

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 S.
77(a) OF THE HEALTH PROFESSIONS ACT

REASONS FOR DECISION

Pursuant to a public hearing held on *Wednesday, October 2, 2019* at the Calgary offices of *Parlee McLaws LLP (3300 Canada Trust Tower, 421 7th Avenue SW, Calgary Alberta)* the Alberta College of Social Workers Hearing Tribunal is issuing its reasons for decision.

A hearing into the conduct of [REDACTED] was held on October 2, 2019 pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the "Act").

The members of the Hearing Tribunal were:

- Judy Todd (RSW - Chair)
- Glenn Lantz (RSW)
- Juane Priest (Public Member).

The hearing was a public hearing pursuant to s. 78 of the Act. The investigated member [REDACTED] provided a written admission of unprofessional conduct to the Hearing Tribunal dated *September 30, 2019* pursuant to s. 70(1) of the Act. The Hearing Tribunal accepts the admission of the investigated member.

The allegations in the Notice of Hearing arise from a complaint from [REDACTED], dated April 4, 2010.

Professionalism

1. On 5 separate occasions to 3 separate co-employees, you provided Marijuana to colleagues in the office during your working hours.
2. For the period of approximately 2013-2019, you used a forged Alberta Health Services parking pass.

Such conduct contravenes SS. G.1(b)(i), G3(a)(vii) of the Standards of Practice 2013, Value 4 of the 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.

The hearing proceeded on *October 2, 2019*

The Tribunal Members confirmed they were unaware of any bias or conflict of interest based on circumstances that exist or existed in the past which, if known, could raise a reasonable apprehension of bias or of a conflict of interest with respect to the outcome of this hearing or any of the individuals involved in the hearing.

As there were no objections, and no facts were in dispute, the allegations of unprofessional conduct related to [REDACTED] as set out in the Notice of Hearing were read into the record by the court reporter and the Notice of Hearing was admitted as the first exhibit to this Hearing.

There were no preliminary applications put forth by either party. The Hearing Tribunal did not hear from any witnesses at the Hearing. [REDACTED] was made aware of and chose not to attend this hearing.

The following documents were accepted as Exhibits at the Hearing:

- Exhibit 1: Notice of Hearing to [REDACTED] signed
- Exhibit 2: Investigation Report- ACSW Complaint #19.21
- Exhibit 3: Admission of Unprofessional Conduct- signed
- Exhibit 4: Consent Order- signed by [REDACTED]

GENERAL FINDINGS OF FACT

1. [REDACTED] has been a Registered Social Worker with the Alberta College of Social Workers ("ACSW") since 2007.
2. At all material times [REDACTED] was employed at Alberta Health Services ("AHS"), Addictions and Mental Health, in Lethbridge, Alberta.
3. On 5 separate occasions to 3 separate co-workers, [REDACTED] provided Cannabis (excess medical cannabis in his possession) to colleagues in the office during worker hours.
4. During the period of 2014-2019 [REDACTED] used a falsified AHS parking pass.
5. [REDACTED] employment with AHS was terminated on April 4, 2019.

FINDINGS OF UNPROFESSIONAL CONDUCT

Following review of the evidence submitted at the Hearing Tribunal, the Tribunal determined that [REDACTED]

1. Provided Marijuana in the workplace on 5 separate occasions to 3 separate co-workers.
2. [REDACTED] was using a forged Alberta Health Services Parking pass.

The Hearing Tribunal find that such conduct contravenes SS. G.1(b)(i), G3(a)(vii) of the Standards of Practice 2013, Value 4 of the 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 accepted the evidence provided for its consideration including the information included in the Investigation Report and the Admission of Unprofessional Conduct signed by [REDACTED]. When [REDACTED] was informed by the complainant that he was under investigation for the distribution of marijuana in the workplace and fraudulent use of an AHS parking pass he admitted to [REDACTED] that he had done both these things.

It is the obligation of a Registered Social Worker to be aware of the standards of practice that regulate and guide their practice. [REDACTED] as a Registered Social Worker since 2007 could reasonably be expected to understand his responsibility to identify potential unprofessional conduct related to these two incidents and to take steps to ensure those issues are mitigated. The provision of marijuana by an employee of and addiction treatment program within that program environment showed a serious lapse in judgement. The use of a fraudulent parking pass is just dishonest.

REASONS FOR DECISION ON 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 as against [REDACTED].
2. Upon the return to the practice of social work, [REDACTED] shall practice under the supervision by a MSW/RSW social worker (either within his employment or outside of his employment) for a period of one (1) year. The cost of this supervision shall be the responsibility of [REDACTED]. The social worker providing supervision shall be approved by the ACSW. The terms of this supervision shall be agreed upon by the ACSW. The terms of this supervision shall be agreed upon between [REDACTED] and the supervisor with disclosure to the ACSW as required.
3. In addition to the above supervision [REDACTED] shall be obligated to undertake four (4) consultations over a period of one (1) year with a senior RSW practitioner, as approved by the ACSW. The cost of these consultations shall be the responsibility of [REDACTED]. The ACSW shall be entitled to any such reporting as it deems necessary from time to time.
4. [REDACTED] shall pay costs in the amount of \$750.00 within one (1) year of the date of this Order.
5. The Complaints Director shall maintain the discretion to suspend [REDACTED] pending a hearing should the Complaints Director, in his sole discretion, conclude that [REDACTED] has breached or failed to satisfy this Order.

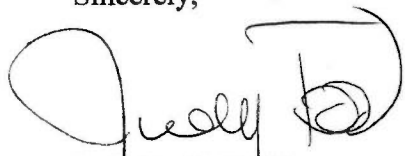
6. This Order shall be published on a "without names" basis.

The Hearing Tribunal considered the following five points when making this order:

- a. Do they protect the public?
- b. Will they serve as a deterrent to this member and ACSW members at large?
- c. Are the sanctions rehabilitative?
- d. Are the sanctions fair when considered against comparable consequences for behaviour?
- e. Will the sanctions ensure the integrity of the profession is maintained?

1. The Tribunal was unable to hear from [REDACTED] but has been assured by the Complaints Director, Mr. Bruce Llewellyn and the ACSW legal counsel Ms. Karen Smith that through their negotiation with [REDACTED] in drawing up this consent agreement that [REDACTED] takes full responsibility for his behavior and fully appreciates and understands the seriousness of his breach of professional standards.
2. The provision of Marijuana to co-workers during work hours show a serious lapse of judgement by [REDACTED]. The fact that he as an employee in an addiction treatment program did not recognize this lapse is very concerning. The Tribunal believe that practice supervision on a regular basis by a registered Social Worker and four (4) social work consultations with a senior Social Worker within a one year period of the date of this order should allow for [REDACTED] practice to be reviewed, ensuring it meets acceptable practice standards and allows [REDACTED] the opportunity to receive constructive feedback pertaining to his practice.
3. The comprehensive nature of these sanctions including a fine of \$750.00 and a Letter of Reprimand on [REDACTED] file are acceptable to the Tribunal and are reasonable and fair given the evidence submitted. These sanctions will serve as a deterrent not only in the context of this case but other similar potential behaviour that may be problematic to ACSW members at large.
4. The Hearing Tribunal accepts the Joint Submission as to Sanctions. The acceptance of these sanctions by the Hearing Tribunal along with concomitant orders is aimed at the integrity of the Social Work Profession will be maintained. Moreover, these sanctions will serve to ensure public confidence is maintained in the work performed by ACSW members and that professional accountability is a key component of the profession.

Sincerely,



Judy Todd, RSW
Chair of the Hearing Tribunal