

**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS**

Indexed as: Ontario College of Social Workers and Social Service Workers v Harrison
Mungal, 2022 ONCSWSSW 6

Decision date: 20220919

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

HARRISON MUNGAL

PANEL:	Chisanga Chekwe	Chair, Public Member
	Frances Keogh	Professional Member
	Alexia Polillo	Public Member

Appearances: Lara Kinkartz, counsel for the College
Lisa Bilty, counsel for the Member
Fredrick Schumann, Independent Legal Counsel to the Panel

Heard: August 9, 2022

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing by video conference on August 9, 2022, before a panel of the Discipline Committee (the "**Panel**") of the Ontario College of Social Workers and Social Service Workers (the "**College**").

The Allegations

[2] By way of a Notice of Hearing dated March 10, 2021, the Member is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, S.O. 1998, c 31 (the "**Act**") in that he is 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**").

Member's Position

[3] The Member admitted to all the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry at the hearing and was satisfied that the Member's admission was voluntary, informed, and unequivocal.

The Evidence

[4] The evidence was tendered by way of an Agreed Statement of Facts, which provided in relevant parts as follows.

I. BACKGROUND

1. At all relevant times, Harrison Mungal (the "**Member**") was registered as a social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**") and was engaged in the practice of social work. He has no prior discipline history with the College.
2. The Member's areas of practice include counselling, teaching, and consulting for individuals, couples, and families. His services also include speaking engagements, workshops, and seminars in the field of mental health, as well as marriage and family counselling to individuals and groups. The Member has conducted research and authored books on family and couples' relationships.
3. The Member maintains two websites on which he advertises his services in counselling, teaching, and consulting for individuals, couples, families, and corporations. He also maintains a social media presence with web pages including (but not limited to) YouTube, Facebook, Instagram, Twitter, and LinkedIn.
4. On July 10, 2019, the College received a complaint from Aviva Canada Inc. indicating that the Member had misrepresented himself to Aviva and to the public as a doctor and that he had improperly used the title "registered psychotherapist."
5. Subsequently, on November 25, 2019, the College of Psychologists of Ontario wrote to the College expressing concerns about information it had received indicating that the Member was improperly using the title "Dr." in describing healthcare services he provided to the public. The Member does hold two earned PhD degrees (one of which had been completed before the time at issue in this matter, and the other which has been completed more recently). However, as outlined below, neither is considered an "earned doctorate in social work" that would permit him to use the "Dr." title under s. 47.3 of the *Social Work and Social Service Work Act, 1998* (the "**Act**").

II. USE OF THE TITLE "DOCTOR" & THE ABBREVIATION "DR."

6. Section 33 of the *Regulated Health Professions Act, 1991* ("**RHPA**") prohibits the use of the title "Doctor" or a variation or abbreviation thereof while providing or offering to provide, in Ontario, healthcare services to individuals, unless the person using the title or abbreviation is a member of one of the RHPA colleges who are permitted to use them.
7. The Member is not, and has never been, a member of one of the colleges listed ins. 33(2) of the *Regulated Health Professions Act, 1991*, whose members are permitted to use the title "doctor" or a variation or abbreviation of that term while providing or offering to provide, in Ontario, healthcare services to individuals.
8. The College is not one of the listed colleges in section 33 of the RHPA whose members are entitled to use the title "doctor." Consequently, members of the College may only use the title "doctor" while providing or offering to provide healthcare services in Ontario if all of the conditions ins. 47.3 of the Act are met, including:
 - (a) The member must have an earned doctorate in social work;
 - (b) When describing themselves orally using the title "doctor", the member must also mention that they are a member of the College or identify themselves using one of the titles restricted to them as members of the College; and
 - (c) When identifying themselves in writing using the title "doctor", the member must set out his or her full name after the title, immediately followed by either "Ontario College of Social Workers and Social Service Workers" or a title that the member may use under the Act.
9. Under s. 47.3(2) of the Act, a doctorate from an American university is "an earned doctorate in social work" only if it is considered by the College to be equivalent to a doctoral degree in social work granted by an Ontario institution that has been authorized to grant the degree.
10. At the relevant time, the College had published a "Communication to Members of OCSWSSW Regarding Use of the Title Doctor" (the "**Communication**"). That Communication states that when determining if an American doctorate is considered an "earned doctorate in social work", the College examines several factors including (among others):
 - (a) whether the institution is authorized under the laws of the relevant American jurisdiction;
 - (b) whether it also houses a Masters in Social Work degree that has been accredited by the Council on Social Work Education; and
 - (c) whether the degree required the member to complete a comprehensive paper or examination and defended a dissertation or thesis.

11. At the relevant time, the Member had a PhD in Philosophy in Social Work from Florida Christian University. Although it was an accredited institution in the United States, Florida Christian University offered neither a Masters nor a PhD program in Social Work. It therefore did not meet the criteria to qualify as an "earned doctorate."
12. At the relevant time, the Member was also working towards a PhD in clinical psychology from California Southern University. He has since completed that degree. However, because he had not yet completed this degree at the relevant time, it could not be considered an "earned doctorate."
13. The member acknowledges that he did not have an earned doctorate in social work within the meaning of s. 47.3 of the Act at the relevant time. As outlined in the Communication, if the Member had wished to confirm whether his degree(s) qualified as an "earned doctorate", he could have submitted a written request to the Registrar for a determination. He did not do so.
14. The first time the Member contacted the College to inquire about the use of the title "Dr." was in August 2019 (after he had been notified of the complaint in this matter).
15. While the Member did not appreciate the limits on the use of his earned title, he acknowledges that it was his responsibility to ensure that he held an earned doctorate in social work if he wished to use the title "Doctor" while providing or offering to provide healthcare in Ontario to individuals.
16. Between 2010 and November 2019, the Member used or allowed to be used the title "Doctor" and the abbreviation "Dr." to refer to himself or his services, while providing or offering to provide healthcare services in Ontario. He did so in the following instances:
 - a) on public websites including his personal website (www.harrisonmungal.com), YouTube, Facebook Instagram, Twitter and LinkedIn, which referred to his professional services;
 - b) on the website www.psychologytoday.com, which advertised his professional services;
 - c) in his curriculum vitae;
 - d) in connection with his public speaking engagements;
 - e) in books that he had authored on subjects such as dating, marriage, children, and mental health; and
 - f) on the website of two of his places of employment through which he provided social work services in Ontario, York Region Psychological Services and Age to Age.
17. Because the Member did not have an earned doctorate in social work, his use of the title "Doctor" and the abbreviation "Dr." in these instances was not permitted under the RHPA.

18. In addition, in several of these instances, the Member did not follow the title "Doctor" or the abbreviation "Dr." with an indication that he was a member of the College, either by stating so explicitly or by using one of the titles restricted to members under the Act. As a result, even if the Member had an earned doctorate in social work at the relevant time (which he did not), his use of the title "Doctor" and the abbreviation "Dr." would still not have complied with the requirements in s. 47.3 of the Act.
19. The Member acknowledges that the instances referred to in paragraph 16 above amounted to providing or offering to provide healthcare services. In particular, the Member acknowledges that the provision of counselling and mental health services amounts to the provision of healthcare, and the advertising and promotion of such services constitutes an offer to provide healthcare services.
20. As indicated in paragraph 16(d)-(e) above, between 2010 and November 2019, the Member conducted lectures/workshops and published written materials that provided advice on topics such as dating, marriage, children, and mental health (although these were presented primarily from a religious perspective). Those lectures/workshops referred to the fact that he also provided counselling and psychotherapy services. The Member acknowledges that even though these were presented primarily from a religious perspective, they nonetheless involved the provision of healthcare services (or an offer to provide healthcare services).
21. If he were to testify, the Member would state that he never intended to mislead the public into believing that the title "Doctor" pertained to anything other than the doctoral degree that he had obtained. He would also state that at the relevant time, he did not appreciate the limits on his use of the title "doctor" but that he takes responsibility for this oversight.
22. If he were to testify, the Member would state that the title "doctor" was primarily used in connection with his increasing public profile, including on his books (which was done at the recommendation of his publisher). The Member has since reprinted his books without the title "doctor", using instead "PhD" and "PsyD" after his name, at considerable personal expense.
23. If he were to testify, the Member would further state that he primarily used the title (without mention of his designation as a registered social worker) on websites and social media that were focused on his charitable work. However, to ensure there is no misunderstanding about the use of this title when he is also offering healthcare services, he has removed it from all public sites and is now in compliance with all requirements relating to the use of titles.

III. USE OF THE TITLE "REGISTERED PSYCHOTHERAPIST"

24. Members of the College are permitted to engage in the controlled act of psychotherapy, pursuant to s. 27(4) of the RHPA and s. 47.2 of the Act, provided they comply with certain conditions set out in the Act, its regulations, and the College's by-laws.
25. Since December 30, 2017, section 47.2 of the Act has stated that a member of the College who is authorized to perform the controlled act of psychotherapy may use the title "psychotherapist" if the member complies with the following conditions:

- (a) When describing themselves orally as a psychotherapist, the member must also mention that they are a member of the College, or identify themselves using a title restricted to them as a member of the College;
 - (b) When identifying themselves in writing as a psychotherapist, the member must set out their full name, immediately followed by either "Ontario College of Social Workers and Social Service Workers" or a title that the member may use under the Act, followed in turn by "psychotherapist."
26. At no time is anyone permitted to use the title "registered psychotherapist" unless they are a member of the College of Registered Psychotherapists of Ontario ("**CRPO**"). Section 47.2 of the Act does not permit College members to use the title "registered psychotherapist." Under the Act and under section 8 of the *Psychotherapy Act, 2007*, use of that title remains restricted to members of the CRPO.
27. The Member is not currently, and has never been, a member of the CRPO. At the relevant time, he was therefore not permitted to use the term "registered psychotherapist" in any situation. He was permitted to use the title "psychotherapist" only if he did so in compliance with the conditions outlined in s. 47.2 of the Act, described above.
28. During the relevant period, including in or about 2019-2020, the Member described himself as a "registered psychotherapist" on the website www.psychologytoday.com (which advertised his professional services).
29. During the relevant period, including in or about 2019-2020, the Member referred to himself as a psychotherapist on his personal website (www.harrisonmungal.com) and on his LinkedIn profile, without complying with the requirement in s. 47.2 of the Act to identify himself as a member of the College immediately before the use of the title "psychotherapist".
30. On June 5, 2020, a "Psychological Treatment Progress Report" was issued for a client the Member was treating under the supervision of a registered psychologist. On the signature line, the Member was identified as a "registered psychotherapist" and the registration number "5360-G" was listed. That document was subsequently submitted to a third-party insurer.
31. The registration number "5360-G" does not correspond to a registration number with the CRPO. In fact, it is the Member's registration number from the Ontario Association of Counsellors, Consultants, Psychometrists & Psychotherapists ("**OACCPP**" - since renamed the Ontario Association of Mental Health Professionals). The OACCPP is not a regulator; it is an association that supports providers of mental healthcare.
32. The title "registered psychotherapist" was applied to the Psychological Treatment Progress Report in error by administrative staff at York Regional Psychological Services. Similarly, it was administrative staff who inadvertently listed the Member's OACCPP registration number as a CRPO registration number. Neither error was the result of instructions given by the Member, and they were corrected as soon as the issue was brought to the Member's attention. In this instance, the supervising registered psychologist took responsibility for

the oversight; however, the Member acknowledges that it was his responsibility to ensure that his credentials were being appropriately described.

33. If he were to testify, the Member would say that he misunderstood the distinction between the title "Registered Social Worker, Psychotherapist" and "Registered Psychotherapist" (the latter being the phrase that was used on the Psychological Treatment Progress Report).
34. The Member acknowledges that the conduct outlined in paragraphs 27-32 above involved an impermissible use of the titles "psychotherapist" and "registered psychotherapist" and had the effect of holding himself out as someone who was entitled to practise in Ontario as a registered psychotherapist when he did not in fact have this designation. After the issue was brought to the Member's attention, he corrected the instances in which the titles "registered psychotherapist" and "psychotherapist" were improperly used.
35. Since the relevant time, the Member has applied for membership in the CRPO, which will allow him to use the designation "registered psychotherapist" after he is admitted to that college. That application is being held in abeyance pending the outcome of this proceeding.

IV. APPLICABLE STANDARDS OF PRACTICE

36. The College's *Code of Ethics and Standards of Practice Handbook* sets out the standards that apply to members, including their use of titles. Among other things, the standards of practice require that:
 - a. Professional qualifications, education, experience, and affiliations are accurately described;
 - b. Records; statements in the record; statements in reports based on the record; and all certificates, reports and other documents members sign in the course of practising social work must be accurate;
 - c. Advertisements for members' services through public statements, announcements, advertising media and/or promotional activities may not be false or misleading, and may not contain information that is not verifiable;
 - d. Members must describe their education, training, and experience, as well as areas of competence, professional affiliations, and services in an honest and accurate manner
 - e. Where others make misleading, false, or inaccurate statements about a member's qualifications or services, members must correct those statements; and
 - f. Members may not solicit clients in a way that is misleading, that disadvantages fellow members, or that discredits the profession of social work.
37. The Member acknowledges that the conduct described in paragraphs 6-35 above did not comply with these standards.

IV. ADMISSIONS OF PROFESSIONAL MISCONDUCT

38. The Member admits that by reason of engaging in the conduct above, he is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*:

- (a) In that he violated **Section 2.2 of the Professional Misconduct Regulation** and:
 - (i) **Principle II of the Handbook (commented on in Interpretations 2.2.7)** by misrepresenting his professional qualifications, education, experience or affiliation;
 - (ii) **Principle II of the Handbook (commented on in Interpretation 2.2.8)** by engaging in conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work;
 - (iii) **Section 2(21) of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretation 4.1.2)** by making a record 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 social work that he knew or ought reasonably to have known was false, misleading, inaccurate or otherwise improper;
 - (iv) **Principle VII of the Handbook (commented on in Interpretation 7.1.1)** by advertising his services through public statements, announcements, advertising media and/or promotional activities that were false, or misleading, and/or contained information that was not verifiable;
 - (v) **Principle VII of the Handbook (commented on in Interpretations 7.3 and 7.3.3)** by failing to describe his education, training, and experience, as well as areas of competence, professional affiliations and services in an honest and accurate manner, and/or by failing to correct, whenever possible, false, misleading or inaccurate information and representations made by others concerning his qualifications or services;
 - (vi) **Principle VII of the Handbook (commented on in Interpretation 7.4)** by soliciting clients in a way that is misleading, that disadvantage fellow members, and/or that discredits the profession of social work;
- (b) In that he violated **Section 2.15 of the Professional Misconduct Regulation** by inappropriately using a term, title, or designation in respect of his practice;
- (c) In that he violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the Act or regulations or by-laws;
- (d) In that he violated **Section 2.29 of the Professional Misconduct Regulation** by contravening a federal, provincial, or territorial law or a municipal by-law where the purpose of the law or by-law is to protect public health (specifically, by

contravening one or more of the *Regulated Health Professions Act, 1991* and/or the *Psychotherapy Act, 2007*); and/or

- (e) In that he 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.

Decision of the Panel

[5] Having considered the admissions of the Member, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel finds that the Member committed the acts of professional misconduct alleged in the Notice of Hearing. With respect to allegation (e) the Panel finds that the Member's conduct would reasonably be regarded by members as unprofessional.

Reasons for Decision

[6] The Panel found that the evidence in the Agreed Statement of Facts, together with the Member's admissions, proved on a balance of probabilities each of the allegations against the Member.

[7] With respect to allegation (a) in the Notice of Hearing, the Panel found that the member violated Section 2.2 of the Professional Misconduct Regulation, by contravening the standards set out in the Handbook in each of the six subparagraphs under allegation (a). Specifically:

- a. With respect to allegation (a)(i) in the Notice of Hearing, the panel found that the Member violated Principle II of the Handbook (as commented on in Interpretations 2.2.7) by misrepresenting his professional qualifications, education, experience, or affiliation. The Member is not, and never has been; a member of one of the colleges listed in s. 33(2) of the Regulated Health Professions Act, 1991, whose members are permitted to use the title "doctor" or the abbreviation "Dr." The Member does not have an earned doctorate in social work, within the meaning of s. 47.3 of the Act, and did not meet one or more of the requirements of the Act that must be met to permissibly use the title "Doctor" or the abbreviation "Dr." The first time the Member contacted the College to inquire about the use of the title "Dr." was in August 2019, after he had been notified of the complaint in this matter.
- b. With respect to allegation (a)(ii) in the Notice of Hearing, the Panel found that the Member violated Principle II of the Handbook (as commented on in Interpretation 2.2.8) by engaging in conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work. Under s.47.3(2) of the Act, a doctorate from an American university is "an earned doctorate in social work" only if it is considered by the College to be equivalent to a doctoral degree in social work granted by an Ontario institution that has been authorized to grant the degree. At the relevant time, the Member had a PhD in Philosophy in Social Work from Florida Christian University. Although it was an accredited institution in the United States, Florida Christian University offered neither a Masters nor a PhD program in Social Work. Therefore, the PhD granted

to the Member did not meet the criteria to qualify as an "earned doctorate". If the Member had wished to confirm whether his degree(s) qualified as an "earned doctorate", he could have submitted a written request to the Registrar for a determination. The Member did not do so.

- c. With respect to allegation (a)(iii) in the Notice of Hearing, the Panel found that the Member violated Section 2(21) of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretation 4.1.2) by making a record, 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 social work that he knew or ought reasonably to have known was false, misleading, inaccurate or otherwise improper. The Member is not, and never has been, a member of the College of Registered Psychotherapists of Ontario and is not permitted to use the title "registered psychotherapist". In one of more instances outlined below in allegation (a)(iv), the Member used the term "registered psychotherapist" when he was not permitted to do so.
- d. With respect to allegation (a)(iv) in the Notice of Hearing, the Panel found that the Member violated Principle VII of the Handbook (as commented on in Interpretation 7.1.1) by advertising his services through public statements, announcements, advertising media and/or promotional activities that were false, or misleading, and/or contained information that was not verifiable. The Member used or allowed to be used the title "Doctor" and/or abbreviation "Dr." to refer to himself and/or his services, while providing or offering to provide healthcare services, when he was not permitted to do so. He did so in the following instances: (a) on public websites including his personal website, YouTube, Facebook, Instagram, Twitter and LinkedIn, which all referred to his professional services; (b) on the website www.psychologytoday.com, which advertised his professional services; (c) in his curriculum vitae; (d) in connection with his public speaking engagements; (e) in books that he had authored on subjects such as dating, marriage, children, and mental health; and (f) on the website of two of his places of employment, York Region Psychological Services and Age to Age, through which he provided social work services in Ontario.
- e. With respect to allegation (a)(v) in the Notice of Hearing, the Panel found that the Member violated Principle VII of the Handbook (as commented on in Interpretations 7.3 and 7.3.3) by failing to describe his education, training and experience, as well as areas of competence, professional affiliations and services in an honest and accurate manner, and/or by failing to correct, whenever possible, false, misleading, or inaccurate information and representations made by others concerning his qualifications or services. The Member signed the bottom of a report entitled "Psychological Treatment Progress Report", dated June 5, 2020 (the "Report"), as a registered psychotherapist and provided the registration number "5360-6", which does not correspond to a registration number with the College of Registered Psychotherapists of Ontario. It was the Member's responsibility to ensure that his credentials were appropriately described.

- f. With respect to allegation (a)(vi) in the Notice of Hearing, the Panel found that the Member violated Principle VII of the Handbook(as commented on in Interpretation 7.4) by soliciting clients in a way that is misleading, that disadvantages fellow members, and/or that discredits the profession of social work. The Member improperly used the titles and abbreviations of "Doctor", "Dr.", and "registered psychotherapist" to promote and provide healthcare services. The Member acknowledged that the provision of counselling and mental health services amounts to the provision of healthcare, and the advertising and promotion of such services constitutes an offer to provide healthcare services.

[8] For Allegation (b) in the Notice of Hearing, the Panel found that the Member violated Section 2.15 of the Professional Misconduct Regulation by inappropriately using a term, title, or designation in respect of his practice. The Member used or allowed to be used the title of "Doctor" and the abbreviation "Dr." to refer to himself or his services while providing or offering to provide healthcare services in Ontario. He did so in the following instances: (a) on public websites including his personal website, YouTube, Facebook, Instagram, Twitter and LinkedIn, which referred to his professional services; (b) on the website www.psychologytoday.com, which advertised his professional services; (c) in his curriculum vitae; (d) in connection with his public speaking engagements; (e) in books that he had authored on subjects such as dating, marriage, children, and mental health; and (f) on the website of two of his places of employment through which he provided social work services in Ontario, York Region Psychological Services, and Age to Age.

[9] With respect to allegation (c) in the Notice of Hearing, the Panel found that the Member violated Section 2.28 of the Professional Misconduct Regulation by contravening the Act or regulations or by-laws. On November 25, 2019, the College of Psychologists of Ontario wrote to the College expressing concerns about information it had received indicating that the Member was improperly using the title "Dr." in describing healthcare services he provided to the public. The Member does hold two earned PhD degrees; however, neither is -considered an "earned doctorate in social work" that would permit him to use the "Dr." title under s 47.3 of the Act. The Member did not bring himself to the College Registrar to check the equivalency of his degree or use of the title "Dr." until after he had been notified of the complaint in this matter.

[10] For allegation (d) in the Notice of Hearing, the Panel found that the Member violated Section 2.29 of the Professional Misconduct Regulation by contravening a federal, provincial, or territorial law or a municipal by-law where the purpose of the law or by-law is to protect public health (specifically, by contravening one or more of the *Regulated Health Professions Act, 1991* and/or the *Psychotherapy Act, 2007*). The Member is not currently, and has never been, a member of the CRPO and at the relevant time, he was therefore not permitted to use the term "registered psychotherapist" in any situation. The member was permitted to use the title "psychotherapist" only if he did so in compliance with the conditions outlined in s. 47.2 of the Act. During the relevant period, including in or about 2019-2020, the member described himself as a "registered psychotherapist" on the website www.psychologytoday.com (which advertised his professional services) and referred to himself as a psychotherapist on his personal website and LinkedIn profile, without complying with the requirement ins. 47.2 of the Act to identify himself as a member of the College immediately before the use of the title "psychotherapist".

[11] With respect to allegation (e) in the Notice of Hearing, the Panel found that the Member 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, dishonorable, or unprofessional. The Member engaged in conduct that was unprofessional by: improperly using the titles and abbreviations of "Doctor", "Dr.", and "registered psychotherapist", using these titles to promote and provide healthcare services, and failing to inquire about and correct the improper use of titles and abbreviations.

Penalty Submissions

[12] The parties were agreed on the issue of penalty. At the hearing they presented to the Panel a Joint Submission on Penalty and Costs ("**Joint Submission**") and asked the Panel to make an order in accordance with its terms. After deliberating the Panel announced orally at the hearing that it had decided to accept the Joint Submission and made an order accordingly.

[13] The terms of the Joint Submission are as follows.

1. The Member shall be reprimanded in person or electronically by the Discipline Committee, and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to suspend the Member's Certificate of Registration for a period of three (3) months, the first two (2) of which shall be served beginning on October 9, 2022 and run continuously through December 8, 2022. The remaining one (1) month of the suspension shall be remitted if, on or before the six (6) month anniversary of the Discipline Committee's Order herein, the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms, conditions, and limitations imposed under paragraph 3 as set out below. If the Member fails to comply with those terms, conditions, and limitations, the Member shall serve the remaining one (1) month of the suspension, which shall be served immediately following the six (6) month anniversary of the Discipline Committee's Order herein.¹
3. The Registrar shall be directed to impose a term, condition, and limitation on the Member's Certificate of Registration, to be recorded on the Register:
 - (a) Requiring the Member, at his own expense, to participate in and successfully complete a continuing education course, approved by the Registrar, on the topic of professional ethics.

¹ For greater clarity, the terms, conditions, and limitations imposed under paragraph 3 hereof will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the suspension in place of performing those terms, conditions, and limitations. If the Member fails to comply with the terms, conditions, and limitations, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms, conditions, and limitations.

- (b) The member shall read the article "What does it Mean to be a Self-Governing Regulated Profession"? by Robert Schultze (the "**Article**");
- (c) Within six (6) months from the date of the Order of the Discipline Committee herein, and at his own expense, the Member shall provide to the Registrar a typewritten essay of at least 2500 words that is written by the Member, reflects on the Member's understanding of the Article, and addresses the following:
 - (i) The acts or omissions for which the Member was found to have committed professional misconduct in the Order of the Discipline Committee herein;
 - (ii) The potential consequences of the Member's professional misconduct for his clients, colleagues, the profession of social work, and for himself; and
 - (iii) Strategies put in place by the member to prevent his professional misconduct from recurring; and

The Member shall, on a date to be set by the Registrar, meet with the Registrar and/or her designate for the purpose of discussing the Member's essay and the Article, to the satisfaction of the Registrar.

- 4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Member, online and/or in print, including, but not limited to the official publication of the College, the College's website, and the College's public register.
- 5. The Member shall pay costs to the College in the amount of five thousand dollars (\$5,000), in accordance with the following payment schedule:
 - (a) \$500 to be paid on or before the date of the hearing in his matter;
 - (b) A further \$500 to be paid on or before September 1, 2022;
 - (c) A further sixteen (16) payments of \$250 to be paid on or before the first day of the month, with the first such payment to occur on or before the first day of October 2022, and the remaining payments to occur on or before the first day of each of the fifteen (15) subsequent months thereafter.

Should the Member fail to make any payment in accordance with this payment schedule, the entire outstanding balance of the \$5,000 costs award shall immediately become payable.

[14] At the hearing the parties made submissions in support of their request that the Panel accept the Joint Submission.

Penalty Decision

[15] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepts the Joint Submission and makes an order as follows.

1. The Member shall be reprimanded in person or electronically by the Discipline Committee, and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to suspend the Member's Certificate of Registration for a period of three (3) months, the first two (2) of which shall be served beginning on October 9, 2022, and run continuously through December 8, 2022. The remaining one (1) month of the suspension shall be remitted if, on or before the six (6) month anniversary of the Discipline Committee's Order herein, the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms, conditions, and limitations imposed under paragraph 3 as set out below. If the Member fails to comply with those terms, conditions, and limitations, the Member shall serve the remaining one (1) month of the suspension, which shall be served immediately following the six (6) month anniversary of the Discipline Committee's Order herein.²
3. The Registrar shall be directed to impose a term, condition, and limitation on the Member's Certificate of Registration, to be recorded on the Register:
 - (a) Requiring the Member, at his own expense, to participate in and successfully complete a continuing education course, approved by the Registrar, on the topic of professional ethics.
 - (b) The member shall read the article "What does it Mean to be a Self-Governing Regulated Profession"? by Robert Schultze (the "**Article**");
 - (c) Within six (6) months from the date of the Order of the Discipline Committee herein, and at his own expense, the Member shall provide to the Registrar a typewritten essay of at least 2500 words that is written by the Member, reflects on the Member's understanding of the Article, and addresses the following:
 - (i) The acts or omissions for which the Member was found to have committed professional misconduct in the Order of the Discipline Committee herein;

² For greater clarity, the terms, conditions, and limitations imposed under paragraph 3 hereof will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the suspension in place of performing those terms, conditions and limitations. If the Member fails to comply with the terms, conditions, and limitations, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms, conditions, and limitations.

- (ii) The potential consequences of the Member's professional misconduct to his clients, colleagues, the profession of social work, and to himself; and
- (iii) Strategies put in place by the member to prevent his professional misconduct from recurring; and

The Member shall, on a date to be set by the Registrar, meet with the Registrar and/or her designate for the purpose of discussing the Member's essay and the Article, to the satisfaction of the Registrar.

4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Member, online and/or in print, including, but not limited to the official publication of the College, the College's website, and the College's public register.
5. The Member shall pay costs to the College in the amount of five thousand dollars (\$5,000), in accordance with the following payment schedule:
 - (a) \$500 to be paid on or before the date of the hearing in this matter;
 - (b) A further \$500 to be paid on or before September 1, 2022;
 - (c) A further sixteen (16) payments of \$250 to be paid on or before the first day of the month, with the first such payment to occur on or before the first day of October 2022, and the remaining payments to occur on or before the first day of each of the fifteen (15) subsequent months thereafter.

Should the Member fail to make any payment in accordance with this payment schedule, the entire outstanding balance of the \$5,000 costs award shall immediately become payable.

Reasons for Penalty Decision

[16] The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member's practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

[17] The Panel concluded that the jointly proposed penalty was within the acceptable range of penalty for this type of professional misconduct. The Panel considered the aggravating and mitigating circumstances submitted by College counsel. The aggravating factors are that the Member misrepresented titles over a prolonged period, repeatedly used improper titles to promote and provide healthcare services and did not correct these errors until the College brought them to his attention. With respect to mitigating factors, the Panel noted that the Member had no prior

discipline history, was not deliberately attempting to mislead the public, and amended his use of improper titles by republishing his books. By agreeing to the facts and proposed penalty, the Member has accepted responsibility for his actions.

[18] The aspects of penalty that achieve specific deterrence are: the oral reprimand; the training on professional ethics; the costs incurred including for training; the reading of the Article followed by an essay written by the Member; and the meeting with the Registrar to discuss the Article and essay. The aspects of penalty that achieve general deterrence are the three-month suspension of the Member's certificate of registration with the College and the publication of decision and reasons. The aspects of the penalty that achieve rehabilitation/remediation are: the professional ethics training; the reading of the article followed by an essay written by the Member; and the meeting with the Registrar to discuss the Article and essay.

[19] The Panel notes that the costs and suspension part of the order sought falls within a reasonable range and is lesser than other similar cases, including *OCSWSSW v. JoAnn Hill* (2018) and *OCSWSSW v. Weldon* (2018), because the Member took full responsibility for his actions, he had no clear intentions to mislead, and he participated in the hearing.

[20] Accordingly, the penalty proposed in the Joint Submission achieves the goals of penalty, reflects the circumstances of this Member and his misconduct, and falls within an appropriate range. The Panel identified no proper basis on which to reject the Joint Submission and therefore made an order in accordance with its terms.

[21] The panel recognized that the parties had agreed on costs and considered the amount and the payment schedule to be reasonable.

I, Chisanga Chekwe, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: September 19, 2022

Signed: _____
Chisanga Chekwe, Chair
Frances Keogh
Alexia Polillo