

# The e-Bulletin

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO  
L'ORDRE DES PSYCHOLOGUES DE L'ONTARIO  
Regulating Psychologists & Psychological Associates

Volume 5, Number 1

March 2014

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### [Changes to the Register](#)

Since October 2013, there have been many changes to the College Register as new Certificates of Registration were issued or members retired or resigned. As well, the College learned, with regret, of the deaths of a colleague.

### [View changes...](#)

### [Oral Examiner Thank You](#)

The College would like to thank the following members who acted as oral examiners in December 2013.

### [View...](#)

### [Upcoming Council Meeting Dates](#)

The following dates have been set for Council Meetings:

## [Index of Articles: June 2010 v.1 no.1 - March 2014 v.5 no.1](#)

### [President's Message](#)

It's March already but you wouldn't know it given how cold it still is outside. Hopefully, spring will soon be here! Since my last message in the e-Bulletin, there has continued to be a lot of activity at the College.

December was a busy time. We finished another series of Oral Examinations and we congratulate all those who are now entering the profession as autonomous practitioners of psychology.

### [Read more...](#)

### [Bill 70 - RHPA \(Spousal Exception\)](#)

Bill 70, Regulated Health Professions Amendment Act (Spousal Exception), 2013 received Royal Assent and went into force on November 26, 2013. This amendment to the Regulated Health Professions Act, 1991 (RHPA) does not affect members of the College of Psychologists of Ontario.

### [Read more...](#)

### [Council Highlights](#)

Highlights of the Council meeting held on December 13, 2013 are now available.

### [Read more...](#)

### [By-Election to College Council - January 2014](#)

A By-Election was held on January 16, 2014 in District 3. The College wishes to congratulate:

Dr. Dorothy Cotton, Ph.D., C.Psych.

To introduce Dr. Cotton, reproduced below is the Biographical and Candidate Statement which was submitted as part of the election process.

### [Read more...](#)

March 21, 2014  
June 20, 2014

Observers are welcome. Please advise the College of your wish to attend by calling 416-961-8817 or emailing [cpo@cpo.on.ca](mailto:cpo@cpo.on.ca)

### [Notice of Election](#)

Election to Council has been called for Districts 4 (East) and 7 (Psychological Associate) to be held on March 31, 2014.

[Read more...](#)

### [Investigations, Complaints and Reports Committee Activities](#)

The ICRC reports the following statistical information for the first 2 quarters of the fiscal year, beginning on June 1, 2013:

Advisory Information from the Investigations, Reports and Complaints Committee for Members

[Read More...](#)

### [Discipline Proceedings](#)

The Discipline Committee of the College holds hearings into allegations of professional misconduct and/or incompetence. The information provided below is published on the Register of the College and available through the Member Search section of the College website or may be obtained by contacting The College of Psychologists of Ontario. It is provided for the information of the public, members of the College and other professionals

[Recent Discipline Findings](#)

#### Quick Links

[College of Psychologists Of Ontario](#)

416-961-8817  
800-489-8388  
[cpo@cpo.on.ca](mailto:cpo@cpo.on.ca)

## President's Message

It's March already but you wouldn't know it given how cold it still is outside. Hopefully, spring will soon be here! Since my last message in the e-Bulletin, there has continued to be a lot of activity at the College.

December was a busy time. We finished another series of Oral Examinations and we congratulate all those who are now entering the profession as autonomous practitioners of psychology.

December was also the time of the winter Council meeting, held this year on December 13. We continued to discuss recent proposed regulation amendments and are hoping those dealing with Registration and Quality Assurance will be finalized early in the New Year. Then we can again focus on the proposed regulation amendment dealing with title and masters level registration.

We reviewed the by-law on Fees (By-Law 18) which was recently circulated to the membership for consultation. There is no fee increase again this year but there is a fee reduction for the oral interview taken by those moving to Ontario from other jurisdictions and there's a change in the timing of the fee for late submission of the Self-Assessment Guide through the Quality Assurance process.

We continue to discuss issues related to the regulation of the profession including such things as regulation, policy, and by-law amendments, as well as issues related to university training programs. The recently received annual reports of the Council and Executive Committees certainly are a reminder of how much is going on with the College. The Annual Report for the past year will shortly be available on the College website.

In January there was a by-election for District 3 (Central). The new Council member for that district is Dr. Dorothy Cotton from Kingston. At the end of March, there will be elections for District 4 (East) and District 7 (Psychological Associates.) The faces around the Council table are ever changing and that brings new and fresh ideas/support as we move to the future of psychology regulation in Ontario.

Robert Gauthier, M.Sc., M.Ed., C.Psych.Assoc.  
President

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## Bill 70 – RHPA (Spousal Exception)

Bill 70, Regulated Health Professions Amendment Act (Spousal Exception), 2013 received Royal Assent and went into force on November 26, 2013. This amendment to the Regulated Health Professions Act, 1991 (RHPA) does not affect members of the College of Psychologists of Ontario. It affects only members of a Health College where the Council of that College requests, and obtains government approval, for a regulation exempting its members from the sexual abuse provisions of the legislation. Specifically, this amendment would allow a member of such a College to provide health care services to a spouse without triggering a finding of sexual abuse by the member.

Among the earliest amendments to the RHPA were provisions to address concerns about sexual abuse of patients by regulated health professionals, given the serious harm that results from sexual behaviour in the context of a patient-professional relationship. The amendments were intended to prevent sexual abuse, increase the likelihood that sexual abuse would be reported to the relevant health regulatory College and ensure that sexual abuse would be dealt with effectively by the College.

The provisions of the Act, which remain in force, include the definition of sexual abuse, mandatory reporting requirements, mandatory penalties for a finding of sexual abuse and the requirement that the College establish a program for funding for therapy and counselling for victims of sexual abuse by health professionals.

The definition of sexual abuse lists physical sexual relations, touching of a sexual nature and behaviour or remarks of a sexual nature by a regulated health professional toward a patient. Touching, behaviour or remarks of a clinical nature appropriate to the service provided are not considered to be sexual in nature.

There are a few health professions where treating a spouse is considered by the profession to be acceptable. As a result some professions supported the RHPA amendment which created the potential for a College to request a regulation to exempt spousal treatment from a finding of sexual abuse, so long as the member is not engaged in the practice of the profession at the time that any sexual conduct, behaviour or remark occurs.

The ethics and standards of the profession of psychology however, preclude the provision of psychological services to a spouse. Specifically, members of the profession are cautioned that to treat a spouse or other family member would constitute a dual relationship (i.e. a spousal/familial relationship and a patient-professional relationship) which could result in a conflict of interest. The objectivity and professional judgement of the professional could be compromised resulting in the spouse/patient receiving substandard care or receiving unnecessary services, either of which could be potentially harmful.

Therefore, the College of Psychologists will not be requesting a regulation to exempt spousal treatment from a finding of sexual abuse; accordingly, a member of the College of Psychologists continues to be precluded from providing psychological services to the member's spouse.

## Council Highlights – December 13, 2013

### Strategic Issues

In light of the anticipated Spring of 2014 proclamation of the new College of Psychotherapists, the Client Relations Committee will bring recommendations to Council regarding delegation of the Controlled Act relating to psychotherapy.

### Policy Issues

#### Regulations Submission Update

The Registration and Quality Assurance Regulation amendments have been submitted by Ministry policy analysts to legal counsel for review. It is expected that the final versions will then be sealed for signature by the Registrar and President and presented to an upcoming meeting of the Standing Committee on Legislation and Regulation.

#### eHealth Ontario

The Registrar expected to sign the Data Sharing Agreement for the Provider Registry by the end of 2013.

#### By-Law 18 Fees

The member consultation has been concluded and the proposed amendments to By-Law 18: Fees were approved.

#### By-Law 19 Appointment of non-Council Members to Committees of the College and Condition for Disqualifications

The Council approved proposed wording that provided clarification of the eligibility for appointment to Committees and criteria for disqualification.

#### By-Law 20 Elections

The Registrar is directed to bring new wording to the March meeting which removes suggestion of “representing” as Council members do not represent the district from which they are elected while serving.

#### Conflict of Interest and Reasonable Apprehension of Bias Policy

The Registrar suggested two new clarifying sections to this policy and the Council directed legal advice be sought and new wording be brought to the March meeting.

#### Client Relations Committee: Terms of Reference/Role Policy

The Council approved wording changes to the policy regarding the role of the Committee to include reviewing policy and legislative issues, making recommendations to Council and inviting additional participants, if needed.

*Bill 70 Regulated Health Professions Act (RHPA) Amendment Act (Spousal Exemption), 2013*

Council was informed the Bill is now in force. The next eBulletin is to include an educational article on the implications of the Bill for members of the College.

**Business Issues**

*Per Diem and Council and Committee Compensation Policy*

Council approved proposed amendments that clarified the eligibility criteria for Office Overhead Allowance for private practitioners.

*Committee Audits*

As part of the College's continuous review and improvement of its processes, the Council agreed that the Executive Committee would be audited in the fiscal year 2014-2015.

**Other Business**

The following dates were approved: Council meeting - September 19, 2014  
Elections to Council – March 31, 2014.

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# By-Election to the College Council January 2014

A By-Election was held on January 16, 2014 in District 3. The College wishes to congratulate:

Dr. Dorothy Cotton, C.Psych.

To introduce Dr. Cotton, reproduced below is the Biographical and Candidate Statement which was submitted as part of the election process.

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**Dorothy Cotton, Ph.D., C. Psych.**

**Candidate for CPO Council, District 3**

My lifetime experience in psychology has been encompassed a variety of practice areas, and thus has given me perspective about the broad reach of our profession. I initially practiced at the masters' level, after obtaining degrees from McGill and Purdue University; then subsequently returned to school to obtain a PhD from Queens. My early career days were spent in a provincial psychiatric hospital, working in areas that included general adult psychiatry, psycho-geriatrics and forensics. In mid career, I took on the role of chief psychologist, a position that evolved into a program manager position. However, management was not really for me; I preferred front line service provision and moved to a psychologist position in a correctional facility. Throughout all these years, I had a hand in teaching, at both the college and university level, and I remain active in training students. In my current capacity I focus on early career development—including recruitment and retention activities, and coordinating a CPA accredited internship program. I continue to maintain a small private practice, with a focus in police psychology. In order to bring psychology to the public domain I have engaged in extensive public speaking, and have penned columns for a syndicated newspaper, as well as for police and nursing home journals. I was involved in the Mental Health Commission's Mental Health and the Law Advisory Committee and have had articles published in peer reviewed journals. Overall, the breadth of my career has allowed me to develop a knowledge base that encompasses a variety of perspectives, from many areas of practice in our complex profession.

## **Candidate Statement**

These are interesting times for Psychology, and other self-regulating professions. Governments are playing an increasingly active role in professional regulation which has led to professional colleges such as CPO having to respond to unanticipated changes, such as those imposed by the Agreement on Internal Trade. CPO has been challenged with thorny issues such as entry to practice to standards, fair mechanisms for registering people trained abroad, the best way to introduce new areas of practice into the profession while maintaining strong occupational values, and maximizing public access to skilled and appropriate psychological services provided by well qualified and competent practitioners.

If my name sounds familiar to members in District 3, it may be because they know me from my association with Queen's University, my work at Correctional Services Canada and at Providence Care Mental Health Services (formerly Kingston Psychiatric Hospital), or because from 2001-2010, I served on the Council of the College as the elected representative for District 3, including a term as President. My tenure ended when I reached the statute of limitations in regard to consecutive terms. Over the past three years, I have served on the board of the Canadian Psychological Association. With perspective gained from my term with CPA, it is apparent to me that my skill set and knowledge base are better utilized at the provincial level with CPO. My hope is to be able to bring an historical perspective while at the same time striving to move the profession forward, and to help position the College to address contemporary issues in a rapidly changing professional landscape.

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# Elections to Council 2014 Districts 4 (East) and 7 (Psychological Associate)

As of March 1, 2014, the College has received the following nominations

**District 4 (East)** – Gilles Hébert, Ph.D.,C.Psych.  
– Maggie Mamen, Ph.D.,C.Psych.

**District 7 (Psychological Associate)** – Robert Gauthier, M.Sc.,M.Ed.,C.Psych.Assoc.

No further nominations will be accepted. The election will be held on March 31, 2014. More information on the election process is available on the College website at [Elections to College Council 2014](#).

## Recent Inquiries, Complaints and Reports Committee (ICRC) Activity

The ICRC reports the following statistical information for the first 2 quarters of the fiscal year, beginning on June 1, 2013:

Complaints Received, by Nature of Service		
Year to Date:	<u>Current</u>	<u>Previous</u>
Capacity Assessment	4	1
Corrections Assessment	1	-
Custody & Access / Child Welfare Assessment	5	3
Educational Assessment	4	3
Industrial / Occupational Assessment	2	-
Neuropsychological Assessment	0	2
Not Related to Psychological Services	0	4
Other Psychological Assessment	3	3
Psychotherapy / Counseling	8	11
Rehabilitation / Insurance Assessment	5	12
Supervision	26	2
Unknown	2	-
Total:	60	41

Most complaints and reports considered by the Inquiries, Complaints and Reports Committee address more than one allegation. The allegations considered by the Committee, as well as the frequency of each disposition of these allegations, is listed below:

<b><u>Dispositions Made by Allegation</u></b>										
	Withdrawal	Take no Further Action F&V	Take no Further Action	Advice	Caution	Caution & Under-Taking	Oral Caution	Oral Caution & Under-Taking	Oral Caution & SCERP *	Refer to Discipline
Bias	1	1	3	-	-	-	1	-	-	-
Breach of confidentiality	-	-	4	1	-	-	-	-	-	1
Conduct unbecoming a member of the CPO	-	-	5	3	-	-	1	1	-	1
Conflict of interest	-	-	2	-	-	-	-	-	-	-
Failure to render services appropriate to the user's needs	-	-	2	-	-	-	-	-	-	-
Failure to obtain informed consent	-	-	1	-	-	-	1	-	-	-
Failure to provide services sought	-	-	-	-	-	-	-	1	-	-
Failure to respond to a request in a timely manner	-	1	1	1	1	-	-	-	-	-
False or misleading statements	1	1	2	-	-	-	-	1	-	1
Fees and billing problems	-	-	-	1	1	-	-	1	-	-
Improper supervision	-	1	2	1	-	-	-	-	-	-
Inaccurate information	-	-	-	-	-	-	1	-	-	1
Inadequate data to support conclusions	-	-	3	-	-	1	1	-	-	1
Inadequate Feedback	-	-	-	-	-	-	-	-	-	-
Inadequate handling of termination	-	-	3	-	-	-	-	-	-	-
Inappropriate conduct toward a colleague	-	-	2	-	-	-	-	-	-	-
Inappropriate conduct toward an employee	-	-	1	-	-	-	-	-	-	-
Incompetence	-	-	2	-	-	-	-	-	-	-
Insensitive treatment of clients	-	1	1	-	-	-	-	-	-	-
Non-Sexual Abuse	-	1	-	-	-	-	-	-	-	-
Providing services while impaired	-	1	-	-	-	-	-	-	-	-
Quality of services	-	-	2	-	-	-	-	-	-	-

<b><u>Dispositions Made by Allegation</u></b>										
	Withdrawal	Take no Further Action F&V	Take no Further Action	Advice	Caution	Caution & UnderTaking	Oral Caution	Oral Caution & UnderTaking	Oral Caution & SCERP *	Refer to Discipline
Record keeping Problems	-	-	-	-	-	-	1	-	-	1
Sexual harassment	-	-	1	-	-	-	-	-	-	-

\* Specified Continuing Education or Remedial Program

**Health Professions Appeal and Review Board**

The Health Professions Appeal and Review Board reviews the Decisions of Ontario’s Health Regulatory Colleges at the request of either a College member or complainant. Within the last quarter it received three requests for review of a College of Psychologists of Ontario Decision and Reasons and disposed of one review, as indicated below:

	<b><u>Year to Date</u></b>	
	<b><u>Current</u></b>	<b><u>Previous</u></b>
Reviews Requested	4	5

	<b><u>YTD</u></b>	
	<b><u>Current</u></b>	<b><u>Previous</u></b>
Decision Confirmed	4	4
Notice to not Proceed	-	1
Withdrawn	1	-

## Advisory Information from the Investigations, Reports and Complaints Committee for Members

### Responding to Clients:

Many of the complaints against members which are received by the College relate to allegations that the member was not sufficiently responsive to the client's attempts to contact them. Some of these complaints do not warrant any action by the Investigations, Complaints and Reports Committee (ICRC) following an investigation because the member's actions were reasonable and appropriate. In other cases however, there may have been some problems which could have been avoided. It is hoped that the following information will assist both clients and members to avoid unnecessary difficulties.

### Requests for Contact

From time to time, panels of the ICRC consider complaints alleging that a member has not responded to requests for contact in a timely manner, or at all. Usually, complainants or their representatives advise the College that they have left messages and/or written repeatedly, in an effort to reach the member but have been unsuccessful. Whenever possible and appropriate, College staff attempt to facilitate communication between the member and the client in an effort to resolve the issue prior to the receipt of a formal complaint. Unfortunately, sometimes College staff themselves have difficulty reaching the member because the member's contact information has changed. Some of the reasons members provided to explain why they have not been available or responsive include:

- serious personal illness or that of a close relative and the member has not been available or checking for voicemail or e-mail messages;
- being on vacation or otherwise away from the office and this information is not available to callers;
- their contact information has changed; or,
- the belief that it would be inappropriate to respond to a message because the caller or writer is not a client and is not entitled to any information about the client.

The nature of disposition in matters of this type may vary, depending upon the circumstances of the case. Remedial information will usually advise or caution members to leave adequate contact information in recorded messages and e-mail auto-responses. If a member will be unavailable

for an extended period of time, they may also be advised or cautioned to appoint another member to check for, receive and respond to such requests when it will not be possible to respond within a reasonable time themselves. Members are also reminded that the *Regulated Health Professions Act, 1991* requires members to provide, among other things, up to date contact information to the College.

In some of cases, members who are concerned about communication with third parties are advised that, if appropriate in the circumstances, one may extend the courtesy of returning a message only to acknowledge the message and to advise that s/he is unable to provide any information, including even whether an individual is a client or not. It appears to panels of the Committee that some complaints about such matters may possibly be avoided.

### Requests for Records and Reports

Complaints sometimes follow a member's decision not to provide a record or report upon request, or when a member does not provide the document(s) within a reasonable time period. In response to such complaints, members have responded that:

- they are not permitted to provide the information to a third party out of a duty of confidentiality owed to a client;
- releasing such material could cause harm to an individual;
- they are not permitted to provide the information as it contains raw test data;
- the subject of an assessment has agreed in advance that s/he will not be provided with a copy of the assessment report; or
- they will only provide the report after payment has been made for it, and that in some cases the client has agreed to this in advance.

The ICRC has considered such responses and in some circumstances agreed that it may have been appropriate to withhold the records or reports. In such cases, the member had a clear rationale based in a belief that there was a legitimate concern about confidentiality and/or because there was a reasonable basis for the belief that release of the information could result in some serious harm to a person. In some situations however, this did not appear to be the case. When the Committee did form concerns about the member's conduct, it provided remedial dispositions which reminded members of the following:

- the applicable privacy legislation when handling such requests sets out very specific circumstances in which the custodian of a health record is permitted to refuse

to release information. It is a member's obligation to be familiar with the requirements of the applicable legislation and when unsure about the obligations to seek qualified advice;

- while the privacy legislation may *permit* a member to withhold records from the person about whom the information relates; such authority is only in limited circumstances. As well, while one is *permitted* to withhold information, one is *not required* to do so. Members are reminded that, although they may be *permitted* to refuse access to information, it is considered an act of professional misconduct to fail, without reasonable cause, to *provide a report or certificate relating to a service performed by the member, within a reasonable time, to the client or his or her authorized representative after a client or his or her authorized representative has requested such a report or certificate*;
- when the release of raw test data was at issue, the Committee first considered whether the federal *Personal Information Protection and Electronic Documents Act, 2000* (PIPEDA) or the provincial *Personal Health Information Protection Act, 2004* (PHIPA) appeared to be the applicable privacy legislation. PHIPA applies to information collected for the purpose of providing health care; PIPEDA applies when the information was not collected for the purpose of providing a health care service. The exception regarding the release of raw test data applies only to records kept under PHIPA. Members are advised that, as per the Standards of Professional Conduct (14.9), *When reasonable and appropriate, raw data from standardized psychological tests and other test data shall, upon request and with proper authorization, be released to clients and others*.
- members who believed that they could not provide test data because it might violate copyright laws were advised that in some cases it was possible to report the scores without providing copies of copyrighted materials; and,
- members who have made agreements with clients in which clients have agreed not to request a copy of a report have been advised that the right to personal and personal health information is a statutory right and individuals who have entered such agreements may be able to rescind such agreements.

In considering complaints about significant delays in providing reports, the Committee has taken into account whether circumstances beyond the control of the member could reasonably have led to the delay. The Committee also considered whether the member had led the client/recipient of the report to believe that it would be ready within a specified time frame and whether the

purpose of the report, related to such issues as school placement or health care benefit entitlements, suggesting an implicitly reasonable time frame.

Finally, some members have refused to release reports until they have been paid in full for the services provided. While panels have understood that collection may be difficult in some situations, members are reminded that the Standards of Professional Conduct do not permit a member to ask a client for prepayment of services. The Standards do, however, provide a possible remedy for the members' concerns about fee collection in that *Funds may be held in trust if agreed by the client and the member. These trust funds shall only be applied to services rendered and any excess returned to the client following the termination or conclusion of services. (10.4)*.

It is hoped that this information will be of assistance to members in avoiding a complaint when situations like these are encountered.

#### **ICRC Members:**

##### **Professional - Council**

Ruth Berman, Ph.D., C.Psych.  
Lynette Eulette, Ph.D., C.Psych.  
Peter Farvolden, Ph.D., C.Psych.

##### **Professional**

Janice Currie, Ph.D., C.Psych.  
David Duncan, Ph.D., C.Psych.  
Sara Hagstrom, Ph.D., C.Psych.  
Allyson Harrison, Ph.D., C.Psych. - Chair  
Tim Hill, M.A., C.Psych.  
Peter Hoaken, Ph.D., C.Psych.  
Glenn Webster, M.Ed., C.Psych.Assoc.

##### **Public Members**

Kristin Bisbee  
Dr. Ivan McFarlane  
Ethel Teitelbaum

# Discipline Proceedings

The Following is the Summary of the Decision and Reasons of a panel of the Discipline Committee of the College of Psychologists of Ontario:

Re: Dr. Richard Marlin

A hearing of a Panel of the Discipline Committee of the College of Psychologists of Ontario (hereinafter referred to as "Panel") took place in Toronto on the 4th day of September, 2013

## **Preliminary Order**

At the request of Counsel for the College of Psychologists of Ontario, and with the consent of counsel for Dr. Marlin, the Panel ordered a publication ban, pursuant to subsection 45(3) of the Health Professions Procedural Code (the "Code") on any names of clients mentioned in the hearing or in documents distributed to the press and public.

## **Allegations**

It was alleged that the governing body of a health profession in a jurisdiction other than Ontario found Dr. Marlin committed an act of professional misconduct that would be an act of professional misconduct as defined in Ontario Regulation 801/93 ("Professional Misconduct Regulations"), as per s. 51(1)(b) of the Code.

## **Agreed Statement of Facts**

The College and Dr. Marlin jointly entered a document into evidence that sets out an agreed statement of facts which stated as follows:

The Member, Dr. Richard Marlin, hereby formally admits the following facts:

1. Dr. Marlin has been registered with the College of Psychologists of Ontario since 1995.
2. On November 14, 2011, the College of Alberta Psychologists ("CAP"), of which Dr. Marlin is also a member, made findings of professional misconduct against him the nature of which would also constitute misconduct in Ontario. In particular, the CAP found that Dr. Marlin had:

*Failed to obtain informed consent by:*

- Conducting a psychometric test with a client when the client was adverse to doing so;
- Limiting access to the client's family physician and other specialists, contrary to the client's choice; and

*Failed to create and maintain an appropriate therapeutic relationship with the client by:*

- Failing to create a relationship in which the respect and dignity of the client was maintained;
- Performing a psychometric test when the client was under duress/emotional stress; and
- Failing to ensure that there were sufficient professional attendances directly with the client when the pre-existing history and conditions of the client mandated a higher level of interaction than once per month.

3. This was Dr. Marlin's first finding of professional misconduct in a lengthy career.
4. Upon application for renewal of his registration in Ontario, (and prior to receiving notice of the investigation that led to the current Notice of Hearing), Dr. Marlin notified the College of Psychologists of Ontario ("CPO") of the CAP findings.
5. With respect to the allegations contained in paragraph 1 of the Notice of Hearing, it is acknowledged and agreed that the CAP Hearing Tribunal found that Dr. Marlin, committed acts of professional misconduct as outlined above that would constitute acts of professional misconduct in Ontario, and as such Dr. Marlin is guilty of professional misconduct under s. 51(1)(b) of the Health Professions Procedural Code.
6. On April 25, 2012, the CAP Hearing Tribunal made findings on penalty. The Tribunal imposed the following rehabilitative penalty: a reprimand; an ethics course at Dr. Marlin's own expense; a condition that subjected him to monitoring by the Complaints Director for 12 months, subject to peer review at 6 and 12 months at his own expense. He was also ordered to pay costs of the investigation and hearing up to \$60,000 in 12 monthly installments.
7. Dr. Marlin has complied with the rehabilitative penalty order of the CAP.

### **The Plea**

Dr. Marlin pled guilty to the alleged misconduct.

### **The Decision**

The panel accepted the statement of agreed facts and, on the basis of the agreed facts, found Dr. Marlin guilty of professional misconduct under Section 51 (1) (b) of the Health Professions Procedural Code, the Psychology Act, 1991, S.O. 1991, c. 38 and the regulations thereto, all as amended. The reasons for our decision are based on the facts agreed to and the decision of the hearing tribunal of the College of Alberta Psychologists dated November 14, 2011, which we find establishes that Dr. Marlin violated the Ontario Professional Misconduct Regulation 1(3) relating to informed consent and 1(2) failing to maintain the standards of the profession.

### **The Penalty**

The parties jointly submitted that Dr. Marlin should appear before the Discipline committee to be reprimanded, and that both the fact of the findings of misconduct and the fact of the reprimand should be published on the College's Register and in the Bulletin.

The Discipline Committee panel accepted this joint recommendation and made a formal order as follows:

#### **IT IS ORDERED THAT:**

Dr. Richard Marlin shall appear before the Discipline Committee to be reprimanded, and both the fact of the finding of misconduct and the fact of reprimand shall be published on the College's Registrar and in the Bulletin.

The panel accepted the proposed penalty as appropriate in the specific circumstances of Dr. Marlin's misconduct. Both the reprimand and the publication of the finding of misconduct constitute a specific deterrent for Dr. Marlin. They provide a direct personal censure and demonstrate the College of Psychologists of Ontario's clear disapproval of his actions. They also constitute general deterrence for other members by reminding them to practice in accordance with the standards of the profession and highlighting the consequences of not doing so.

In light of the specific rehabilitative penalty by the CAP, the panel was satisfied that it need not impose a similar rehabilitative penalty, as the public interest has been protected by the imposition of an ethic course, monitoring and peer review by the CAP.

Following the conclusion of the hearing Dr. Marlin waived his right of appeal and the reprimand was administered to him.

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# Changes to the Register

## Certificates of Registration

The College would like to congratulate the *Psychologist* and *Psychological Associate* members who received Certificates of Registration since October, 2013.

### Psychologists - Certificate Authorizing Autonomous Practice

Syed Sohail Abbas  
Mariyam Ahmed  
Sara Helena Ahola Kohut  
Anita Rita Alekian  
Chantal Annette Arpin-Cribbie  
Meghan Aston-Lebold  
Magda Madeleine Badran  
Anne-Marie Baronet  
Martin Beaupré  
Amélie Natalie Beausoleil  
Kofi-len Andrew Belfon  
Deborah Elisabeth Bell  
Andrea Naomi Berenstein  
Laura Joanne Best  
Tali Zweig Boritz  
James Norman Robert Brazeau  
Dina Buttu  
Maria-Helena Canizares Garcia  
Mona Diane Joanne Marie Chevalier  
Mandeep Chouhan  
Janani Deffendall  
Carolyn Di Adamo  
Shaindl Lin Diamond  
Rudolph Tyrone Drummond  
Marie-Eve Dubois  
Katherine Lise Dupuis  
Jessica Louise Franks  
Nina Marie Fusco  
Helene Lorraine Gauthier  
Brooke Ann Halpert  
Carol-Anne Hendry  
Jessica Faye Henry  
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The College wishes to thank those members who generously provided their time and expertise to act as primary and alternate supervisors for new members issued Certificates Authorizing Autonomous Practice

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**Deceased Members**

The College learn with regret of the death of one member. The College extends condolences to the family, friends and professional colleagues of Julian Appell.

**Resigned**

David Hoath  
Candice Schroter

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## Oral Examiners December 2013

The College would like to thank the following members who acted as oral examiners in December 2013.

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