

Discipline Committee of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

Citation: ONCRPO v. LA ROSE, 2021 ONCRPO 1

Date of written reasons: May 7, 2021

Docket: R1819-44/45

IN THE MATTER OF the *Regulated Health Professions Act, 1991, S.O. 1991, c. 18*, as amended, and the regulations thereunder, as amended;

IN THE MATTER OF the *Psychotherapy Act, 2007, S.O. 2007, c. 10, Sched. R*, as amended and the regulations thereunder, as amended;

AND IN THE MATTER OF a discipline proceeding against Justin La Rose, a Registrant 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 -

JUSTIN LA ROSE (REGISTRATION #007318)

Before: Panel

**Heidi Ahonen (Chair)
Miranda Goode Monastero
Kali Hewitt-Blackie
David Keast
Keri Selkirk**

Date of hearing:

January 26, 2021

Appearances:

Rebecca Durcan,

Counsel for College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

Justin La Rose, Registrant

Robert Barbieri, Counsel for Justin La Rose

Jennifer Hunter,

Independent Legal Counsel

DECISION AND REASONS

This matter came before a panel of the Discipline Committee (the "Panel") of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the "College") on January 26, 2021. The hearing proceeded via videoconference on consent of the parties.

The hearing was uncontested. It proceeded by way of an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty and Costs, which were jointly proposed by the College and the Registrant, Justin La Rose (the "Registrant").

The Panel made findings of professional misconduct and, at the conclusion of the hearing, delivered its penalty order orally, with written reasons to follow. These are those reasons.

THE ALLEGATIONS

The allegations of professional misconduct against the Registrant were listed on the Notice of Hearing, dated October 1, 2019, which was filed as Exhibit 1, and read as follows:

A. Background Information

The Registrant

1. Justin La Rose (the "Registrant") has been a registrant of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the "College") in the Qualifying class of membership since approximately April 10, 2018.

Practice at the Clinic

2. It is alleged that in 2018 and January 2019, the Registrant practised the profession at a clinic ("the Clinic") supervised and/or directed by Dr. A, a psychologist.

3. It is alleged Dr. A was the supervising psychologist of clients the Registrant treated at the Clinic and that Dr. A had responsibility for the care of clients and custody of their records.

B. Inadequate Record-keeping & Documentation

April-August 2018 Treatment Notes for Various Clients

4. It is alleged that between approximately April and August 2018, the Registrant treated approximately fifteen (15) clients at the Clinic.

5. It is alleged the Registrant did not complete and file in each of the above client's record, approximately 32 treatment notes, until no earlier than August 2018.

October 2018-January 2019 Treatment Notes for Client X

6. It is alleged the Registrant treated Client X between approximately October 2018 and January 2019.

7. It is alleged the Registrant did not complete and deliver to Dr. A treatment notes for approximately nine (9) sessions with Client X, until approximately April 2019.

8. It is alleged that as of April 2019, the Registrant had not sent Dr. A his handwritten notes for Client X relating to the sessions described in paragraph 7.

September-December 2018 Treatment Notes for Client Y

9. It is alleged the Registrant treated Client Y between approximately September and December 2018.

10. It is alleged the Registrant did not complete and deliver to Dr. A treatment notes for approximately seven (7) sessions with Client Y, until approximately April 2019.

11. It is alleged that as of April 2019, the Registrant had not sent Dr. A his handwritten notes for Client Y relating to the sessions described in paragraph 10.

August-December 2018 Treatment Notes for Client Z

12. It is alleged the Registrant treated Client Z between approximately August and December 2018.

13. It is alleged the Registrant did not complete and deliver to Dr. A treatment notes for approximately six (6) sessions with Client Z, until approximately April 2019.

14. It is alleged that as of April 2019, the Registrant had not sent to Dr. A his handwritten notes for Client Z relating to the sessions described in paragraph 13.

Professional Misconduct

15. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Health Professions Procedural Code (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 25** – Failing to keep written records in accordance with the standards of the profession; 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.

C. Failure to Communicate and Attend Client Session

16. [Withdrawn].

17. [Withdrawn].

18. [Withdrawn].

19. [Withdrawn].

20. [Withdrawn].

Professional Misconduct

21. [Withdrawn].

22. It is alleged that in 2018 and/or January 2019 the Registrant failed to attend clinical supervision meetings with Dr. A without adequate prior notice.

23. It is alleged that in failing to meet with Dr. A for clinical supervision meetings, the Registrant was practising psychotherapy without clinical supervision.

Professional Misconduct

24. 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. 4.2 – Practising with Clinical Supervision;

b. **Paragraph 44** – Contravening, by act or omission, a term, condition or limitation on the member’s certificate of registration, specifically:

i. Subsection 11(a) of O.Reg. 67/15: Registration - It is an additional term, condition and limitation of every Qualifying certificate of registration that the member must at all times, (a) practise psychotherapy with clinical supervision; 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.

At the outset of the hearing, counsel for the College advised the panel that the College sought to withdraw the following paragraphs of Exhibit 1: 16 through 21. The Registrant, through his counsel, advised the panel that he consented to the College’s request to withdraw the allegations.

At the request of the College, the panel granted leave for the allegations contained in paragraphs 16 through 21, to be withdrawn.

AGREED STATEMENT OF FACTS

The Agreed Statement of Facts was filed as Exhibit 2 and provides (without attachments) as follows:

The Registrant

1. Justin La Rose (the “Registrant”) has been a registrant of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the “College”) in the Qualifying class of membership since approximately April 10, 2018.

2. This is the Registrant’s first appearance before the Discipline Committee. Before the events leading to this proceeding, the Registrant had not been the subject of a College investigation.

Practice at the Clinic

3. In or about 2018 and January 2019, the Registrant practised the profession at a clinic (“the Clinic”) supervised and/or directed by Dr. A, a psychologist.

4. Dr. A was the supervising psychologist of clients the Registrant treated at the Clinic and had responsibility for the care of the clients and the custody of their records.

Contravening a Standard of Practice of the Profession

5. The College has published *Professional Practice Standards for Registered Psychotherapists* that states the following:

- a. **1.5 – General Conduct** – Members at all times refrain from conduct that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional, or unbecoming a member of the profession; and
- b. **5.1 – Record-keeping – Clinical Records** – Members keep an accurate and complete clinical record for each client. Members provide access to legible client records, when requested to do so by a client, authorized representative or another legal authorization.

6. It is agreed that the Registrant breached these standards of practice of the profession by engaging in the conduct described in this Agreed Statement of Facts.

Contravening a Policy of the Clinic

7. The Clinic implemented a record-keeping policy that required treatment notes to be completed within three (3) business days of a treatment session. The Registrant agreed to this policy when he signed the Clinic's Associate Agreement. Attached at **Tab "C"** is a copy of the relevant provisions of the Clinic's policy and the Associate Agreement.

8. It is agreed that the Registrant failed to abide by the record-keeping policy of the Clinic by engaging in the conduct described in this Agreed Statement of Facts.

Inadequate Record-keeping & Documentation

April-August 2018 Treatment Notes for Various Clients

9. Between approximately April and August 2018, the Registrant treated approximately fifteen (15) clients at the Clinic. It is agreed that the Registrant did not comply with the College standard or the Clinic policy. Specifically, the Registrant did not complete and file with the Clinic the treatment notes for the following treatment dates for the following clients within the three-day window:

- a. Client X: May 17, 2018, July 17, 2018, July 19, 2018, July 24, 2018 (draft notes only), July 26, 2018, August 2, 2018, August 9, 2018, August 14, 2018, August 16, 2018 and August 21, 2018;
- b. Client Y: April 3, 2018, May 2018, June 12, 2018, June 26, 2018 and July 24, 2018;
- c. Client Z: July 5, 2018, August 9, 2018 and August 16, 2018;
- d. Client A: April 10, 2018;
- e. Client B: April 3, 2018 and July 19, 2018;
- f. Client C: July 19, 2018;
- g. Client D for July 19, 2018 and July 26, 2018;
- h. Client E for April 9, 2018 and May 24, 2018;

10. The Registrant did not complete and file with the Clinic the approximately 32 treatment notes for the above clients' records until October 2018. If the Registrant were to testify, he would advise the Panel that he, made hand-written notations during the

appointments at issue and stored the notations in a secure manner at his home. The Registrant only filed these records with the Clinic after the Clinic repeatedly requested that he abide by the record-keeping expectations.

October 2018-January 2019 Treatment Notes for Client X

11. The Registrant treated Client X between approximately May 2018 and January 2019.

12. On January 24, 2019, Dr. A followed up with the Registrant in regards to outstanding treatment notes from September 2018 to January 2019. The Registrant was given until January 31, 2019 to complete all of his treatment notes, including those for Client X, and to file same with the Clinic.

13. The Registrant did not do so. Rather, the Registrant made hand-written notations of these patient encounters during the appointments at issue and stored the notations in a secure manner at his home.

14. The Registrant did not complete and deliver to Dr. A treatment notes for approximately nine (9) sessions with Client X until approximately April 2019. The Registrant confirmed to the College on May 9, 2019 that he submitted typed treatment notes on April 8, 2019 to Dr. A for the following treatment dates with Client X:

- a. October 25, 2018;
- b. November 1, 2018;
- c. November 5, 2018;
- d. November 8, 2018;
- e. November 15, 2018;
- f. November 22, 2018;
- g. November 29, 2018;
- h. December 6, 2018;
- i. December 13, 2018; and
- j. January 5, 2019.

15. The Clinic still requested that the Registrant provide his handwritten treatment notes.

The Registrant states that he sent scanned copies of his handwritten notes via e-mail to Dr. A on May 9, 2019. However, Dr. A states that she did not receive said notes.

September-December 2018 Treatment Notes for Client Y

16. The Registrant treated Client Y between approximately April and December 2018.

17. On January 24, 2019, Dr. A followed up with the Registrant in regards to outstanding treatment notes from September 2018 to January 2019. The Registrant was given until January 31, 2019 to complete all of his treatment notes, including those for Client Y, and to file same with the Clinic.

18. The Registrant did not do so. Rather, the Registrant made hand-written notations of these patient encounters during the appointments at issue and stored the notations in a secure manner at his home.

19. The Registrant did not complete and deliver to Dr. A treatment notes for approximately seven (7) sessions with Client Y until approximately April 2019. The Registrant confirmed to the College on May 9, 2019 that he submitted typed treatment notes on April 8, 2019 to Dr. A for the following treatment dates with Client Y:

- a. October 11, 2018;
- b. October 18, 2018;
- c. November 1, 2018;
- d. November 15, 2018;
- e. November 22, 2018;
- f. November 29, 2018; and
- g. December 13, 2018.

20. The Clinic still requested that the Registrant provide his handwritten treatment notes. The Registrant states that he sent scanned copies of his handwritten notes via e-mail to Dr. A on May 9, 2019. However, Dr. A states that she did not receive said notes.

August-December 2018 Treatment Notes for Client Z

21. The Registrant treated Client Z between approximately July and December 2018.

22. On January 24, 2019, Dr. A followed up with the Registrant in regards to outstanding treatment notes from September 2018 to January 2019. The Registrant was given until January 31, 2019 to complete all of his treatment notes, including those for Client Z, and to file same with the Clinic.

23. The Registrant did not do so. Rather, the Registrant made hand-written notations of these patient encounters during the appointments at issue and stored the notations in a secure manner at his home.

24. The Registrant did not complete and deliver to Dr. A treatment notes for approximately six (6) sessions with Client Z until approximately April 2019. The Registrant confirmed to the College on May 9, 2019 that he submitted typed treatment notes on April 8, 2019 to Dr. A for the following treatment dates:

- a. September 9, 2018;
- b. October 30, 2018;
- c. November 15, 2018;
- d. November 22, 2018;
- e. November 29, 2018;
- f. December 6, 2018; and
- g. December 13, 2018.

25. The Clinic still requested that the Registrant provide his handwritten treatment notes. The Registrant states that he sent scanned copies of his handwritten notes via e-mail to Dr. A on May 9, 2019. However, Dr. A states that she did not receive said notes.

Professional Misconduct

26. It is agreed that the above conduct constitutes professional misconduct pursuant to subsection 51(1)(c) of the Health Professions Procedural Code, being Schedule II to the *Regulated Health Professions Act, 1991* (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, 1.5 – General Conduct and 5.1 – Record-keeping – Clinical Records;
- b. **Paragraph 25** – Failing to keep written records in accordance with the standards of the profession; and
- 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 unprofessional.

27. By this document, the Registrant admits to the truth of the facts referred to in paragraphs 1 to 25 above (the “Agreed Facts”).

28. By this document, the Registrant states that:

- a. he understands fully the nature of the allegations against him;
- b. he has no questions with respect to the allegations against him;
- c. he understands that by signing this document he is consenting to the evidence as set out in the Agreed Facts being presented to the Discipline Committee;
- d. he understands that by admitting the allegations, he is waiving his right to require the College to prove the case against him and the right to have a hearing;
- e. he understands that the decision of the Discipline Committee and a summary of its reasons, including reference
annual report and any other publication or website of the College;
- f. he understands that any agreement between him and the College with respect to any penalty proposed does not bind the Discipline Committee; and
- g. he understands and acknowledges that he is executing this document voluntarily, unequivocally, free of duress, free of inducement or bribe, and that he has been advised of his right to seek legal advice and that he has had the opportunity to receive such advice.

29. In light of the Agreed Facts and Admission of Professional Misconduct, the College and

the Registrant submit that the Discipline Committee should find that the Registrant has committed professional misconduct.

REGISTRANT'S PLEA

The Registrant admitted the acts of professional misconduct as contained in paragraphs 1-15 of the Notice of Hearing pursuant to subsection 51(1)(c) of the Health Professions Procedural Code, being Schedule II to the *Regulated Health Professions Act, 1991* (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, 1.5 – General Conduct and 5.1 – Record-keeping – Clinical Records;
- b. **Paragraph 25** – Failing to keep written records in accordance with the standards of the profession; and
- 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 unprofessional.

The Panel conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed, and unequivocal.

SUBMISSIONS OF THE PARTIES ON FINDING

Counsel for the College and Counsel for the Registrant submitted that the facts and admissions contained in the Agreed Statement of Facts made out all of the acts of professional misconduct admitted to by the Registrant.

DECISION

On considering the Notice of Hearing, the Agreed Statement of Facts, and on the submissions of counsel and counsel for the Registrant. The Panel finds that the Registrant has committed acts of professional misconduct pursuant to subsection 51(1)(c) of the Health Professions Procedural Code, being Schedule II to the *Regulated Health Professions Act, 1991* (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, 1.5 – General Conduct and 5.1 – Record-keeping – Clinical Records;
- b. **Paragraph 25** – Failing to keep written records in accordance with the standards of the profession; and
- 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 unprofessional.

REASONS FOR DECISION

Having considered the Registrant's admission of professional misconduct and the facts contained in the Agreed Statement of Facts, the Panel concluded the Registrant had committed the acts of professional misconduct. The Panel was satisfied the Registrant's admission was voluntary, informed, and unequivocal.

THE JOINT SUBMISSION ON PENALTY

The Joint Submission on Penalty and Costs was filed as Exhibit 3. Counsel for the College and the Registrant agreed and jointly submitted that the following would be an appropriate order as to penalty and costs in the matter:

1. The Registrant is required to appear before a panel of the Discipline Committee to be reprimanded immediately following the hearing.
2. The Registrar is directed to immediately impose the following specified terms, conditions or limitations on the Registrant's Certificate of Registration:
 - a. Requiring the Registrant to successfully complete, at his own expense, a recordkeeping course that has been pre-approved by the Registrar within four (4) months of the date of this Order; and
 - b. Requiring the Registrant to successfully complete, at his own expense, the College's Professional Practice & Jurisprudence e-Learning Module, within two (2) months of the date of this Order; and

3. The Registrant is required to pay to the College costs in the amount of \$5,000.00 within one (1) month of the date of this Order. The Registrar is authorized to impose an instalment plan to ensure regular and consistent payment of the costs order.

DECISION ON ORDER

The Panel accepted the Joint Submission on Penalty and Costs as submitted by the parties and makes an Order in accordance with the terms set out above.

REASONS FOR DECISION ON ORDER

The panel recognized the Registrant's willingness to cooperate with the College, admit that his conduct was unprofessional, and reach an agreement on a statement of facts and joint submission on penalty and costs. The Panel concluded that the parties' joint submission is both reasonable and in the public interest. It provides for specific deterrence via oral reprimand, general deterrence by demonstrating to the profession that such conduct will not be tolerated, and an opportunity for the Registrant to remediate his practice through the specified terms, conditions and limitations as set out in paragraph 2 above. The panel also concluded that the order on costs was appropriate.

REPRIMAND

At the conclusion of the hearing, having confirmed that the Registrant waived any right to appeal, the panel delivered its oral reprimand. A copy of the reprimand is attached at Schedule "A" of these reasons.

I, Heidi Ahonen, sign this Decision and Reasons for the decision as Chairperson of this Discipline panel and on behalf of the Registrants of the Discipline panel as listed below:

Heidi Ahonen,

Chair, Discipline Panel

May 7, 2021

Miranda Goode Monastero, RP, Professional Member
Kathleen (Kali) Hewitt-Blackie, RP, Professional Member
David Keast, Public Member
Keri Selkirk, Public Member

Schedule "A"**Oral Reprimand**

Mr. La Rose you are here today in front of this panel of the College of Registered Psychotherapists of Ontario Discipline Committee to be reprimanded regarding your conduct as a Registered Psychotherapist. Specifically, with respect to the allegations that you pleaded guilty to today.

We trust that you understand the seriousness of your behaviour. You engaged in behaviour that would reasonably be regarded as unprofessional. You failed to keep records and deliver them in a timely fashion as required by your professional practice standards. Professional members of the CRPO have a responsibility to consistently provide services to the public that meet clearly articulated standards of conduct. The absence of records also puts the public at risk as the record is the official documentation of your client work. Your behaviour in failing to produce records in a timely way reflects poorly on all members of our profession. When clients come to us they have the right to expect services that meet professional standards of conduct at all times. Your actions were contrary to this expectation and cast a shadow over your own integrity. The panel appreciates your qualifying status however this does not absolve you of your responsibility for knowing your own obligations in maintaining accurate records and complying with the standards of our profession. We trust that you have learned from this experience and will take action in rectifying this behaviour going forward.

Discipline Panel:

Heidi Ahonen, RP, Professional Member

Miranda Goode Monastero, RP, Professional Member

Kathleen (Kali) Hewitt-Blackie, RP, Professional Member

David Keast, Public Member

Keri Selkirk, Public Member