

IN THE MATTER OF:

***THE PSYCHOLOGISTS REGISTRATION ACT,
C.C.S.M. c. P190***

AND IN THE MATTER OF:

**CHARGES OF PROFESSIONAL MISCONDUCT
AND DR. RICHARD SHORE, Ph.D., C.Psych.**

BETWEEN:

**THE COMPLAINTS COMMITTEE OF THE
PSYCHOLOGICAL ASSOCIATION OF MANITOBA**

-and-

DR. RICHARD SHORE, Ph.D., C.Psych.

**REASONS OF THE INQUIRY COMMITTEE PANEL
OF THE
PSYCHOLOGICAL ASSOCIATION OF MANITOBA**

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REASONS OF THE INQUIRY COMMITTEE PANEL

Members of the Inquiry Committee Panel:

Jim Newton
Lesley Koven
Ian Hughes, Public Representative

Counsel for the Complaints Committee:	Blair Graham
Counsel for the Discipline Panel:	Ted Bock
Counsel for the Member:	Bernice Bowley

Member:	Dr. Richard Shore
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The Complaints Committee of the Psychological Association of Manitoba (“PAM”) issued three charges against Dr. Richard Shore. The hearing into those charges took place on Monday, May 7, 2018. At the hearing, Dr. Shore pleaded guilty. Counsel presented a joint recommendation on disposition of the charges. This Panel accepted counsel’s joint recommendation (marked as Exhibit 5), and gave effect to it by order at the hearing. The Panel told counsel that in due course written reasons would be provided, and these are the Panel’s reasons.

Facts giving rise to the three charges

A statement of agreed facts was tendered at the hearing and marked as Exhibit 3. The following summary of the facts giving rise to the charges is taken from that statement.

Dr. Shore obtained his Ph.D. in Psychology from the University of Windsor in 1987. He was entered in the Register of PAM in 1989. He has been engaged in private practice since 1991.

Dr. Shore does have one previous conviction for professional misconduct, in 2007, for which he was suspended for two months.

Charge No. 1

The first of the matters that give rise to the charges heard by this Panel began with a complaint dated March 10, 2015. The complainant, Ms A, complained that while she was employed by Dr. Shore he developed a personal relationship with her that went beyond a strictly collegial, employer/employee relationship.

Dr. Shore admitted, and this Panel therefore found, that Dr. Shore repeatedly attempted to position himself as a provider of psychological care for Ms A, although she was not his client, including by offering her opportunities to “talk” and “vent”, and offering to teach her psychological stress management techniques. Dr. Shore continued to offer advice to Ms A, ostensibly based on his knowledge as a psychologist, despite Ms A’s repeated rejections of those offers. In short, Dr. Shore failed to maintain proper professional boundaries between himself and his employee.

In addition, Dr. Shore counselled Ms A to take prescription medication, offered to supply her with such medication, and on occasion provided her with medication. As has already been noted, Dr. Shore had no professional relationship with Ms A. Moreover, he had no prescribing privileges.

Charge No. 2

Charge No. 2 involved a former client of Dr. Shore's, Ms B. In late July 2016 Dr. Shore was contacted by Ms B, to whom he had provided psychological services in 2013. In July 2016 Ms B engaged Dr. Shore's services in order to obtain documentation relating to the diagnosis made by Dr. Shore in 2013, and in order to conduct a current assessment of her. That current assessment was required in order for Dr. Shore to provide a report as to Ms B's current condition for the purpose of an appeal of a decision which had been made denying Ms B's claim for wage loss benefits as a result of being a victim of crime.

When Ms B approached Dr. Shore his registration with PAM and his licence to practice psychology had been cancelled as a result of his failure to pay his 2016 annual registration fees. Dr. Shore's registration and licence were cancelled from July 5, 2016 until September 7, 2016.

Dr. Shore didn't advise Ms B that his registration and licence had been cancelled, and that he was therefore unable to provide the requested services. Instead, he proceeded to provide counselling services to her on at least four occasions in July and August 2016. To make matters worse, he failed to provide to Ms B the documentation and assessment report which she required in order to advance her appeal, despite assuring her that he would do so. Finally, he misled Ms B by making false statements to her about the status of his efforts.

Charge No. 3

The third charge against Dr. Shore stems from Charge No. 2 and his interactions with Ms B. Dr. Shore continued his private practice as a registered psychologist between July 5 and September 7, 2016 when he knew that he was not licenced to do so in the Province of Manitoba. When this came to light, Dr. Shore falsely told the Chair of the Complaints Committee that he had only treated one client during that period, and then only because those services were required on a time-sensitive basis. In fact, Dr. Shore had continued to see all of the clients in his practice, a total of approximately six to eight per week, during that time.

Discussion

The charges against Dr. Shore involve subsections 7.7, 9.2 and 10.15 of the Code of Conduct of PAM. Subsection 7.7 provides:

Unprofessional behavior

A registrant must not engage in conduct or perform an act that, having regard for all the circumstances, would be regarded by registrants as unbecoming, disgraceful, dishonourable or unprofessional.

Subsection 9.2 provides:

Accurate representation of credentials

A registrant must accurately represent and must not exaggerate his or her area(s) of competence, education, training, experience and professional affiliations to the College, to the general public and to his or her colleagues.

Finally, subsection 10.15 provides:

No false or deceptive statements

A registrant must not make public statements that are false, deceptive, misleading, or fraudulent, because of what he or she states, conveys, or suggests, or because of what he or she omits, concerning his or her research, practice, or other work activities or that of persons or organizations with which he or she is affiliated. As examples, and without limiting this standard, a registrant must not make false or deceptive statements concerning his or her

- (a) training, experience, or competence,
- (b) academic degrees and credentials,
- (c) institutional or association affiliations,
- (d) fees,
- (e) scientific or clinical basis for, or results or degree of success of his or her psychological services, and
- (f) publications or research findings.

The Panel finds that by his conduct Dr. Shore violated these subsections of the Code, and thereby committed professional misconduct.

Counsel presented the Panel with a joint recommendation on disposition. In doing so, counsel for both parties reminded the Panel that as a matter of law a joint recommendation should only be rejected if its acceptance would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.

The Panel accepts the joint recommendation as a realistic, measured and humane approach to a serious situation. Dr. Shore has been cooperative throughout these proceedings, he has expressed his remorse, and has demonstrated his resolve to address these matters constructively. He has been practicing under supervision since April 2017. He willingly underwent a fitness to practice assessment in July 2017, at his own expense, and at that time the assessor concluded that Dr. Shore did not lack the capacity to practice as a psychologist. The assessor did recommend certain restrictions on his practice, and those restrictions are reflected in the joint recommendation.

In particular, the joint recommendation imposes significant conditions on Dr. Shore's practice. Under its very detailed terms, he will practice under the supervision of Dr. Lesley Enns. In the words of counsel for the Complaints Committee, the terms of the joint recommendation contemplate "real, tangible and rigorous supervision" of Dr. Shore by Dr. Enns. The supervisory period is to last for at least one year. The stated objectives of the supervision are to satisfy Dr. Enns that Dr. Shore is practicing competently and reasonably within his areas of competence, and that he establishes and maintains appropriate and professional boundaries with all of his clients.

Viewed from the perspective of a reasonably informed member of the public, the joint recommendation is an appropriate disposition of these charges. They provide for the protection of the public. Dr. Shore has accepted a reprimand, and that reprimand carries with it the sting of professional denunciation. The principles of specific and general deterrence are also well served: Dr. Shore ought to be influenced by this order not to engage in any further misconduct, and the profession as a whole should find his experience instructive. The public's confidence in PAM's regulation of the profession is upheld. Dr. Shore is provided with a meaningful opportunity to rehabilitate himself.

The Complaints Committee has taken into account Dr. Shore's difficult personal and straitened financial circumstances by not requesting a fine or order as to costs. The Panel agrees that this is appropriate. Dr. Shore is an experienced practitioner, and in the past he has demonstrated that he can practice competently. It is in the interests of the profession and the public that he succeed in his efforts to remain in practice. A fine or an order of costs would severely impede those efforts.

The Panel also notes that the joint recommendation specifically provides that a breach of any of its terms by Dr. Shore shall constitute a further act of professional misconduct, and that this may be proved without a hearing, simply by providing a letter from the Chair of the Complaints Committee certifying that such a breach has occurred. On first impression this may seem harsh. But this is Dr. Shore's second conviction for professional misconduct. He should apply himself diligently in order to avoid a third, because it is very likely that a third conviction would carry with it profound consequences.

The Panel therefore accepts the joint recommendation of counsel. An anonymized version of the joint recommendation is attached hereto as Appendix "A", and this Panel hereby adopts its terms and orders accordingly.

DATED this 15 day of May, 2018

A handwritten signature in dark ink, appearing to read 'Jim Newton', is written over a horizontal line.

Jim Newton on behalf of the Panel

REASONS APPENDIX 'A'

JOINT RECOMMENDATION AS TO DISPOSITION

1. Pursuant to section 41(1)(c) of By-law No. 1 of the Psychological Association of Manitoba ("PAM"), under *The Psychologists Registration Act, CCSM*, Richard Shore, Ph.D., CPsych. ("Dr. Shore") shall be reprimanded.
2. Pursuant to section 41(1)(e) of PAM's By-law No. 1, the following conditions shall be imposed upon Dr. Shore's entitlement to practice psychology in the Province of Manitoba:
 - i) He shall practice psychology under the supervision of Dr. Lesley Enns, Ph.D., CPsych. (hereinafter referred to as "Dr. Enns"). The objectives of the supervision will be to satisfy Dr. Enns that:
 - a) Dr. Shore is practicing within his areas of competence;
 - b) Dr. Shore is providing professional services to his clients competently, and within the reasonable standards of the psychological profession in Manitoba;
 - c) Dr. Shore is establishing and maintaining the appropriate and professional boundaries with all of his clients; and

- d) the quality and organization of the Dr. Shore's files and records are improving, particularly the quality of Dr. Shore's clinical notes and memoranda;
- ii) The period of supervision will be at least one year, from January 1, 2018 (the "supervisory period"). The supervisory period may be extended if, in the opinion of Dr. Enns, a further period of supervision is required in order to fulfill any of the objectives outlined above;
- iii) The supervision shall consist of meetings between Dr. Enns and Dr. Shore occurring at least once per month (or more frequently at the discretion of Dr. Enns) which meetings shall be at least one hour in duration. Dr. Enns shall be entitled to review whatever aspects of Dr. Shore's practice she considers necessary, including the review of any or all patient/client files and chart notes. Dr. Enns' review shall focus on files on which there is an intersection between Dr. Shore's own vulnerabilities as demonstrated by the charges of professional misconduct relating to the complaints against him and those vulnerabilities outlined in the Comprehensive Occupational Assessment Program report dated July 3, 2017. Dr. Enns' review shall also focus on any files in which she believes there may be risks of boundary violations inherent in particular files;

- iv) Part of the supervision to be provided by Dr. Enns will consist of discussions between Dr. Enns and Dr. Shore of individual patient/client files including the treatment plan, and progress in realizing the objectives of any such plan, with particular emphasis on providing effective treatment while maintaining appropriate professional boundaries. Dr. Enns, in her capacity as supervisor/mentor, shall be entitled to recommend that Dr. Shore not undertake counselling or treatment of any particular patient/client or that his ongoing treatment or counselling of any particular patient/client be discontinued, and that any particular patient/client be referred to another psychologist or other appropriate therapist. Dr. Shore shall be obliged to accept any such recommendations that may be made by Dr. Enns;

- v) The supervision shall also consist of regular reviews and discussions of the chart notes and other file memoranda being prepared and maintained by Dr. Shore with the objective of ensuring the adequacy of those notes and memoranda with an emphasis on recording sufficient clinical observations relative to treatment and outlining an appropriate and informative history. The supervision will also address the necessity of Dr. Shore making notes about non-session related interactions (e.g. telephone calls, interactions with referral sources, etc.) and in ensuring that all

relevant document and notes with respect to those interactions are stored in his client files.

- vi) The supervision hereunder may also include a periodic review of the forms being utilized by Dr. Shore in his practice including Release of Information and Consent to Treatment forms;
- vii) Dr. Enns shall be entitled on her own initiative or at the request of the Complaints Committee to provide periodic written reports to the Complaints Committee as to the progress of the supervision and to make whatever recommendations she deems best advisable for any changes to the supervision program. The Complaints Committee agrees to promptly provide to Dr. Shore any written report from Dr. Enns relating to her supervision of Dr. Shore;
- viii) The Complaints Committee shall be entitled to make whatever changes it deems best advisable to the supervision program provided such changes are based on the recommendations of Dr. Enns. Dr. Shore shall be obliged to comply with those changes;
- ix) Immediately prior to the end of the supervisory period, which shall be December 31, 2018, or such later date, if extended hereunder, Dr. Enns shall provide a final written report of her supervision of Dr. Shore to the Complaints Committee, which report shall include a recommendation as to whether Dr. Shore shall be permitted to

practice psychology in the Province of Manitoba, either with or without supervision, and with respect to any conditions which shall be placed upon his entitlement to do so, including any ongoing restrictions on the areas of psychological practice in which he may engage. The Complaints Committee shall promptly provide the final written report of Dr. Enns of her supervision to Dr. Shore;

- x) It is understood and acknowledged by Dr. Shore that Dr. Enns will not be accepting Dr. Shore's clients as her clients, and will not be accepting professional responsibility for the care, counselling or treatment of those clients by conducting the supervision hereunder, or by reviewing the information contained in the files, charts and records relating to clients, being maintained by Dr. Shore; and
- xi) As part of the supervision, Dr. Shore will obtain a consent to be signed by all of clients, including any new clients who engage Dr. Shore during the period of the supervision, authorizing Dr. Enns to have access to each clients' personal health information as contained in the files, charts and records being maintained by Dr. Shore.
- xii) During the period of supervision, Dr. Shore shall be entitled to continue to treat adult clients with anxiety, depression, relationship difficulties and Post-Traumatic Stress Disorder, who have some concurrent Cluster A and/or Cluster C personality disorder traits.

Dr. Shore will continue to use a Cognitive Behavioural Therapy approach in the treatment of such clients. It is recognized and acknowledged by Dr. Shore that in the past, he has encountered difficulties in treating clients with strong Cluster B personality disorder traits. Therefore, Dr. Shore shall not engage in the treatment of pure personality disorders or in the treatment of clients with strong concurrent Cluster B personality disorder traits for anxiety, depression, relationship difficulties and Post Traumatic Stress Disorder. It is recognized and acknowledged by Dr. Shore that Dr. Enns will likely recommend that any ongoing treatment or counselling of such clients be discontinued and that any particular clients with those features will be referred to another psychologist or appropriate therapist.

xiii)(a) During the period of supervision, Dr. Shore will limit his practice to the treatment of adults and will refrain from practicing in areas including being an expert witness in court cases, child custody and access cases, parental capacity assessments, and formal psychometric assessments.

xiii)(b) During the period of supervision Dr. Shore shall not take on any new patients or referrals from institutional or third party insurers, including the Workers Compensation Board or the Manitoba Public Insurance Corporation involving vocational rehabilitation cases.

Further, he will not involve himself with any clients or referrals relating to vocational rehabilitation programs.

3. Dr. Shore shall continue engaging in ongoing education with respect to the importance of establishing appropriate clinical boundaries with his patients/clients. Such educational courses shall be taken over time and shall be chosen on the basis of the courses effectively addressing Dr. Shore's own specific vulnerabilities as exhibited in the complaints against him`.
4. Dr. Shore will participate in ongoing psychotherapy with a psychiatrist or a psychologist to assist him in identifying and managing his personal vulnerabilities relating to both his professional and personal life. Such psychotherapy shall continue, for at least as long as the supervision period.
5. Dr. Shore must pay for all costs related to the conditions on his license, including the costs of any continuing education, the costs of any ongoing psychotherapy and the costs of any supervision, mentoring and monitoring, including any costs associated with the provision of written reports by Dr. Enns to the Complaints Committee.
6. If there is any disagreement between Dr. Shore and PAM, or any of its committees, respecting any aspect of this Joint Recommendation or any Inquiry Panel Order based on this Joint Recommendation, including any disagreement with respect to whether Dr. Shore shall be permitted to practice psychology in the Province of Manitoba following the supervision period, or with respect to what

conditions, if any, may be imposed upon Dr. Shore's entitlement to practice psychology in Manitoba beyond the supervision period, or with respect to any restrictions on the areas of psychological practice in which Dr. Shore may engage following the supervision period, any such disagreement may be remitted by either the Complaints Committee or Dr. Shore to a Panel of the Inquiry Committee. The Inquiry Committee shall have the exclusive jurisdiction to resolve such disagreement.

7. There shall be publication of a summary of the allegations contained in the three charges of professional misconduct and the outcome of the proceedings before a Panel of the Inquiry Committee with reference to Dr. Shore by name. The publication will be made in the PAM newsletter and on the PAM website. Details of the charges and of Dr. Shore's guilty plea to the charges will also be provided to the Inter-Jurisdictional Disciplinary Databank maintained by the Association of State and Provincial Psychology Boards.
8. A breach by Dr. Shore of any of the terms of this Joint Recommendation, or of any of the terms of any Inquiry Panel Order based on this Joint Recommendation, will constitute a further act of professional misconduct by Dr. Shore. A letter from the Chair of the Complaints Committee certifying that such a breach has occurred shall be conclusive evidence of further professional misconduct without the need for any additional investigation or formal proof of such misconduct.

DATED this 3rd day of May, 2018.