



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

PANEL:

Mukesh Kowlessar
Judy Gardner
Lisa Foster

Chair, Professional Member
Professional Member
Public Member

BETWEEN:

ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

-and-

KARLA FORGAARD-PULLEN

)
) Jordan Glick for Ontario
) College of Social Workers
) and Social Service Workers
)
)
)
) Jonah Arnold for
) Karla Forgaard-Pullen
)
)
)
) Johanna Braden,
) Independent Legal Counsel

Heard: June 30, 2017

DECISION AND REASONS FOR DECISION

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) on June 6, 2017 at the Ontario College of Social Workers and Social Service Workers (the “College”).

The Allegations

In the Notice of Hearing dated February 8, 2017, Karla Forgaard-Pullen (the “Member”) is alleged to be guilty of professional misconduct pursuant to subsection 26(2) of the *Social Work and Social Service Work Act* (the “Act”) in that she 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”).

At the outset of the hearing, College Counsel sought leave to withdraw certain allegations of professional misconduct contained in the Notice of Hearing. The Panel granted this request. The remaining allegations of professional misconduct made against the Member are as follows. They relate to factual allegations of an inappropriate relationship between the Member and a vulnerable client.

It is alleged that by reason of engaging in some or all of the conduct outlined above, the Member is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:

- (a) *withdrawn*;
- (b) In that the Member violated **Sections 2.2 of the Professional Misconduct Regulation** and **Principle I of the Handbook (commented on in Interpretations 1.3, 1.5, 1.6 and 1.7)** by failing to respect and facilitate self-determination in a number of ways including acting as resources for the client and encouraging the client to decide which problems to address as well as how to address them, by failing to maintain awareness of her own values, attitudes and needs and how these impact on her professional relationship with the client, by failing to distinguish her needs and interests from those of her client to ensure that her clients’ needs and interests remain paramount and by failing to maintain an awareness and consideration of her employer’s purpose, mandate and function as an organization and how these impact on and limit professional relationships with clients;
- (c) In that the Member violated **Sections 2.2 and 2.10 of the Professional Misconduct Regulation** and **Principle II of the Handbook (commented on in Interpretations 2.1.1, *withdrawn*, 2.1.5, 2.2, 2.2.1, 2.2.3 and 2.2.8)** by failing to be aware of her competence and professional scope of practice and failing to limit her practice accordingly, *withdrawn*, by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate, by engaging in boundary violations, by engaging in a relationship that constitutes a conflict of interest or in situations in which she ought reasonably to have known that the client would be at risk in any way, by using information obtained in the course

of the professional relationship and/or her professional position of authority to coerce, improperly influence, harass, abuse or exploit the client and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;

- (d) In that the Member violated **Sections 2.2 of the Professional Misconduct Regulation** and **Principle III of the Handbook (commented on in Interpretations 3.7)** by failing to assume full responsibility for demonstrating that the client has not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurs with the client;
- (e) In 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, dishonourable or unprofessional.

Member's Position

The Member admitted allegations (b), (c), (d) and (e) of the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

The Evidence

The evidence was tendered by way of an Agreed Statement of Facts, which set out that the parties agreed that the Panel could accept the following facts as true.

A. OVERVIEW

- 2. Now, and at all times relevant to the allegations, Ms. Karla Forgaard-Pullen (the "Member") was a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "College").
- 3. At all times relevant to the allegations, the Member was employed as a social worker with [the "Facility"].
- 4. In or about May of 2015, [the "Facility"] received a complaint from a client, [the "Client"] regarding the Member. The Client had received counseling and/or psychotherapy services from the Member as part of the Outpatient Mental Health Program at [the "Facility"] in or about the years 2008-2010. The complaint related to conduct that occurred subsequent to the termination of the therapeutic relationship at [the "Facility"].
- 5. [The "Facility"] investigated the complaint. In or about June of 2015, the Member's employment with [the "Facility"] was terminated.

B. THE CLIENT

6. The Client was a vulnerable client, suffering from both mental and physical disorders and disabilities. The Client suffered from social isolation, depression, low self-esteem and Post Traumatic Stress Disorder.
7. The Client first became a client of [the “Facility”] in 2005 and was discharged in 2015. As a client of [the “Facility”], the Client received a variety of different services, both individually and in group settings.
8. The Client initially received social work services from the Member in a group setting. When it became apparent that the Client required individual counseling and/or psychotherapy, the Member offered to provide these services.
9. The Client continued to receive services from [the “Facility”] subsequent to the termination of the therapeutic relationship with the Member at [the “Facility”].

C. THE CLIENT’S RELATIONSHIP WITH THE MEMBER SUBSEQUENT TO THE TERMINATION OF THE THERAPEUTIC RELATIONSHIP AT [THE “FACILITY”]

10. Subsequent to the termination of the therapeutic relationship at [the “Facility”], the Member initiated and engaged in a personal relationship with the Client. The Member did not reflect upon the impact that a personal relationship may have on the Client.
11. Despite characterizing the personal relationship to the Client as a “friendship”, the Member continued to provide social work services to the Client, both formally and informally, including:
 - (a) accessing the Client’s personal health record at [the “Facility”] on numerous occasions;
 - (b) providing a referral to the Client to [an “Association”] for agency housing assistance and to obtain community resource information and requesting that [the “Association”] have the Client sign a release of confidentiality so that she can be kept apprised of the matter;
 - (c) making an entry on the Client’s personal health record at [the “Facility”];
 - (d) facilitating and assisting the Client with a move to a different community;
 - (e) assisting the Client with accessing cannabis for medical purposes;
 - (f) providing social support, assistance, guidance and advice to the Client regarding her family, friendships, employment, housing and community, mental health, treatment and the accessing of supports and services.

12. omitted.
13. The formation of the personal relationship occurred at a time when the Client was vulnerable and at risk and continued to access social work services from [the “Facility”] where the Member was employed. The formation of a personal relationship placed the Member in a dual relationship and conflict of interest.
14. During the course of the personal relationship, the Member engaged in a series of boundary crossing violations with the Client including:
 - (a) communicating with the Client by telephone, private e-mail, Facebook and by other electronic means in personal accounts;
 - (b) sharing deeply personal information about herself;
 - (c) meeting the Client for meals and paying for the Client;
 - (d) attending social outings with the Client;
 - (e) attending at the Client’s home;
 - (f) introducing the Client to her friends and inviting the Client to outings with the group;
 - (g) introducing the Client to her partner;
 - (h) giving and receiving gifts;
 - (i) engaging the Client to organize and arrange work files with respect to the Member’s private practice, though the Client did not perform the work;
 - (j) assisting the Client in replacing her vaporizer straw, facilitating the attainment of a medical marijuana license and discussing the possibility of the Client growing marijuana;
 - (k) facilitating and assisting the Client with a move to a different community, in part to be closer to her;
 - (l) hugging and kissing the Client on the cheek and forehead in a nonsexual nature; and,
 - (m) Telling the Client “I love you” and permitting the Client to repeatedly tell the Member that she loves her.
15. The Member additionally engaged in boundary violations when she provided social work services to the Client’s child and advocated and assisted the Client’s child in respect of the transition to a new school.

16. During the course of the personal relationship between the Member and the Client, the Member often directed the decisions of the Client and the Client became increasingly dependent on the Member, inhibiting the Client's pursuit of independence and self-determination. At the point where the relationship broke down, the Member threatened to stop helping the client where the Client refused to follow the Member's direction.
17. When the Member subsequently decided to end the friendship, the Client had a significantly adverse reaction. The Member went to her supervisor and called police after receiving numerous e-mails and attempts to communicate by the Client.

THE MEMBER'S ADMISSIONS AS TO ACTS OF PROFESSIONAL MISCONDUCT

18. The Member admits that by reason of engaging in some or all of the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*, in that:
 - (a) Withdrawn.
 - (b) The Member violated Sections 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.3, 1.5, 1.6 and 1.7) by failing to respect and facilitate self-determination in a number of ways including acting as resources for the client and encouraging the client to decide which problems to address as well as how to address them, by failing to maintain awareness of her own values, attitudes and needs and how these impact on her professional relationship with the client, by failing to distinguish her needs and interests from those of her client to ensure that her clients' needs and interests remain paramount and by failing to maintain an awareness and consideration of her employer's purpose, mandate and function as an organization and how these impact on and limit professional relationships with clients;
 - (c) The Member violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.1, withdrawn, 2.1.5, 2.2, 2.2.1, 2.2.3 and 2.2.8) by failing to be aware of her competence and professional scope of practice, by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate, by engaging in boundary violations, by engaging in a relationship that constitutes a conflict of interest or in situations in which she ought reasonably to have known that the client would be at risk in any way, by using information obtained in the course of the professional relationship and/or her professional position of authority to coerce, improperly influence or the client and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
 - (d) The Member violated Sections 2.2 of the Professional Misconduct

Regulation and Principle III of the Handbook (commented on in Interpretations 3.7) by failing to assume full responsibility for demonstrating that the client has not been coerced or manipulated intentionally or unintentionally where a personal relationship occurred with the client; and,

- (e) 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, dishonourable or unprofessional.

Decision

Having considered the admissions of the Member, the evidence contained in the Agreed Statement of Fact and the submissions of counsel, the Panel finds that the Member committed professional misconduct as alleged in paragraphs (b), (c), (d) and (e) of the Notice of Hearing. As to allegation (e), the Panel finds that the Member's conduct would reasonably be considered by members as unprofessional.

Reasons for Decision

The evidence was clear that the Member had an inappropriate relationship with a very vulnerable client, which constitutes professional misconduct in multiple ways. The Member violated multiple standards of practice of her profession. She was in a clear conflict of interest, and engaged in conduct that would reasonably be regarded by members as – at the very least – unprofessional.

The Panel carefully reviewed and considered the Agreed Statement of Fact and was satisfied that the evidence proves on a balance of probabilities that the Member committed professional misconduct as set out in the Notice of Hearing. The most convincing evidence is the Member's admissions of misconduct. Based on the evidence, the Panel was satisfied that the Member failed to assume full responsibility for demonstrating that, in circumstances where a personal relationship had occurred, the Client had not been coerced or manipulated intentionally or unintentionally. The evidence established that the Member failed to maintain appropriate professional boundaries between herself and her client, failed to set and evaluate goals in the professional relationship, and failed to distinguish her needs and interests from those of her client.

Penalty Submission

The parties were in agreement on the issue of penalty, and jointly proposed that this Panel make an order as follows.

1. The Member shall be reprimanded in person 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 eight (8) months, the first four (4) months of which shall be served commencing on the date of the Discipline Committee's Order herein. Upon completion of those first four (4) months of the suspension, the remaining four (4) months of the suspension shall be suspended for a period of two (2) years, commencing on the date of the Discipline Committee's Order herein. The remaining four (4) months of the suspension shall be remitted on the expiry of that two year period if (on or before the second anniversary of the Discipline Committee's Order herein) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3(a) and (b) below.¹ For greater clarity, the terms and conditions imposed under paragraph 3 below will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, 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 and conditions.
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, requiring the Member to:
 - (a) at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within four (4) months from the date of the Order;
 - (b) at her own expense², engage in psychotherapy as directed by a therapist, approved by the Registrar of the College, which must include a minimum of 14 sessions³ that must be completed within two (2) years of the Order herein, with written reports as to the substance of the psychotherapy and the progress of the Member to be provided to the College by the therapist after sessions 7 and 14. Before session 1, the Member must provide to the

¹ If the Member fails to comply with condition 3(a), the Member shall serve two (2) of the remaining four (4) months of the suspension, commencing immediately after the end of the mandatory four (4) month suspension. If the Member fails to comply with condition 3(b), the Member shall serve two (2) of the remaining four (4) months of the suspension, commencing two years after the end of the mandatory four (4) month suspension.

² For clarity, all aspects of the psychotherapy, including the obligation of the psychotherapist to review College materials and to provide reports to the College, are at the expense of the Member.

³ For clarity, of the 14 sessions, at least half must be conducted in person. The remainder of the sessions may be conducted by electronic means.

approved therapist the Notice of Hearing as well as the Agreed Statement of Fact and Joint Submission as to Penalty and provide written confirmation, signed by the therapist, of receipt of these documents to the Registrar within 15 days of the beginning of the psychotherapy. The Member must subsequently provide the final decision of the Discipline Committee to the approved therapist within 72 hours of receiving it.. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two (2) year period, direct that the psychotherapy be discontinued.

- (c) at her own expense⁴, receive supervision of her social work practice with an approved member of a Regulated Health Profession for a period of two (2) years from the date at which the Member returns to practice from the mandatory four (4) month suspension. The approved supervisor must provide two written reports to the Registrar, at months 12 and 24, providing details of the supervision with a specific focus on ensuring professional boundaries are being maintained in the Member's practice. The Member must provide to the approved supervisor (and any other approved supervisor pursuant to section (c) or (d) of the Joint Submission as to Penalty) the final decision of the Discipline Committee and must provide written confirmation, signed by the supervisor, of receipt of the documents to the Registrar within 15 days of returning to practice under supervision (and within 15 days of the approval of any subsequent supervisor). In the event that the Member operates a private practice, the Member must seek consent from prospective clients to share personal health information with her supervisor in order to allow the supervisor to review client files and engage in review.⁵

- (d) in the event that the Member obtains future employment engaging in activities that fall within the social work scope of practice during the two (2) years following the date that the Member is able to return to practice after her mandatory suspension:
 - (i) At least 72 hours prior to resuming practice, the Member shall advise the Registrar of the name and address of her employer, the position in which she will be working and the start date;

 - (ii) At least 72 hours prior to resuming practice, the Member shall advise the Registrar of the name of the person who will be providing supervision of her social work practice within her place of employment;

⁴ For clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

⁵ For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

- (iii) the Member shall receive supervision of her social work practice within her place of employment, from the supervisor identified to the Registrar, for a period of 2 years;
 - (iv) if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her new supervisor;
 - (v) Forthwith upon completion of the supervision referred to above, in subparagraphs 3(d)(i)-(iv), the Member shall provide to the Registrar written confirmation from her supervisor(s) of such completion.^{6, 7}
4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media related format that is provided to the public and is deemed appropriate by the College.
5. The Member shall pay costs to the College in the amount of \$2,500 to be paid in accordance with the following schedule:
- (a) \$500 to be paid within 120 days of the completion of the mandatory four (4) month period of suspension;
 - (b) \$500 to be paid within 180 days of the completion of the mandatory four (4) month period of suspension;
 - (c) \$500 to be paid within 240 days of the completion of the mandatory four (4) month period of suspension;
 - (d) \$500 to be paid within 300 days of the completion of the mandatory four (4) month period of suspension; and
 - (e) \$500 to be paid within 360 days of the completion of the mandatory four (4) month period of suspension.

⁶ For greater clarity, the Member must receive a total of two (2) years of supervision in either private practice or in a workplace environment to be in compliance with the provisions of subparagraph 3(c) and 2(d). If at any time the Member ceases to practice in either private practice or in a workplace, the supervision period will stop running and will resume when her new employment or private practice supervision commences. The member cannot fulfill the supervision requirement by refraining from engaging in the practice of social work for a 2-year period. The supervision condition will run continuously until a total of two (2) years of supervision has been completed and the Member cannot practice without supervision until the term is completed.

⁷ If the Member is unable to meet the terms, conditions, and limitations hereby imposed upon her, then she is to contact the Registrar of the College within 14 days of discovering that the terms, conditions and limitations cannot be satisfied and advise the Registrar of the same.

In the event that either of the first two payments are not made in accordance with the schedule, the entire amount outstanding becomes immediately due.

Although the written Proposed Penalty specifically indicated that the reprimand would be delivered “in person”, the Member appeared by teleconference at the hearing. The Panel did not know in advance that the Member would be appearing by teleconference, and no one on the Discipline Committee had approved it. Counsel for the Member asked that the Member be permitted to receive her reprimand over the phone, as she lived in the [location in Ontario] area, and travelling to Toronto might impose a financial hardship on her. No specific evidence of hardship was presented to the Panel. The College took no position on this aspect of the penalty.

Counsel for the College submitted that the Panel must consider the reasonableness of the joint submission on penalty in view of three principles: specific deterrence (does the penalty ensure that the Member does not commit the same offence again?); general deterrence (does the penalty send a message to other Members that a similar fate will await them for similar conduct?); and rehabilitation (does the penalty attempt rehabilitation of the Member?). The joint submission on penalty includes a suspension of eight months, four of which must be served – that is a very significant penalty for non-sexual misconduct and non-sexual boundary violations by a member of this College. The proposed penalty also calls for an in-person reprimand, which allows the Panel to dialogue with the Member and voice its disapproval. The components of supervision and psychotherapy are remedial. The fact that the proposed penalty requires publication is important, as it serves both a specific and general deterrence function of “public shaming”. It shows the public and the profession that the College is willing and able to discipline its members.

College counsel directed the Panel to two decisions from the Discipline Committee of this College (Michell, June, 2016 and Corbett, December, 2016) and one of the College of Nurses (Parke, 2009). Those cases demonstrate a range of penalties for non-sexual boundaries from a twelve-month suspension (six months served) on the high end to an eight-month suspension (four months served) on the low end. These cases involved similar allegations. Although no two cases are exactly alike, the penalty sought in this cases falls within the range of those similar cases.

College counsel noted that the College, the profession and the complainant derived a benefit from the fact that the Member agreed to proceed by way of agreed statement of facts and joint submission on penalty. Finally, he argued that the Panel can have confidence that the joint submission is within the reasonable range, as both parties are represented by experienced counsel.

College counsel relied on the decision *R v Anthony-Cook* (2016), SCC 43, [2016] 2 S.C.R. 204 for the principle that the Panel should not reject a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

Counsel for the Member echoed and reiterated that the joint submission and penalty was reasonable. He highlighted the mitigating factors in this case: there have been no prior complaints or discipline findings against the Member; and the Discipline procedure itself is a weighty deterrence. The Member cooperated with the College, participated fully from day one and accepted responsibility by agreeing to a joint submission on penalty. She has full insight and understanding of the issues. As a result of her cooperation, the College avoided the cost of a contested hearing. There is no evidence of any sexual misconduct.

The Member's counsel concurred that the jointly proposed penalty achieves the objectives of specific deterrence and general deterrence, as well as rehabilitation and that it falls within the range of reasonable outcomes in the circumstances of this case.

Penalty Decision

Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel orders as follows.

1. The Member shall be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register. The Member is to be reprimanded in person on a date to be scheduled within three months of June 30, 2017, unless the Member can present evidence satisfactory to the Registrar that attending for a reprimand in person in Toronto would be an undue hardship. In that case, the reprimand will be delivered via teleconference on a date to be scheduled.

2. The Registrar shall be directed to suspend the Member's Certificate of Registration for a period of eight (8) months, the first four (4) months of which shall be served commencing on the date of the Discipline Committee's Order herein. Upon completion of those first four (4) months of the suspension, the remaining four (4) months of the suspension shall be suspended for a period of two (2) years, commencing on the date of the Discipline Committee's Order herein. The remaining four (4) months of the suspension shall be remitted on the expiry of that two year period if (on or before the second anniversary of the Discipline Committee's Order herein) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3(a) and (b) below.⁸ For greater clarity, the terms and conditions imposed under paragraph 3 below will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, 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 and conditions.

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, requiring the Member to:

- (a) at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within four (4) months from the date of the Order;

⁸ If the Member fails to comply with condition 3(a), the Member shall serve two (2) of the remaining four (4) months of the suspension, commencing immediately after the end of the mandatory four (4) month suspension. If the Member fails to comply with condition 3(b), the Member shall serve two (2) of the remaining four (4) months of the suspension, commencing two years after the end of the mandatory four (4) month suspension.

- (b) at her own expense⁹, engage in psychotherapy as directed by a therapist, approved by the Registrar of the College, which must include a minimum of 14 sessions¹⁰ that must be completed within two (2) years of the Order herein, with written reports as to the substance of the psychotherapy and the progress of the Member to be provided to the College by the therapist after sessions 7 and 14. Before session 1, the Member must provide to the approved therapist the Notice of Hearing as well as the Agreed Statement of Fact and Joint Submission as to Penalty and provide written confirmation, signed by the therapist, of receipt of these documents to the Registrar within 15 days of the beginning of the psychotherapy. The Member must subsequently provide the final decision of the Discipline Committee to the approved therapist within 72 hours of receiving it.. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two (2) year period, direct that the psychotherapy be discontinued.
- (c) at her own expense¹¹, receive supervision of her social work practice with an approved member of a Regulated Health Profession for a period of two (2) years from the date at which the Member returns to practice from the mandatory four (4) month suspension. The approved supervisor must provide two written reports to the Registrar, at months 12 and 24, providing details of the supervision with a specific focus on ensuring professional boundaries are being maintained in the Member's practice. The Member must provide to the approved supervisor (and any other approved supervisor pursuant to section (c) or (d) of the Joint Submission as to Penalty) the final decision of the Discipline Committee and must provide written confirmation, signed by the supervisor, of receipt of the documents to the Registrar within 15 days of returning to practice under supervision (and within 15 days of the approval of any subsequent supervisor). In the event that the Member operates a private practice, the Member must seek consent from prospective clients to share personal health information with her supervisor in order to allow the supervisor to review client files and engage in review.¹²
- (d) in the event that the Member obtains future employment engaging in activities that fall within the social work scope of practice during the two (2) years following the date that the Member is able to return to practice after her mandatory suspension:

⁹ For clarity, all aspects of the psychotherapy, including the obligation of the psychotherapist to review College materials and to provide reports to the College, are at the expense of the Member.

¹⁰ For clarity, of the 14 sessions, at least half must be conducted in person. The remainder of the sessions may be conducted by electronic means.

¹¹ For clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

¹² For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

- (i) At least 72 hours prior to resuming practice, the Member shall advise the Registrar of the name and address of her employer, the position in which she will be working and the start date;
- (ii) At least 72 hours prior to resuming practice, the Member shall advise the Registrar of the name of the person who will be providing supervision of her social work practice within her place of employment;
- (iii) the Member shall receive supervision of her social work practice within her place of employment, from the supervisor identified to the Registrar, for a period of 2 years;
- (iv) if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her new supervisor;
- (v) Forthwith upon completion of the supervision referred to above, in subparagraphs 3(d)(i)-(iv), the Member shall provide to the Registrar written confirmation from her supervisor(s) of such completion.^{13, 14}

4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media related format that is provided to the public and is deemed appropriate by the College.

5. The Member shall pay costs to the College in the amount of \$2,500 to be paid in accordance with the following schedule:

- (a) \$500 to be paid within 120 days of the completion of the mandatory four (4) month period of suspension;
- (b) \$500 to be paid within 180 days of the completion of the mandatory four (4) month period of suspension;

¹³ For greater clarity, the Member must receive a total of two (2) years of supervision in either private practice or in a workplace environment to be in compliance with the provisions of subparagraph 3(c) and 2(d). If at any time the Member ceases to practice in either private practice or in a workplace, the supervision period will stop running and will resume when her new employment or private practice supervision commences. The member cannot fulfill the supervision requirement by refraining from engaging in the practice of social work for a 2-year period. The supervision condition will run continuously until a total of two (2) years of supervision has been completed and the Member cannot practice without supervision until the term is completed.

¹⁴ If the Member is unable to meet the terms, conditions, and limitations hereby imposed upon her, then she is to contact the Registrar of the College within 14 days of discovering that the terms, conditions and limitations cannot be satisfied and advise the Registrar of the same.

- (c) \$500 to be paid within 240 days of the completion of the mandatory four (4) month period of suspension;
- (d) \$500 to be paid within 300 days of the completion of the mandatory four (4) month period of suspension; and
- (e) \$500 to be paid within 360 days of the completion of the mandatory four (4) month period of suspension.

In the event that either of the first two payments are not made in accordance with the schedule, the entire amount outstanding becomes immediately due.

Reasons for Penalty Decision

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 the joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

This Panel finds that the joint penalty proposed is reasonable, ensures the maintenance of high professional standards, and serves and protects the interest of the public. The Panel considered the aggravating and mitigating circumstances submitted by both counsel. In addition, the Panel considered the fact that that the Member, understanding the serious nature of the allegations that have been made against her, cooperated with the College, agreed to the facts, voluntarily admitted to the allegations of misconduct, and accepted responsibility for her actions.

The penalty provides both specific and general deterrence to demonstrate to the Member and members of the profession that engaging in similar misconduct is unacceptable. The publication of this decision (including a summary on the College website and the terms of the order on the College Register) will further communicate a clear message to the membership that conduct of this nature is intolerable. The verbal, in-person reprimand administered to the Member by her peers will be recorded on the Register. The penalty also has a rehabilitative function, including the need for the Member to participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within four (4) months from the date of the Order. Further the penalty requires the Member to engage in psychotherapy as directed by a therapist who is approved by the Registrar of the College. The psychotherapy must include a minimum of 14 sessions and must be completed within two years of the of the Order. Written reports must be provided to the College by the therapists on the Member's progress after sessions 7 and 14. If the Member chooses to practice in her profession after her mandatory suspension has been served, she must receive supervision of her social work practice, as prescribed.

I, Mukesh Kowlessar, sign this Decision as Chairperson of the panel and on behalf of the panel members listed below.

Date: _____

Signed: _____

Mukesh Kowlessar
Judy Gardner
Lisa Foster