

ONTARIO REGISTERED PSYCHOTHERAPISTS DISCIPLINE TRIBUNAL

College of Registered Psychotherapists and Registered Mental Health Therapists of
Ontario

College

- and -

Steven Finlay

Registrant

NOTICE OF HEARING

On May 7, 2024 a panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of the registrant's professional misconduct and/or incompetence to the Tribunal.

In this proceeding, Registrant means "member" as set out in the *Regulated Health Professions Act, 1991*, the Health Professions Procedural Code, the applicable health profession Act, and the regulations thereto.

The allegation(s) are that the Registrant:

1. has committed an act of professional misconduct pursuant to section 51(1)(c) of the Health Professions Procedural code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, 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 44:** Contravening, by act or omission, a term, condition or limitation on the member's certificate of registration, including:
 - i. pursuant to paragraph 1 of section 5 of Ontario Regulation 67/15 under the *Psychotherapy Act, 2007*, to provide the College with written details about one or more of the following as soon as reasonably practicable after their occurrence:
 1. pursuant to subparagraph 1(ii), a finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction; and/or
 2. pursuant to subparagraph 1(iii), a current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession

in Ontario or to any regulated profession in another jurisdiction; and/or

- 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.

Further information about these allegations is set out below:

The Suspended Registrant

- 1. Steven Finlay (the “**Suspended Registrant**”) was initially registered with the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the “**College**”) on or about April 7, 2015.
- 2. At the relevant time, the Suspended Registrant held a certificate of registration with the College.
- 3. On or about May 5, 2022, the Suspended Registrant’s license was suspended for non-compliance with conditions for registration renewal.

Professional Misconduct Proceeding of the Ontario College of Social Workers and Social Service Workers

- 4. On or about January 26, 2022, the Ontario College of Social Workers and Social Service Workers (the “**OCSWSSW**”) issued a Notice of Hearing containing allegations of professional misconduct by the Suspended Registrant. The Notice of Hearing included allegations that:
 - a. In or about February 2005, the Suspended Registrant engaged in a sexual relationship with a client to whom he had provided counselling services;
 - b. In or about November 2005, the client made a complaint to the American Association for Marriage and Family Therapists (the “**AAMFT**”);
 - c. Since 2017, the Suspended Registrant was a registered social worker with the OCSWSSW;
 - d. The Suspended Registrant did not disclose the AAMFT complaint to the OCSWSSW prior or subsequent to his registration; and/or
 - e. In so doing, the Suspended Registrant engaged in professional misconduct by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would be reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

5. It is alleged that the Suspended Registrant entered into an Agreed Statement of Facts and Joint Submission on Penalty in connection with the OCSWSSW proceeding. In the Agreed Statement of Facts, the Suspended Registrant admitted, among other things, that a client had made a complaint to the AAMFT about the Suspended Registrant that included allegations of sexual misconduct. The Suspended Registrant admitted that he did not disclose the AAMFT complaint to the OCSWSSW when he applied for registration or thereafter.
6. It is alleged that on or about July 14, 2023, the Suspended Registrant signed an Undertaking and Acknowledgment to the OCSWSSW agreeing to resign from the OCSWSSW and never reapply for registration.
7. On or about July 21, 2023, the OCSWSSW Discipline Committee released its decision and reasons in the Suspended Registrant's Discipline proceeding. The OCSWSSW Discipline Committee found that the Suspended Registrant committed acts of professional misconduct, and that the Suspended Registrant's conduct would reasonably be regarded by members of the profession as disgraceful, dishonourable and unprofessional.
8. On or about July 21, 2023, the OCSWSSW Discipline Committee accepted the Suspended Registrant's Undertaking and Acknowledgment and ordered that it be posted on the OCSWSSW's website. The OCSWSSW Discipline Committee also ordered that the Suspended Registrant be reprimanded and pay costs to the OCSWSSW.

No Prior Disclosure of the OCSWSSW Proceeding to the College

9. It is alleged that the Suspended Registrant did not provide details to the College about one or more of the following at any time:
 - a. The January 26, 2022, OCSWSSW Notice of Hearing; and/or
 - b. The fact or content of the Suspended Registrant's July 14, 2023, Undertaking and Acknowledgment to the OCSWSSW; and/or
 - c. The July 21, 2023, OCSWSSW Discipline Committee finding that the Suspended Registrant committed acts of professional misconduct.

The Tribunal will hold a hearing under sections 38 to 56 of the Health Professions Procedural Code (Code), the *Statutory Powers Procedure Act*, and the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, on a date or dates to be set at a case management conference, to decide whether the registrant has committed an act or acts of professional misconduct and/or is incompetent.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal's process.

If the Registrant or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the Registrant's absence and the Registrant is not entitled to any further notice in the proceeding.

If the Tribunal finds the Registrant committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code.

- direct the Registrar to revoke the Registrant's certificate of registration.
- direct the Registrar to suspend the Registrant's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the registrant's certificate of registration for a specified or indefinite period of time.
- require the Registrant to appear before the Tribunal to be reprimanded.
- require the Registrant to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the Registrant to reimburse the College for funding provided for that patient under the program and/or require the registrant to post security acceptable to the College to guarantee this payment.

The Tribunal may, under subsection 53.1 of the Code, require the Registrant to pay all or part of the College's costs and expenses.

The Tribunal's website includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

June 6, 2024

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