the [Member] for payment of overdue accounts. Despite this financial crisis, the [Former] Member failed to distinguish her need to keep her source of income from the needs of her

clients for proper nutrition, attention, personal care, and appropriate activity and programming as promised. She chose keeping the two homes open and continuing to receive income from the clients over the needs of the clients. It would have been reasonable and professionally responsible to explain the financial situation to the direct and indirect clients, arrange for referral and transfer of residents to homes that would be able to meet their needs, and to close the homes if the contracted services could no longer be adequately maintained.

- c. Violated section 2.2 of the Professional Misconduct Regulation and Principle II (2.2) of the Standards of Practice (commented on in Interpretation 2.2.4) in that the Member:
- Failed to maintain clear and appropriate boundaries in her professional relationships with clients by taking a vulnerable client, with Williams Syndrome and physical and cognitive disabilities, to a bar and/or nightclub on more than one occasion. On more than one occasion the Member also attempted to contact this client through social media, for nonprofessional reasons, well after services to this client had been terminated.
  - Abused her position of power by engaging in inappropriate and arbitrary methods of punishment with the same client. This client received threats of being abandoned at a shelter with the suggestion that the client would be abandoned at the shelter. This client's private property (shoes) were locked away to prevent the client from leaving the house and cigarettes provided to the client by family members were taken with the threat of keeping the cigarettes for a month or more. This client was also denied visits from and phone calls with family members, as a form of punishment.
  - Engaged in financial violations in respect of her clients in that in her role as trustee, she kept the entire monthly disability benefit for another client, despite only providing weekend respite. When care for this client changed to respite every other weekend (as directed by the Member), the Member still did not return any money to the client's parent despite the 50% reduction in services.
- d. Violated section 2.2 of the Professional Misconduct Regulation and Principle III of the Standards of Practice (commented on in Interpretations 3.2 and 3.8) in that the Member:
- Failed to consistently deliver the promised personal support, such as personal care and hygiene for one client, who is non-verbal and totally dependent on personal care for bathing, changing of diapers, changing of clothes, brushing of teeth, brushing of hair, feeding, etc. The Member did not provide regular outings, activities, or other stimulation programs for the multiple needs of the residents of her homes, despite the promises made in person and through promotional materials.
  - Failed to adequately respond in a timely and reasonable manner to queries, concerns and/or complaints raised by the family members of the residents. The testimony of residents' family members revealed that the Member was extremely hard to get hold of despite numerous attempts to contact her by phone and in person by knocking on the door of one home when the Member was supposedly on shift and providing direct care to the clients. When the Member was contacted, she refused to provide financial records.
  - Failed to provide services that would meet the College's standards of practice and the Member ought to have known that her services were not likely to adequately benefit or meet the needs of her clients. Convincing evidence was presented that the clients were not provided enough to eat and that the food provided was not nutritious (e.g. two witnesses testified that there was only rice and pasta sauce available for every meal over

- the course of one particular weekend, despite multiple requests being made by a staff member to the Member to provide groceries). More than one witness testified that people not affiliated with the business provided food to one of the homes to compensate for the Member's inability or unwillingness to provide for these essential needs of her clients.
- e. Violated section 2.2 of the Professional Misconduct Regulation and Principle IV of the Standards of Practice (commented on in Interpretation 4.1.3) in that the Member failed to maintain systematic, dated and legible records for each client or client system served.

### **Penalty Order**

The Discipline Committee ordered that:

1. The Registrar is directed to revoke the Member's certificate of registration.
2. The Member will be reprimanded in writing and the fact of the reprimand will be recorded on the Register for an unlimited period of time.
3. The finding and order of the Discipline Committee shall be published, in detail or in summary or both, with the name of the Member but with information that would identify others removed, in the official publication of the College, on the College's website and on any other media-related document that is provided to the public and deemed appropriate by the College.
4. The Member shall pay costs to the College in the amount of \$10,000.00.

The Discipline Committee arrived at its Penalty Order for the following reasons:

- Based largely on the Member's lack of participation in the discipline process, the Member is ungovernable. "Rather than accepting responsibility for her actions or providing evidence to refute the allegations against her, the Member instead decided to sue individuals involved in her discipline hearing, including the witnesses called, and to make formal complaints to [another self-regulatory professional body]...".
- Revocation of the Member's Certificate of Registration "is the only measure available to protect the public from her alarming misconduct given her refusal to take responsibility for her behaviour or any sign of recognition of the negative impact of her behaviour on her vulnerable clients (including family members)" of her clients. "It is not reasonable to expect that the Member would follow any rehabilitative or other limitations on her certificate of registration that the Discipline Committee might otherwise impose". Revocation of the Member's certificate of registration meets the principles of both specific and general deterrence.
- The reprimand is warranted and should be recorded on the College register for an unlimited amount of time, given the seriousness of the professional misconduct engaged in by the Member. The Discipline Committee "hoped" that the reprimand will resonate with the Member such that she will refrain from such behaviour in the future, and it "anticipates" that specific deterrence will be served by the reprimand.

- Publication in the manner ordered by the Discipline Committee “promotes transparency and openness and serves the function of both general and specific deterrence necessary to protect the public interest...”
- The College “membership should not have to bear the full amount of the cost to hold this Member accountable for her behaviour and...it is reasonable to expect her to pay a fair portion of the amount. Had the Member taken full responsibility for her misconduct and fully cooperated with the process, the panel is convinced that the College would have saved over \$10,000.00. The [cost] award is therefore reasonable and warranted.