

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

Citation: ONCRPO v. FIELD, 2021 ONCRPO 2

Date of written reasons: August 20, 2021

Docket: C2021-03

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 John Field, 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 -

JOHN ROBERT FIELD (REGISTRATION #006164)

Before: Panel

**Shelley Briscoe-Dimock (Chair)
Heidi Ahonen
Steven Boychyn
David Keast
Judy Mord**

Date of hearing:

February 5, 2021

Appearances:

Maya Pearlston

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

John Field, Registrant

James E. Dean, Counsel for John Field

Anna Matas

Independent Legal Counsel

NOTICE OF PUBLICATION BAN

This is notice that the Discipline Committee ordered that no person shall publish, broadcast or otherwise disclose the name of the client referred to during the hearing or in documents filed at the hearing that commenced on February 5, 2021, or any information that would disclose the identity of the client. This order was made pursuant to subsection 45(3) of the Health Professions Procedural Code (the "Code"), which is Schedule 2 to the [Regulated Health Professions Act, 1991, S.O. 1991, c. 18](#), as amended.

Subsection 93(1) of the Code, which is concerned with failure to comply with these orders, provides that:

Every person who contravenes an order made under section 45 is guilty of an offence and on conviction is liable,

- (a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or
- (b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.

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 February 5, 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 Counsel for the College and the Registrant, John Field (the "Registrant").

At the conclusion of the hearing, the Panel delivered its finding and 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 5, 2020, which was filed as Exhibit 1, and read as follows:

The Registrant

1. *John Field (the "Registrant") has been a registrant of the College of Registered Psychotherapists of Ontario (the "College") since approximately September 20, 2017.*

2. *The Registrant works in his clinic, located in his home, in St. Mary's, Ontario and in an office located at 711 Oxford St. W., Unit A, London, Ontario N6H 1V1.*

The Client

3. *In 2020, the Client was approximately [REDACTED] years old, vulnerable, and [REDACTED].*
4. *The Registrant treated the Client, at his clinic, from approximately [REDACTED] to [REDACTED].*
5. *The Registrant engaged in personal text communications with the Client in or around [REDACTED].*
6. *The Client drove the Registrant to [REDACTED] sometime in or around [REDACTED] or [REDACTED].*
7. *In mid-[REDACTED], the Registrant permitted the Client to take [REDACTED] on a surprise visit to a [REDACTED] with [REDACTED].*
8. *Between approximately [REDACTED], [REDACTED] and [REDACTED] the Registrant:*
 - a. *Visited [REDACTED] with the Client and [REDACTED] for a [REDACTED]; and/or*
 - b. *Stayed in a [REDACTED] with the Client and [REDACTED].*
9. *Between approximately [REDACTED], [REDACTED] and [REDACTED], [REDACTED] the Registrant:*
 - a. *Invited the Client and [REDACTED] to travel by train to [REDACTED] with the Client and [REDACTED];*
 - b. *Travelled by train to [REDACTED] with the Client and [REDACTED];*
 - c. *Visited [REDACTED] with the Client and [REDACTED]; and/or*
 - d. *Stayed in a hotel room with the Client and [REDACTED].*
10. *On or about [REDACTED], [REDACTED] the Registrant agreed to go grocery shopping for the Client.*
11. *Between approximately [REDACTED], [REDACTED] and [REDACTED], [REDACTED] the Client and [REDACTED] lived in the home of the Registrant.*

Allegations of Professional Misconduct

12. *It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 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, including but not limited to:
 - i. 1.5 – General Conduct;
 - ii. 1.7 – Dual or Multiple Relationships; and/or
 - iii. 1.8 – Undue Influence and Abuse;
- b. **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
- c. **Paragraph 53** - Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

AGREED STATEMENT OF FACTS

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

The Registrant

1. John Field (the “Registrant”) has been a registrant of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the “College”) since September 20, 2017. Attached at Tab “A” is a copy of the Registrant’s Public Register Profile.
2. The Registrant works in his clinic, located in his home, in St. Mary’s, Ontario.

The Client

3. In 2020, the Client was approximately [REDACTED] years old, vulnerable, and [REDACTED]
[REDACTED]
4. The Registrant treated the Client, at his clinic, from [REDACTED] to [REDACTED]
5. [Withdrawn]

Relationship with the Client

6. The Registrant engaged in personal text message communications with the Client in [REDACTED].
7. The Client drove the Registrant to [REDACTED] on two occasions in [REDACTED] or [REDACTED].
8. In [REDACTED], the Registrant permitted the Client to take [REDACTED] on a surprise visit to a [REDACTED] with [REDACTED].
9. Between [REDACTED] and [REDACTED], the Registrant went on an overnight trip to [REDACTED], Ontario with the Client and [REDACTED] for a social visit. The Registrant stayed in a [REDACTED] with the Client and [REDACTED].
10. Between [REDACTED] and [REDACTED]:
 - a. The Registrant invited the Client and [REDACTED] to travel with him by train to [REDACTED].
 - b. The Registrant travelled by train to [REDACTED] with the Client and her [REDACTED].
 - c. The Registrant visited [REDACTED] with the Client and [REDACTED].
 - d. The Registrant stayed in a [REDACTED] with the Client and [REDACTED].
11. On [REDACTED], the Registrant agreed to go grocery shopping for the Client.
12. Between [REDACTED] and [REDACTED], the Client and [REDACTED] lived in the home of the Registrant. The Registrant invited the Client and [REDACTED] to stay with him after the Client left [REDACTED] and expressed concerns about living in a [REDACTED] during the COVID-19 pandemic.

Contravening a Standard of Practice of the Profession

13. The College has published Professional Practice Standards for Registered Psychotherapists that states the following:
 - a. **1.5 – General Conduct** – Registrants at all times refrain from conduct that, having regard to all the circumstances, would reasonably be regarded by registrants as disgraceful, dishonourable, unprofessional, or unbecoming a member of the profession;
 - b. **1.7 – Dual and Multiple Relationships** – Except in extenuating circumstances where relevant circumstances have been considered, registrants avoid dual or multiple relationships with clients; and

c. *[Withdrawn]*

Attached at Tab "B" is a copy of the relevant Standards.

14. *The Registrant breached these standards of practice of the profession by engaging in the conduct described in this Agreed Statement of Facts.*

Admission of Professional Misconduct

15. *By this document, the Registrant admits to the truth of the facts referred to in paragraphs 1 to 14 above (the "Agreed Facts").*

16. *The above conduct constitutes professional misconduct pursuant to subsection 51(1)(c) of the Code, as set out in 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, 1.7 – Dual or Multiple Relationships, and [Withdrawn];*
- b. **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*
- c. **Paragraph 53** – *Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.*

17. *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 to his name, may be published in the College's 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.*

25.(sic) 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.

Counsel for the College advised the panel that the College sought to withdraw the following paragraphs of the Agreed Statement of Facts (Exhibit #2): 5, 13(c) and reference to Standard 1.8 noted in 16(a). The Registrant, through his counsel, advised the panel that he consented to the College's request to withdraw the specified paragraphs.

REGISTRANT'S PLEA

The Registrant admitted the acts of professional misconduct as set out in the Agreed Statement of Facts (Exhibit #2).

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 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.

Mr. Dean, Counsel for the Registrant, submitted that he echoed College Counsel's submissions namely that the facts admitted in the Agreed Statement of Facts support a finding of professional misconduct as set out therein.

DECISION

The panel made an order at the hearing, that the allegations contained in paragraphs 5, 13(c) and reference to Standard 1.8 noted in 16(a) be withdrawn.

On reading the Notice of Hearing, considering the Agreed Statement of Facts, and on hearing the submissions of College Counsel and Counsel for the Registrant, the Panel finds that the Registrant has committed acts of professional misconduct pursuant to:

1. *Subsection 51(1)(c) of the Code, as set out in 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 1.7 – Dual or Multiple Relationships;*
 - b. **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*
 - c. **Paragraph 53** – *Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.*

REASONS FOR DECISION

Having considered the Registrant's admission of professional misconduct and the facts contained in the Agreed Statement of Facts, the Panel was satisfied the College had provided evidence that was clear, cogent and convincing and was successful in proving on a balance of probabilities that Registrant's conduct constituted professional misconduct. The panel was satisfied that the Registrant's admissions in this regards were voluntary, informed, and unequivocal.

THE JOINT SUBMISSION ON PENALTY AND COSTS

The Joint Submission on Penalty and Costs was filed as Exhibit 3. Counsel for the College and Counsel for the Registrant submitted that the joint submission on penalty and costs fulfilled the objectives of specific and general deterrence and public protection. Counsel for the College provided the Panel with a Brief of Authorities which included case law corroborating that the penalty is in keeping with dispositions previously ordered by other regulatory bodies under similar circumstances.

DECISION ON ORDER

The Panel accepted the Joint Submission on Penalty as submitted by the parties and makes an Order in accordance with the terms set out below. The Panel found that the proposed penalty served the objectives of specific and general deterrence, remediation, public protection as well as public confidence in the College's proceedings.

1. The Registrant is required to appear before a panel of the Discipline Committee to be reprimanded following the hearing.
2. The Registrar is directed to suspend the Registrant's Certificate of Registration for a period of three (3) months, on a date to be selected by the Registrar.
3. 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, the PROBE Ethics & Boundaries Course within three (3) 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 (JRP) e-Learning Module, within two (2) months of the date of this Order; and
4. 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.

REASONS FOR DECISION ON ORDER

The panel recognized the Registrant's readiness to cooperate with the College, admit that his conduct was disgraceful, dishonourable and unprofessional, and reach an agreement on a statement of facts and joint submission on penalty and costs. The Panel concluded that the joint submission is reasonable, in the public interest and provides for both general and specific deterrence, as well as an opportunity for the Registrant to remediate his practice. With respect to specific deterrence, this will be achieved through the oral reprimand, while remediation will be achieved through the requirements of paragraph 3. The Order provides sufficient protection for the public.

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, Shelley Briscoe-Dimock, sign this Decision and Reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:

Shelley Briscoe-Dimock, RP Chair, Discipline Panel August 20, 2021

Heidi Ahonen, Professional Member

Steven Boychyn, Public Member

David Keast, Public Member

Judy Mord, Professional Member

Schedule "A"**Oral Reprimand**

Mr. Field, the Committee members have serious concerns about your decisions and actions that have brought your case before us today. Of particular concern to the panel is the fact that your misconduct involved an egregious lack of judgment, disregard for the potential for harm, and disregard for the reputation of the profession.

You knowingly engaged in a personal relationship with this [REDACTED] and [REDACTED], including spending social time, travelling, and permitting [REDACTED] to live in your home for an extended period.

The actions you chose indeed created the potential for harm to your client, [REDACTED] and put the public confidence in this profession in jeopardy.

The practice of psychotherapy is a privilege that carries with it significant obligations to the public, the profession and to oneself. Through your conduct, you have failed in your moral and professional obligations and cast a shadow over your own integrity.

We wish to make clear to you that, although the Order we imposed is appropriate in relation to our findings, a more significant Order will likely be imposed by another Discipline panel in the event that you are ever found to have engaged in further professional misconduct.

In conclusion, the panel finds your actions disgraceful, dishonourable and unprofessional.

Discipline Panel:

Shelley Briscoe-Dimock, Chair, Professional Member

Heidi Ahonen, Professional Member

Steven Boychyn, Public Member

David Keast, Public Member

Judy Mord, Professional Member

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