

**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 COMPLAINTS BY
[REDACTED]
[REDACTED] INTO THE CONDUCT OF [REDACTED]
PURSUANT TO S. 77(A) OF THE HEALTH PROFESSIONS
ACT**

REASONS FOR DECISION

Pursuant to a public hearing held on August 22, 2016 at the Edmonton offices of Parlee McLaws, LLP, the Alberta College of Social Workers Hearing Tribunal is issuing reasons for its decisions.

A hearing into the conduct of [REDACTED] was held on August 22, 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
Richard Ouellet
Mary Berube
Peter Kawalilak, 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 July 7, 2016 pursuant to s. 70(1) of the Act.

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

Findings of unprofessional conduct:

The allegations in the Notice of Hearing arise from complaints from [REDACTED], dated May 25, 2015 and [REDACTED] dated May 4, 2015. [REDACTED] admissions of unprofessional conduct are as follows:

Conflict of interest

1. That you commenced short-term disability on December 18, 2014 and while on short-term disability you established a private practice. [REDACTED] accepted responsibility for the unprofessional conduct.
2. That you did not disclose the preparation for, or existence of your private practice to your employer, [REDACTED], notwithstanding that you reported the existence of your private practice to your short-term disability insurer, [REDACTED] [REDACTED] accepted responsibility for the unprofessional conduct.
3. That you failed to provide a written declaration to [REDACTED] advising that you were opening a private practice and earning an income, as directed by [REDACTED]. [REDACTED] accepted responsibility for the unprofessional conduct.
4. That the establishment of your private practice constitutes a conflict of interest as a result of your employment with [REDACTED]. [REDACTED] accepted responsibility for the unprofessional conduct.

Such conduct contravenes ss. B.3(a), B.3(a), B.3(c), F.5(b), G.1(b), G.3(a), and G.3(d) of the ACSW Standards of Practice 2013 and Value 4 of the Canadian Association of Social Workers Code of Ethics 2005, and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)9(ii) and (XII) of the *Health Professions Act*.

Conflict of interest and dual relationship

5. That you failed to disclose to M.R., a colleague at [REDACTED], that there was conflict arising from your counselling of M.R. 's husband in your private practice [REDACTED] accepted responsibility for the unprofessional conduct.
6. That by the virtue of your pre-existing work relationship with M.R., your treatment of M.R. 's husband amounted to dual relationship. [REDACTED] accepted responsibility for the unprofessional conduct.

Such conduct contravenes ss. B.3(a), B.3(b), B.3(c), F.5(b), G.1(b), al(c), G.3(a), and G.3(d) of the Alberta College of Social Workers Standards of Practice 2013, Value 6 of the Canadian Association of Social Workers 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 heard from the following witnesses at the Hearing:

Karen Smith, Counsel for ACSW
 Bruce Llewellyn, Complaint Director for ACSW

[REDACTED]

The following documents were accepted as Exhibits at the Hearing:

1. Notice of Hearing
2. Notice to Attend
3. Investigator Report 15.36
4. Investigator Report 15.27
5. Affidavit of Service
6. Admission of Unprofessional Conduct
7. Consent Order

General findings of facts:

Conflict of interest

1. [REDACTED] commenced short-term disability on December 18, 2014 and while on short-term disability he established a private practice.
2. [REDACTED] did not disclose the preparation for, or existence of his private practise to his employer, [REDACTED] notwithstanding that he reported the existence of his private practice to his short-term disability insurer, [REDACTED]
3. [REDACTED] failed to provide written declaration to [REDACTED] advising that he was opening up a private practice and earning income, as directed by [REDACTED].
4. The establishment of [REDACTED] private practice constitutes a conflict of interest as a result of his employment with [REDACTED]

Conflict of interest and dual relationship

5. [REDACTED] failed to properly manage the conflict arising from his counselling of M.R. 's husband in his private practice.
6. By the virtue of [REDACTED] pre-existing work relationship with M.R., his treatment of her husband amount to a dual relationship, and that he failed to take appropriate steps in response to the existence of the relationship.

The Hearing Tribunal has unanimously found that such conduct constitutes unprofessional conduct.

ORDER AS TO SANCTION

As a result of the findings of the Hearing Tribunal with respect to allegations of unprofessional conduct, the Hearing Tribunal makes the following orders in accordance with s. 82 of the 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 period of two (2) years from the date of this Order, the cost of which shall be the responsibility of [REDACTED] The supervisor may be within or outside the context of [REDACTED] employment. The supervisor shall be approved by the ACSW and 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 the protection of the public.

- [REDACTED] shall successfully complete an additional ten (10) hours of continuing education in the areas of ethics at his own cost and to be approved by the Complaints Director. This will serve to protect the public.
4. [REDACTED] shall be obliged to undertake consultations with a senior social work practitioner. There shall be four (4) consultations within a one (1) year period. The cost of these consultations will be the responsibility of [REDACTED]. The ACSW shall be entitled to any such reporting as it deems necessary from time to time. This will serve to rehabilitate [REDACTED], protect the public, and preserve the integrity of the profession.
 5. [REDACTED] shall pay costs for this matter in the sum of \$750,00 within one (1) year of the date of this Order. This will serve a deterrent and a fair contribution by [REDACTED] to the cost incurred by ACSW towards the investigation and the hearing process.
 6. 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.
 7. This Order shall be published on a "no- names" basis. This will serve as a deterrent to other members of ACSW,

Stanley Haroun, MSW, RSW

A handwritten signature in black ink, appearing to be 'HH' inside a stylized oval or loop.

Chair, Hearing Tribunal
On behalf of Members of the Hearing Tribunal