

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

B E T W E E N :

COLLEGE OF REGISTERED PSYCHOTHERAPISTS AND
REGISTERED MENTAL HEALTH THERAPISTS OF ONTARIO

- and -

SIMONE MOIR

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the "College") has referred specified allegations against Simone Moir to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** may be held at a date and location to be set by the Registrar. A discipline panel will convene at **a location to be set by the Registrar, at 10:00 a.m. on a date to be set by the Registrar**, or as soon thereafter as the panel can be convened, for the purposes of conducting the **discipline hearing**.

IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.

2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program required under section 85.7.
7. If the panel makes an order under paragraph 6, require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended.

You, or your representative, may contact the solicitor for the College, Rebecca Durcan, in this matter:

Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street
Suite 2306, P.O. Box 23
Toronto, ON M5H 2Y4

Telephone: (416) 644-4783
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days

before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Further, you must also make disclosure in accordance with s. 7.01(2) of the *Rules of the Discipline Committee of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, which state as follows:

7.01(2) The parties shall make disclosure as is required by law. In addition, the parties shall, at least 10 days in advance of the hearing,

- (a) in the case of written or documentary evidence, provide an opportunity for the opposing party to examine the evidence;
- (b) in the case of evidence of an expert, provide the opposing party of the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence; and
- (c) in the case of a witness, provide the opposing party with the identity of the witness.

Date: November 26, 2019



Deborah Adams

Registrar

College of Registered Psychotherapists and
Registered Mental Health Therapists of
Ontario

TO: **SIMONE MOIR**
c/o Mario Delgado
Dolden Wallace Folick LLP
20 Adelaide Street East. 14th floor
Toronto, ON M5C 2T6

STATEMENT OF ALLEGATIONS

A. Background Information

The Registrant

1. Simone Moir (the “Registrant”) has been a registrant of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the “College”) since approximately March 20, 2017.

Client A

2. It is alleged that Client A was the Registrant’s psychotherapy client from approximately November 2012 until approximately March 2019.

B. Attempt to avoid paying tax

3. It is alleged that on or about March 8, 2019, the Registrant advised Client A that she would like to be paid in cash as she “would like to not have to pay the HST on it.”

Professional Misconduct

4. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Health Professions Procedural Code (the “Code”) 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 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,
 - i. 1.5 – Professional Practice Standards for Registered Psychotherapists - General Conduct;
 - b. **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/or
 - c. **Paragraph 53** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

C. Inappropriate remarks toward a client

5. It is alleged that on or about March 8, 2019, Client A expressed concern to the Registrant about paying in cash. In response, the Registrant made inappropriate comments to Client A, including but not limited to:

- a. "Do you know when we've gone back and forth between the [] clinic and here that's also not really kosher, and I've done that for you. For years we did that."
- b. "And that was for your benefit. But it's not actually kosher. So I did something for you, and yes I am asking you to do something for me."
- c. "I didn't say it was the same thing, but I said you have asked me to do things that bend rules on my end for you."
- d. "So, I'm saying...you have asked me for things. You've asked me quite frequently for things. I've asked you for this once."

Professional Misconduct

6. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code 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 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,
 - i. 1.5 – Professional Practice Standards for Registered Psychotherapists - General Conduct;
 - b. **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/or
 - c. **Paragraph 53** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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THE COLLEGE OF REGISTERED
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MENTAL HEALTH
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NOTICE OF HEARING

STEINECKE MACIURA LEBLANC

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Toronto, ON M5H 2Y4

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Lawyers for the College of Registered
Psychotherapists and Registered Mental Health
Therapists of Ontario