

**IN 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 PW, DP,
NM. INTO THE CONDUCT OF [REDACTED] PURSUANT
TO S. 77(a) OF THE HEALTH PROFESSIONS ACT**

REASONS FOR DECISION

Pursuant to the public hearing held on December 6, 2016 at the Edmonton offices of Parlee McLaws, LLP, the Alberta College of Social Workers Hearing Tribunal is issuing its reasons for decisions.

A hearing into the conduct of [REDACTED] was held on December 6, 2016 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, Chair

Mary Berube

Joyce Crandall

Peter Bowal, 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 November 17, 2016, pursuant to s. 70(1) of the Act.

WITH RESPECT TO THE COMPLAINT 15.23 (BY P.W.)

Professionalism

1. That my interactions with the client subsequent to the late client appointment led the client to perceive that I was focused thereafter on the issue of my own concerns rather than the client impact.
2. That I failed to properly document the missed appointment, my subsequent communications with the client and/or my attempts to contact the client on the client file.
3. That I failed to disclose the issue of the missed client appointment to my supervisor, PW.

Such conduct contravenes ss. F.1(a), G.1(b)(i), B.2(c), E.1 of the Alberta College of Social Workers (ACSW) Standards of Practice 2013, Value 4 of the Canadian Association of Social Workers (CASW) Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Client Records

4. That in 2015 I failed to initiate or maintain appropriate client records.

Such conduct contravenes ss. D.2(a)(d) of the ACSW Standards of Practice 2013, Value 4 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

WITH RESPECT TO THE COMPLAINT 15.48 (BY D.P.) and 15.62 (BY N.M.)

Professionalism

5. That I made comments to a client during a session in relation to her sexual experience which had a negative impact on the client.
6. That I demonstrated a lack of judgement in recommending a client create a profile on “Plenty of Fish” as a therapeutic intervention.
7. That I inappropriately asserted that I could have an impact on AISH applications by my communications with that department.
8. That I made misguided comments to a client intending to bolster her confidence but which had a negative impact on the client.

Such conduct contravenes ss. F.1(e), B.2(c) of the ACSW Standards of Practice 2013, Value 4 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Confidential Documentation

9. That I failed to maintain client confidentiality by maintaining client records in unlocked file cabinets.

Such conduct contravenes ss. D.5(a) of the ACSW Standards of Practice 2013, Value 5 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

The Hearing Tribunal accepts all of the admission of the investigated member.

The allegations in the Notice of Hearing arise from a complaint from [REDACTED], dated April 20, 2015.

The allegations in the Notice of Hearing are as follows:

WITH RESPECT TO THE COMPLAINT 15.23 (BY P.W.)

Professionalism

10. That on or about January 16, 2015, you failed to, without a reasonable excuse; attend at an appointment with a client which directly impacted client care.
11. That you made efforts to communicate with the client in respect of the missed appointment on the basis that you were concerned about your employment being terminated.
12. That your interactions with the client subsequent to the missed client appointment were focused thereafter on the issue of your own concerns rather than the client impact.
13. That you failed to properly document the missed appointment, your subsequent communications with the client and/or your attempts to contact the client on the client file.
14. That you failed to disclose the issue of the missed client appointment to your supervisor, PW.

Such conduct contravenes ss. F.1(a), G.1(b)(i), B.2(c), E.1 of the ACSW Standards of Practice 2013, Value 4 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Client Records

15. That you failed to initiate or maintain appropriate client records.

Such conduct contravenes ss. D.2(a)(d) of the ACSW Standards of Practice 2013, Value 4 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Such further and other allegations of unprofessional conduct as may be heard at the Hearing of this matter and upon which you shall be provided notice.

WITH RESPECT TO THE COMPLAINT 15.48 (BY D.P.) and 15.62 (BY N.M.)

Professionalism

16. That you made inappropriate comments to a client during a session in relation to her sexual experience which had a negative impact on the client.

17. That you appeared to maintain a focus on assisting clients with AISH applications when that was not an appropriate use of the mental health services of your department.
18. That you asserted that you could have an impact on AISH applications by your communications with that department.
19. That you made representations to a client as to being “a trophy wife” which had a negative impact on the client.

Such conduct contravenes ss. F.1(e), B.2(c) of the ACSW Standards of Practice 2013, Value 4 of the ACSW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Confidential Documentation

20. That you failed to maintain client confidentiality by maintaining client records in unlocked file cabinets.
21. That you failed to ensure proper follow-up with the clients on your client files for which you were responsible.

Such conduct contravenes ss. D.5(a) of the ACSW Standards of Practice 2013, Value 5 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

The Hearing proceeded on December 6, 2016.

The Hearing Tribunal heard from the following witness:

[REDACTED]

Present at the Hearing:

[REDACTED]

Karen Smith, Legal Counsel for ACSW
Sheryl Pearson, Complaints Director, ACSW

The following documents were accepted as Exhibits at the Hearing:

Notice of Hearing
Notice to Attend
Investigator’s Report
Statutory Declaration
Admission of Unprofessional Conduct
Consent Order

General Findings of Fact:

██████ has been a registered social worker with the Alberta College of Social Workers (ACSW) since 2008. At the time of the report, ██████ was a social worker with Community Mental Health – Adult Therapy services, Alberta Mental Health Red Deer (AMS).

The following conduct contravenes ss. F.1(a), G.1(b)(i), B.2(c), E.1 of the ACSW Standards of Practice 2013, Value 4 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s.1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Professionalism

- 1) ██████ interactions with the client subsequent to a late client appointment led the client to perceive that he was focused thereafter on the issue of his own concerns rather than the client impact.
- 2) That ██████ failed to properly document the missed appointment, his subsequent communications with the client and/or his attempt to contact the client on the client file.
- 3) That ██████ failed to disclose the issue of the missed client appointment to his supervisor, PW.

The following conduct contravenes ss. D.2 (a)(d) of the ACSW Standards of Practice (2013, Value 4 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Client Records

- 4) That in 2015 ██████ failed to initiate or maintain appropriate client records.

The following conduct contravenes ss. F.1(e), B.2(c) of the ACSW Standards of Practice 2013, Value 4 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

- 5) That ██████ made comments to a client during a session in relation to her sexual experience which had a negative impact on the client.
- 6) That ██████ demonstrated a lack of judgement in recommending a client create a profile on “Plenty of Fish” as a therapeutic intervention.
- 7) That ██████ inappropriately asserted that he could have an impact on AISH applications by his communications with that department.
- 8) That ██████ made misguided comments to a client intending to bolster her confidence but which had a negative impact on the client.

The following conduct contravenes ss. D.5(a) of the ACSW Standards of Practice 2013, Value 5 of the CASW Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Confidential Documentation

- 9) [REDACTED] failed to maintain client confidentiality by maintaining client records in unlocked file cabinet.

ORDER AS TO SANCTION

As a result of the findings of the Hearing Tribunal with respect to the admission of unprofessional conduct, the Hearing Tribunal makes the following orders in accordance with s. 82 of the *Health Professions Act*.

1. A reprimand shall be issued against [REDACTED]. This will serve as a deterrent and will preserve the integrity of the profession.
2. [REDACTED] social work practice shall be subject to supervision for a period of two (2) years. The cost of this supervision shall be the responsibility of [REDACTED]. The supervisor may be within or outside of 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. This will ensure the rehabilitation of [REDACTED] and ensure the protection of the public.
3. [REDACTED] shall provide to the ACSW verification by a medical or mental health practitioner approved by the ACSW that he is well enough to continue in the practice of social work. The cost of this health verification shall be that of [REDACTED] and shall be provided sixty (60) days from the date of this Order. This will serve to protect the public.
4. [REDACTED] shall attend at eight (8) therapeutic sessions with a mental health 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 from the therapist. This will serve to protect the public and rehabilitation for [REDACTED]
5. [REDACTED] shall attend regular bi-monthly sessions with a senior RSW practitioner for a period of two (2) years from the date of this Order. These sessions should focus on communication and judgment. The cost shall be the responsibility of [REDACTED]. The ACSW shall be entitled to disclosure as required from the practitioner. This will serve to protect the public and ensure the rehabilitation of [REDACTED]
6. [REDACTED] shall pay the costs of this matter in the sum of \$1,500 within two (2) years of the date of this Order. This will serve as a deterrent and a fair contribution by [REDACTED] to the cost incurred by the ACSW towards the investigation and the hearing process.

7. The Complaints Director shall maintain the discretion to suspend [REDACTED] pending a Hearing should the Complaints Director, in his/her sole discretion; conclude that [REDACTED] has breached this Order. This will serve to protect the public and preserve the integrity of the profession.
8. This Order shall be published on a “without names” basis. This will serve as a deterrent to other members of the ACSW.

A handwritten signature in black ink, consisting of a stylized 'H' and 'H' followed by a flourish.

Stanley Haroun, MSW, RSW

December 19, 2016

Chair, Hearing Tribunal

On behalf of the Hearing Tribunal Members