

**DISCIPLINE COMMITTEE OF THE COLLEGE OF REGISTERED
PSYCHOTHERAPISTS AND REGISTERED MENTAL HEALTH THERAPISTS OF
ONTARIO**

Citation: *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v. Hwang*, 2023 ONCRPO 7

Date: August 28, 2023

File No.: R1920-36

BETWEEN:

College of Registered Psychotherapists and Registered Mental Health Therapists of
Ontario

- and -

Tae Hwang

PENALTY REASONS

Heard: August 21, 2023, by videoconference

Panel:

David A. Wright (Chair)
Steven Boychyn
Shelley Briscoe-Dimock, RP
Carol Cowan-Levine, RP
David Keast

Appearances:

Rebecca Durcan and Justine Wong, for the College
Registrant, self-represented

RESTRICTION ON PUBLICATION

The Committee ordered, under ss. 45-47 of the Health Professions Procedural Code, that no one may publish, broadcast or otherwise disclose the name of the client referred to during the hearing or in documents filed at the hearing, or any information that would disclose the identity of the client. There may be significant fines for breaching this order.

- [1] Following a contested hearing, we found that the registrant, Tae Hwang, committed professional misconduct: *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v. Hwang*, 2023 ONCRPO 2. Mr. Hwang, who worked as a counsellor at a community college, communicated inappropriately with his client on social media, creating a dual relationship. In person, he made remarks of a sexual nature and touched her thigh in a sexual manner.
- [2] The parties made a joint submission on penalty and costs. Mr. Hwang undertook to resign and never reapply to the CRPO. The proposed formal order contains an indefinite suspension, a public reprimand, costs of \$25,000 and reimbursement to the College of \$3,000 for the complainant's therapy and counselling.
- [3] We are required to make an order implementing the joint submission unless it is so "unhinged from the circumstances" that it would bring the administration of the professional discipline system into disrepute: *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v. Muscat*, 2023 ONCRPO 4 at paras. 13-20; *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 at paras. 9-12. This joint submission is appropriate and we made an order implementing it at the hearing.
- [4] Since we have made a finding of sexual abuse, s. 51 of the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18 (Code) requires that the penalty include a reprimand and a suspension of the registrant's certificate of registration. Revocation, while a possible penalty, is not mandatory as the sexual abuse did not consist of any of the conduct set out in para. 3 of s. 51(1) of the Code.
- [5] The registrant's promise to resign and never reapply to the CRPO protects the public since Mr. Hwang will never practise as a psychotherapist again. This is stronger protection for the public than the panel could order since we have no jurisdiction to prohibit the registrant from reapplying unless he undertakes not to do so. Such a strong penalty deters other psychotherapists from engaging in this type of conduct. It expresses the profession's condemnation of all kinds of sexual abuse.

[6] The costs award appropriately reflects the three and a half days of hearing and two written motions, as is the requirement for the reimbursement of the College for expenses paid for the victim's counselling and therapy, under s. 85.7 of the Code.

[7] Our order provides:

- a. The Registrant is required to appear before a panel of the Discipline Committee to be reprimanded immediately following the hearing;
- b. The Registrar is directed to indefinitely suspend the Registrant's certificate of registration, to commence on the date of this order, with the Undertaking to Resign and Never Reapply, dated August 10, 2023, to immediately take, and remain in, effect.
- c. The Registrant is required to reimburse the College for funding, should the Client choose to access it, for therapy and counselling provided under the program established under section 85.7 of the Code in the amount of \$3,000.00; and
- d. The Registrant is required to pay to the College costs in the amount of \$25,000.00 to be paid in one lump sum within one month of the date of the order.

David A. Wright,
on behalf of the panel