

Discipline Committee of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

Citation: ONCRPO v. DALY, 2021 ONCRPO 5

Date of written reasons: September 30, 2021

Docket: R1819-19

IN THE MATTER OF the *Regulated Health Professions Act, 1991, S.O. 1991, c. 18*, as amended, and the regulations thereunder, as amended;

IN THE MATTER OF the *Psychotherapy Act, 2007, S.O. 2007, c. 10, Sched. R*, as amended and the regulations thereunder, as amended;

AND IN THE MATTER OF a discipline proceeding against Katrina Daly, a Registrant of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

Between: **COLLEGE OF REGISTERED PSYCHOTHERAPISTS AND REGISTERED MENTAL HEALTH THERAPISTS OF ONTARIO**

- and -

KATRINA DALY (REGISTRATION #007772)

Before: Panel

**Kenneth Lomp (Chair)
Shelley Briscoe-Dimock
Heidi Ahonen
Steven Boychyn
David Keast**

Date of hearing:

September 30, 2021

Appearances:

Rebecca Durcan,

Counsel for College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

Jennifer Hunter,

Independent Legal Counsel

Katrina Daly, Registrant/Member

Lisa E. Hamilton, Counsel for Katrina Daly

DECISION AND REASONS

This matter came before a panel of the Discipline Committee (the "Panel") of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the "College") on September 30, 2021. The hearing proceeded via videoconference on consent of the parties.

The hearing was uncontested. It proceeded by way of an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty and Costs, which were jointly proposed on behalf of the College and the Registrant, Katrina Daly (the "Registrant").

The Panel made findings of professional misconduct and, at the conclusion of the hearing, delivered its finding and penalty order orally, with written reasons to follow. These are those reasons.

THE ALLEGATIONS

The allegations of professional misconduct against the Registrant were listed on the Notice of Hearing, dated March 18, 2021, which was filed as Exhibit 1, and read as follows:

The Registrant

1. Katrina Daly (the "Registrant") has been a registrant of the College of Registered Psychotherapists of Ontario (the "College") since approximately October 11, 2018.
2. The Registrant is self-employed in Guelph, Ontario.

Representations on or in connection with her application for registration

3. On or about 2017 the Registrant applied for registration with the College and submitted an application for registration.
4. On or about January 12, 2018, the Registrar referred the Registrant's application for registration to the Registration Committee as there were doubts that the Registrant met all of the registration requirements including the requirement that her previous conduct must afford reasonable grounds for the belief that she will practise psychotherapy in a safe and professional manner. This was as a result of a concern that the Registrant entered into a personal relationship with a Client and/or former client.
5. On or about March 15, 2018, the Registrant made submissions to the Registration Committee. The Registrant submitted that she never treated the Client and had no

involvement in his treatment.

6. As a result of the submissions of the Registrant, in or around July 2018, the Registration Committee directed the Registrar to issue a certificate of registration to the Registrant albeit with certain terms, conditions and limitations.
7. It is alleged that:
 - a. The Registrant did treat the Client and/or former Client; and/or
 - b. The Registrant had involvement in his treatment.
8. Section 3(2) of Regulation 67/15 states that “an applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a false or misleading statement or representation on or in connection with his or her application, and any certificate of registration issued to such an applicant may be revoked by the Registrar.”
9. It is alleged that the Registrant made a false or misleading statement or representation to the Registration Committee and/or in connection with her application for registration.

Allegations of Professional Misconduct

10. It is alleged that the above conduct constitutes professional misconduct pursuant to one or more of the following:
 - a. Section 51(1)(c) of the *Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 317/12 made under the *Psychotherapy Act, 2007*:
 - i. **Paragraph 42**—Contravening, by act or omission, a provision of the Act, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts.

AGREED STATEMENT OF FACTS

The Agreed Statement of Facts was filed as Exhibit 2 and provides (without attachments) as follows:

The Registrant

1. Katrina Daly (the “Registrant”) has been a registrant of the College of Registered Psychotherapists of Ontario (the “College”) since approximately October 11, 2018. Attached at Tab “A” is a copy of her profile on the Public Register.
2. The Registrant is currently self-employed in Guelph, Ontario. However, at the relevant times, the Registrant worked at an in-patient treatment centre in Erin, Ontario (the “Centre”).

Representations on or in connection with her application for registration

3. On or about 2017 the Registrant applied for registration with the College and submitted an application for registration. Subsequent to receiving the application, the College was provided with information that indicated the Registrant may have been in a personal relationship with a Client and/or former Client at the Centre.
4. On or about January 12, 2018, the Registrar referred the Registrant’s application for registration to the Registration Committee as she had doubts that the Registrant met all of the registration requirements including the requirement that her previous conduct must afford reasonable grounds for the belief that she would practise psychotherapy in a safe and professional manner. The Registrant was made aware that this concern arose as a result the College being advised that she had entered into a personal relationship with a Client and/or former Client.
5. On or about March 15, 2018, the Registrant made submissions to the Registration Committee. The Registrant submitted that she was not in a personal relationship with the Client while he was at the Centre. The Registrant also advised the Registration Committee that she did not treat the Client.
6. As a result of the submissions of the Registrant, in or around July 2018, the Registration Committee directed the Registrar to issue a certificate of registration to the Registrant albeit with certain terms, conditions and limitations.
7. Subsequent to the decision of the Registration Committee, it came to light that the Registrant signed the Client’s discharge letter from the Centre on August 23, 2016. The letter states, “your treatment with us does not stop when you complete the intensive phase of the program...we have discussed several important areas to work on to continue your journey of recovery.”
8. It is admitted that the practice of the Centre was to have the primary therapist draft and sign the discharge letter. The letter would be signed in the presence of the client. However, if the primary therapist was not available to sign the letter in the presence of the client, the primary therapist would draft the letter and the covering therapist would sign the letter.

9. If she were to testify, the Registrant would maintain that she did not treat the Client. However, she admits that she signed the Client's discharge letter in August 2016. The Registrant does not believe that this amounts to treating the Client but admits that she ought to have disclosed this to the Registration Committee when the Registration Committee specifically asked about her involvement with the Client.
10. The Registrant also concedes that she only signed the letter one and a half years prior to her referral to the Registration Committee. If she were to testify, the Registrant would state that she ought to have remembered her involvement with the Client in this capacity and ought to have disclosed it to the Registration Committee. The Registrant admits that failing to do so amounted to a misleading statement or representation.
11. Section 3(2) of Regulation 67/15 states that "an applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a false or misleading statement or representation on or in connection with his or her application, and any certificate of registration issued to such an applicant may be revoked by the Registrar."
12. The Registrant is aware of the importance of being honest with the College and that she cannot provide any false or misleading information to the College.

Admissions of Professional Misconduct

13. It is admitted that the above conduct constitutes professional misconduct pursuant to the following:
 - a. Section 51(1)(c) of the *Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 317/12 made under the *Psychotherapy Act, 2007*:
 - i. **Paragraph 42** –Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, most notably s. 3(2) of Regulation 67/15.

Admission of Facts

14. By this document, the Registrant admits to the truth of the facts referred to in paragraphs 1 to 12 above (the "Agreed Facts").
15. By this document, the Registrant states that:
 - a. She understands that by signing this document she is consenting to the evidence as set out in the Agreed Facts being presented to the Discipline Committee;

- b. She understands that any decision of the Discipline Committee and a summary of its reasons, including reference to her name, will be published in the College's annual report and any other publication or website of the College;
- c. She understands that any agreement between her and the College with respect to any penalty proposed does not bind the Discipline Committee; and
- d. She understands and acknowledges that she is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that she has been advised of her right to seek legal advice.

REGISTRANT'S PLEA

The Registrant admitted the acts of professional misconduct as set out in the Agreed Statement of Fact.

The Panel conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed, and unequivocal.

SUBMISSIONS OF THE PARTIES ON FINDING

Counsel for the College submitted that the facts and admissions contained in the Agreed Statement of Facts constitute professional misconduct admitted to by the Registrant.

Counsel for the Registrant agreed with College Counsel's submissions, namely that the facts admitted in the Agreed Statement of Facts support a finding of professional misconduct as set out therein.

DECISION

On reading the Notice of Hearing, considering the Agreed Statement of Facts, and on hearing the submissions of counsel for the College and for the Registrant. The Panel finds that the Registrant has committed acts of professional misconduct pursuant to:

1. Section 51(1)(c) of the *Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 317/12 made under the *Psychotherapy Act, 2007*:

- a. **Paragraph 42**—Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, most notably s. 3(2) of Regulation 67/15.

REASONS FOR DECISION

Having considered the Registrant's admission of professional misconduct and the facts contained in the Agreed Statement of Facts, the Panel concluded that the College had provided clear, cogent and convincing evidence in support of the allegations and succeeded in proving on a balance of probabilities that the Registrant had committed the acts of professional misconduct. The Panel was satisfied the Registrant's admission was voluntary, informed, and unequivocal.

THE JOINT SUBMISSION ON PENALTY AND COSTS

The Joint Submission on Penalty and Costs was filed as Exhibit 3. Counsel for the College and for the Registrant agreed and jointly submitted that the following would be an appropriate order as to penalty and costs in the matter:

1. The Registrant is required to appear before a panel of the Discipline Committee to be reprimanded immediately following the hearing.
2. The Registrar is directed to suspend the Registrant's Certificate of Registration for a period of three months, on a date to be selected by the Registrar. However, if the Registrant completes the term, condition and limitation as set out in paragraph 3(a) within four months of the date of the order, the suspension period shall be remitted by one month.
3. The Registrar is directed to immediately impose the following term, condition or limitation on the Registrant's certificate of registration, at her own expense:
 - a. Requiring that the Registrant successfully complete, as determined by the Registrar, an ethics program, pre-approved by the Registrar, no later than six months of the date of this order.
4. The Registrant is required to pay the College costs in the amount of \$6,827.00 payable on a schedule determined by the Registrar.

DECISION ON ORDER

The Panel accepted the Joint Submission on Penalty and Costs as submitted by the parties and makes an Order in accordance with the terms set out above.

REASONS FOR DECISION ON ORDER

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate Registered Psychotherapists. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, remediation. The Panel also considered the penalty in light of the principle that joint submissions should not be interfered with lightly. The Panel is aware that the Joint Submission on Order should be accepted unless the Panel believes that the penalty is so disproportionate to the offences that the public interest is not protected or that it would bring the administration of justice into disrepute. The panel recognized that the Registrant cooperated with the College and, by agreeing to the facts and the proposed penalty, has accepted responsibility for her actions and avoided the expense to the College of a contested hearing. The Panel concluded that the parties' joint submission is both reasonable and in the public interest. The joint submission provides for both general and specific deterrence, as well as an opportunity for the Registrant to remediate her practice. The penalty provides general deterrence in that it demonstrates to the profession that such conduct will not be tolerated. With respect to specific deterrence, this will be achieved via the suspension and oral reprimand, while remediation will be achieved through the specified terms, conditions and limitations as set out in paragraph 3 above. The panel also concluded that the proposed order on costs was appropriate.

REPRIMAND

At the conclusion of the hearing, having confirmed that the Registrant waived any right to appeal, the panel delivered its oral reprimand. A copy of the reprimand is attached at Schedule "A" of these reasons.

I, Kenneth Lomp, sign this Decision and Reasons for the decision as Chairperson of this Discipline panel and on behalf of the Registrants of the Discipline panel as listed below:

Kenneth Lomp, RP

Chair, Discipline Panel

November 18, 2021

Shelley Briscoe-Dimock, Professional Member

Heidi Ahonen, Professional Member

Steven Boychyn, Public Member

David Keast, Public Member

Schedule "A"**Oral Reprimand**

Ms. Daly,

The practice of psychotherapy is a privilege that carries with it significant obligations to the public, the profession and to oneself. The public is entitled to honesty and integrity from their registered psychotherapists. Through your conduct, you have failed in your obligations by providing false or misleading statements to the Registration Committee of the College in connection with your application for registration.

Specifically, the panel has significant concerns about your judgment and namely your decision to omit information on your application and subsequently mislead the Registration Committee when specific information was required from you. The panel believes that you ought to have known that omitting to acknowledge your involvement with respect to this report would be considered unacceptable by your peers and undermines public trust in the profession.

Your actions have brought discredit to yourself, to the profession, and negatively impacted the public's confidence in the practice of psychotherapy.

The panel agrees with the joint order between the College and yourself and strongly recommends that the penalties imposed today are taken seriously and will have a positive influence on your future practice.

Discipline Panel:

Kenneth Lomp, Chair, Professional Member

Shelley Briscoe-Dimock, Professional Member

Heidi Ahonen, Professional Member

Steven Boychyn, Public Member

David Keast, Public Member