

**DISCIPLINE COMMITTEE OF THE COLLEGE OF REGISTERED
PSYCHOTHERAPISTS AND REGISTERED MENTAL HEALTH THERAPISTS OF
ONTARIO**

Citation: *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v. Kravetsky*, 2023 ONCRPO 3

Date: July 27, 2023

File No.: C2122-07

BETWEEN:

College of Registered Psychotherapists and Registered Mental Health Therapists of
Ontario

- and -

Phillip Kravetsky

FINDING AND PENALTY REASONS

Heard: June 12, 2023, in writing and by videoconference

Panel:

Raj Anand (Chair)

Heidi Ahonen, RP

Steven Boychyn

Carol Cowan-Levine, RP

David Keast

Appearances:

Ahmad Mozaffari, for the College

Registrant not present

Introduction

- [1] The College alleges that the registrant Phillip Kravetsky engaged in professional misconduct in several ways during a two-year period when he was providing family reunification services to a vulnerable client, CT (the client), his former spouse and their two sons. In summary form, the registrant:
- failed to provide adequate service, lacked focus and interest and instead addressed personal matters during therapy sessions including his own pending criminal charges;
 - repeatedly sent inappropriate and threatening communications to the client to obtain payment for his services;
 - failed to maintain records with respect to the services he provided; and
 - ignored repeated requests from the client for a copy of his therapy file.
- [2] The registrant did not participate in the discipline process. The hearing was scheduled to proceed in his absence on June 12 and 13, 2023.
- [3] Pursuant to Case Management Directions (CMD), this application was converted to a written hearing, pursuant to s. 3(1) of the *Hearings in Tribunal Proceedings (Temporary Measures) Act*, S.O. 2020, c. 5, and the College filed its evidence and submissions on finding, followed by its evidence and submissions on penalty, together with a draft order. The hearing dates were cancelled, and the panel instead met on June 13 to consider the application.
- [4] Under the CMD, we initially reviewed only the College's materials supporting its request for a finding of professional misconduct. Upon review of those materials, the panel convened a short oral hearing and asked College counsel to address certain questions regarding some of the allegations.
- [5] Based on the College's written and oral submissions, we made a finding of professional misconduct.

[6] The panel then received and reviewed the College's written materials supporting its submissions on the appropriate penalty and costs order. We again called upon College counsel to address specific questions in oral submissions.

[7] After further deliberation, the panel ordered the revocation of Mr. Kravetsky's certificate of registration, together with costs in favour of the College.

[8] We now provide our written reasons.

The alleged breaches

[9] The College alleges under para 51(1)(c) of the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18, that the registrant committed four types of acts of misconduct under s. 1 of O. Reg. 317/12 made under the *Psychotherapy Act, 2007i*, SO 2007, c. 10, Sched. R.

[10] First, under para. 1 of that section, it is alleged that the registrant breached the following College standards from the College's *Professional Practice Standards for Registered Psychotherapists*:

1.5 – General conduct – this includes disgraceful, dishonourable or unprofessional, or unbecoming a member of the profession; failure to practise the profession with integrity and professionalism and consider the impact of their actions on the profession as a whole.

1.8 – Undue influence and abuse – this includes lack of respect toward client and client's best interests; verbal or emotional abuse; lack of integrity and professionalism; lack of awareness of individual vulnerabilities.

5.1 – Record-keeping – this requires members to keep an accurate and complete clinical record for each client, and to provide access to legible client records when requested to do so by a client.

[11] Second, the College alleges that the registrant breached para. 4 of s. 1, by "failing to reply appropriately to a reasonable request by a client...for information respecting a service...provided...by the member."

[12] Third, the College alleges that the registrant breached para. 25 of s. 1 by "failing to keep written records in accordance with the standards of the profession."

[13] Fourth, it is alleged that Mr. Kravetsky breached para. 52 of s. 1 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.”

Background

[14] Our findings of fact are based on the College’s two uncontradicted affidavits containing direct observations and recollections of the registrant’s conduct. The client provided evidence about the services provided by Mr. Kravetsky, and the College investigator submitted evidence about his attempts to obtain responses and records from the registrant after the client filed his complaint. We accept their evidence as credible and reliable.

[15] The registrant was appointed by the Family Court to facilitate court-ordered family reunification therapy to assist the client in re-establishing his relationship with his sons. Mr. Kravetsky referred to himself as a Reintegration Therapist, and signed his correspondence with the title Registered Psychotherapist and the initials RP. We accept that he was providing services as a registrant of the College. He also used the designation Chartered Mediator and the abbreviation C.Med in his correspondence.

[16] Between March and August 2017, and then from January 2018 to February 2019, the registrant had many separate meetings with the client and his former spouse. The parent would usually be accompanied by one or both of their two boys.

[17] The client was involved in a “high conflict divorce situation,” as the registrant put it in one of his reports, where custody was contested and there was mistrust between the parents and “negative messaging” about the client from the former spouse. The four-month gap in therapy sessions occurred when she stopped attending and did not bring their children for the registrant’s sessions with the client. That forced the client to go to court to require her to participate.

[18] It was a difficult and sensitive time for the client, as he was trying to restore a bond of trust with his children while experiencing “significant anxiety and stress” in the court proceedings. The client also informed the registrant from the outset that he had financial constraints.

Findings of professional misconduct

Disengaged, unfocused and otherwise unsatisfactory service

[19] In the spring of 2018, Mr. Kravetsky informed the client that he (the registrant) had been charged with criminal offences.

[20] From that point onward, the therapy sessions changed. The registrant appeared distracted and unfocused. At times, he fell asleep during the sessions. He started addressing his personal matters in front of the client and his sons, or by leaving the room. These included phone calls with the police, his lawyer and his spouse. The client says they spent less and less time on therapy, often as little as five minutes per session, and the client and his children would be left in his office to share a meal together.

[21] The client expressed his dissatisfaction to Mr. Kravetsky, and he described the registrant's conduct (in a July 19, 2020 email quoted later in these reasons) as "unethical and unprofessional." The client was attending therapy, and the registrant was appointed by the court, to work on issues "that were at the heart of the disconnect" between the client and his sons. The client was concerned that the therapy was not achieving its goals, and that Mr. Kravetsky was not committed to the work or taking it seriously. The registrant dismissed the objections to his conduct and did not acknowledge the issues the client raised.

[22] The registrant's conduct continued even after his criminal charges were withdrawn. He remained "disengaged, unfocused and did not take therapy seriously." In effect, he preferred his own interests over those of his client.

[23] Mr. Kravetsky's conduct lacked integrity and professionalism, and he failed to maintain the standard of practice of the profession under para 1 of section 1 of O. Reg. 317/12, particularly the general conduct standard 1.5, which reads as follows:

1.5 – General conduct – members must, at all times, refrain from conduct that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, or unbecoming a member of the profession. A member demonstrates compliance with the standard by practising

the profession with integrity and professionalism and considering the impact of their actions on the profession as a whole.

[24] Moreover, his conduct was clearly relevant to the practice of his profession, and having regard to all the circumstances, it would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. By so doing he engaged in professional misconduct under para. 52 of section 1 of the regulation.

Fee issues

[25] The client provided an initial retainer of \$4,000 and told Mr. Kravetsky he would need to pay amounts going forward in instalments. When the retainer was running out toward the end of 2017, the registrant began sending aggressive demands for additional funds. The client perceived them as threatening, because the registrant suggested that if he did not pay what was requested, it would increase his former wife's leverage over him and could have significant consequences for his court case. Ultimately, it could jeopardize the client's aim of reuniting with his sons.

[26] The client cited several examples of the email communications, including the following:

- December 31, 2017: "I am attaching an invoice, please look after it as soon as you can as I don't want to leave you vulnerable regarding my retainer, especially to [the former wife's] lawyers.
- January 21, 2018: "I am sorry to do this to you, but I have to be firm. I was with [the former spouse] and she (or her Lawyer) will want to know about your payments as well."
- March 5, 2018: "My interest in your payment is obvious but what isn't apparent is, if [the former spouse] finds out you aren't up to date, she will use this against you, possibly saying you aren't interested in doing your part even though you say you want access to the boys. I don't want it to get to that so please [let's] work this out."

[27] Clearly the registrant was entitled to make reasonable efforts to obtain his fees for the services he was providing, although the client pointed out that on many

occasions, he was being charged for one-hour sessions when Mr. Kravetsky was only paying attention, much less providing therapy, for only a fraction of that time.

[28] The College did not specifically allege overcharging for professional services, and did not provide specific evidence about that.

[29] What is alleged and proved, however, is the registrant's inappropriate communication with the client about payment of accounts. Mr. Kravetsky knew or ought to have known that he wielded considerable influence over a vulnerable client. To obtain further payments, the registrant made inappropriately aggressive and threatening demands that placed undue pressure on a client who was already in a stressful and fearful state because of his precarious relationship with his sons and the uncertainty and acrimony of the court proceedings.

[30] Mr. Kravetsky's conduct again lacked integrity and professionalism, and he failed to maintain the standard of practice of the profession under para. 1 of section 1 of the regulation, particularly the general conduct obligation of a member under standard 1.5 that we quoted above.

[31] He also failed to maintain standard 1.8, which reads as follows:

1.8 – Undue influence and abuse – members must be respectful of clients....They must refrain from verbal...[and]... emotional abuse, and do not influence clients...unduly...A member demonstrates compliance with the standard by practising the profession with integrity and professionalism, being cognizant of the individual vulnerabilities of clients, being respectful of the best interests of clients and ensuring the member's influence does not affect the personal decision-making of the client, particularly in financial matters.

[32] Moreover, the registrant's conduct was clearly relevant to the practice of his profession, and having regard to all the circumstances, it would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. He thereby engaged in professional misconduct under para 52 of section 1 of the regulation.

Notes and records

[33] The client never saw the registrant take any notes during the sessions, and Mr. Kravetsky did not audio record them.

[34] On July 19, 2020, the client wrote the registrant:

On two different occasions I emailed you, requesting a copy of my file with no response. This will be my last request for the same information. Please provide me with all case notes and all billing information within the next 48 hours... I was faced with your high pressured billing tactics, which were highly unethical and unprofessional and in the end there were not results. I endured your personal turmoil in my meetings with interruptions from authorities that were dealing with you. Bottom line you took money with no services rendered.

[35] The College notified the registrant of the client's complaint on May 18, 2021 and asked for his client records on May 18, June 2 and 28 and July 7, 8 and 23, 2021. The investigator also asked Mr. Kravetsky on July 7 whether he would be participating in an interview or responding at a later date. The registrant's only response to all of these communications was one sentence: "I prefer to respond to the allegations at a later date." He never did confirm that he had a client file or that he would produce it.

[36] We conclude that the registrant did not keep a file or other records of his therapy sessions with the client, and he did not respond to the client's request for the file.

[37] Mr. Kravetsky's conduct in relation to keeping and providing records again lacked integrity and professionalism, and he failed to maintain the standard of practice of the profession, particularly the general conduct obligation of a member under standard 1.5 that we quoted above.

[38] The registrant also breached standard 5.1, which reads as follows:

5.1 – Record-keeping – members must keep an accurate and complete clinical record for each client. Members must provide access to legible client records, when requested to do so by a client. A member complies with the standard by including a complete client profile in the clinical record, including a plan for therapy that is reflective of the modality used, ensuring a record of client communications and ensuring the client record is accessible, maintained in a timely manner, legible and written in plain language.

[39] We found additional, overlapping breaches:

- failure to reply to the client's request for information, under para. 4 of s. 1 of the Regulation;

- failure to keep written records in accordance with the standards of the profession, under para. 25 of s. 1 of the Regulation; and
- disgraceful, dishonourable and unprofessional conduct under para. 52 of s. 1 of the Regulation.

Penalty and costs

[40] As noted, we received the College's evidence and submissions on penalty after we made our findings of professional misconduct. Under s. 51(2) of the Code, the College's written submission asked the panel to order a reprimand and the revocation of Mr. Kravetsky's certificate of registration.

[41] In reviewing the College's evidence on penalty, discussed below in more detail, panel members noted that the registrant had failed to respond to any communications from the College, its counsel or the Committee over the last two years. For that reason - and because the delivery of a reprimand may not have any substantive impact in terms of specific or general deterrence or public protection beyond the Committee's views as articulated in its reasons - we asked College counsel to provide any submissions on whether a reprimand was necessary or useful.

[42] The College took the position that if the Committee revoked the member's certificate of registration, a reprimand would not serve any useful purpose to supplement the revocation order, and the College would withdraw its request for a reprimand.

[43] For reasons set out below, we decided to order revocation. Given the College's position, we will not consider the utility of a reprimand any further, either generally or in the circumstances of this proceeding.

[44] In fashioning an appropriate penalty, our overall goal is the protection of the public, and the maintenance of confidence in the profession and in the College's ability to govern its members in the public interest. To this end, the Committee gives weight to specific deterrence, which involves preventing further misconduct by the member, and general deterrence, by using the example of this case to discourage misconduct by other College members.

- [45] In this context, we examine the seriousness of the misconduct, and assess aggravating and mitigating circumstances and the prospects for rehabilitation.
- [46] The proven misconduct in this case was serious, and it was accompanied by several aggravating factors.
- [47] Mr. Kravetsky's behaviour comprised several different breaches of his professional obligations. They were repetitive and longstanding in duration, not momentary lapses. He inflicted significant hardship on the client, and must have known he was doing that. And the common element to the different forms of misconduct was an apparent rejection or disdain for the basic obligations of a regulated professional.
- [48] Mr. Kravetsky did not keep notes of the therapy sessions for the entirety of two years, and he provided unacceptable service to his client over many sessions for most of a year. He became preoccupied and gave priority to his own personal circumstances and needs when he was charged criminally, and he allowed his therapy sessions to deteriorate.
- [49] The registrant neglected or refused to address his client's understandable concerns that time was passing, the therapy sessions were not achieving their court-ordered objective, the client was using up his scarce funds and the client's relationship with his sons was not moving forward. Mr. Kravetsky must have known the harmful impact that this was having on his client, and he did nothing about it.
- [50] The registrant's threatening and inappropriate fee demands from a position of power were perceived by his vulnerable client as intimidating and inappropriate, when Mr. Kravetsky knew that the client was at a crossroads in his family relationships and in the middle of acrimonious litigation. These fee demands again spanned several months.
- [51] Mr. Kravetsky's refusal over several months to acknowledge or comply with the client's elementary request for his therapy records again showed insensitivity and a failure to adhere to a very basic obligation and standard of practice of his profession.
- [52] The registrant's refusal to meet his regulatory obligations continued after the client filed his May 2021 complaint. Mr. Kravetsky ignored the College's repeated

requests for his response to the complaint and the production of his file. About one year later, his non-involvement with his profession's regulator escalated. Mr. Kravetsky's certificate of registration was suspended for non-compliance with the conditions for renewal, namely his failure to complete the annual renewal form and his failure to pay the renewal fee.

- [53] For more than two years, he has not participated in the investigation and prosecution of the client's complaint against him. He has ignored the regulatory authority of the College and its attempts to fulfil its statutory mandate. His conduct during this period is not the subject of a separate allegation of misconduct. However, it is important evidence in our consideration of a penalty that will adequately protect the public and will maintain confidence in the profession and the College's ability to govern the profession in the public interest.
- [54] In short, the registrant has refused to accept the authority of his regulator, and it appears he is ungovernable. We must nevertheless ask whether there are mitigating circumstances that should allow the registrant to escape revocation of his certificate of registration.
- [55] Since October 2022, when the College served the notice of hearing on him, the registrant has not responded to more than a dozen communications from College counsel and the Committee regarding receipt of documents, availability for a pre-hearing conference, discussion with counsel, attendance at the pre-hearing conference and CMCs, availability for the hearing, and provision of witness lists and documents. He has not attended, and has not indicated any inability to attend, the pre-hearing conference, the three CMCs or the hearing.
- [56] Through Mr. Kravetsky's non-participation in the investigation, prosecution and adjudication of this matter, we have almost no evidence that would serve to mitigate the penalty.
- [57] The only mitigating factor is that the registrant has no prior discipline history during the period since he received his certificate of registration in 2015.
- [58] Mr. Kravetsky has provided no character evidence. There is no medical or other evidence that would explain his conduct or indicate that it was beyond his control.

[59] We have no evidence of remorse or recognition of responsibility or the impact his actions have had on the client. There is no evidence that rehabilitation is likely, or that the likelihood of future misconduct can be attenuated, since Mr. Kravetsky has refused to engage with the College or participate in the Committee's process, and he has failed to cooperate in any way in the conduct of this proceeding.

[60] The registrant's conduct indicates that any measure short of revocation of his certificate of registration is unlikely to be effective in achieving specific deterrence. In order to maintain confidence in the profession and the regulatory authority of the College, it is important to convey to both the members and the public that this sort of non-recognition of basic ethical requirements will lead to the forfeiture of the right to practise as a registered psychotherapist.

[61] For these reasons, we ordered the revocation of Mr. Kravetsky's certificate of registration.

[62] We also order the registrant to pay the College costs of \$6,055, the amount provided for in Tariff A of the Rules of Procedure.

Raj Anand, on behalf of
the panel