



**Nova Scotia
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NOVA SCOTIA BOARD OF EXAMINERS IN PSYCHOLOGY

SUMMARY OF DECISION OF HEARING COMMITTEE

RE HANS ASCHE, R0404

On June 7, 2017, the Hearing Committee of the Nova Scotia Board of Examiners in Psychology (“NSBEP”) accepted a Settlement Agreement agreed upon by the NSBEP and Hans Asche, and approved by the Investigation Committee of the NSBEP. A summary of the Settlement Agreement follows:

BACKGROUND

Mr. Asche is a registered psychologist carrying on a private practice at St. Margaret’s Bay, Nova Scotia.

On September 9, 2013, the NSBEP received a complaint from a psychologist treating a former client of Mr. Asche (the client is identified herein as “Mr. X”). Mr. X had expressed various concerns to his new psychologist, arising from the services provided by Mr. Asche during 2011 and 2012.

Mr. X himself also filed a complaint directly in October 2013. Mr. X provided specific examples of alleged boundary violations by Mr. Asche, and also expressed concern about Mr. Asche’s professionalism in terms of cancelling appointments or being late for appointments and the submission of a report.

An Investigation Committee of the NSBEP was struck to investigate the complaint.

In the course of the investigation of Mr. A’s complaint, the Investigation Committee became aware of medical issues affecting Mr. Asche, requiring him to be hospitalized on a number of occasions. Mr. Asche was not forthcoming with the Investigation Committee, and some of his treatment providers regarding his medical issues.

Following a meeting of the Investigation Committee in August 2014, the Investigation Committee imposed a number of restrictions on Mr. Asche's practice while awaiting

further medical information. At a subsequent meeting of the Investigation Committee in November 2014, still further restrictions were placed on his practice pending the completion of the investigation. Some of the restrictions included a restriction on the number of clients he could see; a requirement to audio record all sessions with clients; and to have regular supervision of his practice.

Additional matters arose throughout the Investigation Committee's investigation as follows:

1. Mr. Asche's dishonesty and disrespectful conduct with the Investigation Committee, and assessors involved in the investigative process;
2. Mr. Asche's breach of interim conditions imposed by the Investigation Committee;
3. Mr. Asche's psychological services provided to an unnamed patient referred to as "Mr. Y"; and
4. A second complaint received from Mr. X on September 30, 2015, alleging unprofessional conduct.

In the course of the investigation the Investigation Committee received a number of reports from various treatment providers who assessed and addressed Mr. Asche's medical condition. The Investigation Committee also received reports from Mr. Asche's supervisor, who reported improvements in his practice over time.

Based on its investigation, the Investigation Committee referred the following allegations of professional misconduct, incompetence and incapacity to the Hearing Committee:

Being registered under the *Psychologists Act*, SNS 2000, c 32, *as amended*, it is alleged that:

- (a) Mr. Asche practised psychology while incapacitated, contrary to Standards of Professional Conduct, Principles 3.3 and 8; contrary to the Standards for Providers of Psychological Services, Standard IV.5; and contrary to the Canadian Code of Ethics, Ethical Standards II.11 and II.12;
- (b) Mr. Asche engaged in professional misconduct by exhibiting dishonest and disrespectful conduct toward the Committee, his assessors and treatment providers, contrary to Ethical Standards 1.2, 1.3, III.1, III.16, and Standards of Professional Conduct, Principle 1.3;
- (c) Mr. Asche, in the professional services he provided to the complainant Mr. X, engaged in professional misconduct by violating professional boundaries, giving inappropriate self-disclosure and inviting dual relationships, contrary to the Standards for Providers of Psychological Services, Standard III.1; Ethical Standard 1.45, III.33, I.2, 1.3, II.2, II.10, II.42 and Standards of Professional Conduct, Principle 9.5;

- (d) Mr. Asche, in an interaction he had with Mr. X in late 2015, engaged in professional misconduct through his inappropriate comments regarding Mr. X, contrary to Standards of Professional Conduct, Principle 9.5 and Ethical Standard II.2;
- (e) Mr. Asche engaged in professional misconduct by breaching conditions imposed by the Investigation Committee which required him to audio record all sessions with clients and to provide a letter to all clients advising of the requirement for recording, contrary to the Standards of Professional Conduct, Principle 1.4;
- (f) Mr. Asche, in the professional services he provided to Mr. Y, engaged in professional misconduct and acted incompetently by placing the safety of Mr. Y's family at risk, and by engaging in boundary violations, including dual relationships, contrary to Standards for Providers of Psychological Services, Standard III.1; Ethical Standards II.2, II.29, II.39, III.33.

ADMISSIONS

Mr. Asche admits to the charges referred by the Investigation Committee and admits that his conduct constitutes incapacity, professional misconduct and incompetence pursuant to the *Psychologists Act*.

DISPOSITION

Mr. Asche consents to the following:

- a. Mr. Asche is reprimanded for his admitted professional misconduct and incompetence;
- b. Mr. Asche is reprimanded for breaching restrictions imposed on his practice by the Investigation Committee; namely the requirements to audio record all sessions with patients and to provide all patients with a letter from the NSBEP explaining the audio recording requirement;
- c. Mr. Asche agrees to conditions that relate to his medical condition, which are subject to a publication ban;
- d. Mr. Asche shall:

- i. comply with ongoing conditions regarding his health condition, including a requirement to see various health professionals and to abide by the recommendations of these health professionals;
- ii. register for, attend, and complete to the satisfaction of the Registrar an ethics course approved by the Registrar;
- iii. be restricted in terms of the number of clients he may see, where this number will increase depending on the degree of success in various practice reviews which he must undertake;
- iv. in the event he applies for registration to practice psychology in any other jurisdiction, inform the registering body in that jurisdiction of the existence of this Settlement Agreement and the disciplinary findings against him. The Registrar will advise the registering body of the status of Mr. Asche's compliance with the Agreement as of that time.

Mr. Asche agrees to pay costs in an amount agreed with the Board.

REASONS FOR ACCEPTING SETTLEMENT AGREEMENT

Having reviewed all of the material provided in this matter, the Hearing Committee accepts the Settlement Agreement. While Mr. Asche does have a prior disciplinary history with NSBEP, he has been subject to stringent practice conditions for a considerable period of time. According to his supervisor, his practice has improved over that period of time.

The disposition in the Settlement Agreement includes a number of measures to address Mr. Asche's medical issues and boundary issues.

The conditions are very strict. The Hearing Committee agrees that they offer the best protection to the public from any harm that could arise from Mr. Asche's practice.

The condition to register, attend, and complete to the satisfaction of the Registrar an ethics course directly addresses the boundary issues raised by Mr. Asche's conduct. Further, the Hearing Committee anticipates that a skilled practice reviewer, properly informed of the Settlement Agreement, can explore with Mr. Asche any concerns they have about the care of Mr. Asche's clients generally, including whether he maintains progress on boundary issues.

In the view of the Hearing Committee, the imposition of a reprimand for his admitted professional misconduct and incompetence and a reprimand for breaching conditions imposed on his practice by the Investigation Committee effectively deals with Mr. Asche's conduct toward the Investigation Committee.

The Settlement Agreement provides that Mr. Asche may be immediately suspended for “any suspected breach” of the Settlement Agreement and a referral of the matter to the Investigation Committee, which may then refer the matter to the Hearing Committee which retains jurisdiction over this matter to deal with any issue of interpretation or implementation of the Agreement.

In view of Mr. Asche’s admissions and the conditions and restrictions imposed by the Settlement Agreement, the members of the Hearing Committee agree that this approach is reasonable. The Hearing Committee concludes that the Settlement Agreement is in the public interest.