

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

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

DECISION OF THE HEARING TRIBUNAL

I. INTRODUCTION

1. A hearing was held virtually on May 12, 2026 concerning allegations of unprofessional conduct against **[JA]** (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 Taylor Maxston and Blair E. Maxston, K.C. as independent legal counsel and by Blair E. Maxston, K.C. in the drafting of this decision.

II. THE HEARING GENERALLY

4. The May 12, 2026 hearing was held pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the “**Act**” or the “**HPA**”).
5. The members of the Hearing Tribunal were:

Vince Paniak (Chair, Public Member)
Pat Matusko (Public Member)
Jacquie Mastebroek (RSW)
Susan Mallon (RSW)

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

The Member participated in the hearing and was represented by legal counsel, Eric Appelt.

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 allegations were set out in an Amended Notice of Hearing dated April 16, 2026 (the “**Notice of Hearing**”). The allegations in the Amended Notice of Hearing arise from the Member’s interactions with client RC while the Member was an independent contractor at Psynergy Centre in Medicine Hat, Alberta. The allegations in the Notice of Hearing are as follows:

Sexual Misconduct

1. In or about February or March of 2024, during the provision of professional social work services to RC, you made the comment “oral sex and stimulating your own genitals and other genitals is not sex”.

Such conduct contravenes ss. G.1(a) and F.1(a)(b)(c) of the Standards of Practice 2023, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1) (pp) (i) (ii) and (xii) (1)(nn.2) of the *Health Professions Act*.

Professional Boundaries

2. During the course of the provision of social work services to RC, you undertook conduct that was contrary and in breach of your obligation to maintain professional boundaries, with a client, specifically:

- You made considerable effort to draw parallels between RC’s experience and your own personal experience through the totality of the counselling relationship;
- That you attended at RC’s home for the purposes of dropping off a Bio Mat;
- You were undertaking the preparation of food and cooking in your office during the time of client’s attendance for scheduled sessions;
- You allowed RC to drop off a panini press to you;
- You engaged in borrowing personal items between yourself and RC;
- You sent a text on February 15, 2024 that stated “I do not know why it [is] taking Dr. Jensen so long to get the information sent. I can see these #%?!!!”;
- On or about February 20, 2024, you sent a text to RC stating “my letter to the doctors will be to put a fire under their butt to get the process moving”;
- That you referred to Dr. Krista Leicht, the Medical Director at Psynergy and the prescribing physician with respect to KAT, as the “pill mill”;
- That in response to RC’s direction on March 1, 2024, to be left alone, you continued to encroach on his personal physical space.
- In a session on March 1, 2024, you specifically left the chair across the room and sat on the couch beside the client touching his leg in the process, thereby encroaching on his personal space.

Such conduct contravenes ss. F.1(a)(e), F.3(b) and F.5(b)(i) of the Standards of Practice 2023, 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*.

Competence

3. That you failed to have the appropriate competence to participate as the lead therapist in KAT with RC;

Such conduct contravenes ss. E.1(b)(c), and E.4, of the Standards of Practice 2023, Value 6 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*.

Breach of KAT Protocols

4. In response to a text from RC on February 29, 2024, he did not wish to proceed with the KAT at home, you discouraged the client from proceeding to the hospital. You specifically provided direction to the client that morning to not seek medical care at the hospital as you believed he would receive contradictory care.

5. That in response to a concern expressed by RC as to the dosage of Ketamine to be taken, you advised the client that he could take “one or two more pills if five wasn’t enough”.

Such conduct contravenes ss. E.1(b)(c), and E.4 of the Standards of Practice 2023, Values 6 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*.

9. Pursuant to s. 70(1) of the *Act*, the Member provided a written admission of unprofessional conduct to the Hearing Tribunal dated April 20, 2026 stating that the Member admitted that certain allegations constituted unprofessional conduct. The admitted allegations of unprofessional conduct are:

Professional Boundaries

2. During the course of the provision of social work services to RC, I undertook conduct that was contrary and in breach of my obligation to maintain professional boundaries, with a client, specifically:

- I drew parallels between my personal experience and that of RC’s articulated experience to him.
- I exchanged personal items with RC including a Bio Mat, a panini press and had an electric hot plate in my office during scheduled sessions.
- I made inappropriate and negative comments regarding other medical professionals.
- I encroached on RC’s physical space in March 1st, 2024 by refusing to leave him alone and specifically, coming to physical proximity of RC’s personal space.

Such conduct contravenes ss. F.1(e), F.3(b) and F.5(c)(i) of the Standards of Practice 2023, 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*.

Competence

3. That I failed to have the appropriate competence to participate as the lead therapist in AP with RC;

Such conduct contravenes ss. E.1(b)(c), and E.4, of the Standards of Practice 2023, Value 6 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*.

Breach of KAP Protocols

4. In response to a text from RC on February 29, 2024, he did not wish to proceed with the KAT at home, I discouraged the client from proceeding to the hospital. I specifically provided direction to the client that morning not to seek medical care at the hospital as I believed he would receive contradictory care.

Such conduct contravenes ss. E.1(b)(c), and E.4 of the Standards of Practice 2023, Values 6 of the Code of Ethics 2025 and constitutes unprofessional conduct pursuant to s.1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

(the “**Allegations**”)

10. 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.

Exhibit 4: Affidavit of Service

Exhibit 5: Admission of Unprofessional Conduct (the “**Admission**”).

Exhibit 6: Consent Order (the “**Consent Order**”).

11. Since the hearing proceeded as a consent hearing, the Hearing Tribunal heard from no witnesses at the hearing.

III. THE HEARING AND THE CONSENT ORDER

12. The Consent Order contained a “Agreed Statement of Facts”, “Agreed Findings”, “Acknowledgment of Responsibility” and “No Right to Appeal” sections.

13. The Consent Order also contained a “Orders as to Sanctions” section (the “**Sanction Orders**”) and a Costs section which will be commented on further later in this decision.

A. Agreed Statement of Facts

14. The facts in this matter are not in dispute and are described in the Agreed Statement of Facts as follows:
1. At all material times, **[JA]** ("**[JA]**") has been a Registered Social Worker with the ACSW since 2004.
 2. At all material times **[JA]** was an independent contractor at Psynergy Centre ("Psynergy") in Medicine Hat, Alberta. At Psynergy, **[JA]** undertook his own private practice.
 3. The client, RC, received professional social work services from **[JA]** and a team at Psynergy commencing in November of 2023.
 4. In October 2023, it was determined that RC was a candidate for Ketamine Assisted Psychotherapy (KAP) and the therapy commenced with ultimately the self-administration of Ketamine tablets.
 5. **[JA]** saw RC for counselling on the following dates:

November 1, 6 13, 26, 2023;
December 14, 2023;
January 8, 22, 2024;
February 8, 23, 2024;
March 1, 4, 11, 2024.
 6. On February 29th, 2024, in response to a text from RC regarding proceeding with the Ketamine Assisted Psychotherapy, **[JA]** discouraged RC from proceeding to hospital and indicating that he would receive contradictory care.
 7. During the course of those counselling events, **[JA]**, in engaging with RC, **[JA]** undertook the following behaviors:
 - He drew parallels between his personal experience and that of RC's stated experience to him.
 - He exchanged personal items with RC including a Bio Mat, a panini press and had an electric hot plate in his office during scheduled sessions.
 - He made inappropriate and negative comments regarding other medical professionals.
 - He encroached on RC's physical space in March 1st, 2024 by refusing to leave him alone and specifically, coming within physical proximity of RC's personal space.
 8. In March of 2024, RC experienced a significant deteriorating mental health event.
 9. **[JA]** did not have the appropriate training and experience to undertake the lead therapist role in KAP with RC.

B. Acknowledgment of Responsibility and Unprofessional Conduct

15. It was acknowledged by the Member and the ACSW Complaints Director that the Member's conduct as described in the Agreed Statement of Facts and the admitted Allegations constitutes unprofessional conduct.

C. No Right to Appeal

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

D. The Joint Penalty and Costs Proposal

17. As part of the Consent Order, the parties also jointly presented an Orders as to Sanctions (the "Sanction Orders").

18. The Sanction Orders in the Consent Order are:

1. A Reprimand shall be issued as against **[JA]**.
2. **[JA]**'s practice of social work shall be subject to supervision for a one (1) year period from the date of this Order. The supervisor may be inside or outside the employment of **[JA]** but must be approved by the Complaints Director. The ACSW Complaints Director shall be entitled to receive appropriate reporting from the supervisor. Any cost associated with the supervision will be the responsibility of **[JA]**.
3. **[JA]** shall undertake four (4) consultations with a senior practitioner (as approved by the ACSW Complaints Director) within six months of the date of this Order. Reporting shall be permitted and required to the ACSW Complaints Director, and all costs associated with the Consultations shall be the responsibility of **[JA]**.
4. **[JA]** shall successfully complete an ethics course, specifically; PHIL333 at Athabasca University (or an approved substitution as approved by the Complaints Director) within one (1) year of the date of this order. The cost of the course shall be **[JA]**'s responsibility.
5. **[JA]** shall provide a written letter, satisfactory to the Complaints Director, from his family physician or psychiatrist, providing that he is sufficiently well to provide professional social work services to the public. This shall be provided within 30 days of the date of this Order.
6. **[JA]** shall be obliged to continue mental health counselling with a mental health practitioner on a minimum monthly basis for a period of one year, the cost of which shall be the responsibility of **[JA]**. The ACSW shall be entitled to confirmation of attendance at counselling. At the conclusion of one year, the ACSW shall be entitled to a confirmation status report as to **[JA]**'s wellness.
7. The Complaints Director shall maintain the discretion to suspend **[JA]**'s permit to

practice pending a Hearing should the Complaints Director, in his sole discretion, conclude that **[JA]** has breached this Order.

8. There shall be publication of this decision and reasons on a “no names” basis.
19. The parties also jointly proposed a costs order as follows:
 1. **[JA]** shall pay costs of this matter in the amount of \$1,000.00 within one (1) year of the date of this Order, or as expressly agreed upon with the Complaints Director.

(the “**Costs Order**”)

IV. LIABILITY MATTERS

A. Submissions from the Parties

20. 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, candid discussions were held between the Member, the Complaints Director and their respective lawyers which resulted in the Admission and Consent Order.
 - The Hearing Tribunal’s job is to determine whether there are factual underpinnings for unprofessional conduct for the admitted charges 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 Hearing Tribunal has ample facts in the Agreed Statement of Facts to establish the relevant facts. The Member’s conduct is clearly unprofessional conduct.
21. Mr. Appelt made submissions in support of the Admission.

B. The Hearing Tribunal’s Decision: Unprofessional Conduct

22. After caucusing in private, the Hearing Tribunal advised the parties that it had no questions, that it was accepting the admissions concerning the Allegations and that it was making findings of unprofessional conduct regarding the Allegations. The Chair of the Hearing Tribunal invited the parties to make submissions regarding penalty.

V. PENALTY ORDER MATTERS

A. Submissions from the Complaints Director

23. Ms. Smith’s submissions regarding the penalty phase of the Hearing on behalf of her client can be summarized as follows:

- The statutory authority for the Hearing Tribunal to make penalty and costs orders is set out in section 82 of the *HPA*.
- The objectives of sentencing are: protection of the public, deterrence to the Member and deterrence to the profession, rehabilitation of the Member, fairness and protecting the integrity of the profession.
- Ms. Smith reviewed the *Jaswal* factors in terms of the Member's unprofessional conduct.
- In terms of the nature of the unprofessional conduct, this is not the most serious conduct.
- The Member is a relatively experienced member of the profession. This is an aggravating factor.
- In terms of the character of the Member, there were no prior complaints or findings of unprofessional conduct.
- In terms of the role of the Member, the Member completely accepted the settlement invitation, was contrite and made admissions of unprofessional conduct.
- In terms of impact on patients, RC was vulnerable because of his medial and mental state.
- In terms of other consequences, the Member stopped practicing for a period of time.
- Ms. Smith reviewed the Consent Order and jointly advanced penalty and costs orders.
- In terms of the consultations, they are not therapy or supervision. Instead they are "centering" regarding a social worker's core responsibilities.
- The letter in order #5 is a "good to go" letter about fitness to practice. The Member willingly agreed to mental health counselling.
- Costs are a distinct order. The costs order reflects fairness and uniformity in terms of a financial contribution by the Member to the discipline process.
- Ms. Smith reviewed the *R. v. Anthony-Cooke* Supreme Court of Canada case regarding deference to joint submissions regarding penalties. Ms. Smith also reviewed the public interest test which establishes that a decision-maker should not depart from a joint penalty proposal unless it brings the administration of justice into disrepute or is otherwise contrary to the public interest.
- The joint penalty proposal from the parties meets the public interest test, satisfies the objectives of sentencing and is consistent with the *Jaswal* criteria.

B. Submissions from the Member

24. Mr. Appell's submissions can be summarized as follows:

- Mr. Appelt thanked Ms. Smith for her submissions on sanction and for working with his client concerning the consent orders and admission.
 - The sanctions are appropriate based on the agreed facts and the *Jaswal* Factors.
 - Ms. Smith accurately characterized the *Jaswal* non-exhaustive factors.
 - In terms of the previous character of the Member, this is a mitigating factor since the Member has successfully practiced since 2004 and has had no prior complaints or convictions.
 - In terms of the role of the member, the Member has been cooperative throughout the investigation and consent discussion processes. The Member acknowledged his mistakes and worked collaboratively with the investigator, the Complaints Director and the Complaints Director's lawyer.
 - Mr. Appelt reviewed two ACSW discipline decisions and submitted that they support the joint penalty proposal from the parties.
 - Ms. Smith's submissions regarding joint penalty proposals were accurate in terms of deference. Joint penalty submissions promote certainty and reduce the time and cost associated with a consent hearing.
 - The Member takes the complaint and these proceedings very seriously.
25. Ms. Smith had no reply submissions. The Member declined to make further comments and relied on Mr. Appelt to make representations for him.

C. Hearing Tribunal Decision: Penalty Orders and Costs Order

26. After caucusing privately, the Hearing Tribunal advised the parties that it was accepting the penalty orders and Costs Order as presented.

VI. REASONS FOR DECISION: THE ALLEGATIONS

A. Generally

27. 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 from unsafe, incompetent or unethical acts.
28. The Hearing Tribunal sees protection of the public as the primary consideration in this matter.
29. After carefully considering all of the information and evidence presented during the Hearing,

the Hearing Tribunal accepts all of the admissions of unprofessional conduct by the Member.

30. The factual basis for the Allegations 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, professional and clinical obligations.

B. Analysis

31. The Hearing Tribunal concludes that the Member's admitted unprofessional conduct was serious in nature. The Member occupied a position of trust and authority in terms of RC. Moreover, RC was in a position of vulnerability in terms of the Member and the Member's actions.
32. The Member's actions were a clear breach of recognized and accepted professional boundaries that the Member was required to maintain.
33. The Member also failed to recognize that he lacked the appropriate competence to participate as the lead therapist in AP with RC. This demonstrated a lack of understanding and appreciation for the Member's ability to provide safe and competent treatment.
34. The Member's response to RC's February 9, 2024 text was inconsistent with the Member's professional obligations and was a breach of KAP Protocols.
35. In short, the Member's actions were clearly unprofessional conduct. Based on the evidence, the Hearing Tribunal finds the admitted Allegations are factually proven and that the admitted Allegations constitute unprofessional conduct.

VII. REASONS FOR DECISION: SANCTIONS AND COSTS

A. The Sanction Orders, the Public Interest Test and the Costs Order

36. The Hearing Tribunal recognizes and acknowledges the 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.
37. 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.
38. For the reasons set out in this decision, the Hearing Tribunal finds that the public interest

test for accepting the Sanction Orders was met.

39. The proposed penalty orders 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.
40. Ultimately, the Hearing Tribunal concludes that the proposed sanctions are reasonable and appropriate and reflect the serious nature of the Member's unprofessional conduct, the rehabilitation of the Member and his complete acceptance of responsibility for his actions. 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.
41. The supervision order and reporting to the Complaints Director is appropriate in order to ensure safe and competent practice by the Member moving forward.
42. The four consultations with a senior practitioner are justified in order to ensure that the Member recognizes and applies the core responsibilities of the social work profession and his specific competencies within the profession. These same comments apply to completion of the ethics course.
43. The letter from the Member's family physician or psychiatrist is also important in terms of ensuring that the Member is fit to practice and can meet the standards of practice for the profession. These same comments apply to the continued mental health counselling in order #6.
44. The \$1,000.00 in costs payable by the Member represents a proportionate financial impact and is fair and reasonable having regard to his deliberate actions.
45. 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 his acceptance of responsibility for those actions. They also reflect remediation in terms of the Member's future practice.

B. The Hearing Tribunal's Orders

46. Accordingly, the Hearing Tribunal makes the following orders pursuant to s. 82 of the *Act*:
 1. A Reprimand shall be issued as against the Member.
 2. The Member's practice of social work shall be subject to supervision for a one (1) year period from the date of this Order. The supervisor may be inside or outside the employment of the Member but must be approved by the Complaints Director. The ACSW Complaints Director shall be entitled to receive appropriate reporting from the supervisor. Any cost associated with the supervision will be the responsibility of the Member.
 3. The Member shall undertake four (4) consultations with a senior practitioner (as

approved by the ACSW Complaints Director) within six months of the date of this Order. Reporting shall be permitted and required to the ACSW Complaints Director, and all costs associated with the Consultations shall be the responsibility of the Member.

4. The Member shall successfully complete an ethics course, specifically; PHIL333 at Athabasca University (or an approved substitution as approved by the Complaints Director) within one (1) year of the date of this order. The cost of the course shall be the Member's responsibility.
5. The Member shall provide a written letter, satisfactory to the Complaints Director, from his family physician or psychiatrist, providing that he is sufficiently well to provide professional social work services to the public. This shall be provided within 30 days of the date of this Order.
6. The Member shall be obliged to continue mental health counselling with a mental health practitioner on a minimum monthly basis for a period of one year, the cost of which shall be the responsibility of the Member. The ACSW shall be entitled to confirmation of attendance at counselling. At the conclusion of one year, the ACSW shall be entitled to a confirmation status report as to the Member's wellness.
7. The Complaints Director shall maintain the discretion to suspend the Member's permit to practice pending a Hearing should the Complaints Director, in his sole discretion, conclude that the Member has breached this Order.
8. There shall be publication of this decision and reasons on a "no names" basis.
9. The Member shall pay costs of this matter in the amount of \$1,000.00 within one (1) year of the date of the Order, or as expressly agreed upon with the Complaints Director.

Dated this 1st day of June 2026.

VJ Paniak

Vince Paniak
Chair on behalf of the Hearing Tribunal