

**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 -

MICHAEL HYNES

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 Michael Hynes 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: October 5, 2021



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

TO: **MICHAEL HYNES**
c/o Mario Delgado
20 Adelaide Street East, 14th Floor
Toronto, ON M5C 2T6

STATEMENT OF ALLEGATIONS

The Registrant

1. Michael Hynes (the "Registrant") has been a registrant of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the College") since on or about April 2, 2015.
2. At the materials times, the Registrant practised psychotherapy at his private practice in Toronto, Ontario.

Treatment Sessions

3. It is alleged that the Registrant provided psychotherapy treatment services to a female client (the "Client") from in or around April 2015 to in or around July 2018.
4. The Registrant also performed craniosacral work during the treatment sessions with the Client.
5. The Registrant's treatment sessions with the Client addressed the Client's history of sexual and physical abuse.
6. It is alleged that from in or around April 2015 to in or around July 2018, the Registrant did one or more of the following during his treatment sessions with the Client:
 - a. Expressed his sexual and physical attraction to and/or his like for the Client; and/or
 - b. Made comments on the Client's body, physique and/or physical strength; and/or
 - c. Touched the Client's genital area, over and/or under her clothes; and/or
 - d. Touched the Client's vulva under her underwear; and/or
 - e. Touched the Client's breasts under her clothes; and/or
 - f. Lay on top of and/or beside the Client on the treatment table, including when the Client was not wearing pants; and/or
 - g. Put his elbows on the treatment table while standing by the Client's head and/or leaned over the Client and/or put his hand(s) under her back such that his pelvic area was over her head; and/or
 - h. Asked the Client to cradle him; and/or
 - i. Had the Client sit on his lap; and/or

- j. Encouraged the Client to sit on his lap; and/or
 - k. Bent the Client over the treatment table and pressed his penis into her from behind; and/or
 - l. Lay on top of the Client while she was face down on the treatment table and pressed his penis into her buttocks; and/or
 - m. Asked the Client to look at and/or touch his penis; and/or
 - n. Grabbed the Client's hand and placed it on his penis over his pants and commented on how much she aroused him; and/or
 - o. Referred to the Client as a "lioness" and/or
 - p. While lying on top of the Client on the treatment table, advised the Client to "embody the lioness" by reacting in a physical way, including arching her back; and/or
 - q. Asked the Client to remove her pants and/or underwear; and/or
 - r. Placed his hands on the Client's genital area and smelled his fingers afterwards; and/or
 - s. Encouraged the Client to masturbate after their treatment session and/or told the Client that he would be masturbating to her when he got home; and/or
 - t. Told the Client that:
 - i. She brought "sex into the room"; and/or
 - ii. Her "ass was his"; and/or
 - iii. They they could do whatever she wanted to do within the "four walls" of his office; and/or
 - u. Asked the Client to see her scar located on her left buttock cheek; and/or
 - v. Offered to kiss the Client's scar located on her left buttock cheek; and/or
 - w. Offered to massage the inside of the Client's vagina to help her with her trauma; and/or
 - x. Advised the Client that he was a father figure for her.
7. It is further alleged that the Registrant shared details of his personal life with the Client, including that he had a partner and that he was going to become a father.

Professional Misconduct Alleged

8. It is alleged that the above conduct constitutes professional misconduct pursuant to one or more of the following:
- a. Clause 51(1)(b.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”) (sexual abuse of a patient, more specifically touching, of a sexual nature, of the patient by the member and/or behaviour or remarks of a sexual nature by the member towards a patient); and/or
 - b. Clause 51(1)(c) of the Code and as defined in one or more of 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, in particular, Standard 1.5 – General Conduct, Standard 1.7 Dual or Multiple Relationships, and Standard 1.8 – Undue Influence and Abuse); and/or
 - ii. paragraph 2 (abusing a client verbally, physically, psychologically or emotionally); and/or
 - 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); and/or
 - 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/or
 - v. paragraph 53 (engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).

Record-Keeping Concerns

9. It is alleged that from in or around April 2015 to in or around July 2018, the Registrant failed to maintain clinical records and/or treatment records for the Client.

Professional Misconduct Alleged

10. It is alleged that the above conduct constitutes professional misconduct pursuant to one or more of the following:

- a. Clause 51(1)(c) of the Code and as defined in one or more of 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, in particular, Standard 5.1 – Record-keeping – Clinical Records); and/or
 - ii. paragraph 25 (failing to keep written records in accordance with the standards of the profession); and/or
 - iii. 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
THERAPISTS OF ONTARIO

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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Therapists of Ontario