

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

Citation: ONCRPO v. FIELD, 2022 ONCRPO 1

Date of written reasons: November 3, 2022

Docket: R2021-35

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

**Carol Cowan-Levine (Chair)
Kenneth Lomp
Michael Machan
Sherine Fahmy
David Keast**

Date of hearing:

September 23, 2022

Appearances:

Ahmad Mozaffari,

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

Jennifer Hunter,

Independent Legal Counsel

John Field, Registrant/Member

James E. Dean, Counsel for John Field

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 September 23, 2022. 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 on behalf of the College and the Registrant, John Field (the "Registrant").

The Panel made findings of professional misconduct and, at the conclusion of the hearing, 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 27, 2021, which was filed as Exhibit 1, and read as follows:

The Registrant

1. John R. Field (the "Registrant") registered with the College of Registered Psychotherapists of Ontario (the "College") on or about September 20, 2017.

Client A

2. The Registrant treated Client A from approximately [REDACTED] to [REDACTED].
3. On or about September 29, 2020 the Inquiries, Complaints and Reports Committee referred specified allegations of professional misconduct to the Discipline Committee.
4. It is alleged that the Registrant continued to communicate with Client A following the cessation of treatment in [REDACTED] and/or the referral of specified allegations of professional misconduct in September 2020 as described in paragraph 3.
5. It is also alleged that the Registrant:
 - a. engaged in physical sexual relations with Client A up until [REDACTED];
 - b. engaged in touching of a sexual nature of Client A up until [REDACTED]; and/or
 - c. sent Client A sexual messages and/or images up until [REDACTED].

Allegations of Professional Misconduct

6. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(b.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”) as the Registrant sexually abused Client A.
7. It is also 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. [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.

At the onset of the hearing, counsel for the College advised the panel that the College sought to withdraw the following paragraph of the Notice of Hearing (Exhibit 1): 7 (a). The Registrant, through his counsel, advised the panel that he consented to the College’s request to withdraw the noted allegation.

The panel made an order at the hearing, orally, granting leave for the allegation contained in paragraph 7 (a) to be withdrawn.

JURISDICTION

As set out in the Agreed Statement of Facts below, the panel was informed that the Registrant had formally resigned his Certificate of Registration as of August 2021. However, pursuant to s. 14(1) of Code, the panel was satisfied that it maintained jurisdiction over the Registrant with respect to the allegations of professional misconduct as they are referable to a time when he was a member of the College.

AGREED STATEMENT OF FACTS

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

The Former Registrant

1. John Field (the “Former Registrant”) registered with the College of Registered Psychotherapists of Ontario (the “College”) on or about September 20, 2017. The Former Registrant resigned from the College on or about August 26, 2021. Tab “A” provides a

copy of the Former Registrant's registration history as set out in the College's public register.

2. On or about November 2, 2020, the Former Registrant was suspended by interim order of the Inquiries, Complaints and Reports Committee ("ICRC") following referral of specified allegations of professional misconduct to the Discipline Committee on or about September 29, 2020. Tab "B" provides a copy of the ICRC's referral decision.
3. In a letter dated on or about May 31, 2021, the Former Registrant wrote to the College indicating his decision to voluntarily resign immediately from the College. He did so during a proceeding before the ICRC. Tab "C" provides a copy of the Former Registrant's resignation letter and an email from the Former Registrant's lawyer of record confirming that the Former Registrant had retired and was no longer providing psychotherapy services.
4. On or about August 25, 2021, the Former Registrant's voluntary resignation became effective.
5. Although the Former Registrant is no longer registered with the College, he remains within the jurisdiction of the College due to section 14(1) of the Health Professions Procedural Code as Tab "D" provides:

14 (1) A person whose certificate of registration is revoked or expires or who resigns as a member continues to be subject to the jurisdiction of the College for professional misconduct or incompetence referable to the time when the person was a member and may be investigated under section 75.

6. The Former Registrant has a relevant disciplinary history with the College. On or about February 5, 2021, a panel of the Discipline Committee made a finding of professional misconduct for contravening standards relating to dual or multiple relationships and undue influence and abuse of Client A. Tab "E" provides a copy of the panel's decision.

Client A

7. From in or about [REDACTED] to [REDACTED], the Former Registrant provided psychotherapy treatment and services as a registrant to Client A. These are the treatment dates on which the Former Registrant was found to have engaged in professional misconduct as described in paragraph 6.
8. On or about September 29, 2020, the ICRC referred specified allegations of professional misconduct to the Discipline Committee, as mentioned in paragraph 2. These allegations pertained to boundary violations with Client A. The finding in paragraph 6 was made on these allegations.

9. After treatment stopped in or about [REDACTED], the Former Registrant continued to communicate with Client A.
10. After the specified allegations of professional misconduct were referred to the Discipline Committee in or about September 2020 as described in paragraph 8, the Former Registrant continued to communicate with Client A. Between [REDACTED] and [REDACTED] the Former Registrant and the Client exchanged 14,740 text messages.

Sexual Abuse

11. Although the Former Registrant ceased treating Client A in [REDACTED], Client A is considered a client until [REDACTED] as a result of s. 1(6) of the Health Professions Procedural Code as Tab "D" provides:

1 (6) For the purposes of subsections 1 (3) and 1(5),

"patient", without restricting the ordinary meaning of the term, includes,

- a) an individual who was a member's patient within one year or such longer period of time as may be prescribed from the date on which the individual ceased to be the member's patient, and*
- b) an individual who is determined to be a patient in accordance with the criteria in any regulations made under clause 43 (1) (o) of the Regulated Health Professions Act, 1991;*

12. The Former Registrant engaged in physical sexual relations with Client A up until in or [REDACTED].
13. The Former Registrant engaged in touching of a sexual nature of Client A up until in or about [REDACTED].
14. The Former Registrant sent Client A sexual messages and images up until in or about [REDACTED].
15. The Former Registrant acknowledges that the conduct described in paragraphs 12 to 14 constitutes sexual abuse of Client A.

Admission of Professional Misconduct

16. It is agreed that Former Registrant sexually abused Client A and that the above conduct constitutes professional misconduct pursuant to section 51(1)(b.1) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act,

1991 (the “Code”).

17. It is also agreed that the above conduct constitutes professional misconduct pursuant to section 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 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.

Admission of Facts

18. By this document, the Former Registrant admits to the truth of the facts referred to in paragraphs 1 to 15 above (the “Agreed Facts”).

19. By this document, the Former Registrant states that:

- (a) 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;
- (b) he understands that any decision of the Discipline Committee and a summary of its reasons, including reference to his name, will be published in the College’s annual report and any other publication or website of the College;
- (c) he understands that any agreement between himself and the College with respect to any penalty proposed does not bind the Discipline Committee; and
- (d) he understands and acknowledges that he is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that he has been advised of his right to seek legal advice.

REGISTRANT’S PLEA

The Registrant admitted the acts of professional misconduct as set out in the Agreed Statement of Fact.

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 constitute professional misconduct admitted to by the Registrant.

Counsel for the Registrant agreed with 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

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

1. Section 51(1)(b.1) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991 (the "Code") as the Registrant sexually abused Client A; and
2. Section 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 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.

With respect to the finding in para. 2(a) above, the Panel finds that the Registrant engaged in conduct that would reasonably be considered by members of the profession to be disgraceful, dishonourable, and 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 that the College had provided clear, cogent and convincing evidence in support of the allegations and succeeded in proving on a balance of probabilities that 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 AND COSTS

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

1. Requiring the Registrant to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to revoke the Registrant's certificate of registration immediately following the hearing in this matter.
3. Requiring the Registrant to reimburse the College for funding provided to the Client under the program required under section 85.7 of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991.
4. Requiring the Registrant to, within one month of the date of this Order, post security acceptable to the College in the amount of \$3,000.00 to guarantee the payment of any amounts he may be required to reimburse the College under Paragraph 3 of this Order, where such security will be held by the College until April 30, 2024.
5. Requiring the Registrant to pay costs fixed in the amount of \$15,000.00 payable in monthly installments of \$500.00 a month, with the final payment being made on the 30th month of the date of this 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

Having reviewed the Agreed Statement of Facts and finding them sufficiently clear, the ramifications of such highlighted in case law provided in the Brief of Authorities, having considered the conduct described and documented, and having heard the Registrant's voluntary admission of the acts as listed in the Agreed Statement of Facts, an acknowledgement of acts

committed deemed dishonourable, disgraceful, and unprofessional, and as well, giving careful consideration to the Registrant's previous referral to Discipline (with measures of a three month suspension, supervision, and completion of the ProBE course, none of which resulted in rehabilitated behaviours) the panel was then fully satisfied that acts of significant professional misconduct had occurred .

Subsequently, the Joint Submission on Penalty and Costs as submitted was accepted by the Panel.

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, Carol Cowan-Levine, 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:

Carol Cowan-Levine, RP

Chair, Discipline Panel

November 3, 2022

Kenneth Lomp, Professional Member
Michael Machan, Professional Member
Sherine Fahmy, Public Member
David Keast, Public Member

Schedule "A"**Oral Reprimand**

Mr. Field,

Your conduct is unacceptable to your fellow registered psychotherapists and to the public at large. Of particular concern to us is the fact that these proceedings considered a brief review of a previous relevant and significant disciplinary outcome.

Your misconduct involved that you did sexually abuse a client by engaging in physical sexual relations, behavior, or remarks of a sexual nature towards a client, as well as touching of a sexual nature of a client and that you did engage in the conduct of performing and act relevant to the practice of that profession.

Having regard to all the circumstances involved, we find these actions as disgraceful, dishonorable, and unprofessional.

Discipline Panel:

Carol Cowan-Levine, Chair, Professional Member

Kenneth Lomp, Professional Member

Michael Machan, Professional Member

Sherine Fahmy, Public Member

David Keast, Public Member

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