

## Permanent revocation for inappropriate relationships

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Regulated health professionals have heightened responsibilities when treating their patients/clients who are often vulnerable. Recently, regulatory bodies have seen an increase in complaints relating to health professionals engaging in inappropriate relationships with patients/clients.

In a recent [decision](#) of the Discipline Committee of the Nova Scotia College of Social Workers (“NSCSW”), a social worker’s registration was permanently revoked following complaints of inappropriate client/social worker relationships. In this particular case, the social worker was also using non-evidence based treatments with her clients.

The NSCSW commenced an investigation into the practice of a social worker, Eileen Carey, following two complaints of an inappropriate client/social worker relationship with Client A. The allegations against Ms. Carey included that she:

- failed to maintain appropriate professional boundaries by developing a friendship with Client A; attending public events with Client A; texting with Client A outside of the therapeutic role; inappropriately sharing personal information with Client A for non-therapeutic reasons; and exchanging gifts;
- failed to appropriately address Client A’s feelings towards her;
- engaged in physical contact by engaging in Access Consciousness practices with Client A, a non-evidence-based practice, which involved reciprocal touching;
- failed to consult colleagues when appropriate;
- failed to refer Client A to another professional when professional boundaries were crossed;
- failed to document the encounters; and
- utilized practices that were not evidence-based and/or were outside her scope of practice, including Access Consciousness.

Ms. Carey did not contest that the above allegations amounted to professional misconduct, conduct unbecoming of a professional, incompetence, and a breach of the NSCSW Standards of Practice and Code of Ethics.

After an investigation was commenced, the NSCSW and Ms. Carey put forward an Application for Consent Revocation to the NSCSW Discipline Committee for consideration. The Discipline Committee noted that the Application for Consent Revocation served the public interest, preserved the integrity of the social work profession, and maintained public confidence in the profession.

Ms. Carey's social work registration was therefore permanently revoked and she was required to pay costs in the amount of \$15,000 on terms agreed upon by the parties.

### **Key takeaways**

The increase in complaints related to boundary violations and inappropriate relationships between professionals and clients, and the resulting penalties, are cause for concern for both regulatory bodies and their members. The NSCSW's decision with respect to Ms. Carey demonstrates the significance of the consequences that will follow such misconduct.

In New Brunswick, health regulated professionals have an obligation to report sexual abuse of any patient/client by another health professional. Sexual abuse of a patient/client includes behaviour or remarks of sexual nature, sexual touching of any kind, sexual intercourse or any other forms of physical sexual relations between the health professional and a patient/client. Consent is not a listed factor in determining whether sexual abuse by the health professional has occurred.

The NSCSW's decision also implies that the use of practices that are not evidence-based and/or are outside the scope of practice of a professional, such as "Access Consciousness", could constitute professional misconduct, conduct unbecoming the professional, incompetence, and/or a breach of a code of ethics. This implication serves as a caution to professionals to be careful in using such non-evidence-based practices, in particular those that involve touching patients/clients, as it may not necessarily be appropriate for their practice.

The NSCSW's decision with respect to Ms. Carey should serve as a reminder to professionals in all disciplines to ensure that they are always practising within their scope of practice and ensure that clear boundaries are established in the professional/client relationship. The blurring of professional boundaries is a serious issue, one that could lead to the revocation of a license to practise.

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