



On August 3, 2022 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

**ONTARIO COLLEGE OF SOCIAL WORKERS  
AND SOCIAL SERVICE WORKERS**

**IN THE MATTER OF** Sections 26 and 28 of the *Social Work and Social Service Work Act*, 1998, S.O. 1998, Chapter 31;

**AND IN THE MATTER OF** a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act*, 1998;

**AND IN THE MATTER OF** allegations respecting the professional conduct of Maryana St. Hiliare, a Social Worker and member of the said College;

**NOTICE OF HEARING**

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "**Act**") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Maryana St. Hiliare, which allegations were referred to the Discipline Committee pursuant to section 25(1), of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**")<sup>1</sup>.

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<sup>1</sup> By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

**I. The following are particulars of the said allegations:**

1. Now and at all times relevant to the allegations, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the “**College**”). At all relevant times, you provided social work services to clients through your employment at Ottawa Community Immigrant Services Organization (“**OCISO**”).
2. Between approximately September 2018 and at least October 2019, you provided social work services at OCISCO to Client “XX” Those services included counselling.
3. Between approximately September 2018 and at least October 2019, you violated professional boundaries and engaged in behaviour that was not of a clinical nature appropriate to the service provided. In particular, you engaged in some or all of the following behaviour:
  - (a) Gave “XX” your personal phone number and encouraged “XX” to contact you at that number any time;
  - (b) Disclosed the details of cancer diagnoses relating to you, which details may have been embellished, exaggerated, or untrue;
  - (c) Repeatedly exchanged text messages with “XX” in which you shared details relating to your personal health;
  - (d) Did not set appropriate professional boundaries or otherwise dissuade “XX” when she sent you text messages inquiring about your health and offering to bring you food;
  - (e) Spent an inordinate amount of time during your appointments with “XX” speaking about yourself and your own life, in a manner that was not clinically appropriate;
  - (f) Disclosed, during an appointment with “XX”, the details of a personal trauma that may have been embellished, exaggerated, or untrue; and/or
  - (g) Accepted gifts from “XX”
4. In and around August 2019, you charged and accepted a fee in exchange for preparing an unauthorized report (the “**Report**”). In particular:
  - (a) At all relevant times you either knew, or ought to have known, OCISO’s policies, guidelines, and practices relevant to the drafting of reports on behalf of clients;
  - (b) On or about August 8, 2019, you told “XX” that you would prepare a Report in support of a stomach stapling procedure for “XX”, notwithstanding that OCISO does not prepare reports of this nature;
  - (c) On or about August 8 and 9, 2019, you advised “XX” that you would charge her \$250 for the Report, being a 50% discount, notwithstanding that OCISO does not charge either \$250 or \$500 for its reports;
  - (d) On or about August 11, 2019, you advised “XX” that you would deliver the Report to your “supervisor” for review. Nevertheless, at no time did you advise OCISO management of your offer to provide “XX” with the Report, provide the Report to your supervisor for review, or seek authorization for the Report in accordance with OCISO policies, guidelines, and practices;

- (e) On or about August 19, 2019, you drafted the Report and provided it to “XX” in exchange for \$250 cash;
  - (f) You did not provide “XX” with a computer-generated receipt in accordance with OCISO’s policies, guidelines, and practices. Instead, you provided “XX” with a generic receipt;
  - (g) You did not leave a copy or other record of the Report in “XX”’s file; and/or
  - (h) You did not deliver “XX”’s \$250 fee to OCISO’s finance department.
5. On or about August 31, 2020, “XX” contacted OCISO about the Report. You denied to OCISO that you had drafted the Report for “XX”
  6. On or about August 31, 2020, you telephoned “XX” During that conversation, you offered to repay “XX” the \$250 charge for the Report and discouraged her from communicating further with OCISO.

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

- (a) In that you violated **Section 2.2 of the Professional Misconduct Regulation** and
  - (i) **Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7)** by failing to be aware of your values, attitudes and needs and how those impact on your professional relationship with clients; by failing to distinguish your needs and interests from those of your clients to ensure that, within your professional relationship, clients’ needs and interests remained paramount; and, while employed by an organization, by failing to maintain an awareness and consideration of the purpose, mandate and function of that organization and how these impact on and limited professional relationships with clients;
  - (ii) **Principle II of the Handbook (commented on in Interpretations 2.1.1, 2.1.3, 2.1.4, 2.2, 2.2.1(ii), 2.2.3, 2.2.4, and 2.2.8)** by:
    - (A) failing to be aware of the extent and parameters of your competence and professional scope of practice and to limit your practice accordingly;
    - (B) failing to refer a client whose needs fell outside your usual area of practice to another professional and instead by providing services beyond your professional scope of practice;
    - (C) failing to maintain current knowledge of policies, programs and issues related to the community, its institutions and services in your areas of practice;
    - (D) failing to ensure that any professional recommendations or opinions provided by you are appropriately substantiated by evidence and supported by a credible body of professional knowledge;
    - (E) failing to ensure clients are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship;

(F) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client would be at risk;

(G) using information obtained in the course of a professional relationship and/or using your professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client, former client, student, trainee, employee, colleague or research subject;

(H) soliciting or using information from clients to acquire, either directly or indirectly, advantage or material benefits; and

(I) engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work; and

(iii) **Principle III of the Handbook (commented on in Interpretation 3.1, 3.8)** by failing to provide your client with accurate and complete information regarding the extent, nature, and limitations of any services available to them; and by providing a service that you knew or ought reasonably have known was not likely to benefit your client;

(iv) **Principle IV of the Handbook (commented on in Interpretation 4.1.2)** by making a statement in a report in the course of practising the profession that you knew or ought reasonably to have known was false, misleading, inaccurate or otherwise improper; and/or

(v) Sections 3 and 5 of the **Code of Ethics** by:

(A) failing to carry out your professional duties and obligations with integrity and objectivity; and by

(B) exploiting your relationship with a client for personal benefit, gain, or gratification;

(b) In that you violated **Section 2.6 of the Professional Misconduct Regulation** in that you used information obtained during a professional relationship with a client and/or your professional position of authority to coerce, improperly influence, harass or exploit a client or former client;

(c) In that you violated **Section 2.24 of the Professional Misconduct Regulation** by submitting an account or charge for services that you knew to be false or misleading;

(d) In that you violated **Section 2.25 of the Professional Misconduct Regulation** by charging a fee that is excessive in relation to the service performed;

(e) In that you 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.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the 4<sup>th</sup> day of August, 2022.

By: \_\_\_\_\_ Registrar and CEO  
Ontario College of Social Workers and Social Service Workers