

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 **[VM]**, A MEMBER OF THE ALBERTA COLLEGE OF SOCIAL WORKERS;

AND IN THE MATTER OF A PROFESSIONAL CONDUCT HEARING REGARDING THE CONDUCT OF **[VM]** UNDERTAKEN VIRTUALLY;

DECISION OF THE HEARING TRIBUNAL

I. INTRODUCTION

1. A hearing was held virtually on April 8, 2026 concerning allegations of unprofessional conduct against **[VM]** (the “**Member**”), a regulated member of the Alberta College of Social Workers (“**ACSW**”). The hearing occurred virtually with the consent of both parties.
2. This decision sets out the findings, reasons and penalty orders of the Hearing Tribunal concerning the hearing.
3. The Hearing Tribunal was assisted by Blair E. Maxston, K.C. as independent legal counsel in the drafting of this decision.

II. THE HEARING GENERALLY

4. The April 8, 2026 hearing was held pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the “**Act**”).
5. The members of the Hearing Tribunal were:

Vince Paniak, (Chair, Public Member)
Dorothy Badry (RSW)
Deborah Gust (Public Member)
Susan Mallon (RSW)

Also participating in the hearing were Candice McClean (ACSW Complaints Director) and Karen Smith K.C. (legal counsel for the ACSW Complaints Director).

The Member participated in the hearing and was not represented by legal counsel. The Member indicated that she was aware of her right to be represented by legal counsel but was proceeding with the hearing.

6. The hearing was a public hearing pursuant to s. 78 of the Act. There was no application to hold the hearing in private.
7. There were no objections regarding the timeliness of service of the Notice of Hearing and no objections regarding the composition or jurisdiction of the Hearing Tribunal. As well, there were no preliminary applications.
8. The allegation was set out in an Amended Notice of Hearing dated March 30, 2026 (the “**Notice of Hearing**”). The allegations in the Amended Notice of Hearing arise from the Member posting a patient’s medical record on social media. The allegation in the Amended Notice of Hearing is:

“BREACH OF CONFIDENTIALITY

1. That you posted a patient’s medical record to your Snapchat story along with a comment, contrary to the policies of your employer and the Standards of Practice of the ACSW.

Such conduct contravenes ss. D.5, D.9(a), E.1(b)(v), E.3(n), and G.1(b) of the Standards of Practice 2023, Values 4 and 5 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 “**Allegation**”)

9. The following documents were entered as Exhibits at the Hearing with the consent of both parties:
 - Exhibit 1: Amended Notice of Hearing.
 - Exhibit 2: Amended Notice to Attend.
 - Exhibit 3: Investigation Report.¹
 - Exhibit 4: July 4, 2025 Snapchat post.²
 - Exhibit 5: Statutory Declaration of Service
 - Exhibit 6: Admission of Unprofessional Conduct (the “**Admission**”).
 - Exhibit 7: Consent Order (the “**Consent Order**”).
10. Since the hearing proceeded as a consent hearing, the Hearing Tribunal heard from no witnesses at the hearing.

¹ The Investigation Report was not entered for the truth of its contents.

² This Exhibit was provided to the Hearing Tribunal during the April 8, 2026 hearing.

III. THE HEARING AND THE CONSENT ORDER

11. The Consent Order contained an “Agreed Statement of Facts”, “Agreed Findings”, “Acknowledgment of Responsibility” and “No Right to Appeal” sections.
12. The Consent Order also contained a “Orders as to Sanctions” section (the “**Sanction Orders**”) which will be commented on further later in this decision.

A. Agreed Statement of Facts

13. The facts in this matter are not in dispute and are described in the Agreed Statement of Facts as follows:

- “1. Ms. [VM] has been registered as a Registered Social Worker with the Alberta College of Social Workers (“ACSW”) since 2019.
2. At all material times, Ms. [VM] was employed as a Transition Coordinator at Covenant Health since 2019.
3. On December 18th, 2024, Ms. [VM] posted a patient’s medical record to her Social Media platform, Snapchat along with a comment.
4. The posting of patient’s medical record was contrary to the policies of her employer, AHS.”

During her submissions, Ms. Smith submitted that paragraph two of the Agreed Statement of Facts should be changed to reflect that the Member was a Transition Coordinator with Covenant Health. The Member did not object to that change and the Agreed Statement of Facts reference above includes that change.

B. Acknowledgment of Responsibility and Unprofessional Conduct

14. It was acknowledged by the Member and the Complaints Director that the Member’s conduct as described in the Agreed Statement of Facts and the admitted Allegation constitutes unprofessional conduct.

C. No Right to Appeal

15. The ACSW and the Member agreed that there shall be no appeal from the Consent Order notwithstanding s. 87 of the Act.

D. Submissions from the Parties

16. Ms. Smith’s comments on behalf of her client can be summarized as follows:
 - After receiving the complaint, the Complaints Director appointed an investigator who prepared an investigation report. In March of 2026 and after the investigation report was provided to the Member, without prejudice discussions were held between the Member, the Complaints Director which resulted in the Admission and Consent Order.

- During the without prejudice discussions the Member took complete responsibility for her actions.
- The Hearing Tribunal's job is to determine whether there are factual underpinnings for unprofessional conduct for the admitted allegation and then to look at the definition of unprofessional conduct under section 1(1)(pp) of the *HPA* to determine whether proven facts constitute unprofessional conduct.
- The Member's position with Covenant Health was terminated due to her actions. Those actions were contrary to employer policies and breached the ACSW Standards of Practice.
- The Hearing Tribunal has ample facts in the Agreed Statement of Facts to establish the relevant facts. In this case, the Member's conduct is clearly unprofessional conduct.
- If the Hearing Tribunal accepts the Admission, it needs to consider five factors in terms of the consequences for the Member: public protection, deterrence to the Member and members at large, rehabilitation, fairness (comparable consequences for comparable conduct) and the integrity of the profession. The Hearing Tribunal should also review the *Jaswal* factors.
- In terms of the *Jaswal* factors, the conduct is very serious. This is an aggravating factor.
- In terms of the Member's age, she had been practicing as a social worker for 5 or 6 years. This is a neutral factor.
- In terms of the age and mental condition of the patient, there was a power dynamic and the patient's information was exposed. This is an aggravating factor.
- In terms of the number of times that the offence occurred, the conduct only occurred once.
- In terms of the Member's role, she has taken complete responsibility. This is a mitigating factor.
- In terms of other consequences, the Member has lost her job and could not apply for AHS jobs for two years.
- The Hearing Tribunal's powers are set out in section 82 of the *HPA*. Ms. Smith reviewed the Consent Order and the proposed penalty orders and Costs Order.
- Ms. Smith's submissions included that the consultation is not therapy, mentoring or supervision. Instead it is centering to bring the Member back to ethical practice and is centered on core ethics and responsibilities.

- Ms. Smith reviewed the *R. v. Anthony-Cook* Supreme Court of Canada case and the public interest test. This means that the Hearing Tribunal should not depart from the joint submission on penalty unless it brings the administration of justice into disrepute or is otherwise contrary to the public interest.
 - Accordingly, the Tribunal should give significant deference to and respect the work that has been done by the parties concerning the joint penalty proposal.
17. Ms. Smith asked that the Hearing Tribunal exercise its discretion under the *HPA* to order that the Exhibit 4 Snapchat post be sealed and be made private such that it is not part of the public record.
18. The Member's submissions can be summarized as follows:
- Ms. [VM] thanked the Hearing Tribunal for meeting with her.
 - Ms. [VM] has continually thought about what happened and characterized her actions as "poor choices" and "negligence".
 - Her actions departed from her ethical standards as a social worker and she did not uphold the values of the profession.

IV. **REASONS FOR DECISION: THE ALLEGATION**

A. **Generally**

19. The ACSW is a self-governing professional body established under the Act and is responsible for regulation of the Social Work profession in the public interest. This includes ensuring that all ACSW regulated members practice their profession in a manner that protects the public and preserves patient confidentiality.
20. The Hearing Tribunal sees protection of the public and ensuring patient confidentiality as the primary considerations in this matter.
21. After carefully considering all of the information and evidence presented during the Hearing, the Hearing Tribunal accepts the admission of unprofessional conduct by the Member.
22. The factual basis for the Allegation was proven as the result of uncontradicted evidence presented to the Hearing Tribunal. Bearing in mind the Admission signed by the Member, the Hearing Tribunal also concluded that the proven actions of the Member constituted unprofessional conduct as they were a clear breach of the Member's ethical and professional obligations and breached employer policies.

B. **Analysis**

23. The Hearing Tribunal concludes that the Member's admitted unprofessional conduct was serious in nature.

24. The Member occupied a position of trust and authority with the patient and breached her core ethical confidentiality obligations that she owed to that patient. Moreover, the patient was in a position of vulnerability in terms of the Member and the Member's actions clearly violated privacy obligations.
25. The Member's actions were clearly unprofessional conduct. This was not a "grey area". Instead, the Member's actions were a marked departure from the professional and ethical obligations of a Social Worker.
26. Based on this evidence, the Hearing Tribunal finds the admitted Allegation is factually proven and that the admitted Allegation constitutes unprofessional conduct.

V. REASONS FOR DECISION: SANCTIONS AND COSTS

A. The Joint Sanctions Proposal

27. As part of the Consent Order, the parties also jointly presented an Orders as to Sanctions (the "Sanction Orders").
28. The proposed Sanction Orders are:
 1. A Reprimand shall be issued as against the Member.
 2. The Member shall be obliged to undertake three (3) consultations with a senior social work practitioner approved by the ACSW within six (6) months of the date of this Order. The cost of any such consultation shall be that of the Member. Reporting shall be required to the ACSW.
 3. The Member shall be required to undertake 10 additional hours of continuing education within six (6) months of the date of this Order focused on ethics and confidentiality. The courses shall be approved by the Complaints Director and shall be undertaken at the cost of the Member.
 4. The Complaints Director shall maintain the discretion to suspend the Member's permit to practice pending a Hearing should the Complaints Director, in her sole discretion, conclude that the Member has breached this Order.
 5. There shall be publication of this decision and reasons on a without names basis.
29. The parties also jointly proposed a costs order as follows:
 - "1. The Member shall pay costs of this matter in the amount of \$1,000.00 within one (1) year of the date of this Order."

(the "**Costs Order**")

30. After considering submissions from the parties, the Hearing Tribunal confirmed that it was accepting the Sanction Orders and the Costs Order for the reasons described below.

B. The Sanction Orders and the Public Interest Test

31. The Hearing Tribunal acknowledges the significant efforts of the parties in preparing the Consent Order and the Sanction Orders. The Hearing Tribunal is also aware of the well-established legal principles indicating that deference should be shown to joint submissions on penalties as they promote certainty for both the member and the regulatory body, reduce the time and cost associated with contested hearings and are the result of careful negotiation.
32. Although the Hearing Tribunal retains ultimate discretion in terms of making penalty orders, it is aware of the legal principles which establish that a decision-maker (such as this Hearing Tribunal) should not depart from a joint submission on sanction unless the joint submission is unfit, unreasonable or contrary to the public interest.
33. For the reasons set out in this decision, the Hearing Tribunal finds that the public interest test for accepting the Sanction Orders was met.
34. The proposed penalty orders must and do convey to the Member, the profession and the public that this conduct will not be tolerated by the ACSW in terms of its public protection mandate and its obligation to uphold the integrity of the profession of social work in the eyes of the public.
35. Ultimately, the Hearing Tribunal concludes that the proposed sanctions are reasonable and appropriate and reflect the serious nature of the Member's conduct, rehabilitation of the Member and her complete acceptance of responsibility for her actions. Very importantly, by the Member admitting unprofessional conduct and agreeing to the terms of a consent hearing, both parties avoided the time, cost and uncertainty associated with a contested hearing which could have been very lengthy.
36. Public protection and remediation to allow the Member's return to practice is also appropriately achieved by requiring the Member to undertake consultations and additional continuing education.
37. Publication without name in concert with the other penalty orders will serve as a general deterrent to other social workers that this type of conduct will not be tolerated and will result in significant penalty orders.
38. The \$1,000.00 in costs payable by the Member represents a proportionate financial impact and is fair and reasonable having regard to her deliberate actions.

39. In summary, the Hearing Tribunal concludes that the sanctions recommended by both parties and the Costs Order are fair, reasonable and appropriate and reflect the seriousness of the Member's conduct as well as her complete acceptance of responsibility for those actions. They also reflect remediation and the Member's efforts in resolving these matters by way of a consent hearing.
40. In summary, the Hearing Tribunal makes the following penalty and costs orders in accordance with s. 82 of the Act:
1. A Reprimand shall be issued as against the Member.
 2. The Member shall be obliged to undertake three (3) consultations with a senior social work practitioner approved by the ACSW within six (6) months of the date of this Order. The cost of any such consultation shall be that of the Member. Reporting shall be required to the ACSW.
 3. The Member shall be required to undertake 10 additional hours of continuing education within six (6) months of the date of this Order focused on ethics and confidentiality. The courses shall be approved by the Complaints Director and shall be undertaken at the cost of the Member.
 4. The Complaints Director shall maintain the discretion to suspend the Member's permit to practice pending a Hearing should the Complaints Director, in her sole discretion, conclude that the Member has breached this Order.
 5. There shall be publication of this decision and reasons on a without names basis.
 6. The Member shall pay costs of this matter in the amount of \$1,000.00 within one (1) year of the date of this Order.
41. The Hearing Tribunal confirms that Exhibit 4 is sealed and is private and is not part of the public record concerning this hearing.
42. Consistent with Ms. Smith's comments on behalf of the Complaints Director at the conclusion of the hearing, the Hearing Tribunal sincerely hopes that the Member will return to the practice of social work and will enjoy a long and successful career.

Dated this 14th day of May, 2026

VJ Paniak

Vince Paniak
Chair on behalf of the Tribunal