

IN THE MATTER OF a Hearing of the Hearing Tribunal by the  
Alberta College of Occupational Therapists into the conduct  
of Farah Hodgson, Registration #2897, pursuant to the  
*Health Professions Act*, RSA 2000 c. H-7

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**DECISION  
OF THE HEARING TRIBUNAL OF THE  
ALBERTA COLLEGE OF OCCUPATIONAL THERAPISTS**

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## **I. HEARING**

1. The hearing was conducted pursuant to the Health Professions Act (“HPA”) and virtually on November 20, 2020 with the following individuals participating:

Hearing Tribunal: (the “**Hearing Tribunal**”)

- Rose Koziel, Chair
- Probir Roy
- Archan Choudhary (public member)
- James Clover (public member)

Independent Legal Counsel to Hearing Tribunal

- Blair E. Maxston, Q.C.

Alberta College of Occupational Therapists (the “**College**”)

- Kerstin Hurd, Complaints Director
- Katrina Haymond and Caitlyn Field, Legal counsel for the Complaints Director

Investigated Member

- Farah Hodgson (“**Ms. Hodgson**”)

Observer

- Daisy Feehan

## **II. PRELIMINARY MATTERS**

2. The Chair made opening comments, including introductions of the parties and a brief review of the five (5) charges in the Notice of Hearing and Notice to Attend as Witness dated October 26, 2020 (the “**Notice of Hearing**”).
3. The charges arise from a March 2, 2020 letter received by the then Complaints Director of the College from [REDACTED]. In her letter, [REDACTED] notified the College that [REDACTED] had terminated the employment of Ms. Hodgson due to failure to maintain appropriate professional boundaries with at least two (2) patients.
4. There were no objections to conducting the hearing virtually and to the composition of the Hearing Tribunal. No Hearing Tribunal members identified a conflict of interest and there were no objections to the jurisdiction of the Hearing Tribunal to proceed.
5. Ms. Hodgson advised that she was aware of her right to have legal counsel present but agreed to proceed without legal counsel.

6. The hearing proceeded as a consent hearing by way of an Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct document and a Joint Submission on Penalty. Accordingly, no witnesses were called to give evidence during the hearing.

### III. **EXHIBITS**

7. The following exhibits were entered with the consent of both parties at the hearing:

Exhibit 1: Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct;

Exhibit 2: Attachments to the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct (including the Notice of Hearing at Tab 11 of the attachments);

Exhibit 3: Joint Submission on Penalty;

Exhibit 4: Written statement of [REDACTED] Note: Received approximately one week after the date of the hearing, all with the consent of both parties.

### IV. **BACKGROUND**

8. The facts in this matter are not in dispute, are set out in detail in the Agreed Statement of Facts and do not need to be repeated in detail in this Decision.
9. Briefly, and as reflected in the allegations in the Notice of Hearing, while providing services on behalf of [REDACTED] to a number of Workers' Compensation Board clients (the "Clients") Ms. Hodgson failed to maintain appropriate boundaries by sending inappropriate text messages, disclosed personal information about herself to the Clients, disclosed personal information about the Clients without their consent, failed to meet minimum professional standards when she created a support network for five (5) of the Workers' Compensation Board Clients and cancelled appointments and failed to maintain appropriate boundaries with respect to Client [REDACTED]

### V. **ALLEGATIONS**

10. Five (5) allegations are set out in the Notice of Hearing as follows:

1. On or about October, 2019, while providing services on behalf of [REDACTED] to a number of WCB clients (the "Clients") you failed to maintain appropriate boundaries when you sent the Clients inappropriate text messages, particulars of which include one or more of the following:
  - a) Disclosed personal information about yourself;
  - b) Stated that you were on the way to a gravesite for an exposure and that you would need "a shoulder to cry on tomorrow";
  - c) Offered to host a meeting with the Clients at your house;

- d) Sent client [REDACTED] a picture of Dwayne “the Rock” Johnson working out in the gym and asked if it made [REDACTED] horny;
2. You disclosed personal information about yourself to the Clients, particulars of which include one or more of the following:
- a) During a meeting with the Clients, you advised that you were having problems with your husband and broke down into tears;
  - b) You advised the Clients that you had [REDACTED] in the past;
  - c) During an individual session with [REDACTED] you advised [REDACTED] that you were a muslim, that you had gotten drunk with your father-in-law, and that your husband got upset after you painted your son's nails different colors;
  - d) During individual sessions with [REDACTED] you discussed your personal life, including arguments you had with your husband and that you [REDACTED] [REDACTED] when you were employed by AHS;
  - e) After you were no longer providing services to [REDACTED] you texted her and informed her that you had been removed from your position at [REDACTED].
3. You disclosed personal information about the Clients without their consent, particulars of which include one or more of the following:
- a) You created a “group chat” and in so doing disclosed the personal contact information for each client without obtaining adequate consent to do so;
  - b) You disclosed personal information about other Clients to Client [REDACTED], including:
    - (i) That all of the Clients suffered from PTSD;
    - (ii) That [REDACTED] had been [REDACTED] at work;
    - (iii) That [REDACTED] had [REDACTED] at her work at the [REDACTED] [REDACTED];
    - (iv) That [REDACTED] was [REDACTED] who was receiving treatment;
    - (v) That [REDACTED] was [REDACTED] and was going to be taken to a graveyard because [REDACTED]; and
    - (vi) That client [REDACTED] had been [REDACTED], and was made to attend the [REDACTED] as part of her therapy.
  - c) You disclosed personal information about the Clients to [REDACTED] in the presence of [REDACTED]'s spouse and/or sister.

4. You did not meet minimum professional standards when you proceeded to create a support network for five WCB clients, particulars of which include one or more of the following:
  - a) You failed to conduct additional assessments to determine the Clients' suitability to participate in the support network;
  - b) You failed to obtain or document adequate informed consent;
  - c) You advised the clients that they should not disclose the existence of the support network to your employer or the WCB; and
  - d) You proceeded to create a support network and to facilitate an in-person group session for the Clients, all of whom had been diagnosed with PTSD, when you were not competent to do so.
5. In regard to Client [REDACTED], you did one or more of the following:
  - a) You cancelled a number of appointments without providing adequate notice; and
  - b) You failed to maintain appropriate boundaries when you continued to contact [REDACTED] and requested to meet her for coffee after you were no longer providing services to her.

## **VI. ADMISSION OF UNPROFESSIONAL CONDUCT**

11. Section 70 of the HPA permits an investigated member to make an admission of unprofessional conduct. An admission under section 70 of the HPA must be acceptable in whole or in part to the Hearing Tribunal.
12. In the Agreed Statement of Facts and Admission of Unprofessional Conduct, Ms. Hodgson made admissions to all five (5) allegations and acknowledged that her conduct amounts to unprofessional conduct within the meaning of section 1(1)(pp) of the HPA.

## **VII. SUBMISSIONS OF THE PARTIES**

### **A. Submissions from the Complaints Director: Liability Phase of Hearing**

13. Ms. Haymond's submissions on behalf of her client can be summarized as follows:
  - Ms. Haymond reviewed the fact that this hearing was proceeding by consent (including agreement to provide the Hearing Tribunal with all materials in advance of the hearing) and thanked Ms. Hodgson for that and for being very forthcoming at the outset of the investigation and very cooperative at all times. Ms. Haymond stressed that this avoided a lengthy hearing with numerous witnesses.
  - Ms. Haymond then reviewed the Agreed Statement of Facts and the five (5) allegations in the Notice of Hearing and submitted that even where an Agreed

Statement of Facts is utilized the Hearing Tribunal must still decide whether to accept an admission and must determine whether unprofessional conduct occurred.

- Ms. Haymond advised that charge 1(d) refers to “sexual misconduct” as defined in the HPA and that unprofessional conduct in the nature of sexual misconduct has been admitted to by Ms. Hodgson. Ms. Haymond stated that all of the other charges do not relate to sexual misconduct.
- Ms. Haymond reviewed the College’s Code of Ethics and Standards of Practice and confirmed that Ms. Hodgson’s conduct involved serious boundary issues in the provision of services to vulnerable patients, particularly since the patients involved were suffering from workplace trauma.

**B. Submissions from Ms. Hodgson: Liability Phase of Hearing**

14. Ms. Hodgson had no comments to make to the Hearing Tribunal during the liability phase of the hearing.
15. The Hearing Tribunal had no questions for Ms. Haymond or Ms. Hodgson after the liability phase of the hearing.

**C. Findings of the Hearing Tribunal**

16. After private deliberations, the Hearing Tribunal reconvened and advised both parties that it accepted the admissions of unprofessional conduct and had made findings of unprofessional conduct concerning all five (5) charges, including a finding of sexual misconduct concerning charge 1(d).

**D. Submissions from the Complaints Director: Penalty Phase of Hearing**

17. Ms. Haymond’s submissions on behalf of her client concerning penalties can be summarized as follows:
  - Ms. Haymond reviewed the Joint Submission on Penalty and the very broad range of orders that the Hearing Tribunal could make pursuant to section 82 of the HPA.
  - Ms. Haymond reviewed the relevant *Jaswal* factors beginning with the nature and gravity of the unprofessional conduct. Ms. Haymond submitted that the charge 1(d) sexual misconduct was not the most serious type of sexual misconduct since the conduct involved comments but did not rise to the level of sexual abuse.
  - Ms. Haymond submitted that the remaining allegations were serious in nature as the onus is on the regulated member to maintain boundaries and the patients involved were very vulnerable and suffering from PTSD.

- In terms of Ms. Hodgson's age and experience, Ms. Haymond noted that she was a regulated member since 2003 and ought to have known better in terms of her conduct.
- Although there were no prior findings of unprofessional conduct against Ms. Hodgson, Ms. Haymond submitted that the allegations reflect more than an isolated comment or incident and reflect a cluster of actions in October of 2019.
- Although Ms. Hodgson's contract with [REDACTED] was terminated, her actions had a significant negative impact on patients.
- Although there were mitigating circumstances (including Ms. Hodgson having significant stresses in her personal life), there must be both specific and general deterrence for Ms. Hodgson and the profession respectively.
- Ms. Hodgson's candor and admissions are a significant mitigating factor and her admission leads to a greater understanding of why her actions were inappropriate and should not occur again.
- Ms. Hodgson's actions were clearly below the standard expected of members of the occupational therapy profession.
- Although there were no College similar discipline decisions, Ms. Haymond reviewed two (2) Ontario decisions which supported the suggested penalties.
- Ms. Haymond reviewed the specific penalty orders and began with comments concerning the sexual misconduct finding and the requirement for a mandatory suspension in the discretion of the Hearing Tribunal. Ms. Haymond submitted that a 1-month suspension is appropriate.
- A fitness-to-practice letter before Ms. Hodgson returns to work is also appropriate to ensure safe practice.
- A restriction on Ms. Hodgson's practice is also an important check-and-balance to be sure that her practice is monitored.
- The boundaries course is also appropriate as is Ms. Hodgson paying fifty (50%) percent of the total costs. Among other things, her conduct led to the hearing and the profession cannot subsidize all discipline costs.
- Ms. Haymond reviewed the caselaw concerning the deference to be given to joint submissions on penalty and that the test is whether a joint submissions on penalty brings the administration of justice into disrepute.
- Ms. Haymond closed her submissions by referring to the requirements of section 81.1(2) of the HPA which requires that the patient be provided with an opportunity to make a statement to the Hearing Tribunal if sexual misconduct has occurred. Ms. Haymond noted that Client [REDACTED] was only advised one day before the hearing of [REDACTED] ability to make a written statement and could not provide a written statement on the day of the hearing.



- Ms. Haymond advised that that Client [REDACTED] would be providing a written statement to the Hearing Tribunal within one week of the day of the hearing.

**E. Submissions of Ms. Hodgson: Penalty Phase of Hearing**

18. Ms. Hodgson's submissions can be summarized as follows:

- Ms. Hodgson made an apology to the College, the public, the profession and her boss at [REDACTED] and stated that in her 17 years of practice she never thought this type of conduct would occur.
- Ms. Hodgson extensively reviewed the stress she was suffering due to [REDACTED] and reviewed the counselling she had received from two psychologists.
- Ms. Hodgson reviewed, in great detail, the awareness and personal insight she obtained as the result of her counselling and that she is clearly aware that what she did was wrong and that "I own all of this".
- Ms. Hodgson described the [REDACTED] and also apologized for her initial statement to the College which she stated could have been seen as defensive.

19. Ms. Haymond made brief response submissions concerning Ms. Hodgson's candor and the cost of the boundaries course.

**VIII. DECISION OF THE HEARING TRIBUNAL AND REASONS**

20. The Hearing Tribunal is faced with a two-part task in considering whether an investigated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make findings as to whether the facts of the alleged unprofessional conduct occurred. If the Hearing Tribunal finds that the alleged conduct did occur, it must then proceed to determine whether that conduct rises to the level of unprofessional conduct under the circumstances and as defined in the HPA.
21. With respect to the first task, the Hearing Tribunal carefully reviewed all of the exhibits and the verbal submissions of both parties, as well as Ms. Hodgson's admission of unprofessional conduct. There is no disputing the facts relating to the events that took place and the Hearing Tribunal finds that the facts support the allegations admitted by Ms. Hodgson.
22. With respect to the second task, the Hearing Tribunal accepts Ms. Hodgson's admission of unprofessional conduct based on the evidence as set out in the Agreed Statement of Facts including the acknowledgement of responsibility by Ms. Hodgson.
23. The Hearing Tribunal finds that the conduct admitted to by Ms. Hodgson clearly meets the threshold for unprofessional conduct as defined in the HPA and, for the purposes of charge 1(d), that sexual misconduct occurred.



24. The Hearing Tribunal members, when presented with the Agreed Statement of Facts, found there was sufficient evidence to show that Ms. Hodgson's actions were unprofessional and harmful to the occupational therapist profession in Alberta. By not meeting her professional obligations, the actions of Ms. Hodgson eroded the trust placed in her by her patients and by extension, the greater public.
25. The College's Code of Ethics guides the conduct of its regulated members. It outlines a need for respect, integrity and competence. Patient confidentiality was breached, which is counter to acting with respect (safeguarding client information from unwarranted disclosure).
26. Ms. Hodgson did not act with integrity when she both guided her treatment group to be dishonest and hid the treatment plan of a group to her employer and the contracting agency. She also did not act within her own competence, as she was providing services that were both outside her learning (group therapy) and she was impaired at the time by her own illness.
27. The College's Standards of Practice outline the process that is required for providing occupational therapy services. The evidence clearly shows that Ms. Hodgson failed to comply with many of these Standards, the most harmful to the profession being her failure to observe Standard 10 and maintain appropriate boundaries. Standard 10 includes the requirement to have an occupational therapist-client relationship in which the health professional "maintains appropriate professional boundaries with clients at all times and understands the power imbalance that exists in favor of the occupational therapist". In texting material of a sexual nature, no matter how minor, Ms. Hodgson not only significantly crossed these boundaries but also committed "sexual misconduct" for charge 1(d).
28. Under the HPA sexual misconduct is defined as "Any incident... of unwelcome ...remarks of a sexual nature by a regulated member towards a patient that the regulated member knows, or ought reasonably to know... would cause offence". It was Ms. Hodgson's responsibility to know if this would cause offence to her client.
29. Standard 1 (1.4) includes "being responsible for occupational therapy services provided by oneself...". When her employer provided a messaging service that was not functional, it was Ms. Hodgson responsibility to ensure that a replacement means of communication continued to maintain confidentiality. In terms of Standard 2 (2.8), Ms. Hodgson failed to obtain consent from the group members to the services they were added to (a group chat for treatment purposes) or the sharing of their contact information (phone numbers) with other members.
30. Ms. Hodgson failed to document or communicate the treatment plan to her clients, and she failed to ask for consent. She did not communicate this needed information with both individuals of the group or the multi stakeholders in the process.
31. The Hearing Tribunal acknowledges that Ms. Hodgson has been a very willing and candid participant in the investigation and hearing process, in providing all materials asked for and providing details when asked for by the College. This has made for a very efficient, open and transparent hearing.

32. The Hearing Tribunal also notes that Ms. Hodgson was encountering some health issues during the time of these actions which likely contributed to the mistakes that she has acknowledged she has made. It is likely that this contributed to her actions, and since that time Ms. Hodgson reported that she has entered treatment herself.

**IX. JOINT SUBMISSION ON SANCTION**

33. As reflected in the Joint Submission on Penalty, the Complaints Director and Ms. Hodgson jointly submit and agree that the following penalty orders are appropriate:
- (1) Ms. Hodgson shall pay fifty (50%) percent of the costs of the investigation and hearing within a period of twenty-four (24) months from the date when a letter advising Ms. Hodgson of the total costs of the hearing is provided to her.
  - (2) Ms. Hodgson's practice permit shall be suspended for a period of one (1) month, subject to the following:
    - (a) The suspension will begin within two weeks of the date that the Hearing Tribunal's written decision is provided to her, on a date to be determined by the Complaints Director;
    - (b) Ms. Hodgson must immediately upon receipt of the Hearing Tribunal's decision advise the Complaints Director and Registrar of the names of any current employer(s).
  - (3) Prior to having her practice permit reinstated, Ms. Hodgson must provide a letter from her treating physician confirming that she is fit to practice as an Occupational Therapist.
  - (4) After Ms. Hodgson's practice permit is reinstated, a condition will be placed on her practice permit and on the public register, restricting her from practicing in the area of mental health. This condition will remain on Ms. Hodgson's practice permit until she has completed a period of supervised practice, as described in paragraph 5.
  - (5) Should Ms. Hodgson wish to practice in the area of mental health, she must first successfully complete a period of supervised practice, subject to the following:
    - (a) The proposed supervisor must be a member of the College in good standing with experience in the area of mental health, and must be approved in advance by the Complaints Director;
    - (b) Ms. Hodgson will be responsible for any costs associated with the period of supervised practice;
    - (c) The supervisor must provide written confirmation to the Complaints Director that:
      - (i) they have reviewed the Agreed Statement of Facts (and attachments) and a copy of the Hearing Tribunal's decision;

- (ii) that they are prepared to provide the Complaints Director with periodic updates as set out below;
    - (iii) that they are prepared to provide quarterly reports to the Complaints Director and to report any concerns regarding Ms. Hodgson's performance as set out below.
  - (d) Ms. Hodgson must practice under supervision for a period of 900 hours;
  - (e) The supervisor does not need to be onsite but must be available for consultation;
  - (f) During the first 450 hours of supervised practice the supervisor must meet with Ms. Hodgson (in person or via videoconference) for a minimum of one hour per every 37.5 hours of practice, or once per week (if Ms. Hodgson is working full-time);
  - (g) During the second 450 hours of supervised practice the supervisor must meet with Ms. Hodgson (in person or via videoconference) for a minimum of one hour per every 75 hours of practice, or once every two weeks (if Ms. Hodgson is working full-time);
  - (h) The supervisor will provide the Complaints Director with a written report every three months describing the supervision provided, and indicating whether there are any concerns regarding boundary issues or any other matters;
  - (i) If any concerns are identified by the supervisor, the Complaints Director may, in her sole discretion, extend the period of supervised practice for an additional 900 hours, subject to the same terms as set out above at paragraphs 5(f)(g) and (h).
6. A condition will be placed on Ms. Hodgson's practice permit and on the public register requiring her to provide proof to the Complaints Director that she has successfully completed one of the following courses within 6 (six) months of the date that she receives the Hearing Tribunal's written decision:
- (a) PBI Education Professional Boundaries and Ethic: (<https://pbieducation.com/courses/pb-24/>) ; or
  - (b) CPEP – Probe: Ethics and Boundaries Program: (<https://www.cpepdcc.org/cpep-courses/probe-ethics-boundaries-program-canada/>) ; or
  - (c) An equivalent alternative as approved by the Complaints Director.
7. The conditions on Ms. Hodgson's practice permit and the public register will be removed upon successful completion of each of the requirements set out above at paragraphs 5 and 6.

8. Should Ms. Hodgson be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Complaints Director. Extensions may be granted in the sole discretion of the Complaints Director.
9. Should Ms. Hodgson fail or be unable to comply with any of the above orders for penalty, or if Ms. Hodgson engaged in a period of supervised practice and the supervisor identifies any concerns, or if any dispute arises regarding the implementation of these orders, the Complaints Director may do any or all of the following:
  - (a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;
  - (b) Treat non-compliance as information for a complaint under s. 56 of the Act; or
  - (c) In the case of non-payment of the costs described in paragraph 1 above, suspend Ms. Hodgson's practice permit until such costs are paid in full or the Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Director.
10. The parties agree that the Joint Submission on Penalty and Acknowledgement may be signed in any number of counterparts, which taken together shall constitute one and the same Agreement. This Agreement may be delivered by original, facsimile, or by email in portable document format (PDF) and shall be deemed to be an original.

#### **X. DECISION ON PENALTY AND CONCLUSIONS OF THE HEARING TRIBUNAL**

34. The Hearing Tribunal carefully reviewed the Joint Submission on Penalty from the Complaints Director and Ms. Hodgson and is satisfied that those sanctions meet the public interest test and uphold the integrity of the profession. As such, the Hearing Tribunal accepts the proposed penalty orders as presented in the Joint Submission on Penalty.
35. The Hearing Tribunal agreed with all of the Complaints Director's submissions concerning the penalty orders and the *Jaswal* factors. In Alberta, occupational therapists are regulated professionals under the HPA and must practice under both the Code of Ethics and the Standards of Practice of the College. Regulated members are asked to reflect on and review their practices yearly to be sure they are practicing within these obligations. The requirements in these documents are in place so that all occupational therapists in Alberta can be trusted by the public as health professionals who are safe and effective in providing assessment and treatment.
36. The order that Ms. Hodgson pay fifty (50%) percent costs associated with the investigation and hearing serves as a deterrent to Ms. Hodgson and other members of the College from committing similar acts of unprofessional conduct. In addition, the issuance of that order maintains the integrity of the profession, demonstrates that the

College and the Hearing Tribunal are committed to upholding the discipline process contained in the HPA in a responsible manner and establishes that Ms. Hodgson shall bear significant financial consequences for her actions.

37. Many of the sanctions asked for by the Complaints Director are rehabilitative in nature. As occupational therapists we must believe in our own processes and create an environment necessary for learning and growth.
38. In addition to a short suspension of her practice permit that will allow her time for self-reflection, Ms. Hodgson must demonstrate fitness to practice by submitting a letter from her treating physician. This is consistent with the College's public protection function.
39. Ms. Hodgson must complete a course that will allow for deeper learning in the areas of patient ethics and she must work with a supervisory occupational therapist for mentorship period, to provide a situation in which she can learn and improve her practice. Again, this fosters public protection and provides a pathway for Ms. Hodgson to safely re-enter practice.
40. The Hearing Tribunal commends Ms. Hodgson for her acceptance of responsibility and understanding of the causes and effects of her unprofessional conduct. The Joint Submission on Penalty reflects these mitigating factors.
41. Ms. Hodgson has agreed to these sanctions and the Hearing Tribunal wishes her well in achieving the requirements set so that she may continue to practice with respect integrity and competence.
42. The Hearing Tribunal carefully considered the statement from Client [REDACTED] and found that those comments supported the penalties in the Joint Submission on Penalties.

#### **XI. ORDERS OF THE HEARING TRIBUNAL**

43. The Hearing Tribunal makes the following orders:
  - (1) Ms. Hodgson shall pay fifty (50%) percent of the costs of the investigation and hearing within a period of twenty-four (24) months from the date when a letter advising Ms. Hodgson of the total costs of the hearing is provided to her.
  - (2) Ms. Hodgson's practice permit shall be suspended for a period of one (1) month, subject to the following:
    - (a) The suspension will begin within two weeks of the date that the Hearing Tribunal's written decision is provided to her, on a date to be determined by the Complaints Director;
    - (b) Ms. Hodgson must immediately upon receipt of the Hearing Tribunal's decision advise the Complaints Director and Registrar of the names of any current employer(s).

- (3) Prior to having her practice permit reinstated, Ms. Hodgson must provide a letter from her treating physician confirming that she is fit to practice as an Occupational Therapist.
- (4) After Ms. Hodgson's practice permit is reinstated, a condition will be placed on her practice permit and on the public register, restricting her from practicing in the area of mental health. This condition will remain on Ms. Hodgson's practice permit until she has completed a period of supervised practice, as described in paragraph 5.
- (5) Should Ms. Hodgson wish to practice in the area of mental health, she must first successfully complete a period of supervised practice, subject to the following:
  - (a) The proposed supervisor must be a member of the College in good standing with experience in the area of mental health, and must be approved in advance by the Complaints Director;
  - (b) Ms. Hodgson will be responsible for any costs associated with the period of supervised practice;
  - (c) The supervisor must provide written confirmation to the Complaints Director that:
    - (i) they have reviewed the Agreed Statement of Facts (and attachments) and a copy of the Hearing Tribunal's decision;
    - (ii) that they are prepared to provide the Complaints Director with periodic updates as set out below;
    - (iii) that they are prepared to provide quarterly reports to the Complaints Director and to report any concerns regarding Ms. Hodgson's performance as set out below.
  - (d) Ms. Hodgson must practice under supervision for a period of 900 hours;
  - (e) The supervisor does not need to be onsite but must be available for consultation;
  - (f) During the first 450 hours of supervised practice the supervisor must meet with Ms. Hodgson (in person or via videoconference) for a minimum of one hour per every 37.5 hours of practice, or once per week (if Ms. Hodgson is working full-time);
  - (g) During the second 450 hours of supervised practice the supervisor must meet with Ms. Hodgson (in person or via videoconference) for a minimum of one hour per every 75 hours of practice, or once every two weeks (if Ms. Hodgson is working full-time);
  - (h) The supervisor will provide the Complaints Director with a written report every three months describing the supervision provided, and indicating whether there are any concerns regarding boundary issues or any other matters;



- (i) If any concerns are identified by the supervisor, the Complaints Director may, in her sole discretion, extend the period of supervised practice for an additional 900 hours, subject to the same terms as set out above at paragraphs 5(f)(g) and (h).
- 6. A condition will be placed on Ms. Hodgson's practice permit and on the public register requiring her to provide proof to the Complaints Director that she has successfully completed one of the following courses within 6 (six) months of the date that she receives the Hearing Tribunal's written decision:
  - (a) PBI Education Professional Boundaries and Ethic (<https://pbieducation.com/courses/pb-24/>) ; or
  - (b) CPEP – Probe: Ethics and Boundaries Program: (<https://www.cpepdcc.org/cpep-courses/probe-ethics-boundaries-program-canada/>) ; or
  - (c) An equivalent alternative as approved by the Complaints Director.
- 7. The conditions on Ms. Hodgson's practice permit and the public register will be removed upon successful completion of each of the requirements set out above at paragraphs 5 and 6.
- 8. Should Ms. Hodgson be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Complaints Director. Extensions may be granted in the sole discretion of the Complaints Director.
- 9. Should Ms. Hodgson fail or be unable to comply with any of the above orders for penalty, or if Ms. Hodgson engaged in a period of supervised practice and the supervisor identifies any concerns, or if any dispute arises regarding the implementation of these orders, the Complaints Director may do any or all of the following:
  - (a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;
  - (b) Treat non-compliance as information for a complaint under s. 56 of the Act; or
  - (c) In the case of non-payment of the costs described in paragraph 1 above, suspend Ms. Hodgson's practice permit until such costs are paid in full or the Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Director.

10. The parties agree that the Joint Submission on Penalty and Acknowledgement may be signed in any number of counterparts, which taken together shall constitute one and the same Agreement. This Agreement may be delivered by original, facsimile, or by email in portable document format (PDF) and shall be deemed to be an original.

DATED the 11 day of December, 2020 in the City of Calgary, Alberta.



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ROSE KOZIEL, Chair,  
On behalf of the Hearing Tribunal