

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF OCCUPATIONAL THERAPISTS OF ONTARIO**

BETWEEN:

COLLEGE OF OCCUPATIONAL THERAPISTS OF ONTARIO

- and -

DANIELLE NAUMANN or DANIELLE NAUMANN-BARR

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Occupational Therapists of Ontario (the "College") has referred specified allegations against Danielle Naumann to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code"). The Statement of Allegations is attached to this Notice of Hearing. A panel of the Discipline Committee of the College will hold a hearing under the authority of sections 38 to 56 of the *Code*, as amended, for the purposes of deciding whether the allegations are true. A discipline panel will convene at a location to be determined by the Registrar and on a date and time to be determined by the Registrar, or as soon thereafter as the panel can be convened, for the purposes of conducting the discipline hearing.

IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that a member such as yourself has engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program required under section 85.7 of the *Code*.
7. If the panel makes an order under paragraph 6, require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Code*, as amended. You, or your representative, may contact the solicitor for the College in this matter:

Rebecca Durcan
Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street
Suite 2308, P.O. Box 23

Toronto, ON M5H 2Y4

Telephone: (416) 644-4783

Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the *Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

You must also make disclosure in accordance with the *Discipline Committee Rules of Procedure*, which states as follows (please refer to the whole rule so you are fully informed):

7.01(1) A party to a hearing shall, at least ten (10) days before the pre-hearing conference,

(a) disclose to the other party the existence of every document and thing that the party will refer to or give in evidence at the hearing; and

(b) produce to the other party a list of witnesses and a witness statement for any witness to be called by that party, or for any witness where a statement does not exist, a summary of the evidence that the witness will give at the hearing, including in either case, the name and contact information for the witness, the substance of the evidence of the witness and any document that the witness will refer to.

7.01(2) Where a party discovers a document or thing that it will refer to or give in evidence at the hearing or discovers a witness or additional substance of the evidence of an already identified witness after the disclosure date specified in subrule 7.01(1), the party shall make the disclosure immediately after the discovery.

Date: February 8, 2024



Elinor Larney
Registrar
College of Occupational Therapists of
Ontario

TO: Danielle Naumann or Danielle Naumann-Barr
c/o Victoria Tremblett
Wise Health Law
200 – 586 Argus Road
Oakville, ON L6J 3J3
Canada

STATEMENT OF ALLEGATIONS

The Registrant

1. At the material times, Danielle Naumann (the “Registrant”) was a duly registered member of the College of Occupational Therapists of Ontario (the “College”). The Registrant was first registered with the College in 2012.

Client A

2. It is alleged that Client A had complex traumatic injuries and had heightened vulnerabilities including but not limited to difficulty trusting people.

3. It is alleged that pursuant to WSIB funding, the Registrant commenced treating Client A in approximately November 2018 to assist Client A understand his current functional abilities related to his mental health issues.

4. It is alleged that the Registrant engaged in psychotherapeutic counselling with Client A.

5. It is alleged that WSIB agreed to fund Client A’s therapy until approximately August 2019. It is alleged that in approximately September 2019, the Registrant sought additional funding for Client A from WSIB and despite their initial refusal, continued to treat Client A pro bono. It is alleged that the Registrant did not advise Client A of this fact and/or receive consent from Client A to continue with the treatment.

6. It is alleged that on or about March 27, 2020, WSIB agreed to fund treatment for Client A from March 30-April 14, 2020. It is alleged that the Registrant did so and advised Client A that he could return to the Registrant for “informal supports.” It is alleged that Client A did so repeatedly after April 2020 including but not limited to sending photos of a lime tree that he had purchased during an appointment with the Registrant and/or asking to go for a walk with the Registrant in the Spring of 2021 where his future business plans were discussed.

7. It is alleged that as a result of her offer of “informal supports” and Client A reaching out and engaging in matters that were therapeutic in nature, the Registrant continued the client-therapist relationship with Client A after April 14, 2020.

8. It is alleged that shortly after the walk described in paragraph 6, the Registrant sent Client A a real estate listing for a possible business. It is

alleged that the Registrant and her spouse entered into a business with Client A and his spouse shortly thereafter. It is alleged that the Registrant should not have commenced this business relationship with Client A as there was still a therapeutic relationship or insufficient time had passed in light of the vulnerabilities of Client A.

9. It is alleged that the business and/or the conduct of the Registrant and her spouse caused Client A a great deal of stress and/or exacerbation of symptoms already known to the Registrant.

10. It is alleged that the termination of the business relationship between the Registrant and Client A caused great distress to Client A. It is alleged that during and/or following the termination of the business, the Registrant told Client A to not speak with her.

11. It is alleged that the Registrant acted in a conflict of interest with Client A.

12. It is alleged that the Registrant blurred her professional responsibilities and obligations with Client A.

13. It is alleged that Client A believed he and the Registrant were friends.

14. It is alleged that the Registrant entered into a friendship with Client A.

15. It is alleged that the Registrant engaged in inappropriate self-disclosure with Client A.

16. It is alleged that the Registrant created a dependency of Client A on the Registrant.

Client B

17. It is alleged that Client B had severe anxiety and heightened vulnerabilities.

18. It is alleged that pursuant to WSIB funding, the Registrant commenced treating Client B in approximately October 2018 to assist Client B with return-to-work activities.

19. It is alleged that the Registrant engaged in psychotherapeutic counselling with Client B.

20. It is alleged that WSIB agreed to fund Client B's therapy until approximately May 2020. It is alleged that the Registrant did so and advised Client B that she could return to the Registrant for "informal supports." It is alleged that Client B did so repeatedly after May 2020, approximately every

six weeks, including but not limited to informal coaching and/or therapeutic support.

21. It is alleged that as a result of her offer of “informal supports” and Client B reaching out and engaging in matters that were therapeutic in nature, the Registrant continued the client-therapist relationship with Client B after May 2020.

22. It is alleged that in or around May 2021 the Registrant hired Client B to be her personal driver, which included Client B driving the Registrant’s children to school. It is alleged that the Registrant should not have commenced this financial relationship with Client B as there was still a therapeutic relationship or insufficient time had passed in light of the vulnerabilities of Client B.

23. It is alleged that the Registrant permitted Client B to volunteer her services at the business described in paragraph 8. It is alleged that the Registrant should not have commenced this relationship with Client B as there was still a therapeutic relationship or insufficient time had passed in light of the vulnerabilities of Client B.

24. It is alleged that the Registrant acted in a conflict of interest with Client B.

25. It is alleged that the Registrant blurred her professional responsibilities and obligations with Client B.

26. It is alleged that Client B believed she and the Registrant were friends.

27. It is alleged that the Registrant entered into a friendship with Client B.

28. It is alleged that the Registrant engaged in inappropriate self-disclosure with Client B.

29. It is alleged that the Registrant created a dependency of Client B on the Registrant.

Professional Misconduct Alleged

30. It is alleged that the above conduct constitutes professional misconduct pursuant to one or more of the following:

- a. Clause 51(1)(c) of the Health Professions Procedural Code and as defined in one or more of the following paragraphs of section 1 of Ontario Regulation 95/07 made under the *Occupational Therapy Act, 1991*:

- i. **Paragraph 1** (Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession); and/or
- ii. **Paragraph 2** (Abusing a client or a client's authorized representative verbally, physically, psychologically or emotionally); and/or
- iii. **Paragraph 18** (Practising the profession while the member is in a conflict of interest) and/or
- iv. **Paragraph 48** (Engaging in conduct or performing an act, relevant to the practise of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional); and/or
- v. **Paragraph 49:** (Engaging in conduct that would reasonably be regarded by members as conduct unbecoming an occupational therapist).

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
3. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

DISCIPLINE COMMITTEE OF THE
COLLEGE OF OCCUPATIONAL
THERAPISTS OF ONTARIO

NOTICE OF HEARING

STEINECKE MACIURA LEBLANC

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Toronto, ON M5H 2Y4

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Solicitors for the College of Occupational
Therapists of Ontario