



PERSPECTIVE

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Psychotherapy Update



NOTE: The information in this article is accurate at the time of printing. Given the evolving nature of the regulation of psychotherapy, members are advised to visit the College website at www.ocswssw.org for the most up-to-date information.

The regulation of psychotherapy has been the focus of much attention and interest for several years now. The Ontario College of Social Workers and Social Service Workers (OCSWSSW) has been involved in various aspects of this issue throughout this time. OCSWSSW activities have intensified over the past couple of years, as changes to the regulatory framework become more imminent. This article provides a brief summary of important developments affecting OCSWSSW members.

A “controlled act” is an activity defined under the *Regulated Health Professions Act, 1991* (the “RHPA”), the performance of which is restricted to members of certain professions, due to the risk of harm that it poses to the public. Changes to the RHPA reflect this heightened risk, and make psychotherapy one of fourteen controlled acts. The controlled act of psychotherapy is defined in the RHPA as follows:

Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual’s serious disorder of thought, cognition, mood, emotional regulation, perception or memory

that may seriously impair the individual’s judgement, insight, behavior, communication or social functioning.

The RHPA stipulates that a member of OCSWSSW is authorized to perform the controlled act of psychotherapy in compliance with the *Social Work and Social Service Work Act, 1998* (the “SWSSWA”), its regulations and by-laws.

The SWSSWA provides that a member of the OCSWSSW who is authorized to perform the controlled act of psychotherapy may use the title “psychologist” if the member complies with the following conditions, as applicable:

1. When describing himself or herself orally as a psychologist, the member must also mention that he or she is a member of the Ontario College of Social Workers and Social Service Workers, or identify himself or herself using the title restricted to him or her as a member of the College.

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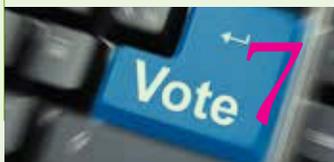
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2. When identifying himself or herself in writing as a psychotherapist on a name tag, business card or any document, the member must set out his or her full name, immediately followed by at least one of the following, followed in turn by "psychotherapist".
 - i. Ontario College of Social Workers and Social Service Workers
 - ii. the title that the member may use under this Act
3. The member may only use the title "psychotherapist" in compliance with this Act, the regulations and the by-laws.

To date, the above-mentioned provisions in the RHPA and the SWSSWA have not yet been proclaimed in force. Proclamation is currently expected in the spring of 2014.

When the aforementioned provisions in the RHPA and the SWSSWA come into force, members of OCSWSSW may practise the controlled act of psychotherapy and use the title "psychotherapist", provided they do so in compliance with the SWSSWA, the regulations and by-laws. For this reason, it will not be necessary for OCSWSSW members to join the new College of Registered Psychotherapists of Ontario (CRPO) in order to have access to the controlled act or to use the title "psychotherapist". (OCSWSSW members who choose to join CRPO will be bound by the standards of practice of both Colleges; they will also be required to comply with Continuing Competence/Quality Assurance and other requirements - including payment of the annual fee - for each.)

In December 2013, the OCSWSSW Council approved *Practice Guidelines for Performing the Controlled Act of Psychotherapy*. These guidelines augment the existing standards of practice (which set out the minimum standards for all members) and assist members in assessing their competence to perform the controlled act. They cover issues pertaining to the practice of psychotherapy, and include such things as the need for ongoing education and training to maintain competence and the importance of supervision and consultation. They also emphasize that psychotherapy is not an entry-to-practice competency. After proclamation, OCSWSSW members who perform the controlled act of psychotherapy as part of their practice must ensure that they are in compliance with the standards of practice and with the guidelines. The guidelines are not yet in force and will come into effect and be distributed to members upon proclamation.

The OCSWSSW will continue to keep members informed of new developments via eBulletin, the *Perspective* newsletter and the website. Members are advised to check the College website www.ocswssw.org regularly to ensure that they have the most current information on this important issue.

In the fall of 2013, the College ran its fourth series of Educational Forums. The forums aim:

- to educate;
- to provide a tangible benefit of registration;
- to offer opportunities for members to network with colleagues and make new contacts; and
- to increase the College's visibility with, and connection to, its membership.

This initiative began in response to members who wanted to stay connected to the College but were unable to attend the Annual Meeting and Education Day (AMED) in Toronto.

Hosted in Ottawa and Sault Ste. Marie, Ontario, the forums provided learning and networking opportunities for members and local social work and social service work students. Free for members and a benefit of College membership, both events included a College update, keynote address and buffet lunch.

OTTAWA

Members from as far as Kingston and Barrie came to participate in the Ottawa Educational Forum which was held on October 22, 2013 at the Marriott Hotel. There was a great turnout with over 176 members and 30 social work and social service work students from the University of Ottawa, La Cité Collegiale, Algonquin College and Carleton University.

The College offered concurrent educational sessions in English and French. Bill Gayner, M.S.W., RSW presented on emotion-focused meditation, while Lise Andrée Payette, M.S.W., RSW, addressed French-speaking members on

the subject of mindfulness. Both Bill and Lise Andrée are accomplished and well-regarded speakers, and their presentations were well-received by members and students alike.

SAULT STE. MARIE

Approximately 70 attendees, including social service work and social work students from Sault College and Algoma University, attended this event which was held on October 29, 2013 at the Delta Waterfront Hotel. Bill Gayner's presentation, entitled *Emotion-Focused Meditation, Self-Care and Therapeutic Presence*, introduced an emotion-focused meditation (EFM) perspective to highlight how professionals can use meditation to improve self-care, prepare to meet clients, and enhance awareness of clients' and their own emotional and interpersonal processes. The feedback from the Sault Ste. Marie Forum was extremely positive. One member commented that "putting faces to names was great and the talk from Bill was so key and pertinent to all our work." The feedback we received will be very helpful when planning the next series of Educational Forums in 2014.

The College would like to thank all those who participated in the Sault Ste. Marie and Ottawa events, and to extend a special thank you to our keynote speakers Lise Andrée Payette and Bill Gayner. We look forward to connecting with members in new locations in the coming year.

Members, take note: if you live in the Timmins and London regions, the College plans to host the fall 2014 Educational Forums near you! In mid-summer, you will receive an eBulletin with more information about these upcoming events.

New! Informational Videos for the General Public, Members, Employers and Students

As part of its multi-faceted public awareness campaign, the College has created **four informational videos** to inform different groups about the College, its mandate, and the importance of registration for social workers and social service workers. The videos will be launched on the College's new YouTube channel, and on the College website www.ocswssw.org, in the month of April. Our goal is to share important College and member-related information in an accessible and targeted way.

THE VIDEOS

The content for the new informational videos comes from unscripted interviews with registered social workers and registered social service workers. The members discuss their varied roles as professionals, the benefits of College registration and resources, and the important role that the College plays in their practice. The video content was edited to create four unique videos that target different audiences: employers, students, members and the general public. The four videos are available in both French and English.

OCSWSSW'S NEW YOUTUBE CHANNEL

The OCSWSSW YouTube Channel was created to give members an accessible and central place to watch College-related videos, tools and resources.



It will be used to host a number of different videos, such as the Continuing Competence webcasts, Annual Meeting and Education Day presentations, as well as other educational and promotional clips, as the College expands its use of social media.

We hope that members will enjoy the new promotional videos and will share them with colleagues, employers, students and others.

If you have questions or feedback about the videos or about the College's YouTube Channel, please contact Jolinne Kearns, Communications Manager, at jkearns@ocswssw.org or by telephone at 416-972-9882 or 1-877-828-9380 ext. 415.



Your 2014 Continuing Competence Program (CCP) – A New Start!



If you haven't already started your 2014 CCP, now is the time to begin! The CCP is now fully electronic. You will find the 2014 CCP documents on your **Member Resource USB** key or you can download them from the College website at www.ocswws.org. **Be sure to save the documents to your own computer.** If you prefer, you can complete your CCP **on paper** by printing out the CCP documents and filling them out by hand.

Completing your CCP documents **early in the year** will help you to get more out of the program, by ensuring that your learning activities in 2014 reflect the learning needs you've identified through your self-assessment.

Remember: all members are required to participate in the CCP. This includes:

- Members who are unemployed, or not currently practising social work or social service work;
- Members who are retired from practice;
- Members in the Inactive category;
- Members on maternity/parental leave; and
- Members who registered late in the year.

Please note that the Registration Regulation made under the *Social Work and Social Service Work Act, 1998* gives the College the authority to suspend members for non-compliance with the CCP.

For more information, helpful tips and resources, please click on the CCP link on the College homepage at www.ocswws.org, or visit the CCP pages under the Professional Practice tab. You may also want to view one of the webcasts designed to help you get more out of the CCP. Staff in the Professional Practice Department will be pleased to answer any further questions. They can be reached by phone at 416-972-9882 or 1-877-828-9380, or by e-mail at ccp@ocswws.org.

In Memoriam: Jack Donegani, RSSW, Council Member 2007 - 2013

College staff and Council members were deeply saddened to learn of the death of Jack Donegani on January 10, 2014. A member of the College since 2006 and a member of Council since 2007, Jack was an extremely conscientious member of Council who served on many committees during his tenure, including the Complaints Committee, Finance Committee and the Election Committee. Jack had resigned from Council in 2013 to move to Victoria, B.C. to be closer to his family, especially his 10-month-old grandson. It is hoped that he was able to enjoy some quality time with him and the rest of his family.

Jack obtained a Master of Science from the University of Toronto and a Master of Business Administration from York University. Jack enjoyed a rich and varied career in the federal civil service where he rose to the level of Director General. Upon his retirement, Jack obtained his Social Service Work Diploma in 2006 from Algonquin College and after graduation became a proud member of the College. Jack worked at Serenity House in Ottawa, a residential treatment service for men with substance use disorders. Jack frequently spoke of the significance of social service work being a regulated profession and took every opportunity to encourage his social service work colleagues to become College members.

Many Council members expressed their fond memories of Jack, upon learning of his passing. Council members noted that he will be remembered for his unwavering dedication to the work of Council and the College and his commitment to the profession of social service work. Jack was a man who held strong convictions but always respected the other person's right to hold an opposing opinion. Jack was well respected by his fellow Council members and he will be missed.

Council Highlights

December 11, 2013

- Council approved the 2014 Draft Budget and the Draft Compensation Model Policy
- Council received an update on the College premises expansion
- Council passed a motion regarding the appointment of auditors for the year ending December 31, 2013
- Council approved Draft By-Law 85, amending By-Law No. 1; Draft By-Law No. 86, amending By-Law No. 66; and Draft By-Law No. 87, amending By-Law No. 44
- Council received the Professional Development Reports submitted by Council members Bob Thompson, RSW and Linda Danson, RSW
- The Deputy Registrar presented the English General Public Video, part of the Public Awareness Campaign
- Council received an update regarding the enforcement of the title protection section of the legislation
- Council approved the Financial Statements as of October 2013
- The Deputy Registrar updated Council on the activities and accomplishments of the Membership, Communication and Professional Practice departments
- Reports were received from the following statutory and non-statutory committees: Complaints, Discipline, Fitness to Practise, Registration Appeals, Standards of Practice, Election, Nominating, Finance, Governance, Corporations, Titles and Designations, the Registration Policy task group and the Annual Meeting and Education Day task group

March 4, 2014

- Council received an update on the College premises expansion
- Council received an update about the Per Diem Policy
- Council received an update regarding the 2015 membership fee recommendations
- Council discussed the OCSWSSW's appointment options for the board of the Canadian Council of Social Work Regulators
- Council approved draft By-Law 88, amending By-Law No. 1
- Council reviewed and approved the draft Policy for Council Representation on External Committees/Organizations
- Council approved the revisions to Policy B-014 Council/Registrar Relations Policy
- The President informed Council about the March 3, 2014 meeting with Minister Ted McMeekin
- Council approved the Financial Statements as of December 2013
- Council reviewed and discussed the Registrar's and Deputy Registrar's reports
- Reports were received from the following statutory and non-statutory committees: Complaints, Discipline, Fitness to Practise, Registration Appeals, Standards of Practice, Election, Nominating, Finance, and Governance
- Council viewed the English videos for the general public, members, employers and students and new graduates

Election to Council in District 3 – Don't Forget to Vote!



We are pleased to announce that the 2014 election package is now available online. Read on for more information.

The election for District 3 will be held on **Thursday, May 29, 2014**. All College members who practise in Electoral District 3 are eligible to stand for election. Members in District 3 are encouraged to participate in this important process by casting a vote in the election.

This year, **members will be able to vote online**. The voting system is designed to be secure and to protect the confidentiality of members' votes. An online election process improves efficiency and reduces paper, printing and mailing costs associated with the election.

POSITIONS IN THIS YEAR'S ELECTION

Electoral District 3 elects two social work councillors and two social service work councillors.

MORE INFORMATION ABOUT COUNCIL

The Council is the 21-member governing body and board of directors that manages and administers College affairs. The Council is composed of:

- seven social workers who are members of the College and who are elected by the members of the College in accordance with the by-laws;

- seven social service workers who are members of the College and who are elected by the members of the College in accordance with the bylaws; and
- seven persons who are appointed by the Ontario Government.

PROTECTION OF THE PUBLIC

The College's primary duty is to serve and protect the public interest while promoting high standards of practice for the professions. At the same time, the College encourages a robust interactive relationship with members, stakeholders and the public. To steer and guide these processes, Council's primary governance function is policy development. The policies developed by Council provide direction to the College and to staff.

CHANGES TO THE ELECTORAL PROCESS

To increase efficiency and cut costs, the voting packages, candidate statements and biographical information are available online as of this year. For more information or if you have any questions, please contact Pat Lieberman at 416-972-9882 or 1-877-828-9380 ext. 207 or e-mail elections@ocswssw.org

AMED: Exploring Possibilities in Social Work and Social Service Work Practice



EXPLORING | AMED JUNE 19, 2014 Annual Meeting & Education Day POSSIBILITIES in Social Work and Social Service Work Practice

The theme for this year's Annual Meeting and Education Day is *Exploring Possibilities in Social Work and Social Service Work Practice*. Exploring possibilities in practice is multi-faceted. It includes learning about new approaches and innovations, responding to opportunities for collaboration, respecting diversity, and practising according to the standards of practice and within the limits of one's scope and competence, among other things. We invite you, as members of the College, to join us for this educational opportunity. We hope you will take away valuable information and tools to help you in your practice.

The event will take place on **Thursday, June 19, 2014** at the Metro Toronto Convention Centre, North Building. Registration starts at 8:30 a.m. Please do not forget to bring the confirmation number you will receive upon registering. The Annual Meeting will begin at 9 a.m. and will be followed by the keynote address. Lunch will be served at noon followed by breakout sessions in the afternoon. Eight breakouts will be offered, with delegates choosing to attend two. The breakout topics will include: mindfulness, elder abuse, trauma, privacy and technology, to name a few.

This year's keynote speaker is Linda Jackson, M.S.W., RSW, who will be presenting on *Possibilities and Responsibilities: The Unique Contributions of Social Workers and Social Service Workers*. Linda Jackson will review the many contributions that social workers and social service workers have made to the field, while challenging the audience to consider some of our greatest opportunities for the future.

Linda is Vice-President of Residential, Community and Brain Health at Baycrest. She is a social worker and health

administrator who has had a focus in geriatrics and the integration of care research and education. Linda is currently leading the implementation of several health transformation system projects (including Behaviour Support for Seniors Initiative for the Toronto Central LHIN) and chairing a cross-sector Quality Table; she is also the Executive Sponsor for one of the Health LINKS in Toronto.

To enhance networking opportunities over lunch, we are again providing the option of sitting at a table designated for specific interests or practice areas. If you would like to participate, please be sure to indicate your preference on the registration form. The networking lunch was launched at the 2012 AMED and received an overwhelmingly positive response. We encourage you to participate!

This successful event increases in popularity every year. Spaces fill up quickly, so be sure to sign up as soon as possible. You will find the detailed brochure and registration form on the College website www.ocswssw.org.

If you are unable to attend the event, the Annual Meeting and the keynote address will be made available via webcast. Additionally, a recorded audio of the Annual Meeting and slides from the breakout sessions will be available on the website following the event.

In whichever way you are able to take part in this event, we look forward to connecting with you on June 19, 2014!

If you have any questions regarding the event, please contact Jolinne Kearns, Communications Manager, at 416-972-9882 or 1-877-828-9380 ext 415 or e-mail jkearns@ocswssw.org.

Discipline Decision Summary



This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order.

BY PUBLISHING THIS SUMMARY, THE COLLEGE ENDEAVOURS TO:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

PROFESSIONAL MISCONDUCT

PAAYAL BURMAN, RSW (#819778)

AGREED STATEMENT OF FACT

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. At all times relevant to these allegations the Member was employed initially as a family services worker ("FSW") and, later as a children's services worker ("CSW").
2. From in or about October 2006 until in or about July of 2007, the Member was the FSW for a client receiving
3. In her role as FSW for the client and the client's family, the Member investigated, assessed and mitigated a child protection risk for the client's children, provided support around parenting and advocacy in accessing community services and was ultimately responsible for bringing the client's child into foster care at the request of the child's parents (i.e. the client and the client's then spouse). The child was brought into care in or around February of 2007 and subsequently became a Crown ward. Thereafter, the child remained in the care of the CAS, with access to the child's parents.
4. In or about the fall of 2008 until in or about July of 2010, the Member was the child's CSW. In that capacity, she acted as a legal guardian/parent for the child and also worked closely with the parents of the child (including the client) to ensure that the child received good care and that necessary services were accessed.
5. The Member's role as the child's CSW included providing counseling to both the client and the client's child, to assist them in making decisions regarding the child's care, exploring a variety of options for service and identifying strengths and needs. If she testified at a contested hearing in this matter, the Member would state that neither she nor the client had understood her to be providing counseling services to the client in her role as the child's CSW.
6. In or about April or May of 2011, the Member became involved in a personal and intimate relationship with the client.
7. Prior to entering into that personal and intimate relationship with the client, the Member sought guidance from agency, provincial and College policies (although she was not at that time a Member of the College), but she failed to properly appreciate the requirements imposed by agency, provincial and College policies,

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guidelines and legislation and failed to seek guidance from her supervisor, the College or anyone else within her workplace.

8. In or about early November 2011, the Member's employer became aware of the relationship between the Member and the client and conducted an internal investigation into the matter, the results of which were discussed with the Member. The Member was permitted to resign from her employment.
9. The member's employer reported the results of its internal investigation to the College. No client complained to the College about the Member's actions.
10. In her response to the employer's report, the Member admitted to a personal and romantic relationship with the client and enclosed a letter from the client stating that the client had been the one to initiate the relationship and the client did not feel harmed by it. If the member testified at a contested hearing in this matter, she would state that she had not sought advice on the situation from her workplace supervisor because she felt she had experienced oppression at her workplace.
11. The Member admits that by reason of engaging in some or all of the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act* (the "Act").

DECISION

The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding of professional misconduct, and in particular, that the Member's conduct:

1. Violated section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7) by failing to be aware of her values, attitudes and needs and how those impacted on her professional relationships with clients; failing to distinguish her needs and interests for those of her clients; failing to ensure that her clients' needs and interests remain paramount and failing to maintain an awareness and consideration of the purpose, mandate and function of her employer when she established a personal and/or intimate relationship with her former client; to whom (and to whose child) she had provided counseling services;
2. Violated section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.3 and 2.1.5) by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in her areas of practice; failing to engage in self-review and evaluation of her practice; and failing to seek consultation where appropriate when the Member established a personal and/or intimate relationship with her former client; to whom (and to whose child) she had provided counseling services, without properly reviewing or appreciating the requirements imposed by relevant provincial and College policies, guidelines and legislation and without seeking guidance from her supervisor at her workplace, the College or anyone else within her workplace;
3. Violated section 2.2 of the Professional Misconduct Regulation and Principle II (2.2) of the Handbook (commented on in Interpretations 2.2.1, 2.2.2, and 2.2.8) by entering into a conflict of interest situation and/or dual relationship with her former client and/or the client's child, to whom she had provided counseling services, and failing to declare that conflict of interest situation or take appropriate steps to address it when she established a personal and/or intimate relationship with the said former client. It is alleged that in doing so, the Member placed herself in a conflict of interest situation that could increase the risk of harm to the former client and/or the client's child, and engaged in conduct which could reasonably be perceived as reflecting negatively on the profession of social work.
4. Violated Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.2.2, 8.2.3,

Discipline Decision Summary

8.3, 8.4, 8.6, 8.7 and 8.9) by engaging in an intimate relationship with a former client to whom (and to whose child) the Member had provided counseling services (and who continued to receive services from the Member's workplace), failing to seek consultation/ supervision and develop an appropriate plan when she developed sexual feelings toward her former client, failing to state clearly to her former client that sexual behaviour with the former client was inappropriate due to the Member's previous professional relationship with the former client and the former client's child, and engaging in an intimate relationship with the former client where that, combined with the professional relationship with the former client and/or the former client's child, would create a conflict of interest;

5. In the alternative to paragraph II(e), violated Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.8) by engaging in an intimate relationship with her former client to whom (and to whose child) the Member had provided social work services other than psychotherapy or counselling services, within a period of one year following termination of the professional relationship with the former client and the former client's child, giving rise to a dual relationship and creating the potential for a conflict of interest.

PENALTY ORDER

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee ordered that,

1. The Member shall be reprimanded in person by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member to:

- a. at her own expense, participate in and successfully complete boundaries and ethics training, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within two (2) years from the date of the Order; and
- b. receive supervision of her social work practice within her place(s) of employment, from a regulated professional (or regulated professionals) approved in advance by the Registrar for a total of two (2) years from the date that the Member secures employment engaging in activities that fall within the social work scope of practice, as follows:
 - i. the Member shall advise the Registrar, forthwith, when she secures employment engaging in activities that fall within the social work scope of practice (including the name and address of her employer and the position in which she will be working);
 - ii. the Member shall advise the Registrar, forthwith, of the name and professional qualifications of her proposed social work supervisor within her place of employment and obtain the Registrar's prior approval of such supervisor. The Registrar shall provide the approved supervisor with a copy of the decision of the Discipline Committee in respect of this matter;
 - iii. the Member shall receive supervision of her social work practice within her place of employment, from the approved supervisor, for a period of 2 years from the date of commencing such employment;
 - iv. if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her new supervisor, pending which the Member's 2-year supervision period shall be suspended. The procedure set out in subparagraphs 2(b) (i) and (ii) shall be followed in respect of any new employer(s) and/or supervisor(s), at

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which point the 2 year supervision period shall resume;¹

- v. the Member shall provide to the Registrar written confirmation from her supervisor(s), acceptable to the Registrar, of the satisfactory completion of a total of two (2) years supervision of her social work practice within her place(s) of employment.

3. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register.

- the reprimand administered by the Member's peers serves as a deterrent to the Member and the fact that the reprimand will be recorded on the Register sends a clear message to the membership that this conduct is inappropriate;
- successful completion of a course of instruction regarding professional boundaries and ethics in the profession will serve to remediate the Member and is an important step in assisting her to define and maintain proper boundaries, as well as making appropriate professional judgments;
- publication of the Discipline Committee's findings with identifying information concerning the Member serves as a general deterrent to the profession as well as to reassure the public that the profession does act decisively when matters of this nature are brought to its attention.

THE DISCIPLINE COMMITTEE CONCLUDED THAT:

- the Penalty Order is reasonable, serves and protects the public interest, and is appropriate having regard to the gravity of the professional misconduct in which the Member engaged;
- the Member cooperated with the College, and by agreeing to the facts and proposed penalty, accepted responsibility for her actions;

1. For greater clarity, the Member must receive a total of two years of workplace supervision, in compliance with the provisions of subparagraph 2(b). If the Member changes employers and/or supervisors, the supervision period will stop running when her previous employment/ supervision terminates and resume when her new employment/ supervision commences and after the member has supplied the required information to the Registrar concerning her new employer/ supervisor. The member cannot fulfill the supervision requirement by refraining from engaging in the practice of social work for a 2-year period.

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PROFESSIONAL MISCONDUCT

ABE SUDERMAN

(Former Social Work Member #770046)

ALLEGATIONS

The College's allegations relate to Mr. Suderman's conduct or actions in regard to the College's mandatory Continuing Competency Program (the "CCP").

The CCP requires all College members, on an annual basis, to conduct a review of their practice using a self-assessment tool, identify strengths and weaknesses, determine what areas of practice require improvement, set learning goals and objectives to address those areas, identify learning activities to attain the learning goals, engage in those learning activities,

review and record the outcomes of those activities and report them in an annual declaration to the College.

The events underlying the College's allegations are as follows:

1. In May 2011, Mr. Suderman inquired about the CCP and advised a College representative that he would comply with its requirements, as he planned to renew his membership in the College.
2. In July of 2011, the College sent Mr. Suderman a "2010 CCP Incomplete Letter" along with a "Declaration of Participation in the 2010 CCP" form for completion on or before August 20, 2011.
3. Subsequently, in August 2011, Mr. Suderman contacted a College representative on a number of occasions, indicating that he felt the CCP was "redundant" and expressing his unwillingness to complete the CCP. At that time Mr. Suderman was advised that he could choose to either resign from the College or complete the CCP, failing which he might face misconduct proceedings. Mr. Suderman was asked to respond to the College by September 9, 2011, or further action would be taken.
4. Mr. Suderman did not complete the requirements of the CCP and did not resign from the College by the September 9, 2011 deadline.
5. On October 14, 2011, the Registrar sent a letter to Mr. Suderman, together with copies of the Registration and Professional Misconduct Regulations, inviting Mr. Suderman to make a submission and alerting him that if he did not respond by November 14, 2011, the Registrar would file a complaint.
6. Mr. Suderman did not respond to the Registrar's letter.
7. Mr. Suderman received notification of the Registrar's complaint on December 9, 2011. On that same date, Mr. Suderman wrote a letter resigning his membership with the College.

Discipline Decision Summary

PLEA

Mr. Suderman was neither present nor represented at the hearing. The hearing, therefore, proceeded on the basis that Mr. Suderman denied the allegations.

DECISION

The Discipline Committee found that Mr. Suderman committed acts of professional misconduct as alleged in the Notice of Hearing in that he:

1. Violated Sections 2.2 and 2.28 of Ontario Regulation 384/00 (Professional Misconduct) made under the Social Work and Social Service Work Act (the "Act"), and Principle II, 2.1 of the Handbook (as commented on in Interpretation 2.1.2) by failing and/or refusing to demonstrate his commitment to ongoing professional development by engaging in any continuing education and complying with continuing competence measures required by the College.
2. Violated Section 2.36 of Ontario Regulation 384/00 (Professional Misconduct) made under the Act by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as dishonourable and unprofessional.

The evidence showed that Mr. Suderman was a College member at the time of the misconduct and that, therefore, the College had the jurisdiction to prosecute him for matters that occurred during his College membership.

Section 6 of Ont. Reg. 383/00 (Registration) requires all College Members to provide evidence of continuing competence to practice social work in accordance with the College's guidelines. The Discipline Committee found it "clear" that Mr. Suderman chose to ignore the mandatory nature of the Registration Regulation and the guidelines; although he was warned multiple times that failure to comply would result in a complaint being lodged. While Mr. Suderman indicated his intention to resign from the College, he continued to work as a Social Worker. The Discipline Committee found clear and convincing evidence that Mr.

Suderman, while a College member, failed to meet his obligations by failing to complete the CCP.

PENALTY

As Mr. Suderman resigned his membership with the College, the Discipline Committee ordered that:

1. Mr. Suderman be reprimanded by the Discipline Committee in writing and that the reprimand be recorded on the Register for an unlimited period of time.
2. The finding and Order of the Discipline Committee be published, in detail, with the name of Mr. Suderman, in the official publication of the College, on the College's website and on any other media related document that is provided to the public and is deemed appropriate by the College.
3. Mr. Suderman pay costs in the amount of \$5,000 to the College.

The Discipline Committee's reasons for its Penalty Order are as follows:

- There were a number of aggravating factors with respect to Mr. Suderman's conduct. These include that:
 - he was a longstanding member of the College and had practiced social work for decades and should have been well aware of the importance of competency and standards programs;
 - it would have taken Mr. Suderman as much time to complete the CCP as he put into refusing to participate;
 - Mr. Suderman's refusal to participate in the CCP reflected a lack of professionalism and in particular, a defiance of College policies;
 - Mr. Suderman resigned from the College and refused to participate in the proceedings.
- As Mr. Suderman resigned prior to the hearing, the penalty options available to the Discipline Committee were limited and suspension or revocation of his certificate of registration was not possible. Rehabilitation was also not an option. The only options available to

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the Discipline Committee were a written reprimand (because Mr. Suderman did not participate in the hearing), publication of the finding and Order with Mr. Suderman's name and costs.

- The written reprimand may not be a specific deterrent to Mr. Suderman, but because it is recorded on the College Register, it will serve as a general deterrent to other College members who mistakenly believe they can resign without incurring penalties.
- Publication of the finding and Order, in detail and with Mr. Suderman's name is warranted because he clearly expressed that he would continue to practise as a social worker after he resigned. Publication will serve as both a general and a specific deterrent and is necessary to protect the public interest, especially in the case of Mr. Suderman's future clients. Publication will also serve to maintain public confidence in the profession and the College and is consistent with the requirements of the Act which provide that Discipline Committee hearings shall be open to the public except where an order is made to exclude some or all of the proceedings. This emphasizes that transparency and public participation are important features of the College's complaints and discipline processes. Publication also serves to notify College members that should they behave in a similar manner, this is the penalty they can expect, and that resignation from the College will not prevent the College from acting on complaints.
- Regarding costs, Mr. Suderman refused to participate in the hearing and required the College to prove its case. The matter cost the College considerable expense and this expense should not have to be borne by the other members of the College. Refusing to participate in the discipline process does not discharge the College's mandate to protect the public nor does it save the College the burden of holding a hearing to prove the allegations.



This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order.

BY PUBLISHING THIS SUMMARY, THE COLLEGE ENDEAVOURS TO:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

PROFESSIONAL MISCONDUCT

SUSAN DIFRANCESCO, RSW (#324043)

AGREED STATEMENT OF FACT

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. The Member worked at a correctional institution (the "Institution") as a part-time clinician and discharge planner for nine months, until her resignation. Her principal duties were to provide assistance and support to offenders about to be released from prison back into the community. The Member also carried a small clinical case

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load to treat offenders with anger management problems, anxiety, depression and stress.

2. For approximately eight months, the Member provided social work services to an offender (the "Client"), an inmate who was incarcerated at the Institution after being convicted of aggravated sexual assault. In particular, the Member provided the Client with counseling and/or psychotherapy to assist the client with managing anger and frustration and to deal with depression, anxiety, childhood victimization and shame/guilt over the offense for which the Client was incarcerated. There was also some discharge planning work, as the Client was applying for conditional release.
3. During her counseling relationship with the Client, the frequency and length of the sessions increased and sessions were held outside her office. This came to the attention of other staff and inmates in the Institution, who expressed concern about the situation to her supervisor.
4. Her supervisor notified the Member of these concerns and discussed with her (at two meetings) strategies for maintaining appropriate boundaries and dealing with transference and counter transference issues. The Member also received training and orientation through the Institution which addressed boundary issues.
5. Despite this supervision and training, the Member continued to engage in a series of boundary crossings, boundary violations and sexual misconduct while providing counseling and/or psychotherapy to the Client. In particular, the Member:
 - a. engaged in an inappropriate sexual and romantic relationship with the Client (which included kissing and touching of a sexual nature);
 - b. engaged in inappropriate personal phone conversations with the Client;
 - c. shared details of her personal and sexual life with the Client;
 - d. allowed the Client access to confidential inmate records;
 - e. provided the Client with confidential information concerning other Institution employees;
 - f. allowed the Client to read internal memos and work emails;
 - g. extended therapy sessions with the Client and spent excessive time with the Client, both in person and over the phone;
 - h. made arrangements to (and did) contact the Client by phone in a manner that avoided detection by staff at the Institution;
 - i. focused sessions with the Client on her 'relationship' with the client, rather than on the Client's therapeutic needs; and
 - j. provided mixed music CDs to the Client.
6. During her employment at the Institution the Member also had frequent and ongoing contact with former clients from her previous employment at a child and family services agency, including two named clients. The Member sometimes met with these former clients for lunches. The Member provided these former clients with rides, helped one client move and acted as a trustee for that client's benefits under the Ontario Disability Support Program.
7. After her supervisor met with the Member again to discuss concerns about boundary issues involving the Member and the Client, the Member resigned from her employment with the Institution.
8. The Member subsequently commenced employment as a social worker at a health care services agency (the "Agency").
9. After leaving her employment at the Institution, the Member continued to maintain a personal, romantic and/or sexual relationship with the Client. In particular, she:
 - a. obtained visitor status at the Institution, repeatedly visited the Client there, and kissed, embraced and touched the Client in a sexual manner during visits;
 - b. provided the Client with photographs of her vacations, home, cottage, children and current offices

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- at the Agency;
 - c. made arrangements to (and did) contact the Client by phone in a manner that avoided detection by staff at the Institution;
 - d. shared details of her personal and sexual life with the Client;
 - e. bought clothing for the Client;
 - f. gave money to the Client;
 - g. fostered a relationship with the Client's mother and involved the Client's mother in her relationship problems;
 - h. shared the substance of the initial mandatory report received by the College with the Client and told the Client that they 'had to get [their] stories straight'; and
 - i. disclosed to the Client detailed information regarding sessions she was conducting with clients at her current place of work, including two named clients and a man whose daughter had recently died.
10. The Member's conduct had a negative impact on the Client in that it confused and compromised the Client's understanding of (and ability to deal with) the Client's dependency and attachment issues, caused or contributed to the Client's emotional crises and suicidal ideation during the late winter and spring following the Member resignation from the Institution (which culminated in the Client being placed on suicide watch and transferred to an outside facility for treatment), and led to the Client being distrustful of and refusing counseling and therapy through the Institution's Psychological Services.
11. In the Summer following her resignation from the Institution the Member provided a letter in support of the Client's release plan and application for parole, which application was later denied. In that letter, she:
- a. disclosed that she had established a relationship with the Client after leaving her employment at the Institution, but had discontinued the relationship because it became a source of anxiety for the Client;
 - b. described an incident in which the Client had an "anxiety attack" after unsuccessfully attempting to contact the Member at her new workplace, causing her colleagues to report the incident to the police;
 - c. offered to provide the Client with transportation and a place to stay if the Client was released from the Institution and to assist the Client in learning problem solving skills.
12. The Member admitted that by engaging in the above conduct, she breached provisions of the Professional Misconduct Regulation and Standards of Practice and is guilty of professional misconduct as alleged in the Notice of Hearing.

DECISION

The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding that the Member committed acts of professional misconduct, and in particular, that the Member's conduct violated:

- a. section 2.5 of the Professional Misconduct Regulation by abusing a client physically, sexually, verbally, psychologically or emotionally when she engaged in behaviour and/or remarks of a sexual nature towards the Client, to whom she provided counselling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;
- b. section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.6 and 8.7) by engaging in physical sexual relations, touching of a sexual nature and/or behaviour or remarks of a sexual nature with the Client, to whom she provided counseling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;
- c. section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.3, 8.4 and 8.4.1) by failing to seek consultation/ supervision and develop an appropriate plan when she developed sexual feelings toward the Client which she knew could put the Client at risk; failing to state clearly to the Client that behaviour of a sexual nature was inappropriate by virtue of the professional relationship and failing to consider terminating the

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- therapeutic relationship when that behaviour became intrusive to the provision of professional services;
- d. section 2.6 of the Professional Misconduct Regulation by using information obtained during her professional relationship with the Client, or using her professional position of authority to coerce, improperly influence, harass or exploit a client or former client, the Client, when she engaged in behaviour and/or remarks of a sexual nature towards, and/or established a romantic and sexual relationship with, the Client to whom she provided counseling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;
- e. section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when she engaged in behaviour and/or remarks of a sexual nature towards, and/or established a romantic and sexual relationship with the Client, to whom she provided counseling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;
- f. section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7) by failing to regard the well-being of the Client, as her primary professional obligation when she established a romantic and sexual relationship with the Client. In doing so she failed to distinguish her own needs from those of her client, failed to appreciate how her needs might impact on her professional relationship with the Client, placed her own needs before those of her client, failed to ensure that the Client's interests were paramount and failed to maintain an awareness and consideration of the purpose, mandate and function of her employer (the Institution) and how those impact on and limit professional relationships with clients.
- g. section 2.2 of the Professional Misconduct Regulation and Principle II (2.2) of the Handbook (commented on in Interpretations 2.2.1, 2.2.2, 2.2.3 and 2.2.8) by failing to maintain clear and appropriate boundaries in her professional relationship with the Client and another former client, and placed herself in a conflict of interest situation in which she ought reasonably to have known that these clients would be at risk and (or in the alternative) used her professional position of authority to abuse or exploit a client or former client;
- h. section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.5) by failing to engage in self-review and evaluation of her practice; and failing to seek consultation where appropriate when she established a romantic and sexual relationship with the Client, to whom she provided counseling services and/or psychotherapy services, and who remained incarcerated at and a client of her former employer, the Institution;
- i. section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.7) by engaging in a personal and sexual relationship with the Client, to whom she provided counseling services and/or psychotherapy services, without demonstrating that the Client had not been exploited, coerced or manipulated, intentionally or unintentionally;
- j. section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.5) by failing to conduct herself in a manner which demonstrates respect for the complainant and the College when she shared the substance of the original mandatory report in this matter with the Client, and told the Client that they "had to get [their] stories straight"; and
- k. section 2.2 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretations 5.1, 5.3 and 5.6) by failing to comply with applicable privacy and other legislation, failing to obtain the necessary consent to the use or disclosure of client information, improperly disclosing information concerning or received from clients and improperly permitting third party observation of clients' activities without the clients' consent when she:
- i. allowed the Client to listen in on sessions she was conducting with clients at the Agency;
 - ii. allowed the Client access to confidential inmate records;
 - iii. provided the Client with confidential information

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- concerning other Institution employees; and/or
- iv. allowed the Client to read internal memos and work emails.

PENALTY ORDER

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee ordered that,

1. The Member shall be reprimanded in person by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register;
2. The Registrar is directed to suspend the Member's Certificate of Registration for a period of twelve (12) months, the first two (2) months of which shall be served commencing on the date of the Discipline Committee's Order herein. Upon completion of those first two (2) months of the suspension, the remaining ten (10) months of the suspension shall be suspended for a period of two (2) years, commencing on the date of the Discipline Committee's Order herein. The remaining ten (10) months of the suspension shall be remitted on the expiry of that two year period if (on or before the second anniversary of the Discipline Committee's Order herein) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3 hereof. If the Member fails to comply with those terms and conditions, the Member shall serve the remaining ten (10) months of the suspension, commencing two (2) years from the date of the Discipline Committee's Order. For greater clarity, the terms and conditions imposed under paragraph 3 hereof will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms and conditions.
3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member to:
 - a. at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within two (2) years from the date of the Order of the Discipline Committee herein;
 - b. at her own expense, engage in intensive insight-oriented psychotherapy with a regulated professional approved by the Registrar of the College for a period of two (2) years from the date of the Discipline Committee's Order, with quarterly written reports as to the substance of that psychotherapy and the progress of the Member to be provided to the Registrar of the College by the therapist. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two year period, direct that the psychotherapy be discontinued;
 - c. receive supervision of her social work practice within her place(s) of employment, from a regulated professional (or regulated professionals) approved in advance by the Registrar for a total of two (2) years from the date of the Order of the Discipline Committee herein, as follows:
 - i. the Member shall advise the Registrar, forthwith, of the name and professional qualifications of her proposed social work supervisor(s) within her place(s) of employment and obtain the Registrar's prior approval of such supervisor(s). The Registrar shall provide the approved supervisor(s) with a copy of the decision of the Discipline Committee in respect of this matter;
 - ii. the Member shall receive supervision of her social work practice within her place(s) of

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employment, from the approved supervisor(s), for a period of 2 years from the date of the Discipline Committee's Order herein;

- iii. if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her new supervisor, pending which the Member's 2-year supervision period shall be suspended. The procedure set out in subparagraphs 2(b)(i) and (ii) shall be followed in respect of any new employer(s) and/or supervisor(s), at which point the 2 year supervision period shall resume¹;
- iv. the Member shall provide to the Registrar written confirmation from her supervisor(s), acceptable to the Registrar, of the satisfactory completion of a total of two (2) years supervision of her social work practice within her place(s) of employment.

d. prohibiting the Member from applying under Section 29 of the Social Work and Social Service Work Act, 1998, S.O. 1998, Ch. 31, as amended, for the removal or modification of the terms, conditions or limitations imposed on her Certificate of Registration for a period of two (2) years from the date on which those terms, conditions and limitations are recorded on the Register, except with the prior written consent of the Registrar.

- 4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register.

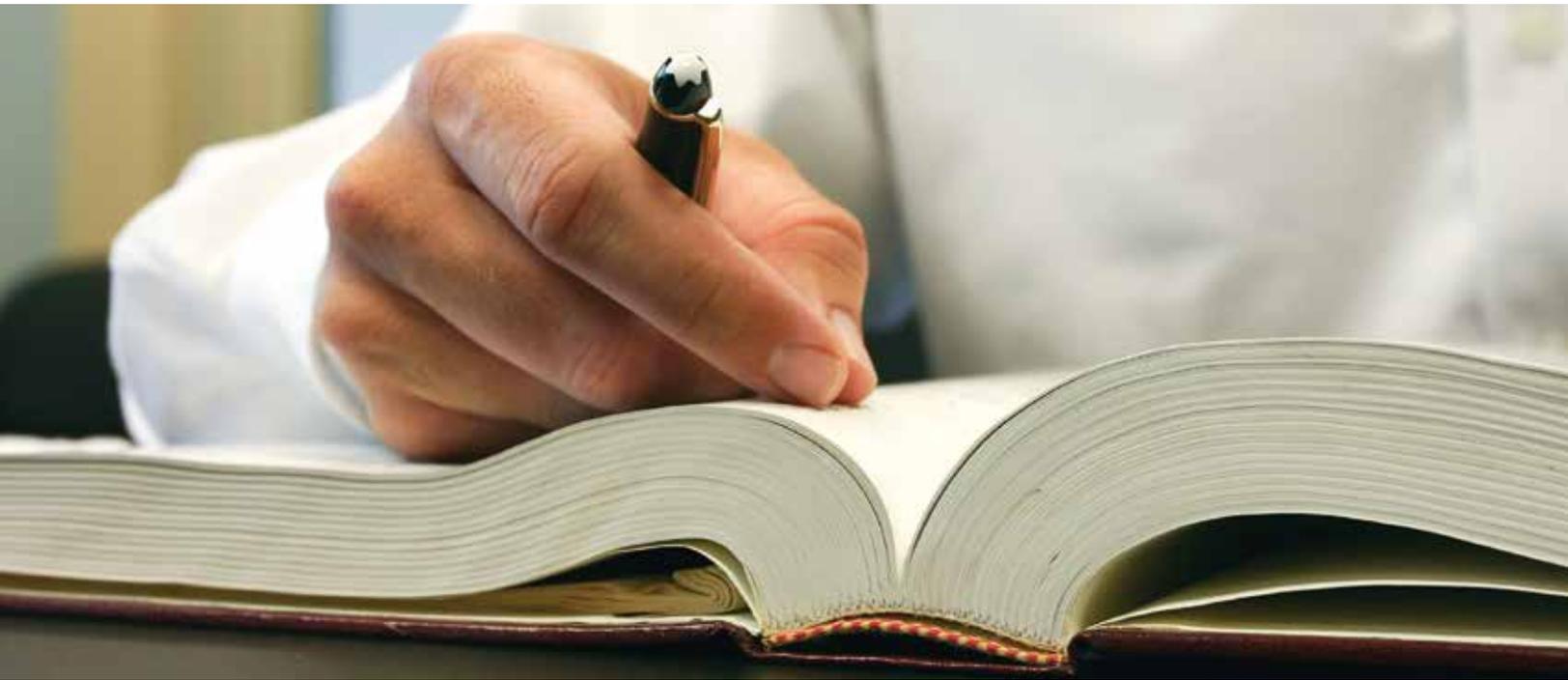
THE DISCIPLINE COMMITTEE CONCLUDED THAT:

- The penalty is reasonable and serves and protects the public interest;
- The Member co-operated with the College and by agreeing to the facts and the proposed penalty the Member has taken responsibility for her actions and has prevented a protracted hearing that would have placed the Client in the "regrettable" position of having to testify against the Member in an open hearing;
- The Member's behavior outlined in the Agreed Statement of Fact was "egregious and represented violations of the core social work values that the Member had sworn to uphold by becoming a professional member of the College";
- The Client was "very vulnerable and was significantly harmed" by the Member's actions and may suffer from lasting emotional damage;
- The reputation of the social work profession has been negatively affected and public trust in the profession's ability to work ethically, objectively and professionally has been eroded because of the Member's behavior;
- The penalty provides specific deterrence through the suspension of the Member's Certificate of Registration, the oral reprimand, and the requirement that the Member cover the costs of the rehabilitative measures;
- The penalty provides general deterrence through the publication of the Member's name, the details of her professional misconduct, and the details of the penalty, such that other College members will see that these and similar violations of the Code of Ethics and Standards of Practice are taken very seriously.
- To meet the goals of rehabilitation and remediation, the Member is also required to successfully complete a professional ethics and boundaries course, and to participate in insight-oriented psychotherapy.

1. For greater clarity, the Member must receive a total of two years of workplace supervision, in compliance with the provisions of subparagraph 2(b). If the Member changes employers and/or supervisors, the supervision period will stop running when her previous employment/ supervision terminates and resume when her new employment/ supervision commences and after the member has supplied the required information to the Registrar concerning her new employer/ supervisor. The member cannot fulfill the supervision requirement by refraining from engaging in the practice of social work for a 2-year period.

Practice Notes: New and Improved? Making the Shift to Electronic Records

LISE BETTERIDGE, M.S.W., RSW, DEPUTY REGISTRAR



Practice Notes is designed as an educational tool to help Ontario social workers, social service workers, employers and members of the public gain a better understanding of recurring issues dealt with by the Professional Practice Department and the Complaints Committee that may affect everyday practice. The notes offer general guidance only and members with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.

It is well-recognized that accurate and timely documentation is an essential component of effective and ethical social work and social service work practice.¹ Good record-keeping facilitates communication, ensures coordination, continuity and quality of care, establishes accountability for and evidence of services provided, permits evaluation of the quality of services, and provides information which can be used for research and education.² Increasingly, good documentation is also recognized as an important risk-management tool which protects clients, practitioners and employers.³ Accurate documentation is not only important in clinical practice, but also in supervision, management and administration.⁴

Previous Practice Notes called “The Broken Record” emphasized the crucial importance of record-keeping.⁵ They discussed some of the issues to be considered by members, some of whom may view documentation as something that takes them away from their primary role of helping clients.⁶ This article focuses on issues raised by the shift from paper to electronic records. It addresses the issues of access to the record, client confidentiality and record format in the electronic context, from the perspective of the Code of Ethics and Standards of Practice. It should be noted that there are various laws which may also affect the privacy of, access to, correction of and disclosure of both paper and electronic records, depending upon the context in which a member

1 Cumming, Sue, Eileen Fitzpatrick, Donna McAuliffe et. al., “Raising the Titanic: Rescuing Social Work Documentation from the Sea of Ethical Risk” in *Australian Social Work*: Volume 60, No. 2, June 2007, pp. 239-257. See also *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record (general statement).

2 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record (general statement).

3 Reamer, Frederic, “Documentation in Social Work: Evolving Ethical and Risk-Management Standards”, *Social Work*, Volume 50, Number 4, October 2005, p. 325.

4 *Ibid.*, p. 326.

5 Blake, Pamela, Practice Notes: “The Broken Record”, *Perspective*, Spring 2010. http://www.ocswssw.org/docs/record_keeping.pdf

6 Cumming et al., p. 241.

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practises and the records are created. It is beyond the scope of this article to address members' obligations under those privacy laws⁷, but it is important that members maintain an awareness of any privacy and other laws applicable to their practice which may impact the social work or social service work record, and that they obtain legal advice concerning those obligations, as appropriate.

Members are strongly encouraged to review Principle IV: The Social Work and Social Service Work Record in the *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008* in its entirety to ensure that they are familiar with the minimum standards expected of them. While there are unique aspects to electronic record-keeping, members should note that the standards of practice are equally relevant and applicable to paper and electronic records.

RECORDING SENSITIVE CLIENT INFORMATION

In the course of their work with clients, social workers and social service workers are frequently privy to highly sensitive information. They have a professional and ethical obligation to handle this information with care, and to protect client confidentiality. At times, members may be concerned that other staff in their setting are able to access such information inappropriately. This concern may be heightened when a central electronic record is easily accessed by all staff. Consider the following scenario:

A member working in a small, multiservice community agency contacted the Professional Practice Department with concerns about what should be included in the electronic record. She believed that her detailed assessments and progress notes should not be included in the electronic record because these could be viewed by others, including administrative staff. She had decided to maintain a parallel paper file, in which she intended to keep

more sensitive client information. The member wondered if this practice was acceptable and met College standards.

Because of their format, electronic records may centralize client records and enable multidisciplinary access in a way which was not always possible with paper files. The member is certainly justified in carefully considering the issues that arise from this significant change.

The standards of practice require members to "respect the privacy of clients by holding in strict confidence all information about clients and by complying with any applicable privacy and other legislation".⁸ They also state that the purpose of the record is, in part, "to document services in a recognizable form in order to ensure continuity and quality of service".⁹ Members must "comply with any applicable privacy and other legislation ... (and) obtain consent to the collection, use or disclosure of client information including personal information unless otherwise permitted or required by law".¹⁰ Members are required to "inform clients early in their relationship of the limits of confidentiality of information"¹¹ including "the need for sharing pertinent information with supervisors, allied professionals and paraprofessionals, administrative co-workers, social work or social service work students, volunteers and appropriate accreditation bodies".¹²

If the member believes that it is inappropriate for others on her team to access client records, she is bound by the standards of practice to raise this concern with her employer and to find ways to advocate for workplace policies and conditions that are consistent with College standards.¹³ Before doing so, however, she should consider whether some access to the file by others on her team may in fact be appropriate, desirable and allowable. It may be in clients' best interests for other members of the multidisciplinary

7 Such as the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F31, the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5 and the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3.

8 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle V: Confidentiality. See also Principle IV: The Social Work and Social Service Work Record.

9 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record (general statement).

10 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle V: Confidentiality, interpretation 5.1. See also Principle IV: The Social Work and Social Service Work Record, interpretations 4.2.1 and 4.2.2.

11 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle V: Confidentiality, interpretation 5.4.

12 *Ibid.*, interpretation 5.4.

13 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle II: Competence and Integrity, footnote 10.

Practice Notes: New and Improved? Making the Shift to Electronic Records

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team to have access to important information contained in social work or social service work notes. This information could assist them in making important decisions about a client's care, or in managing a crisis, for example. Similarly, it is reasonable and allowable for administrative colleagues to access parts of the record for specific purposes, such as scheduling appointments.¹⁴

Under the *Personal Health Information Protection Act, 2004* (PHIPA) clients have a right to request that all or part of their record be "locked".¹⁵ Members should ensure that they are responding to the client's wishes rather than their own concerns when locking information, however. Clients should be informed that sharing of information between team members enhances their care. In the scenario described above, the member had not fully described the agency's record-keeping, privacy or administrative practices to her clients, nor had she fully discussed the limits of confidentiality. She was reminded that this is an important element of contracting with all clients.

In this case, rather than putting clients' information in a "lock box", the member had decided to keep more sensitive information in a "parallel" file which she stored in her office. While it has been common practice for members in some settings to keep such parallel files, the shift to electronic records has led many agencies (and members themselves) to examine this practice. Storing important information outside the electronic record where it cannot be easily accessed by others providing care may not be in clients' best interests, may jeopardize client care, and may not be in accordance with the standards of practice. Members must carefully consider their rationale for keeping certain information from others on the team. What are the implications of other providers

not being fully informed? Why is this information more "sensitive" than that gathered by other providers? How might the member justify this decision if ever her practice was called into question?

Some agencies have developed clear policies prohibiting "personal", "shadow" or "parallel" files. Unless an employer policy conflicts with the College's standards of practice, a member would be expected to follow it.¹⁶

In the absence of such policy, members may choose to store the tools or data they have used to develop a professional opinion (such as personal notes, memos, messages, genograms, etc.) in a separate, hard-copy file. It should be noted that this kind of information is usually supplemental and not critical to the client's care. In the official, electronic record, the members must be sure to "keep systematic, dated, and legible records for each client or client system served".¹⁷ These records should contain current, accurate, and relevant information about clients.¹⁸

After some discussion about these issues, the member decided (with the support of her manager) to initiate a discussion about confidentiality and access to sensitive client information with others on her team. Her manager was in a position to determine what information was being accessed and by whom,¹⁹ in order to decide whether there was a broader problem that needed to be addressed within the agency. The member also realized that it was possible that she had been making inappropriate judgments about the motivations of other staff, and had perhaps underestimated the value of certain information in the overall care of her clients. The member decided to limit her use of a parallel file, and to ensure that she included sufficient information

14 *Privacy Toolkit for Social Workers and Social Service Workers, Guide to the Personal Health Information Protection Act, 2004 (PHIPA)*, Ontario College of Social Workers and Social Service Workers, 2005, page 31. Members who practise in environments where PHIPA applies should note that this legislation generally allows others on the team who are providing or assisting in providing health care to a client (those healthcare providers in the client's "circle of care" — a term which is not used specifically in the legislation) to access the client's personal health information. PHIPA Toolkit, p. 32.

15 PHIPA Toolkit, p. 32.

16 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle II: Competence and Integrity, interpretation 2.2.10. See also Principle I: Relationship with Clients, interpretation 1.7.

17 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record, interpretation 4.1.3. Footnote 1 in Principle IV notes that "the same standards with respect to confidentiality, security and destruction [must be observed with respect to the parallel file] as with the social work and social service work record". Members should be aware that in the event of a court order or subpoena, they may be required to disclose information from both the electronic file and the parallel (paper) file.

18 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record (general statement).

19 An electronic system should permit an audit trail which can assist an organization in determining who has accessed a file and when. The standards of practice require electronic record systems to have security features which maintain an audit trail. *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record, footnote 7.

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in the electronic file so that others on the team would be able to respond appropriately to clients' needs based on her assessment and interventions.

ACCESS TO THE ELECTRONIC SYSTEM

Members may also have questions about the use of electronic signatures and standardized templates in electronic record-keeping systems:

A member of the College working in an outpatient mental health setting called the College because his agency had recently moved to an electronic record system. He explained that he had been giving his student access to the system under his password. The member felt uncomfortable with this practice. He also wondered whether he was required to use an electronic signature in addition to a password when recording in the system, and had questions about the agency's highly-templated record format.

It can be challenging for social workers and social service workers to obtain necessary resources for the students they supervise, given ever-diminishing resources in many settings and the intensive demands associated with making the shift to electronic records. Agencies may not have had time to consider how to handle issues related to students. Members may be hesitant to ask for additional resources and in some cases may be discouraged from doing so. This reluctance may lead to "shortcuts" which may contravene the standards of practice and pose other risks.

The standards of practice require members to document their own actions.²⁰ They further state that the record must clearly reflect the identity of the service provider.²¹ Electronic systems must protect the system from unauthorized access, and members must have a private access code or password.²² While not all systems permit the use of an electronic signature,

it must be clear from the record who provided the service and who made each entry. Only those with the right to access the record should do so, and members must ensure that their passwords or entry codes are protected from unauthorized use.

The use of more highly-templated assessment forms, progress notes and other documents is more common as electronic records become the norm. There are benefits to templates, which may contribute to more uniformity and clarity in recording. Members should ensure that any templates they use capture the minimum requirements for record content set out in the standards of practice.²³ They should also ensure that drop-down menus within the templates do not put them in the position of performing restricted activities (e.g. under the *Regulated Health Professions Act, 1991* or other laws) which they may not have the authority to perform.²⁴

As a result of his consultation with Professional Practice staff, the member realized that his discomfort with his agency practices was warranted. He decided to discuss his concerns with others on his team and with his manager in order to find an acceptable solution.

RECORD FORMAT

Members moving from one setting to another may be surprised to find that some agencies have been slower than others to make the shift to electronic records, as in the following scenario:

A member of the College who had recently obtained employment at a school board contacted the College to discuss her recording practices. She explained that she had been surprised to find that the school board maintained paper files. The member's preference was to document electronically using Word, to save the files to her computer, and to print off her notes

20 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record, interpretation 4.1.5.

21 *Ibid.*, interpretation 4.1.4.

22 *Ibid.*, footnote 7.

23 *Ibid.*, footnotes 2 and 3.

24 The *Regulated Health Professions Act, 1991* (RHPA), S.O. 1991, c. 18, restricts the performance of certain controlled acts "in the course of providing health care services to an individual", including the controlled act of "communicating to the individual ... or his or her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual ... will rely on the diagnosis." The provision of a social work diagnosis falls within the scope of practice for social workers, which includes "the provision of assessment, diagnostic, treatment and evaluation services between a social worker and client".

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on a regular basis. Like her colleagues, she planned to maintain paper files in her office. She wondered if this was an acceptable practice.

Using a computer to type client notes may be a matter of personal preference. However, electronic records must meet minimum standards as set out in Principle IV: The Social Work and Social Service Work Record in the *Code of Ethics and Standards of Practice Handbook*. Specifically, the system must maintain an audit trail that records the date and time of each entry of information for each client, indicate any changes in the recorded information, and preserve the original content of the recorded information when changed or updated.²⁵ Furthermore, in a shared system, the member must use a private access code or password when making entries. A Word document would not typically afford this protection.²⁶

After consulting with the Professional Practice Department, the member decided to continue her practice of recording on the computer, but made several other changes to her practices. These included printing off and signing each note manually, before storing it in a secure manner, under lock and key, in an individual paper file.

IN CONCLUSION

This article has discussed some of the issues that members should consider when recording on an electronic system. While there are some challenges, opportunities and considerations that apply uniquely to electronic records, members are reminded that the requirements set out in the College's standards of practice remain relevant and applicable in this new era.

For more information, contact Lise Betteridge, M.S.W., RSW, Deputy Registrar, at 416-972-9882 or 1-877-828-9380, ext. 225 or e-mail: lbetteridge@ocswssw.org.

²⁵ *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle IV: The Social Work and Social Service Work Record, footnote 7.

²⁶ *Ibid.*, footnote 7.

Q & A



Q & A is a feature appearing in *Perspective* that answers members' questions on various topics relating to the College and the practice of social work and social service work. If you have any questions you would like answered, please send them via e-mail to Jolinne Kearns, Communications Manager at jkearns@ocswssw.org. Although not all questions will be published in subsequent issues of *Perspective*, all will be answered.

The following is an excerpt from a recently received letter in which a College member describes her experience of the College's complaints/mandatory report process:

Thank you for your letter (decision)...I would like to notify the College that I have had an opportunity to review your analysis, and to seriously reflect upon the Executive Committee's comments. Over the past few months I have reviewed the College's Standards of Practice with particular focus on those standards which were relevant to the issues reported. I have also completed a review and reflection of the associated College Practice Notes. Thank you for your recommendations with a view to continuous practice improvement.

I would also like to take this opportunity to comment on my experience.... Firstly, I had the opportunity to present my case fully and fairly, and have a decision affecting my rights, interest and privileges made using a fair, impartial and open process, appropriate to the statutory, institutional and context of the decision. This process also highlighted for me the intent of the Continuing Competence Program and the importance of completion of the Self-Assessment Tool and Professional Development Plan Documents. This tool, I believe, is critical given the nature of the work we do and the competing values, and interests we are faced with balancing on a daily basis...

I also wish to thank [College staff] for... professionalism and assistance throughout this matter.

Regards,
"College Member, RSW"

Q: I have been asked by my employer to provide service to a client in another province, using Skype. Can the College offer any guidance on this issue?

A: The Ontario College of Social Workers and Social Service Workers ("**The College**") is responsible for regulating the

practice of social work and social service work and for governing its members. The provision of professional services by College members to clients outside of Ontario, by means of Skype, may raise a number of difficult legal and jurisdictional issues, particularly if there is more than one regulatory regime which may have application to the services provided. It is beyond the scope of this answer to offer any legal analysis or opinions about these issues. The focus of this answer is simply to highlight various practice concerns which should be addressed by members who are considering providing this type of service.

While the College's Standards of Practice do not specifically mention the provision of services by Skype (either to clients within or outside of Ontario), the Standards of Practice are generally applicable to the full range of members' social work and social service work practice, in a variety of contexts. The *Social Work and Social Service Work Act* and regulations do not expressly restrict the application of the legislation to services supplied by members to clients within Ontario. To date, there is no guidance from the College's Discipline Committee concerning the issue. In these circumstances, the course of caution is for College members to assume that the College's legislation and Standards of Practice apply to services supplied via Skype to clients outside of Ontario and to ensure that the services are performed in a manner that complies with them. The College advises members considering electronic practice with clients outside Ontario to contact the regulatory body in the jurisdiction where the client is located, in order to determine the registration or licensure requirements there. Members are also strongly advised to contact their liability insurance provider, and to seek a legal opinion. There are a number of other important issues for members to consider prior to engaging in electronic practice. These include, but are not limited to: confidentiality (Skype is not a secure form of communication), competence and crisis management. Members may also find the *Practice Notes on Social Media* and the *Practice Notes on Communication Technology and Ethical Practice* relevant. Both are available in the Resource Room on the College website at www.ocswssw.org.

Bulletin Board

CHANGE OF INFORMATION NOTIFICATION

If you **change employers or move**, please advise the College in writing within 30 days. The College is required to have the current business address of its members available to the public. Notification of change of address can be done through the website at www.ocswssw.org, e-mailed to info@ocswssw.org, faxed to 416-972-1512 or mailed to the College office address. In addition to providing your new address, please also provide your old address and College registration number.

If you **change your name**, you must advise the College of both your former name(s) and your new name(s) in writing and include a copy of the change of name certificate or marriage certificate for our records. The information may be sent by fax to 416-972-1512 or by mail to the College office address.

If you wish to **update your education**, you must ask your academic institution to forward an official transcript with the institution seal and/or stamp directly to the OCSWSSW.

PARTICIPATION IN THE WORK OF THE COLLEGE

If you are interested in volunteering for one of the College's committees or task groups, please e-mail Monique Guibert at mguibert@ocswssw.org to receive an application form. The College welcomes all applications, however, the number of available positions for non-Council members is limited by the statutory committee requirements in the *Social Work and Social Service Work Act* as well as the by-laws and policies of the College.

COUNCIL MEETINGS

College Council meetings are open to the public and are held at the College office in Toronto. Visitors attend as observers only. Seating at Council meetings is limited. To reserve a seat, please fax your request to the College at 416-972-1512 or e-mail mguibert@ocswssw.org. Please visit the College's website for the dates and times of upcoming meetings.





Ontario College of
Social Workers and
Social Service Workers

Mission Statement:

The Ontario College of Social Workers and Social Service Workers protects the interest of the public by regulating the practice of Social Workers and Social Service Workers and promoting excellence in practice.

Vision Statement:

The Ontario College of Social Workers and Social Service Workers strives for organizational excellence in its mandate in order to: serve the public interest; regulate its members; and be accountable and accessible to the community.

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