

THE MATTER OF THE HEALTH PROFESSIONS ACT, R.S.A.
2000, c.H-7;

AND IN THE MATTER OF A HEARING INTO THE
CONDUCT OF [REDACTED], A MEMBER OF THE ALBERTA
COLLEGE OF SOCIAL WORKERS;

AND INTO THE MATTER OF A COMPLAINT BY [REDACTED]
INTO THE CONDUCT OF [REDACTED] PURSUANT TO
5.77(a) OF THE HEALTH PROFESSIONS ACT

REASONS FOR DECISION

Pursuant to a public hearing held on December 2, 2015 at the *Edmonton* offices of *Parlee McLaws*, Barristers and Solicitors, the Alberta College of Social Workers Hearing Tribunal is issuing its reasons for decision.

A hearing into the conduct of [REDACTED] was held on *December 2, 2015* pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the "Act").

The members of the Hearing Tribunal were:

Stanley Haroun, RSW, Chair
Janet Neilson, RSW
Richard Ouellet, RSW
Larry Loven, Public Member

The hearing was a public hearing pursuant to s. 78 of the Act.

CONSENT ORDER

The investigated member [REDACTED] provided a written admission of unprofessional conduct to the Hearing Tribunal dated *December 2, 2015* pursuant to s. 70(1) of the Act.

The Hearing Tribunal unanimously accepts all of the admissions of the investigated member as found in his Admission of Unprofessional Conduct and the Consent Order that articulates the Agreed Findings of Fact.

The allegations in the Notice of Hearing arise from a complaint by [REDACTED], dated December 15, 2014.

The allegations in the Notice of Hearing are as follows:

1. That you failed to use appropriate assessment tools to assess risk for suicidal client.
2. That you utilized an unapproved suicide intervention tool of your own design.
3. That you delegated the task of administering the suicide risk assessment to an untrained individual.
4. That you failed to properly read the suicide assessment test undertaken on M in December 2013.
5. That you provided a professional opinion with respect to M's clinical condition without ever having seen M directly.
6. That you failed to ensure proper follow-up with respect to the assessment of M and CM.
7. That you failed to involve external resources in order to assist in intervention with M and CM prior to suicides.
8. That you failed to ensure that support with respect to M's suicide was properly implemented in January 2014.
9. That you failed to consult with your colleagues either on an external or internal supervisor basis with respect to M until after he had committed suicide.
10. That you undertook interactions with clients when you failed to have the appropriate level of professional clinical knowledge to proceed. Specifically you failed to have any clinical assessment or intervention practice model upon which you based your assessments and treatment.
11. That you failed to obtain or receive appropriate supervision.
12. That you failed to maintain appropriate standard with respect to the completion of your clinical records.

The hearing proceeded on December 2, 2015

The Hearing Tribunal heard from the following witnesses at the Hearing: [REDACTED]

Karen Smith, Council for the ACSW

Sheryl Pearson, Complaint Director for the ACSW

The following documents were accepted as Exhibits at the Hearing:

1. *Notice of hearing*
2. *Notice to attend*
3. *Investigation report*
4. *Affidavit of service*
5. *Admission of unprofessional conduct*
6. *Consent order*
7. *Binder of material provided by [REDACTED]*

Findings of unprofessional conduct

Inappropriate conduct/ professionalism

Clinical Competency

1. That [REDACTED] utilized an unapproved suicide intervention tool of his own design.

Such conduct contravenes s. B2 (c) , B.6 (a), E.1 (ii)(v) of the Standards of Practice 2013 and Value 6 of the Code of Ethics and consequently such conduct constitutes unprofessional conduct as defined in S.1(1) (pp) (i) (ii) of the *Health Professions Act*.

2. That [REDACTED] delegated the task of administering the suicide risk assessment to an untrained individual.

Such conduct is a contravention of s. B2 (b)(i) of the Standards of Practice 2013 and Value 6 of the Code of Ethics and such actions constitutes unprofessional conduct as defined in S.1(1) (pp) (i) (ii) of the *Health Professions Act*.

3. That [REDACTED] provided a professional opinion with respect to M's clinical condition without ever having seen M directly.

Such conduct constitutes unprofessional conduct.

4. That [REDACTED] failed to ensure proper follow-up with respect with respect to the assessment of M.

Such conduct constitutes unprofessional conduct.

5. That [REDACTED] failed to involve external resources in order to assist in the intervention with M and CM prior to the suicides.

Such conduct constitutes unprofessional conduct.

6. That [REDACTED] failed to consult with his colleagues either on an external or internal supervisor basis with respect to M until after he had committed suicide.

Such conduct constitutes unprofessional conduct.

7. That [REDACTED] undertook interactions with clients when he failed to have the necessary clinical knowledge and skills to proceed.

Such conduct constitutes unprofessional conduct.

Conduct indicated in 3, 4, 5, 6, and 7 contravenes s.B.2(c), B.7(a), B.10(a), B.11(a), E.1(a)(ii)(v), G(b)(ii)9III0(vi)9VIII0(c)(3) of the standard of practice 2013 and value 4 and 6 of the code of ethics 2005 and in accordance with the Health Professions Act such conduct constitutes unprofessional conduct.

Supervision

8. That [REDACTED] failed to obtain or receive appropriate supervision.

Such conduct contravenes s.G.1(b)(g) of the Standards of Practice 2013 and Value 6 of the Code of Ethics 2005 and in accordance with the Health Professions Act such conduct constitutes unprofessional conduct.

Records

9. That [REDACTED] failed to maintain an appropriate standard with respect to the completion of his clinical records.

Such conduct contravenes s.D.2(a)(d)(f), D.4(c) of the Standards of Practice 2013 and Value 6 of the Code of Ethics 2005 and in accordance with the Health Professions Act such conduct constitutes unprofessional conduct.

REASONS FOR DECISION ON SANCTION

As noted earlier in this decision [REDACTED] attended the Hearing and in addition to providing a signed consent order offered the Hearing Panel with a sincere acknowledgement of his professional shortcomings that were identified in the Complaint. As a result of the findings of the Hearing Tribunal with respect to allegations of unprofessional conduct, and on the basis of [REDACTED] Admission of Unprofessional Conduct and Agreed Statement of Facts, signed on November 27, 2015, the Hearing Tribunal accepts [REDACTED] agreement with a Consent Order, signed December 2, 2015 in accordance with s. 82 of the Act.

The Hearing Tribunal orders that the appropriate sanctions in the circumstances of this matter are as follows:

1. A Reprimand shall be issued as against [REDACTED]. The Hearing Tribunal's written decision shall serve as the reprimand.

This sanction serves as a reminder to [REDACTED], and addresses the objective of individual deterrence and satisfies the "fairness test" when compared to sanctions imposed on other members for similar unprofessional conduct.

2. [REDACTED] shall be suspended from practice of social work for a period of one (1) month, retroactive to November 2014.

This sanction reflects the seriousness of [REDACTED] unprofessional conduct and serves to protect the public.

3. [REDACTED] practice of social work shall be restricted and he shall be prohibited from providing individual clinical counselling services to clients. This does not restrict [REDACTED] from undertaking his professional responsibilities as they presently exist in the modified form with his employer. The restriction on the practice shall remain in place until [REDACTED] has completed the provisions of this consent order relating to continuing education in paragraphs 4(i) and 4(ii) therein.

This sanction serves to protect the public from further unprofessional conduct by the member. The member will be restricted and prohibited from providing clinical services until he has completed the continuing education courses approved by the Complaint Director.

4. [REDACTED] shall be required to successfully complete, within the time frame set out below, the following continuing education obligations:

- i. [REDACTED] shall be required to complete a clinical records keeping course within (6) months of the date of this order.
- ii. [REDACTED] shall be required to complete a continuing education course through the University of Calgary Faculty of Social Work course entitled "Clinical Foundations" offered in the period May-June 2016 or another similar course approved by the Complaint Director; and
- iii. [REDACTED] shall be required to complete a further clinical practice course, relating to risk management or more specialized area relating to clinical practice subsequently to successfully completing the Clinical Foundations course referred to above.

All continuing education obligations are at the cost of [REDACTED] and to be approved by the Complaints Director prior to enrolling in the course.

The above sanctions are meant to up-grade the member's competencies so that he can serve the public in a more competent and complete professional manner. He will be expected to improve his clinical records, clinical skills, risk assessment and risk management. This up-grading of the member's skills will serve to maintain the integrity of the social work profession and to protect the public from unskilled practices.

5. [REDACTED] social work practice shall be subject to supervision for a period of two (2) years from the date of this order, the cost of which will be the responsibility of [REDACTED]. The supervision will be within or outside the context of [REDACTED] employment. The supervisor shall be approved by the ACSW and the ACSW shall be entitled to such reporting and disclosure from the supervisor as the ACSW deems necessary from time to time.

The above sanction services to supervise the member's practice and to ensure his compliance with the standards of practice and the code of ethics of the ACSW. This will also serve to maintain the integrity of the profession of social work and to protect the public.

6. [REDACTED] shall attend six (6) sessions with a senior practitioner approved by the ACSW within one (1) year of the date of this Order. The cost shall be the responsibility of [REDACTED]. The ACSW shall be entitled to disclosure as required by the practitioner as required.

This sanction will act as a tool to provide a senior practitioner and a mentor to [REDACTED] to guide him and have him reflect on his practice and ensure a measure of rehabilitation. This will serve to provide a level of supervision to [REDACTED] and as such provide a level protection to the public and maintain the integrity of the profession.

7. [REDACTED] shall pay costs in the amount of \$2,000.00, such costs shall be payable over two (2) year period from the date of this Order.

This sanction acts as a form of deterrence to other social workers who may engaging in unprofessional conduct. It is a fair sanction in that it defrays a small portion of the costs to the ACSW who has to pay for the Investigation and Lawyer's fees for regulatory activities. Members of the ACSW pay fees and these fees pay for regulatory activities.

8. If the Complaints Director deems there to be a violation of these orders, as unilaterally deemed by the Complaints Director, [REDACTED] shall, upon notice by the Complaints Director, be suspended from the practice of social work pending a hearing into allegations of unprofessional conduct resulting from the breach of this Order. The Complaints Director shall maintain this discretion until such time as all provisions of these Orders are satisfied.

This sanction serves to protect the public by giving authority to the ACWS to govern a member found in breach of the standards of professional conduct and to enforce other sanctions as given in this Order.

9. This order shall be published on a no names basis.

This sanction serves as a deterrent to members of the ACSW regarding the seriousness of the finding of unprofessional conduct, and provides a case example by which the standards of professional practice are to be held.

A handwritten signature in black ink, appearing to be 'HH' or similar initials, enclosed within a large, loopy oval shape.

Stanley Haroun, RSW Chair, Hearing Tribunal