

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF AUDIOLOGISTS AND
SPEECH-LANGUAGE PATHOLOGISTS OF ONTARIO**

PANEL:	Meg Petkoff, SLP	Chair
	Vicky Papaioannou	Member
	Rosanne Lavallée	Member
	Catherine Campbell	Public Member
	Bryan De Sousa	Public Member

BETWEEN:

COLLEGE OF AUDIOLOGISTS AND
SPEECH-LANGUAGE PATHOLOGISTS
OF ONTARIO

- and -

YVONNE BRICKS
Certificate. No. 2594

)
)
) BERNIE LEBLANC for the College of
) Audiologists and Speech-Language Pathologists
) of Ontario

)
) DENA VARAH for
) the Member Yvonne Bricks

)
) SCOTT C. HUTCHISON
) Independent Legal Counsel to the Committee

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)
) Heard: July 15, 2008
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DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on July 15, 2008 at the College of Audiologists and Speech-Language Pathologists of Ontario (the "College") at Toronto.

The Allegations

A Notice of Hearing , dated May 8, 2007 containing a Statement of Allegations was filed as Exhibit No. 1.

1. The Notice of Hearing contained statements of allegations supporting the position of the College that Ms. Bricks had engaged in professional misconduct within the meaning of paragraphs 2 (failing to maintain a standard of practice of the profession), 13 (breaching an agreement with a patient or client relating to professional services for the patient or client or fees for such services), 20 (falsifying a record relating to the member's practice), 22 (signing or issuing, in the members professional capacity, a document that the member knows contains false or misleading statement), 23 (submitting an account or charge for services

that the member knows is false or misleading), 24 (charging a fee that is excessive in relation to the services charged for) and 37 (engaging in conduct or performing an act, relevant to the practice of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of O. Reg. 749/93, under the Audiology and Speech-Language Pathology Act, 1991.

College counsel informed the panel that allegations of professional misconduct as described in section 1 of o. Reg. 749/93, under the *Audiology and Speech-Language Pathology Act, 1991* and listed as 20, (falsifying a record relating to the member's practice), 22, (signing or issuing, in the member's professional capacity, a document that the member knows contains a false or misleading statement), and 23, (submitting and account or charge for services that the member knows is false or misleading), had been withdrawn.

Agreed Statement of Facts

The Member admitted the substance of the allegations against her and the hearing proceeded upon an Agreed Statement of Facts dated June 19, 2008 (filed on consent of both parties as Exhibit No. 2). It contained the following agreed upon facts:

1. Ms. Yvonne Bricks ("Ms. Bricks") was, at all material times, a speech-language pathologist registered with the College of Audiologists and Speech-Language Pathologists of Ontario.
2. Between May 2, 2003 and June 30, 2005, Ms. Bricks practiced as an independent contractor with COMCARE Health Services ("COMCARE"). Through COMCARE's agreements with two Community Care Access Centers ("CCACs"), Ms. Bricks provided services to school-aged children in several schools in York region and Scarborough. Ms. Bricks' responsibilities required that she work almost full-time in her position with COMCARE.
3. Between April 2002 and December 31, 2004, Mrs. Bricks also practiced as an independent contractor with Community Rehab. Through Community Rehab's agreement with a CCAC, Ms. Bricks provided services to school-aged children in several schools in the Brampton area and she provided services to adults. Ms. Bricks' responsibilities required that she work three to four days per week in her position with Community Rehab.
4. Between May 2003 and December 31, 2004, when Ms. Bricks practiced for both COMCARE and Community Rehab, there were many inconsistencies and discrepancies in respect of Ms. Bricks' invoices. For example, her invoices were out of order, invoice numbers were missing and visits on billing sheets and patient charts did not match Ms. Bricks' invoices. Ms. Bricks also billed for services that she did not provide.

5. Attached at Tab A is an investigator's memorandum summarizing an interview with Ms. Dominique Collado, Director of Clinical Operations of COMCARE, on December 2, 2005. During this interview, Ms. Collado identified a number of specific concerns regarding billing inaccuracies, record keeping deficiencies and communication concerns.
6. Attached at Tab B is an investigator's memorandum summarizing the investigator's analysis of Ms. Bricks' work schedule and billings between May 2003, and December, 2004, when Ms. Bricks performed contract work for both COMCARE and Community Rehab.
7. Attached at Tab C is an investigator's memorandum summarizing the investigator's interview with ~~Ms. Debbie Jones-Snyders, Director of Community Rehab~~, on July 10, 2006. During this interview, Ms. Debbie Jones-Snyders discussed billing and related policies of Community Rehab as well as the fact that Ms. Bricks' visits ere consistently much shorter than other therapists.
8. Attached at Tab D is an investigator's memorandum summarizing the investigator's interview with Ms. Dominique Collado and Ms. Karen Gluckstein of COMCARE, on July 17, 2006. During this interview, Ms. Collado and Ms. Gluckstein, like Ms. Jones-Snyders, discussed billing and related policies as well as the fact that Ms. Bricks' visits, which were often as short as 15 minutes, were consistently much shorter than other therapists, and treatment goals were sometimes not being met.
9. Attached at Tab E is an investigator's memorandum summarizing notes of concerns that had been expressed about Ms. Bricks by, among others, teachers and parents of Ms. Brick's clients.
10. Attached at Tab F is an investigator's memorandum summarizing the investigator's interview with Ms. Cathy O'Neill, a teacher at Coledale Public School, on March 29, 2007. During this interview, Ms. O'Neill explained her concerns with the care Ms. Bricks provided to a student in her class, including the fact that many of Ms Bricks' visits ere extremely short and that they were of little or no value. Ms. Bricks also failed to provide feedback so that Ms. O'Neill could assist the child.
11. The parties agree with the substance of the materials contained in these attachments.
12. On the basis of these facts, Ms. Bricks admits that she engaged in professional misconduct within the meaning of paragraphs 2 (failing to maintain a standard of practice of the profession), 13 (breaching an agreement with a patient or client relating to professional services for the patient or client or fees for such services), 37 (engaging in conduct or

performing an act, relevant to the practice of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of O. Reg. 749/93, under the Audiology and Speech Language Pathology Act, 1991.

13. The parties hereby accept these facts as accurate.
14. Ms. Bricks understands the nature of the allegations that have been made against her and that by voluntarily admitting these allegations, she waives her right to require the College to otherwise prove the case against her.
15. Ms. Bricks further understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.

16. Ms. Bricks further understands that depending on any penalty ordered apply the Discipline Committee, the Panel's decision and reasons may be published, including the facts contained herein and her name.
17. Ms. Bricks further understands that any agreement between the College and the member does not bind the Discipline Committee.
18. Ms. Bricks acknowledges that she has had the opportunity to receive, and has in fact received, legal advice.

Member's Plea

The Member admitted to the allegations of professional misconduct as enumerated in the Agreed Statement of Facts (Exhibit #2). Specifically, Ms. Bricks admitted that she engaged in professional misconduct (as outlined in paragraph 12 of the Agreed Statement of Facts) within the meaning of paragraphs 2 (failing to maintain a standard of practice of the profession), 13 (breaching an agreement with a patient or client relating to a professional services for the patient or client or fees for such services), 24 (charging a fee that is excessive in relation to the services charged for) and 37 (engaging in conduct or performing an act, relevant to the practice of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of O. Reg. 749/93, under the *Audiology and Speech Language Pathology Act, 1991*.

The parties made submissions respecting the finding of professional misconduct and the panel withdrew to deliberate.

Decision on Misconduct

The panel was satisfied that the conduct described in the Agreed Statement of Facts (Exhibit #2) constituted professional misconduct as defined by paragraphs 2, 13, 24, and 37 of section 1 of O. Reg. 749/93 under the *Audiology and Speech-Language Pathology Act, 1991*. It, therefore, found that the Member had committed acts of professional misconduct.

Penalty

Counsel for the College advised the panel that the parties were presenting a Joint Submission as to Penalty, dated July 15, 2008, marked as Exhibit 3. The Joint Submission contained the following statements:

1. The College of Audiologists and Speech-Language Pathologists of Ontario and Yvonne Bricks ("the member") agree and jointly submit that the Discipline Committee make an order:
 - a. Requiring the member to appear before the Panel to be reprimanded;

 - b. Directing the Registrar to suspend the member's certificate of registration for a period of four consecutive weeks, such suspension to commence on a date to be fixed by the Registrar but in any event to commence no later than September 2, 2008.
 - c. The member pay the College's costs in the amount of \$3,000.00 within (6) months of the date of this hearing.
2. The member acknowledges that this matter will be publicized in the usual manner through, among other things, CASLPO Today which publication will include, among other things, the member's name.
3. The member acknowledges that this Joint Submission as to Penalty is not binding upon the Discipline Committee.
4. The member acknowledges that she has had the opportunity to receive, and has in fact received, legal advice.

Reasons for Penalty Decision

The panel concluded that the proposed penalty is reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty, has accepted responsibility for her actions and has avoided unnecessary expense to the College.

There are several audiences for this Order on Penalty.

- The public, which has to be assured that the College takes this misconduct very seriously and that it is capable of policing the profession and protecting the public. In that regard, the Panel determined that the impact of the suspension of Ms. Bricks certificate of registration would send a clear message to the Public that proven acts of professional misconduct would result in significant consequences.

- The profession, which should understand that this type of behaviour is totally unacceptable. Pursuant to the *Regulated Health Professions Act, 1991*, the decision will be published in *CASLPO Today*. Publishing the decision and relevant facts regarding the case and panel deliberations sends a message to the profession that this type of behaviour constitutes professional misconduct and will be addressed as such. It sends a message to the membership that the College will pursue its obligation to protect the public and to seriously address issues of proven professional misconduct. The membership will be informed of the consequences of this action with the intent to confirm the seriousness with which the College addresses these issues and to act as a potential deterrent against similar action by other members of the profession.
- The public, as represented by the students for whom Ms. Bricks was paid to provide service. ~~The panel determined that Ms. Bricks' denial of services to students was particularly~~ egregious due to their vulnerability and inability to advocate for themselves. The panel determined that the penalty imposed represented the seriousness of the misconduct.
- The profession, which must be sent a message that not only will the College not tolerate this type of behaviour, but the membership itself finds this type of behaviour reprehensible and, as such, wants to communicate through this decision, that it considers this behaviour as "tarnishing" the reputation of the profession and as such, will not tolerate it.
- The Member, who must suffer the consequences for her actions to ensure that the behaviour will not occur again. To that end, the panel considered the financial penalty imposed to be significant enough to act as a deterrent.

The panel noted that the Member's employment at the time of the misconduct was through the school system. It is important that any suspension imposed on a Member of this College by the Discipline Committee in a case like this be meaningful. If the Member were still employed through the school system a suspension in the summer months would be less significant than one to be served during the school year. We received information from counsel that the Member is no longer so employed. In this regard we did direct the Registrar to take the nature of Member's present employment into consideration when determining the start date for the four week suspension of the Member's certificate of registration..

Order

The panel therefore orders that:

- a. the Member appear before the panel to be reprimanded;
- b. the Registrar suspend the Member's certificate of registration for a period of four (4) consecutive weeks, such suspension to commence on a date to be fixed by the Registrar but, in any event, to commence no later than September 2, 2008; and
- c. the Member pay the College's costs in the amount of \$3,000.00 within six (6) months of the date of this hearing.

I, Meg Petkoff, SLP, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel as listed below:

Meg Petkoff
Chair

September 29/08
Date

Catherine Campbell
Brian De Sousa
Rosanne Lavalley
Vicky Papaioannou
