

**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. Greco*, 2023 ONCRPO 9

**Date:** November 2, 2023

**File No.:** C2122-22

**BETWEEN:**

College of Registered Psychotherapists and Registered Mental Health Therapists of  
Ontario

- and -

Antonio Greco

**FINDING AND PENALTY REASONS**

**Heard:** September 19, 2023, by videoconference

**Panel:**

Sophie Martel (Chair)

Heidi Ahonen, RP

Avni Jain, RP

David Keast

Henry Pateman

**Appearances:**

Justine Wong, for the College

Lisa Hamilton, for the Registrant

**RESTRICTION ON PUBLICATION**

The Committee ordered, under ss. 45-47 of the Health Professions Procedural Code, that no one may publish or 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.

## **Introduction**

- [1] Antonio Greco, the registrant, admits that he engaged in professional misconduct, including sexual abuse of a client by engaging in sexual intercourse with a client.
- [2] Relying on an agreed statement of facts, we concluded that the registrant engaged in professional misconduct as set out in the notice of hearing, excluding two allegations that the College withdrew.
- [3] The parties made a joint submission on penalty and costs, which we accepted. We ordered that the registrant be reprimanded, that his certificate of registration be revoked and that he reimburse the College for the client's therapy and counselling expenses. Furthermore, we ordered costs of \$6,055.
- [4] These are our reasons.

## **Agreed Facts**

- [5] The registrant registered with the College of Registered Psychotherapists and of Ontario in December 2015 and resigned from the College in December 2021.
- [6] The registrant provided therapy at his clinic and was also an instructor and supervisor at a psychotherapy training school.
- [7] The client received therapy from the registrant from late 2016 to early 2021. In 2018, she also became a student therapist and was supervised by the registrant. During a therapy session in the spring of 2018, the client disclosed to the registrant that she was experiencing financial difficulties. The registrant gave her a paid filing job at his clinic starting in the spring of 2018. The client was, therefore, a therapy client, a supervised student therapist and an employee of the registrant.
- [8] From around May 2018 until around May 2021, the registrant engaged in a sexual relationship with the client, which included sexual intercourse, oral to genital contact and touching of a sexual nature of the client's genitals. The registrant also made sexualized comments to the client and sent her sexualized messages through private messaging on social media.

[9] During the sexual relationship, the client sometimes told the registrant that she did not want to have sex. She also tried to end the sexual relationship prior to May 2021.

[10] Around May 27, 2021, the client called the registrant and ended the sexual relationship. During the call, the registrant made comments that scared the client into thinking he would hurt himself if she disclosed their sexual relationship.

[11] The registrant continued to message the client on social media after the sexual relationship ended.

[12] As a result of the registrant's conduct, the client feels anxious about dating and fears men and that her boundaries will not be respected. She also feels hurt and traumatized.

## **Findings**

[13] Although the registrant is no longer registered with the College, he continues to be subject to the jurisdiction of the College for professional misconduct pursuant to s. 14(1) of the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18 (the Code).

### Sexual abuse of a client

[14] Under s. 51(1)(b.1) of the Code, a registrant has committed an act of professional misconduct if they have sexually abused a patient.

[15] Sexual abuse is defined in ss. 1 (3) and (4) of the Code:

(3) "sexual abuse" of a patient by a member means,

(a) sexual intercourse or other forms of physical sexual relations between the member and the patient,

(b) touching, of a sexual nature, of the patient by the member, or

(c) behaviour or remarks of a sexual nature by the member towards the patient.

(4) For the purposes of subsection (3),

"sexual nature" does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.

[16] The registrant engaged in a sexual relationship with the client, which included sexual intercourse and other forms of physical sexual relations. He also made remarks of a sexual nature toward the client. We conclude that he sexually abused the client.

#### Professional misconduct under the Regulation

[17] Under s. 51(1)(c) of the Code, a registrant has committed an act of professional misconduct if they commit acts defined in the regulations. Section 1 of Ontario Regulation 317/12 (the Regulation) made under the *Psychotherapy Act, 2007*, S.O. 2007, c. 10, Sched. R, sets out acts of professional misconduct.

[18] The acts of professional misconduct under the Regulation include contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession (s.1, paragraph 1 of the Regulation). It is self-evident that sexually abusing a client contravenes a standard of practice of the profession. Furthermore, by engaging in a sexual relationship with a client, the registrant contravened the published Professional Practice Standards relating to conflict of interest (1.6), dual or multiple relationships (1.7) and undue influence (1.8). Such conduct is also contrary to s. 1, paragraph 16 of the Regulation about acting in a professional capacity while in a conflict of interest or being in a conflict of interest when acting in a professional capacity.

[19] It is also professional misconduct to abuse a client, verbally or physically (s.1, paragraph 2 of the Regulation). Sexual abuse of a client violates the client's physical integrity and amounts to physical abuse, especially in the context of concurrent treating and personal relationships.

[20] Sexual abuse is conduct that would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional, an act of misconduct under s.1, paragraph 52 of the Regulation. The Registrant abused his position of power and trust.

[21] Similarly, engaging in a sexual relationship with an employee who is also a therapy client is conduct that would reasonably be regarded by registrants as conduct unbecoming a member of the profession. Such conduct reflects poorly on the registrant's integrity and the profession as a whole.

## Penalty and Costs

- [22] The parties jointly proposed that the registrant be reprimanded, that his certificate of registration be revoked, that he reimburse the College for funding provided to the client for therapy and counseling in the maximum allowable amount of \$17,370, (provided under the program established under section 85.7 of the Code) and that he post security for the funding in the amount of \$16,000. The registrant also undertakes to never reapply to reinstate his certificate of registration.
- [23] To depart from a joint submission would require a finding that the proposed penalty would bring the administration of justice into disrepute or is otherwise not in the public interest, *R. v. Anthony-Cook*, 2016 SCC 43. A disciplinary body that rejects a joint submission on penalty must show why the proposed penalty is so unhinged from the circumstances of the case that it must be rejected: *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303.
- [24] We are satisfied that the proposed penalty is not contrary to the public interest and achieves the relevant penalty goals.
- [25] Since the sexual abuse included sexual intercourse, oral to genital contact and touching of a sexual nature of the client's genitals, s. 51 requires that the penalty include a reprimand and a revocation of the registrant's certificate of registration. The joint penalty proposal includes these mandatory penalty provisions. The revocation of the registrant's certificate of registration together with his undertaking to never reapply to the College protects the public since he will never practise psychotherapy 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. These penalty provisions deter other psychotherapists from engaging in this type of conduct.
- [26] The penalty provisions regarding the client's therapy and counselling appropriately reflect the requirement to reimburse the College for expenses paid for the victim's counselling and therapy under s. 85.7 of the Code.
- [27] Similarly, the joint costs submission of \$6,055, appropriately reflects the tariff rate to conduct a day of hearing.

## Order

[28] We ordered:

- a. The Registrant is required to appear before a panel of the Discipline Committee to be reprimanded;
- b. The Registrar is directed to revoke the Registrant's certificate of registration effective immediately;
- c. The Registrant is required to reimburse the College for funding provided to the Client for therapy and counselling provided under the program established under section 85.7 of the Code in the maximum allowable amount of \$17,370.00;
- d. The Registrant is required to post security for funding in paragraph 3 c. in the amount of \$16,000.00; and
- e. The Registrant is required to pay to the College, costs in the amount of \$6,055.00, to be paid over two equal monthly instalments of \$3,027.50. The first instalment is due on October 19, 2023, and the second instalment is due on November 20, 2023.

---

Sophie Martel, chair, on  
behalf of the panel