

Complaints #17-16, 18-09, 18-10

MANITOBA COLLEGE OF SOCIAL WORKERS

IN THE MATTER OF:

VERNA SULLIVAN,

- and -

IN THE MATTER OF:

THE SOCIAL WORK PROFESSION ACT.

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REASONS FOR DECISION

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Manitoba College of Social Workers  
101-2033 Portage Ave.  
Winnipeg, MB  
R3J 01K6

MANITOBA COLLEGE OF SOCIAL WORKERS

IN THE MATTER OF:

VERNA SULLIVAN,

- and -

IN THE MATTER OF:

THE SOCIAL WORK PROFESSION ACT.

REASONS FOR DECISION

Background:

1. The Complaints Committee ("Complaints Committee") of the Manitoba College of Social Workers ("MCSW" or "College") referred three complaints regarding the conduct of Verna Sullivan ("Member") to the Inquiry Committee of MSCW. The three complaints are Nos. 17-16, 18-09 and 18-10.
2. A Notice of Hearing dated March 30, 2020 ("Notice of Hearing") was served upon the Member on April 3, 2020. The Notice of Hearing was subsequently amended by consent and dated May 12, 2021 ("Amended Notice of Hearing"). The Amended Notice of Hearing set out eleven charges of professional misconduct ("Charges").
3. The Charges were referred to the Inquiry Committee of MSCW pursuant to s. 31(l)(a) of *The Social Work Profession Act*, C.C.S.M. c. S 169 (the "*Act*") on January 17, 2020 whereupon the Chair of the Inquiry Committee selected a panel ("Panel") for the hearing of the complaint pursuant to s.42(1) of the *Act*.

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4. The Notice of Hearing was initially returnable before the Panel on April 30, 2020. Following the initial appearance a further hearing was scheduled for May 10, 2021 through May 14, 2021 inclusive.

5. On May 14, 2021, the Member and the College provided the Panel with a Statement of Agreed Facts and Joint Submissions on Penalty dated May 13, 2021 ("Joint Submission").

#### Statement of Facts

6. The Joint Submission, details the following facts which have been accepted by the Panel:

- a. The Member was registered with MCSW at the City of Winnipeg, in the Province of Manitoba on April 27, 1998, under the provisions of the *Act*;
- b. The Member has been registered with MCSW since April 27, 1998, and she has remained so registered;
- c. At all material times hereto, the Member was registered with MCSW;
- d. The Member works in private practice and she provides general counselling, family assessments, parent coaching and family reunification therapy. Her position title on record with the College is "self-employed" as a "Therapist/Assessor"; and
- e. The Member has no discipline history with MCSW.

7. During the hearing the College entered a stay of charges one through seven inclusive and guilty pleas were entered by the Member for charges eight through eleven inclusive. The precise wording of charges to which guilty pleas were entered and the factual basis for those charges are copied directly from the Amended Notice of Hearing as per the request of the parties:

#### Complaint No. 18-09

8. You failed to sign case notes concerning meetings with KB from October 12, 2017, to April 24, 2018, in breach of *Standards of Practice - Standard 5 - Social Work File Records - clause 5.3* which requires that you must sign the record for each entry with your full name, highest degree and professional designation.



Complaint No. 18-10

9. You failed to disclose to your client CH when entering into a fee for services contract with her, your fee schedule and your expectations and practices with regards to fees, cancellations and unpaid bills. You charged her fees for a full hour after spending 40 minutes rescheduling appointments and you charged her fees for a full hour for your final meeting which was one-half hour which was neither agreed to or reasonable in breach of *Code of Ethics - Guideline 5 - Ethical Responsibilities in Private Practice - clause 5.3.1* which required you, when entering into a fee for services contract with a client, to disclose your own fee schedule for social work services including your own expectations and practices with regard to cancellations and unpaid bills, to only charge a fee that was disclosed to and agreed upon by your client and to charge only for the reasonable hours of client services, research, consultation and administrative work performed on behalf of a given client.

10. You failed to discuss your fees with CH or have any written policies available for her concerning your fees or your policies concerning charges for missed or cancelled appointments in breach of *Standards of Practice - Standard 7 - Private Practice - clause 7.5* which required you to establish a fee structure when in independent practice or use the fee structure of the agency at which you are working, *clause 7.6* which required you to discuss all fees to with clients at the beginning of social work service and *clause 7.7* which required you to establish policies regarding third party payments, charges for missed or cancelled appointments, overdue accounts and non-payment of accounts.

Complaint Nos. 17-16, 18-09 and 18-10

11. You failed between January 1, 2018, and February 22, 2018, to maintain in your private practice professional case consultation and supervision and you failed between February 22, 2018, and July 31, 2019, to maintain in your private practice regular, consistent and structured supervision from the supervisor with relevant expertise, experience and knowledge of social work ethics and standards of practice in breach of *Standards of Practice - Standard 7 - Private Practice - clause 7.2* as it read before and after February 22, 2018.

Submissions of the College & the Member

8. The College submits that the Member breached both the Standards of Practice for Social Workers of MCSW ("Standards") and Code of Ethics and Guidelines for Ethical Practice of MCSW ("Code"), which breaches give rise to professional misconduct and allow the Panel to impose a penalties pursuant to the *Act*. The College submits that the Panel should accept the Joint Submission on penalty unless doing so would bring the administration of justice into disrepute.

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9. The Member submits that the Joint Submission should be accepted by the Panel unless the Joint Submission would bring the administration of justice into disrepute; however, there was no evidence before the Panel which would result in disrepute.

#### Analysis

10. The Member and the College provided the Panel with a Joint Submission on penalty for consideration. Both the Member and the College are represented by counsel.

11. The Member acknowledged that she understands the charges to which she is entering his guilty plea and has elected to waive her right to a hearing of charges eight through eleven inclusive. The Panel accepts that the Member has entered her plea freely and waived her right to a hearing of charges charges.

12. The Panel further accepts that the College recommendation to stay charges one through seven inclusive as against the Member.

13. For the reasons that follow, the Inquiry Panel has accepted the Joint Submission and recommendations related to the penalty to be imposed upon the Member.

14. The considerations for accepting a joint submission presented to an administrative tribunals are the same as the same consdierations applied by the Courts. As such, this Panel must consider the public interest test and whether accepting the joint submission would bring the administration of justice into disrepute. As joint submissions provide the parties with certainty of outcome, promote a fair, expedient, cost-effective and just result, this Panel is mindful that joint submissions are held to a high standard and should not be interfered with save and except where the joint submission is unfit, unreasonable or contrary to the public interest. (see *R. v. Anthony-Cook*, 2016 SCC 43 at paras. 5, 32, 33, 50 to 53, *MCSW v. Charles Gregoire*, 17-02 at paras. 8 to 13, and *MCSW v. Lyle Longclaws*, 17-08 at para. 10).

15. No evidence was provided to the Panel that would suggest that the Joint Submission was either contrary to the public interest or the joint submission would bring the administration of justice into disrepute.



16. The Panel has considered the test set out in *R. v. Anthony-Cook*, 2016 SCC 43 as adopted in both *MCSW v. Charles Gregoire*, 17-02 and *MCSW v. Lyle Longclaws*, 17-08 and determined that the Joint Submission is not contrary to the public interest nor would the Joint Submission bring the administration of justice into disrepute.

17. Furthermore, the Panel has considered the following criteria related to the penalty being imposed on the member:

1. Attitude since the offence was committed. A less severe punishment may be imposed on an individual who genuinely recognizes that his or her conduct was wrong.
2. The age and inexperience of the offender.
3. Whether the misconduct is the individual's first offence. It has been suggested that the penalty of revocation should be reserved for repeat offenders and the most serious cases.
4. Whether the individual has pleaded guilty to the charge of professional misconduct which has been taken as showing the acceptance of responsibility for his or her actions. However, a refusal to admit guilt is not to be taken as justifying a higher penalty. Hence a person charged with an offence of professional misconduct is entitled to have the case against him or her proven and to make full answer in defence without fear of the threat of increased penalty. ---
5. Whether restitution has been made by the offender.
6. The good character of the offender.
7. A long unblemished record of professional service.

(see *The Law Society of Manitoba v. Nadeau*, 2013 MBL 4 at pg. 7., Casey, J. T., *The Regulations of Professions in Canada*, Vol 2., Thomson Reuters, 2017, pgs. 14-6 to 14-9).

18. In consideration of the above criteria, the College submits that the Member's attitude since the offence was committed and guilty plea to charges eight through eleven were positive factors; however, the delays occasioned should be considered. The College further submits that notwithstanding the lack of disciplinary record and good character of the Member, the Panel must

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consider that the Member is an experienced social worker who contravened both the Standards and the Code.

19. The Member submits that her unblemished record since 1981, are positive factors to be considered by the Panel in determining whether the penalty is appropriate. The Member submits that the Member is currently engaged in family unification which is a contentious and difficult area of social work. The Member further submits that after retaining new legal counsel in April of 2021, the Member worked swiftly to respond to the Charges and agreed to plead guilty to charges eight through eleven.

20. In the penalty set out in the Joint Submission, the Panel must also consider the importance of the principles of denunciation, deterrence, rehabilitation, remediation and the maintenance of high professional standards in order to preserve the public confidence in the ability of MCSW to regulate its members and, above all, the protection of the public (see *MCSW v. Charles Gregoire*, 17-02 at paras. 11 to 12).

21. In consideration of the foregoing principles, the lengthy unblemished record of the Member and the Members acknowledgment of the professional misconduct by virtue of pleading guilty to charges eight through eleven, the Panel finds that the penalty contained in the Joint Submission is appropriate in the circumstances and accepted in full.

22. The penalty enforces the professional standards of MCSW, protects the public and provide the Member with the opportunity for supervision and mentorship.

23. In addition the Panel has considered the award of costs set out in the Joint-Submission and reviewed MCSW's Cost Recovery Policy ("Policy"). The Policy provides in part that the members at large ought not to be responsible for the costs and that as a general rule the College will consider full recovery of costs with exceptions for partial recovery (see: *MCSW v. Lyle Longclaws*, 17-08 at paras. 18 to 23).

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## Conclusion

24. The Panel finds that the Member contravened Clause 5.3 of Standard 5, Clauses 7.2, 7.5, 7.6 and 7.7 of Standard 7 of the Standards.

25. The Panel finds that the Member contravened Clause 5.3.1 of Guideline 5 of the Code.

26. The Panel further finds that as a result of the aforementioned contraventions of the Standards and the Code, the Member has committed professional misconduct. The Panel accepts the penalty set out in the Joint Submission and determines that the penalty to the Member is reasonable in the circumstances.

27. The penalty to the Member and conditions imposed on the Member's practice are determined to be as follows:

- (a) The Member be and is hereby reprimanded;
- (b) The Member shall acknowledge that the ethical duties set out in the Code and Standards apply to involuntary clients subject to the provisions of a Court Order that expressly displaces those duties;
- (c) It is to be a condition of the Member's registration with MCSW that the Member be subject to supervision by a registered social worker approved by the College for a minimum of one year. The terms of the supervision will be as follows:
  - (i) The Member agrees that she shall be subject to monthly supervision by a registered social worker ("Supervisor") approved by the College for 12 monthly sessions;
  - (ii) Formal supervision must commence by July 1, 2021;
  - (iii) Monthly supervision will include the following provisions:
    - a. The Member shall use her best efforts to apply to MCSW for the approval of a proposed Supervisor by June 18, 2021. The





application will include a copy of the proposed Supervisor's curriculum vitae and a cover letter written by the proposed Supervisor, outlining his/her experience as a Supervisor and his/her knowledge and appropriate understanding of the Code and Standards in social work practice. If a supervisor approved by MCSW is not identified by Ms. Sullivan by June 18, 2021, MCSW shall have the power to appoint one unilaterally;

- b. Following approval of a Supervisor, the Member will provide MCSW with a completed and signed Authorization for Release and Exchange of Information form, in a form provided by MCSW, allowing MCSW and the Supervisor to share information for the purposes of the monitoring of her practice;
- c. The Supervisor will provide monitoring, advice and supervision for the purpose of:
  - i. Ensuring case-specific social work services are provided in accordance with the Standards and Code;
  - ii. The review or establishment of a service contract and formal policies that are consistent with the requirements of the Standards and Code relating to disclosure of scope of services, fees and missed/cancelled appointments;
- d. During the period of supervision set out above, the Member is responsible to submit quarterly written reports on dates identified by MCSW outlining the progress of the supervision and referencing the Code and Standards. The reports must be approved and signed by the Supervisor;
- e. At the conclusion of the supervision period, a summary report completed by the Supervisor is to be submitted to MCSW.

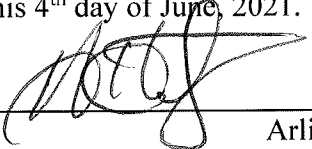
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- (iv) The Member shall be responsible for any and all costs associated with obtaining and maintaining supervision in accordance with this Agreement;
  - (v) The Supervision shall be a condition on her Certificate of Practice and on MCSW's Register and that this condition arises as a result of her guilty pleas to charges 8, 9, 10 and 11 of the Amended Notice of Hearing. The condition on the Register will indicate that it is a consequence of guilty pleas to charges 8, 9, 10 and 11 of the Amended Notice of Hearing pursuant to s. 52(1) of the *Act*;
- (d) MCSW shall be entitled to publish the Panel's Reasons for Decision of the Panel and this Order including the Member's name and the nature of the charges admitted.

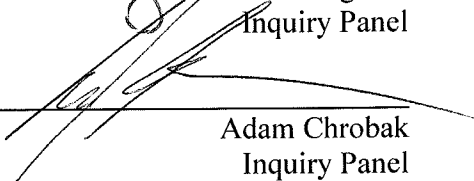
28. With regard to the issue of costs, the Panel accepts the proposal set out in the Joint Submission that the Member shall pay to MCSW costs in the all-inclusive sum of \$15,000.00 as a contribution to the investigation of the complaints, conducting the prosecution for professional misconduct and proceeding to an inquiry hearing.

29. The cost award is payable by the Member to MCSW within 30 days of date of the Order giving rise to these reasons for decision is signed by the Panel.

DATED at the City of Winnipeg in the Province of Manitoba this 4<sup>th</sup> day of June, 2021.

  
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Arliss Kurtz  
Chair, Inquiry Panel

  
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Meeka Kiersgaard  
Inquiry Panel

  
\_\_\_\_\_  
Adam Chrobak  
Inquiry Panel

Complaints #17-16, 18-09, 18-10

MANITOBA COLLEGE OF SOCIAL WORKERS

IN THE MATTER OF:

VERNA SULLIVAN,

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IN THE MATTER OF:

THE SOCIAL WORK PROFESSION ACT.

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ORDER

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Manitoba College of Social Workers  
101-2033 Portage Ave.  
Winnipeg, MB  
R3J 01K6

MANITOBA COLLEGE OF SOCIAL WORKERS

IN THE MATTER OF:

VERNA SULLIVAN,

- and -

IN THE MATTER OF:

THE SOCIAL WORK PROFESSION ACT.

ORDER

**WHEREAS** the Complaints Committee (“Complaints Committee”) of the Manitoba College of Social Workers (“MCSW” or “College”) referred three complaints (Nos. 17-16, 18-09 and 18-10) regarding the conduct of Verna Sullivan (“Member”) to the Inquiry Committee of MSCW pursuant to s. 31(1)(a) of *The Social Work Profession Act*, C.C.S.M. c. S169 (“Act”) on January 17, 2020 whereupon the Chair of the Inquiry Committee selected a Panel (“Panel”) for the hearing of the complaint pursuant to s. 42(1) of the *Act*;

**AND WHEREAS** a Notice of Hearing dated March 30, 2020 (“Notice of Hearing”), which Notice of Hearing was subsequently amended by consent and dated May 12, 2021 (“Amended Notice of Hearing”). A copy of the Amended Notice of Hearing is attached hereto as Schedule “A”. Service of the Notice of Hearing was admitted by counsel for the Member on April 3, 2020. The Amended Notice of Hearing set out the charges of professional misconduct and particulars of those charges (“Charges”);

**AND WHEREAS** the Notice of Hearing was returnable before this Panel on April 30, 2020 by way of video conferencing due to the COVID-19 pandemic;



**AND WHEREAS** the Member and the Member's legal counsel was present at the hearing of the Charges by way of video conferencing on April 30, 2020, May 10, 2021 and May 14, 2021;

**AND WHEREAS** the Member and the College have provided the Panel with a Statement of Agreed Facts and Joint Submission on Penalty dated May 13, 2021 ("Joint Submission"), a copy of which is attached hereto as Schedule "B";

**AND WHEREAS** the Joint Submission was presented to the Panel at a hearing on May 14, 2021 by way of video conferencing due to the COVID-19 pandemic, in the presence of the Member, who appeared by telephone, the Member's legal counsel who was present at the hearing, the College and its legal counsel;

**AND WHEREAS** the Panel heard submissions relating to the Joint-Submission from counsel for the Member and from counsel for the College;

**THIS PANEL FINDS THAT:**

- (a) The Member contravened Clause 5.3 of Standard 5 of the Standards of Practice for Social Workers of MCSW ("Standards");
- (b) The Member contravened Clause 5.3.1 of Guideline 5 of the Code of Ethics and Guidelines for Ethical Practice of MCSW ("Code");
- (c) The Member contravened Clauses 7.5, 7.6 and 7.7 of Standard 7 of the Standards; and
- (d) The Member contravened Clause 7.2 of Standard 7 of the Standards;

**THIS PANEL ORDERS THAT**, pursuant to s. 52(1) of the *Act*:

- (a) The Member be and is hereby reprimanded;
- (b) The Member shall acknowledge that the ethical duties set out in the Code and Standards apply to involuntary clients subject to the provisions of a Court Order that expressly displaces those duties;

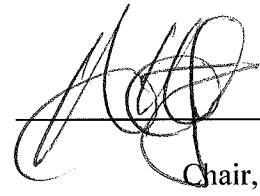
- (c) It is to be a condition of the Member 's registration with MCSW that the Member be subject to supervision by a registered social worker approved by the College for a minimum of one year. The terms of the supervision will be as follows:
- (i) The Member agrees that she shall be subject to monthly supervision by a registered social worker ("Supervisor") approved by the College for 12 monthly sessions;
  - (ii) Formal supervision must commence by July 1, 2021;
  - (iii) Monthly supervision will include the following provisions:
    - a. The Member shall use her best efforts to apply to MCSW for the approval of a proposed Supervisor by June 18, 2021. The application will include a copy of the proposed Supervisor's curriculum vitae and a cover letter written by the proposed Supervisor, outlining his/her experience as a Supervisor and his/her knowledge and appropriate understanding of the Code and Standards in social work practice. If a supervisor approved by MCSW is not identified by Ms. Sullivan by June 18, 2021, MCSW shall have the power to appoint one unilaterally;
    - b. Following approval of a Supervisor, the Member will provide MCSW with a completed and signed Authorization for Release and Exchange of Information form, in a form provided by MCSW, allowing MCSW and the Supervisor to share information for the purposes of the monitoring of her practice;
    - c. The Supervisor will provide monitoring, advice and supervision for the purpose of:
      - i. Ensuring case-specific social work services are provided in accordance with the Standards and Code;

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- ii. The review or establishment of a service contract and formal policies that are consistent with the requirements of the Standards and Code relating to disclosure of scope of services, fees and missed/cancelled appointments;
  - d. During the period of supervision set out above, the Member is responsible to submit quarterly written reports on dates identified by MCSW outlining the progress of the supervision and referencing the Code and Standards. The reports must be approved and signed by the Supervisor;
  - e. At the conclusion of the supervision period, a summary report completed by the Supervisor is to be submitted to MCSW.
- (iv) The Member shall be responsible for any and all costs associated with obtaining and maintaining supervision in accordance with this Agreement;
- (v) The Supervision shall be a condition on her Certificate of Practice and on MCSW's Register and that this condition arises as a result of her guilty pleas to charges 8, 9, 10 and 11 of the Amended Notice of Hearing. The condition on the Register will indicate that it is a consequence of guilty pleas to charges 8, 9, 10 and 11 of the Amended Notice of Hearing pursuant to s. 52(1) of the *Act*;
- (d) The Member shall pay to MCSW the all-inclusive sum of \$15,000.00 as a contribution to MCSW's costs of investigation and proceeding to an inquiry hearing within 30 days of date of this Order; and
- (e) MCSW shall be entitled to publish the Panel's Reasons for Decision of the Panel and this Order including the Member's name and the nature of the charges admitted.

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DATED at the City of Winnipeg in the Province of Manitoba this 4<sup>th</sup> day of June, 2021.



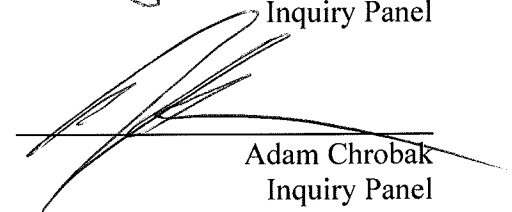
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Arliss Kurtz  
Chair, Inquiry Panel



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Meeka Kiersgaard  
Inquiry Panel



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Adam Chrobak  
Inquiry Panel