

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

B E T W E E N:

COLLEGE OF OCCUPATIONAL THERAPISTS OF ONTARIO

- and -

JENNIFER SWEENEY

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Occupational Therapists of Ontario (the “College”) has referred specified allegations against Jennifer Sweeney 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 *Rules of Procedure of the Discipline Committee*, which states as follows:

11.1 Each Party to a Proceeding shall deliver to every other Party (a) a list of, and (b) if not previously produced, copies of, all documents and things that the Party intends to produce or enter as evidence at the Hearing on the merits, in the case of the College, as soon as is reasonably practicable after the Notice of Hearing is served, and in the case of any other Party, as soon as is reasonably practicable after disclosure by the College under this Rule, but in any case at least ten (10) days before the commencement of the Hearing on the merits.

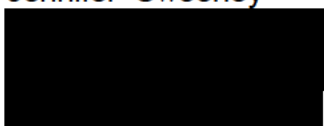
11.2 A Party who does not disclose a document or thing in compliance with sub-rule 11.1 may not refer to the document or thing or introduce it in evidence at the Hearing on the merits without leave of the Panel, which may be on any conditions that the Panel considers just.

Date: November 5, 2020

*Elinor Larney*

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Elinor Larney  
Registrar  
College of Occupational Therapists of  
Ontario

TO: Jennifer Sweeney



## STATEMENT OF ALLEGATIONS

1. At the material times, Jennifer Sweeney (née Sibley) (the "Registrant") was a duly registered occupational therapist in Ontario.
2. At the material times, the Registrant practised occupational therapy at the Windsor Regional Hospital in Windsor, Ontario.

### **The Client**

3. From in or around May 2009 to in or around September 2009, the Client was a male patient at the Windsor Regional Hospital. The Client had suffered a stroke in April 2009. The Client also had a history of depression that was recorded in his hospital record.
4. From in or around August 2009 to in or around September 2009, the Registrant provided in-patient occupational therapy services to the Client.
5. It is alleged that from shortly after the Client's discharge from the Windsor Regional Hospital, in or around September 2009, until in or around 2011, the Registrant had a personal relationship with the Client, which included one or more of the following:
  - a. Allowing the Client to come to her home to use her computer during the day when she was at work; and/or
  - b. Giving the Client rides to church and taking him to pick up groceries; and/or
  - c. Hosting a birthday party for the Client; and/or
  - d. Attending at the hospital with the Client in or around July 2010 after he suffered a seizure in the Registrant's home; and/or
  - e. Attending Christmas dinner with the Client and his family; and/or
  - f. Going on a trip to Florida with the Client; and/or
  - g. Living with the Client; and/or
  - h. Engaging in a sexual relationship with the Client; and/or
  - i. Describing herself as, or allowing herself to be described as, the Client's fiancée and/or wife.
6. The College of Occupational Therapists of Ontario's Standards for Professional Boundaries, in effect as of April 2009, provided that registrants should not enter

into personal relationships with clients until two years had passed since the therapeutic relationship had ended, unless the client was especially vulnerable, in which case the registrant should never enter into a personal relationship with the client.

### **Professional Misconduct Alleged**

7. It is alleged that the above conduct constitutes professional misconduct pursuant to Clause 51(1(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* and as defined in one or more of the following paragraphs of section 1 of Ontario Regulation 95/07 under the *Occupational Therapy Act, 1991*:
  - a. 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
  - b. paragraph 4 (Engaging in misconduct of a sexual nature involving someone, other than a client, in relation to whom the member is in a position of authority or trust); and/or
  - c. paragraph 48 (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); and/or
  - d. 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.

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DISCIPLINE COMMITTEE OF THE  
COLLEGE OF OCCUPATIONAL  
THERAPISTS OF ONTARIO

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**NOTICE OF HEARING**

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**STEINECKE MACIURA LEBLANC**

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Suite 2308, P.O. Box 23  
Toronto, ON M5H 2Y4

**Rebecca C. Durcan, LSO #45930V**

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E-Mail: [rdurcan@sml-law.com](mailto:rdurcan@sml-law.com)

Solicitors for the College of Occupational  
Therapists of Ontario