

**DISCIPLINE COMMITTEE 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 -

WENDY HUNTER

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 Wendy Hunter 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 22, 2020



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

TO: **Wendy Hunter**
c/o John Kingman Phillips
Waddell Phillips
36 Toronto Street, Suite 1120
Toronto, ON M5C 2C5

STATEMENT OF ALLEGATIONS

The Registrant

1. Wendy Hunter (the "Registrant") has been a member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the "College") since approximately December 10, 2015.

Client A, Client B and Family

2. It is alleged that between approximately December 2017 and March 2018, the Registrant held individual and/or joint psychotherapy sessions with Client A and his family, including Client A's current spouse, his two daughters, and/or his mother (Client B).

A. Misleading Claim about Consulting a Social Worker

3. It is alleged that in or around December 2017, Client A informed the Registrant that his or his former spouse's insurance plan did not cover services provided by registered psychotherapists.
4. It is alleged that in or around December 2017 and/or January 2018, the Registrant advised Client A her services would be insured as she would be working/consulting/liasing with a social worker.
5. It is alleged that the information relayed by the Registrant in paragraph 4 was a term of the agreement between the Registrant and Client A.
6. It is alleged that the information relayed by the Registrant in paragraph 4 was inaccurate and/or misleading.
7. It is alleged that as a result, Client A could not claim the Registrant's services as an insured service.

Professional Misconduct

8. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Health Professions Procedural 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; and/or
 - ii. 6.1 – Fees;

- b. **Paragraph 24** – Breaching, without reasonable cause, an agreement with a client or a client’s authorized representative relating to professional services for the client or fees for such services; 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.

B. Breaching Client Confidentiality

- 9. It is alleged that the Registrant wrote a report on or around March 22, 2018 containing personal health information of Client A and/or his family members.
- 10. It is alleged that the Registrant disclosed the report to Client A’s former spouse without Client A’s consent.

Professional Misconduct

- 11. 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, namely,
 - i. 1.5 – General Conduct; and/or
 - ii. 3.1 – Confidentiality;
 - b. **Paragraph 5** – Giving information about a client to a person other than the client or the client’s authorized representative except with the consent of the client or the authorized representative or as required or authorized by law;
 - c. **Paragraph 43** – Contravening, by act or omission, a law in Canada if, i. the purpose of the law is to protect or promote public health, or ii. the contravention is relevant to the member’s suitability to practise, namely
 - i. *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A, section 29: A health information custodian shall not collect, use or disclose personal health information about an individual unless, (a) it has the individual’s consent under this Act and the collection, use or disclosure, as the case may be, to the best of the custodian’s knowledge, is necessary for a lawful purpose; or (b) the collection, use or disclosure, as the case may be, is permitted or required by this Act; and/or
 - d. **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.

C. Not Providing Access to a Client's Own Record

12. It is alleged that in or around September 2018, Client A requested access to his health record in the custody of the Registrant.
13. It is alleged that the Registrant failed, without reasonable or lawful cause, to provide Client A with access to his own health record.

Professional Misconduct

14. 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, namely,
 - i. 1.5 – General Conduct; and/or
 - ii. 5.1 – Record-keeping – Clinical Records;
 - b. **Paragraph 43** – Contravening, by act or omission, a law in Canada if, i. the purpose of the law is to protect or promote public health, or ii. the contravention is relevant to the member's suitability to practise, namely:
 - i. *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A, section 54:

Response of health information custodian

54 (1) A health information custodian that receives a request from an individual for access to a record of personal health information shall,
(a) make the record available to the individual for examination and, at the request of the individual, provide a copy of the record to the individual and if reasonably practical, an explanation of any term, code or abbreviation used in the record;
(b) give a written notice to the individual stating that, after a reasonable search, the custodian has concluded that the record does not exist, cannot be found, or is not a record to which this Part applies, if that is the case;
(c) if the custodian is entitled to refuse the request, in whole or in part, under any provision of this Part other than clause 52 (1) (c), (d) or (e), give a written notice to the individual stating that the custodian is refusing the request, in whole or in part, providing a reason for the refusal and stating that the individual is entitled to make a complaint about the refusal to the Commissioner under Part VI; or

(d) subject to subsection (1.1), if the custodian is entitled to refuse the request, in whole or in part, under clause 52 (1) (c), (d) or (e), give a written notice to the individual stating that the individual is entitled to make a complaint about the refusal to the Commissioner under Part VI, and that the custodian is refusing,

(i) the request, in whole or in part, while citing which of clauses 52 (1) (c), (d) and (e) apply,

(ii) the request, in whole or in part, under one or more of clauses 52 (1) (c), (d) and (e), while not citing which of those provisions apply, or

(iii) to confirm or deny the existence of any record subject to clauses 52 (1) (c), (d) and (e). 2004, c. 3, Sched. A, s. 54 (1); 2007, c. 10, Sched. H, s. 20 (1, 2).

- 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.

D. Over-Disclosure to Client

15. It is alleged that on or around January 11, 2018, the Registrant had a session with Client B, during which the Registrant disclosed information about the Registrant's own father and the Registrant's father's wife.

Professional Misconduct

16. 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, namely,
- i. 1.5 – General Conduct; and/or
- ii. 1.7 – Dual or 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.

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THE COLLEGE OF REGISTERED PSYCHOTHERAPISTS
AND REGISTERED MENTAL HEALTH
THERAPISTS OF ONTARIO

NOTICE OF HEARING

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Toronto, ON M5H 2Y4

Rebecca Durcan

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Mental Health Therapists of Ontario