



Nova Scotia Board of Examiners in Psychology

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Nova Scotia Board of Examiners in Psychology Summary of Decision of Investigation Committee

On June 17, 2022, a panel of the Investigation Committee of the Nova Scotia Board of Examiners in Psychology (the “**Committee**”) concluded its investigation into a complaint alleging a dual and sexual relationship involving a Registered Psychologist.

A summary of the complaint and disposition appear below.

A panel of the Investigation Committee, formed in accordance with section 35 of the *Psychologists Act*, SNS 2000, c 32 (the “**Psychologists Act**”) was responsible for the investigation of this complaint.

The Registered Psychologist provided a written response to the complaint.

The Committee met virtually with the Registered Psychologist in order to clarify some of the Committee’s questions and concerns related to the complaint.

The events leading to the initiation of this complaint occurred over a decade ago. There is no limitation period with respect to regulatory complaints.

The issue identified for investigation was whether the Registered Psychologist adhered to accepted standards, ethics, and guidelines of practice with respect to an alleged dual and sexual relationship.

The allegations engaged standard III.33 of the Canadian Code of Ethics for Psychologists in effect at the time of the events, which states:

- Avoid dual or multiple relationships (eg. with clients, research participants, employees, supervisees, students or trainees) and other situations that might present a conflict of interest or that might reduce their ability to be objective and unbiased in their determinations of what might be in the best interest of others.

As well, section (SPC 9:1) of the Standards of Professional Conduct (of the version which came into force February 19, 2007) also applied. It states:

- A registrant shall not have sexual relations with a client.

The Standards of Professional Conduct state that 'client' is broadly defined, and includes the recipients of any psychological service, including assessment, intervention, teaching, research, consultation, program development and supervision; as well as third party purchasers and parents or guardians of children who receive service.

Further, NSBEP's Sexual Misconduct by Psychologists (October 2006) guideline is also relevant to this matter. Section 1 of the guidelines states:

Prohibition against Sexual Intimacies with Clients of Psychological Services

The Nova Scotia Board of Examiners in Psychology holds that sexual intimacies of any kind are unethical between a psychologist and any person over whom they have supervisory, evaluative or other authority such as students, supervisees, employees, research participants and clients or patients. Although psychologists may have professional relationships with individuals other than those listed (as with certain consulting relationships) those individuals are not typically vulnerable to potential exploitation by the psychologist. In determining if the prohibition against sexual contact should apply in such cases, the psychologist should consider the ethical issues raised in the Preamble and in Appendix I in the course of making a decision on this matter.

This prohibition holds even if the client initiates or consents to sexual intimacies with a psychologist.

The Registered Psychologist acknowledged that they engaged in a dual and sexual relationship with a client.

The Committee concluded that the Registered Psychologist did not follow acceptable practice, and that they violated section III.33 of the Canadian Code of Ethics for Psychologists, section 9.1 of the Standards of Professional Conduct, and the NSBEP's Sexual Misconduct by Psychologists guideline.

The Investigation Committee's priority is the public interest. Self-regulation is a privilege, and one that may be lost if either the membership or the public lose trust in the regulator's ability to respond to serious misconduct.

The Registered Psychologist's admitted conduct very clearly falls outside the range of permitted behaviour of a psychologist. The Registered Psychologist engaged in serious misconduct that if improperly dealt with could reasonably decrease the public's trust in the ability of the psychology profession to regulate itself.

Sexual misconduct represents a profound breach of trust on behalf of the professional involved. The blurring of professional and personal boundaries often results in devastating consequences. Within the professional relationship, the client is always considered to be the vulnerable party. The onus is on the psychologist to maintain professional boundaries with the client and not to exploit a client in any way.

Regulators across the country have evolved in their recognition of the gravity of the breach of trust and damage caused by the sexual misconduct. In many jurisdictions, disciplinary outcomes in cases of sexual misconduct have heightened – often including revocation of registration.

Mitigating factors

The Registered Psychologist does not have a professional conduct history with NSBEP.

From the beginning of this complaint, the Registered Psychologist acknowledged their misconduct. The Registered Psychologist recognized the error and admitted their actions were wrong. The Registered Psychologist also attempted to set about to correct or at least minimize the potential risk/harm, but they did not end the relationship.

These factors are important mitigating factors, but they do not change the fact that a significant error in judgement was made by the Registered Psychologist.

Lastly, the Investigation Committee noted that the Registered Psychologist's misconduct occurred over a decade ago. Accordingly, the Committee recognized that the outcome of this matter must be commensurate with outcomes for similar misconduct in and around that time period. The Committee acknowledged that applying today's norms and standards to conduct that occurred a decade and a half earlier would constitute an error in law. The Committee's position in this regard is not a minimization of the seriousness of the Registered Psychologist's conduct, but rather a reflection that dispositions must correspond to time period in which the misconduct took place.

The Committee determined there is sufficient evidence that, if proven, constitutes professional misconduct, and warrants a registration sanction.

In lieu of referring this matter to the Hearing Committee, and with the consent of the Registered Psychologist, the Investigation Committee informally resolved this matter in accordance with section 35(11)(b) of the *Psychologists Act* pursuant to the following terms:

1. The Registered Psychologist is **reprimanded** for failing to avoid dual or multiple relationships and other situations that might present a conflict of interest or that might reduce their ability to be objective and unbiased in their determinations of what might be in the best interests of others (CE III.33).
2. The Registered Psychologist shall **review** the NSBEP's Sexual Misconduct by Psychologists guideline.
3. The Registered Psychologist's registration shall be **suspended** for a period of six months.
4. Following the six month period of suspension, the Registered Psychologist shall **permanently and irrevocably resign** from the Register of Psychologists. The Registered Psychologist shall undertake not to apply for registration and/or licensure to practise psychology in this or any other jurisdiction.
5. NSBEP shall provide notification of this decision to the Registered Psychologist's employer.

A reprimand and suspension are registration sanctions.

The Committee believes that the disposition outlined above reflects its serious concerns with the Registered Psychologist's practice and conduct.

NSBEP typically publishes summaries of registration sanctions on a named basis. In consideration of the likelihood that disclosure of the name of the Registered Psychologist would result in the identification of the client in this particular case, this summary is published on an unnamed basis.