



The Ethics Guidelines are produced by the Office of the Syndic in collaboration with the Professional Inspection Committee. These guidelines do not constitute legal opinions; each case is particular and must be analyzed in the light of the circumstances peculiar to it.

DISCIPLINARY DECISIONS FOR 2004-2005 AND THE NATURE OF CONCILIATION AGREEMENTS

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JUDICIAL BODIES CONCERNED

The jurisprudence in disciplinary matters consists mainly of decisions rendered by the Disciplinary Committee. This committee consists of a member of the Quebec Bar, who is appointed by the Office des professions, and two psychologists chosen from the Order's roll of members. Each time a complaint is lodged, the Disciplinary Committee secretary establishes a committee, taking care to select, to the extent possible, members who have knowledge in the field in question.

The decision of the Disciplinary Committee can be appealed by either party to the Professions Tribunal, which is made up of judges of the Court of Quebec.

DECISIONS

Disciplinary Committee

For ease of understanding, we present the decisions by subject.

PSYCHOTHERAPY

Sexual Misconduct, Conflict of Roles and Conflict of Interest

No. 33-04-00305

A psychologist pleaded guilty to engaging in sexual relations with a client. He was struck from the Order's roll of members for two months and had

to pay a \$1,000 fine. The events occurred in the context of psychotherapy, which lasted from 1986 to 1992. The psychologist also put himself in a conflict of roles and conflict of interest situation by failing to refer his client to another professional in view of his intimate relationship with this client. In its decision, the Disciplinary Committee wrote: "The Committee reiterates that having sexual relations with a client is one of the most serious offences a psychologist can commit." However, the Committee took into account certain facts that ensured there would be no future risk with regard to protection of the public.

No. 33-04-00299

After an individual had ceased to hold the title of psychologist, a complaint was made to the Disciplinary Committee that he had failed to conduct himself in a manner above reproach towards a client by performing actions of a sexual nature while providing treatment to her in 1990-1991. He was also accused of placing himself in a conflict of roles and conflict of interest situation by agreeing to provide therapy again to this client in 1996-1997. He pleaded guilty to both charges. The Disciplinary Committee imposed a fine of \$800 per charge, plus payment of costs.

No. 33-04-00298

At the beginning of 2003, a psychologist became involved in a personal and sexual relationship with a client to whom she had provided a course of psychotherapy. She pleaded guilty to the charge against her and acknowledged that she had put herself in a conflict of roles and conflict of interest situation. Exceptionally, taking account of the mitigating circumstances, the Disciplinary Committee ordered that the psychologist be stricken from the roll for 30 days and pay a \$600 fine. The psychologist was also obliged to undergo six months of professional supervision to become more familiar with the notions of transference and counter-transference in therapy.

No. 33-03-00293

A psychologist pleaded guilty to three charges, the most serious of which was engaging in a personal and sexual relationship with a client. He has also put himself in a conflict of roles and conflict of interest situation by becoming involved in his client's personal affairs, receiving her at his premises and helping her financially. The third charge concerned his record-keeping on the client, which did not conform to the regulations. The Disciplinary Committee ordered that the psychologist be stricken from the roll for one month and that he pay a \$600 fine. In connection with the second charge, the Disciplinary Committee imposed a \$1000 fine and for the third one, a reprimand. Lastly, the psychologist was obliged to pay all costs and to undergo six months of professional supervision on the notions of transference and counter-transference in a therapeutic relationship.

Failure to Observe the Scientific Principles of Psychology

No. 33-04-00302

The psychologist concerned in this case faced three charges. The first one concerned the failure to observe the scientific principles recognized in psychology. In his work with a client, the psychologist had used an approach which did not meet this criterion to induce a therapeutic regression.

The psychologist had also put himself in a conflict of interest situation by using his client's spouse as a "co-therapist," which led to the second charge.

The third charge concerned record-keeping, which did not conform to the Order's regulations.

The psychologist pleaded guilty and was ordered to pay a \$1,000 fine for the first offence; this was combined with supervision consisting of 20 meetings to update his knowledge of the scientific principles of psychotherapy and to review the ethical aspects of professional practice. The penalty for the third charge was a reprimand.

EXPERT ASSESSMENT

Conflict of Roles and Conflict of Interest

No. 33-01-00266

A psychologist had placed himself in a conflict of roles and conflict of interest situation by agreeing to provide therapy to a client on whom he had previously conducted an expert assessment of parenting abilities. Moreover, after the psychotherapy, he filed an affidavit in court as a factual witness. Taking account of mitigating circumstances, the Disciplinary Committee ordered the psychologist to pay a \$600 fine, plus half the costs.

Lack of Objectivity and Moderation

No. 33-04-00300

The psychologist was found guilty of failing to show caution, objectivity and moderation when he acted as an expert in a court case, thereby breaching sections 1, 14 and 74 of the *Code of Ethics of Psychologists*. The Disciplinary Committee ordered him to pay a fine of \$1000. Furthermore, he had failed to respond with diligence to the Syndic's correspondence and requests in the framework of the investigation. In connection with this second charge, the psychologist was given a reprimand and ordered to pay the costs.

No. 33-04-00301

A psychologist gave her client, at the client's request, a letter summarizing the professional services she had provided, which was subsequently filed in a court of law as part of a family case and described as a "psychological assessment report." As the document contained comments on the client's spouse when he had not been assessed, the psychologist was charged with failing to show impartiality and moderation, as well as putting herself in a conflict of roles and conflict of interest situation. In its decision, the Disciplinary Committee took into account the psychologist's good faith and, based on the jurisprudence, imposed a reprimand for both charges.

No. 33-02-00276

A psychologist was mandated to provide a professional and theoretical opinion in a child custody case. She failed to show objectivity and moderation and to abide by the scientific principles recognized in psychology when she issued findings and recommendations without having assessed the parties concerned.

She was found guilty and the Disciplinary Committee, after hearing the representations on the sanction, imposed on her a \$600 fine. In addition, the Disciplinary Committee ordered a partial restriction of the psychologist's right to practice for eight months, barring her from conducting any psycho-legal assessment before the end of this period. She was also obliged to take and pass the ethics course given by the Ordre des psychologues du Québec.

In addition, the psychologist undertook to update her knowledge of expert assessment under the supervision of a colleague with recognized competence in this field of practice. If the psychologist failed to carry out this undertaking, the Disciplinary Committee recommended that the Bureau of the Order oblige her to take and pass an upgrading course on psycho-legal

assessment, during which time her right to practice in this field would be restricted.

DISREGARD FOR THE HONOUR AND DIGNITY OF THE PROFESSION

Breach of Confidentiality

No. 33-03-00288

A psychologist was stricken from the Order's roll of members for two months because of an act derogatory to the honour and dignity of the profession. The psychologist was found guilty under this section of the *Professional Code* for offering to help a former client procure cannabis several years after completing a course of therapy with the client. Despite this passage of time, this case highlighted the psychologist's responsibility towards his clients.

The psychologist was also given a reprimand in connection with a second charge, that is, revealing that a person active in artistic circles had used his services. This constituted a breach of confidentiality. The psychologist was also ordered to pay 50% of the costs.

CONCILIATIONS

Following is a summary of the conciliation agreements achieved by members of the Syndic's Office upon completion of their investigations. The table shows the nature of the violations found and the measures agreed upon in different cases.

EXPERT ASSESSMENT (6 cases)	
VIOLATIONS <ul style="list-style-type: none"> ▪ Report or testimony based on insufficient professional and scientific information ▪ Content of the report lacking objectivity and moderation, rendering the assessment non-compliant ▪ Lack of diligence in production of the report ▪ Conflict of roles and conflict of interest ▪ Breach concerning consent 	AGREED-ON MEASURES <ul style="list-style-type: none"> ▪ Apology ▪ Amended report/Letter of retraction ▪ Supervision ▪ Repayment of a portion of the fees ▪ Course on ethics and professionalism

PSYCHOTHERAPY AND OTHER INTERVENTIONS (28 cases)	
VIOLATIONS <ul style="list-style-type: none"> ▪ Breach of confidentiality ▪ Non-conforming policy on missed appointments ▪ Conflict of roles and/or conflict of interest ▪ Breach concerning consent ▪ Problematic attitude or conduct ▪ Lack of diligence in providing a rapport ▪ Conflict concerning fees ▪ Incomplete or non-conforming report ▪ Public statement detrimental to the honour and dignity of the profession ▪ Inappropriate treatment/non-observance of scientific principles 	AGREED-ON MEASURES <ul style="list-style-type: none"> ▪ Apology ▪ Voluntary withdrawal from a field of practice until upgrading ▪ Repayment of a portion of the fees ▪ Course on ethics and professionalism ▪ Providing an amended report ▪ Supervision ▪ Referral to professional inspection ▪ Undertaking by the psychologist to improve his/her practice ▪ Development of methods of practice conforming to the <i>Regulation respecting the keeping of records and consulting-rooms by psychologists</i>

The practice of a profession is defined by two co-existing realities: on the one hand, a recognition of the professional's right to decide on the most appropriate course of action, with every decision having an underlying ethical dimension, and on the other, the existence of a regulatory mechanism aimed at ensuring the protection of the public. The ethics guidelines are intended to inform psychologists about the existing regulatory framework to help them in the process of making informed decisions.



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