

FORM 4 - NOTICE OF HEARING

ONTARIO REGISTERED PSYCHOTHERAPISTS DISCIPLINE TRIBUNAL

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

- and -

Bruce Small

Registrant

NOTICE OF HEARING

On September 24, 2024 a panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of the registrant's professional misconduct and/or incompetence to the Tribunal.

In this proceeding, Registrant means "member" as set out in the *Regulated Health Professions Act, 1991*, the Health Professions Procedural Code (Code), the applicable health profession Act, and the regulations thereto.

The allegation(s) are that the registrant:

1. has committed an act of professional misconduct under:
 - a. subsection 51(1)(b.1) of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991* (the Code") in that the Registrant sexually abused Client A by: sexual intercourse or other forms of physical sexual relations between the Registrant and Client A; touching, of a sexual nature, of Client A by the Registrant, and/or behaviour or remarks of a sexual nature by the Registrant towards Client A;
 - b. subsection 51(1)(c) of the Code, as set out in the following paragraphs of section 1 of Ontario Regulation 317/12 made under the *Psychotherapy Act, 2007*:
 - i. **Paragraph 1:** Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, including but not limited to the following:
 1. 1.5 – General Conduct;
 2. 1.6 – Conflict of Interest;
 3. 1.7 – Dual or Multiple Relationships; and/or
 4. 1.8 – Undue Influence and Abuse;

- ii. **Paragraph 2:** Abusing a client or a client's representative verbally, physically, psychologically or emotionally;
- iii. **Paragraph 16:** Acting in a professional capacity while in a conflict of interest or being in a conflict of interest when acting in a professional capacity;
- iv. **Paragraph 52:** 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; and
- v. **Paragraph 53:** Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

Further information about these allegations is set out below:

The Registrant

- 2. Bruce Small ("the Registrant") has been a registrant of the College of Registered Psychotherapists of Ontario and Registered Mental Health Therapists of Ontario ("the College") since approximately August 28, 2015.

Client A

- 3. It is alleged that the Registrant treated Client A between approximately October 2020 and December 2022.

Conduct by the Registrant

- 4. It is alleged that between approximately October 2020 and December 2022, the Registrant engaged in behavior and/or made comments towards Client A that were inappropriate, unprofessional and/or sexual, including (but not limited to) to the effect that the Registrant:
 - b. told Client A was a "beautiful human being";
 - c. told Client A he "miss[ed] [Client A's] smiling face";
 - d. disclosed matters to Client A about his personal life, such as matters regarding his recreational activities, his medical appointments, his household errands, and his family and his family commitments;
 - e. signed off emails and text messages to Client A with words such as "hugs", "big hugs", "big, long hugs", "biggest possible virtual hugs", "more hugs", "kisses", "big hugs and much love", and "love";
 - f. repeatedly contacted Client A by email and/or text message asking the Client to respond to him, despite not receiving a reply to prior communications;
 - g. offered to hug Client A;
 - h. told Client A that he had or was getting an erection while emailing Client A;

- i. told Client A he was “eager as hell to get together with [Client A]”;
 - j. told Client A that he was attracted to Client A;
 - k. discussed his sexual fantasies with Client A, including his sexual fantasies about Client A;
 - l. told Client A that he was “gorgeous”;
 - m. told Client A that he “looks fabulous” naked;
 - n. asked Client A to establish a secure form of electronic communication for the purposes of sending Client A naked photographs of himself;
 - o. sent Client A a poem about he had written about Client A; and
 - p. sent Client A photographs and/or images of frogs, intending them to represent penises.
2. It is alleged that between approximately October 2020 and December 2022, the Registrant failed to establish and/or maintain appropriate professional boundaries with Client A, including (but not limited to) in that he failed to terminate the client-therapist relationship with Client A despite developing an interest in pursuing an intimate and/or sexual relationship with Client A, and/or despite being aware of Client A’s sexual attraction towards the Registrant.
 3. It is alleged that between approximately October 2020 and December 2022, during an appointment, the Registrant was rubbing Client A’s feet. It is alleged that Client A was simultaneously touching his genitals under his clothing, and that the Registrant stated it was acceptable for Client A to do so.
 4. It is alleged that between approximately October 2021 and December 2022, the Registrant hugged Client A during or at the end of one or more appointments. It is also alleged that during one or more of these hugs, Registrant A contacted Client A with his penis.
 5. It is alleged that between approximately June 2022 and December 2022, the Registrant kissed Client A on one or more occasions.
 6. It is alleged that between approximately August 2022 and December 2022, the Registrant engaged in sexual intercourse with Client A on one or more occasions, including oral to genital contact.
 7. It is alleged that in approximately October 2022, the Registrant asked Client A to pose for photographs while naked, and that he took naked photographs of Client A.

The Tribunal will hold a hearing under sections 38 to 56 of the Code, the *Statutory Powers Procedure Act*, and the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, on a date or dates to be set at a case management conference, to decide whether the registrant has committed an act or acts of professional misconduct and/or is incompetent.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal’s process.

If the registrant or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the registrant's absence and the registrant is not entitled to any further notice in the proceeding.

If the Tribunal finds the registrant committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code:

- direct the Registrar to revoke the registrant's certificate of registration.
- direct the Registrar to suspend the registrant's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the registrant's certificate of registration for a specified or indefinite period of time.
- require the registrant to appear before the Tribunal to be reprimanded.
- require the registrant to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the registrant to reimburse the College for funding provided for that patient under the program and/or require the registrant to post security acceptable to the College to guarantee this payment.

If the Tribunal finds that the registrant committed the misconduct set out in allegation 1 (a), it is mandatory under s. 51(5.2) of the Code that the Tribunal reprimand the registrant and revoke the registrant's certificate of registration in addition to any other order.

The Tribunal may, under subsection 53.1 of the Code, require the registrant to pay all or part of the College's costs and expenses.

The Tribunal's website includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

Date: December 20, 2024

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