

**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 -

RITA SOUSA

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 Rita Sousa 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: April 1, 2020



Deborah Adams
Registrar
College of Registered Psychotherapists
and Registered Mental Health Therapists
of Ontario

TO: **Rita Sousa**
c/o Amanda Ross and Mark Sandler
Cooper, Sandler, Shime & Bergman LLP
439 University Ave, Suite 1900
Toronto, ON M5G 1Y8

The Registrant

1. Rita Sousa (the “Registrant”) has been registered with the College of Registered Psychotherapists of Ontario (the “College”) since April 20, 2015.

The Client – Up until 2017

2. On or about November 2, 2016 the Registrant commenced a therapeutic relationship with the Client.
3. It is alleged that as of November 2, 2016, the Registrant had a previous and/or existing relationship and/or past interactions with the Client. This included but was not limited to the following:
 - a. Both allegedly being targeted by Person A several years before;
 - b. The Registrant obtained 610 hours of direct client contact while working with the Client (as Supervisor);
 - c. The Registrant obtained 375 hours of direct client contact while working with the Client (as Supervisor);
 - d. The Client provided the Registrant with office space free of charge;
 - e. The Registrant obtained 100 hours of individual or dyadic clinical supervision with the Client;
 - f. The Registrant obtained 100 hours of SEUS training from the Client;
 - g. The Registrant completed research for the Client as part of the Client’s educational program;
 - h. The Registrant completed research for the Client on a volunteer basis; and/or
 - i. The Client provided the Registrant’s Letter of Verification in the Registrant’s application to the College.
4. On or about December 5, 2017 the Registrant wrote a report setting out her observations from the therapeutic sessions with the Client (the “December Report”). The December Report was addressed to the Client’s lawyer. The Registrant was aware that the College would be reviewing and/or relying upon the December Report.
5. It is alleged that the December Report was misleading as the Registrant failed to include relevant past interactions and/or the previous and/or existing relationship with the Client.
6. It is alleged that the content of the December Report was influenced by the Registrant’s past interactions and/or the previous and/or existing relationship with the Client.
7. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (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, namely,
 - i. 1.1 – Accepting the Regulatory Authority of the College;
 - ii. 1.5 – General Conduct;

- iii. 1.6 – Conflict of Interest;
- iv. 1.7 – Dual and Multiple Relationships; and/or
- v. 5.3 – Issuing Accurate Documents;
- b. **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; and/or
- c. **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.

The Client – 2018

- 8. It is alleged that in or around April 2018 the Registrant and the Client entered into a formal business relationship.
- 9. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (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, namely,
 - i. 1.5 – General Conduct;
 - ii. 1.6 – Conflict of Interest; and/or
 - iii. 1.7 – Dual and Multiple Relationships; and/or
 - 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.

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.

DISCIPLINE COMMITTEE OF
THE COLLEGE OF REGISTERED
PSYCHOTHERAPISTS AND REGISTERED
MENTAL HEALTH
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NOTICE OF HEARING

STEINECKE MACIURA LEBLANC

Barristers & Solicitors
401 Bay Street, P.O. Box 23
Suite 2308
Toronto, ON M5H 2Y4

Rebecca Durcan

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Facsimile: (416) 593-7867

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