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**THE DISCIPLINE COMMITTEE OF THE COLLEGE
OF PHYSICIANS AND SURGEONS OF ONTARIO**

IN THE MATTER OF a Hearing directed
by the Complaints Committee of
the College of Physicians and Surgeons
of Ontario, pursuant to Section 38 to 56
of the *Health Professions Procedural Code*
of the *Regulated Health Professions Act 1991*,
S.O.1991, c. 18 as amended.

BETWEEN:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

and

DR. DIANA SILVER WYATT

PANEL MEMBERS: DR. R. MACKENZIE (CHAIR)
DR. B. ADAMS
DR. M. SPRUYT
J. FREDERICK
R.J. SANDERS

HEARING DATE(S): November 29 – December 1, 1999

DECISION/RELEASE DATE: December 3, 1999

PENALTY HEARING DATE: February 28-29, 2000

**PENALTY DECISION/
RELEASE DATE:** June 26, 2000

(please note, there is no separate penalty document)

PUBLICATION BAN

DECISION AND REASONS FOR DECISION

A hearing before the Discipline Committee of the College of Physicians and Surgeons of Ontario with regard to allegations concerning Dr. Wyatt was held in Toronto on November 29 to December 1, 1999, and on February 28 and 29, 2000. An Amended Notice of Hearing was entered as an Exhibit, and the College proceeded with the allegations of professional misconduct in paragraphs 1b and 3, as set out below. Additional allegations in the Amended Notice of Hearing were withdrawn prior to the commencement of the hearing and, accordingly were not considered by the Committee.

PUBLICATION BAN

At the commencement of the hearing, the Committee ordered a ban on publication of paragraph 8 of the Agreed Statement of Facts. The Decision and Reasons for Decision (the “Reasons”) refer to that paragraph. The Committee has underlined that paragraph, which will be deleted from the Reasons by the Discipline Office so as not to contravene the publication ban.

ALLEGATIONS

It was alleged that Dr. Wyatt has committed an act of professional misconduct as defined in:

1(b). clause 1(1)33 of Ontario Regulation 856/93 in that she committed an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;

3. paragraph 29.3 of Ontario Regulation 548/90 for the period 1992-1993 in that she failed to maintain the records that are required to be kept respecting a member's patients and clause 1(1)27 of Ontario Regulation 856/93 and sections 18, 19 and 21 of Ontario Regulation 114/94 in that she failed to make, retain or make available required patient records.

PLEA

Dr. Wyatt pleaded not guilty to the allegations in the Amended Notice of Hearing.

EVIDENCE

At the outset of the hearing, an Agreed Statement of Facts was entered as an Exhibit and presented to the Committee. The following facts were thereby established:

1. Dr. Diana Silver Wyatt is a family physician in Kingston. From May 1988, to July 1994, Dr. Wyatt was the complainant's physician. The nature and duration of that therapy relationship is evidenced by the medical records of the complainant.
2. The complainant met Ms.A in October of 1992, and they started living together in an intimate relationship shortly thereafter. In October of 1992, the complainant told Dr. Wyatt that Ms. A was looking for a psychotherapist. Ultimately, Dr. Wyatt began to provide Ms. A with medical care, a significant component of which involved psychotherapy. Ms. A attended at Dr. Wyatt's office for the first time in December 1992. The nature and duration of that therapeutic relationship is evidenced by the OHIP printout and the daybook records of Dr. Wyatt.
3. Sometime between January and April of 1993, the complainant and Ms. A attended at Dr. Wyatt's office for a joint session to receive counselling with respect to their relationship. In February 1993, Dr. Wyatt referred the complainant to a therapist for ongoing therapy. In July 1994, the physician/ patient relationship between the complainant and Dr. Wyatt ended.
4. The complainant and Ms. A continued to live together (off and on) from 1991, to 1994, at which time the complainant moved away until February of 1995. While they were living together the complainant was aware that Ms. A was continuing to see Dr. Wyatt as her psychotherapist. On one occasion the complainant made an appointment for Dr. Wyatt to see Ms. A because Ms. A was having a panic attack.
5. In late August of 1995, Dr. Wyatt admitted to having commenced a sexual relationship with Ms. A, approximately one month after the last medical appointment in June 1995.
6. In late August of 1995, Dr. Wyatt telephoned the complainant. During this conversation Dr. Wyatt admitted to her intimate relationship with Ms. A and the fact that she had recently attended a family wedding with Ms. A.
7. Dr. Wyatt admitted to this relationship to three other therapists, two of whom were also patients of Dr. Wyatt. The admissions took place in meetings in August and September 1995. All three therapists made complaints to the College as did the complainant.
8. _____.
9. At no time has the College received Dr. Wyatt's patient records in relation to Ms. A, despite having requested them by letter in mid October 1995. On October 30, 1995, Dr. Wyatt's counsel

wrote to the College and indicated that in the absence of a consent from Ms. A the records could not be provided to the College. In April 1996, the College received a letter from Ms. A indicating that she was not consenting to Dr. Wyatt releasing her patient records to the College. In May 1998, an investigator from the College attended at Dr. Wyatt's office to seize Ms. A's patient records but they were not produced. Dr. Wyatt stores current patient records at her office. Dr. Wyatt stores old patient charts at home. As is her usual practice, Dr. Wyatt had taken Ms. A's records, along with other patient records, to her home in or about the summer of 1995, and stored them in her basement. In the summer of 1997, Ms. A took her chart from the file boxes in Dr. Wyatt's basement and destroyed them without the participation of Dr. Wyatt.

10. In all of the circumstances, the conduct of Dr. Wyatt, referred to herein, is unprofessional and prohibited by the College of Physicians and Surgeons of Ontario Guidelines published in May of 1992.
11. Dr. Wyatt also acknowledges that she failed to properly retain the records of Ms. A by storing them in her home where they were accessible to Ms. A.

FINDING

The Committee considered the factual admissions in the Agreed Statement of Facts and the submissions made, and found Dr. Wyatt guilty of professional misconduct as alleged in paragraphs 1b. and 3 of the Amended Notice of Hearing.

REASONS FOR DECISION

In May 1992 the CPSO approved the following guidelines concerning sexual relationships between patients and doctors:

1. Where the doctor-patient relationship involves psychoanalysis or psychotherapy, sexual relations with the patient is prohibited at any time after termination of the treatment.
2. Where the doctor-patient relationship has, at any time, involved psychotherapy of such duration that it may be seen to have been a significant component of treatment, sexual contact with the patient is also prohibited at any time after termination of treatment.

Dr. Wyatt admits that Ms. A was actively under her care from December of 1992, until June of 1995. Dr. Wyatt also admits, and the records support, that a significant component of that care involved intensive psychotherapy. She also admits that a sexual relationship between herself and

Ms. A commenced within a month of termination of the doctor-patient relationship. Dr. Wyatt admits that her conduct is unprofessional in all of the circumstances and the Committee believes that the evidence clearly proves allegation 1.b as set out in the Amended Notice of Hearing. Accordingly, the Committee finds her guilty of professional misconduct in that regard.

Also, in Dr. Wyatt acknowledging her failure to properly retain the medical records of Ms. A, and on its review of the evidence, the Committee is satisfied that she is guilty of professional misconduct as set out in allegation 3 of the Amended Notice of Hearing.

PENALTY AND REASONS FOR PENALTY

On February 28th and 29th, 2000 the Discipline Committee heard evidence and submissions relating to penalty. The Committee also had the benefit of subsequent written submissions filed by counsel for both parties.

EVIDENCE REGARDING PENALTY

Gary Richard Schoener

Mr. Schoener is a clinical psychologist who was accepted by the Committee as an expert in assessment and treatment of therapists, including physicians who commit boundary violations. Mr. Schoener made a clinical assessment of Dr. Wyatt in June and July of 1997, which included the administration of psychological testing. In February 2000, Mr. Schoener prepared a report at the request of counsel for Dr. Wyatt, which was received in evidence. Mr. Schoener made his report after reviewing the agreed statement of facts in this case.

Mr. Schoener concluded that there was no indication that Dr. Wyatt was suffering from either an impulse control disorder or any other signs of emotional breakdown. He did not feel that there was any evidence of exploitation or predatory sexual behaviour. He believed that she was unprepared to deal with the level of transference/counter transference, which can develop during extensive psychotherapy, particularly in light of the fact that she herself was undergoing significant domestic turmoil as well as a sexual identity crisis at the time.

While in no way condoning her actions, Mr. Schoener felt that Dr. Wyatt did not pose a risk to patients if she were to continue in practice, providing that she ceased doing ongoing, long-term psychotherapy.

On cross-examination Mr. Schoener admitted that there is no truly accurate science that can predict recidivism in cases such as this. He also agreed that patients often do not complain about sexual impropriety at the hands of a physician until after the termination of the sexual relationship. He acknowledged that, during his interview with Dr. Wyatt, she had admitted entering into a sexual relationship with another previous female patient several years earlier. He concluded that she has difficulty with insight into how the "rules" apply to her. Cognitively, she accepts the rules, but has a problem applying them to herself.

A number of character witnesses testified on behalf of Dr. Wyatt. In addition, a brief containing several personal letters of reference was entered in evidence. The witnesses included both colleagues and patients of Dr. Wyatt, all of whom testified to the fact that she is a highly competent and skilled physician who is held in high regard by the patients in her practice and the medical community with which she interacts.

PENALTY DECISION

After careful consideration of the evidence and submissions of counsel, the Committee unanimously agreed that Dr. Wyatt's conduct in this case was reprehensible and warranted a severe penalty to address both specific and general deterrence. Sexual relationships between physicians and previous psychotherapy patients cannot, and will not be condoned. While recognizing the severity of the offence, the Committee felt strongly that Dr. Wyatt was a physician who should ultimately be returned to serving the community through her medical practice. The Committee accepts the concept that people learn from their mistakes and recognize that it must establish a penalty that acknowledges the need to balance the principles of deterrence and rehabilitation, with protection of the public as the overriding objective.

The Committee is also cognizant that Dr. Wyatt has been found guilty of professional misconduct and not of sexual abuse. The Committee does not feel it is appropriate in the circumstances of this case to apply the principles of sentencing that would be required if there were a finding of sexual abuse, which would call for mandatory revocation.

In considering all of the evidence in this hearing, the Committee concluded that this was somewhat of an exceptional case. The factors considered by the Committee in deciding upon an appropriate penalty included:

1. Dr. Wyatt has no prior record of misconduct.

2. Dr. Wyatt acknowledged her wrongdoing through the Agreed Statement of Facts and thereby spared the prosecution witnesses from testifying.
3. The patient, Ms. A did not complain to the College and has remained in a stable, long-term relationship with Dr. Wyatt for the past five years. Although the Committee has been reminded that patients rarely complain about physicians until after the termination of an abusive relationship, it cites Mr. Schoener's testimony that 99% of abusive relationships terminate within the first year.
4. Dr. Wyatt attempted in advance to get help in deciding the appropriateness of her actions by consulting the College of Physicians and Surgeons of Ontario. She may have been naive and misguided in her interpretation of the advice she received; nonetheless she clearly wrestled with her decision.
5. Although the Committee regrets that it did not have the opportunity to hear from Dr. Wyatt directly during this hearing, it believes her actions indicate that she has gained insight into the inappropriate nature of her behaviour. The Committee accepts the defence position that her volunteering to the assessment with Mr. Schoener in 1997, is indicative of this. She provided full and honest disclosure to Mr. Schoener in this process, which suggests to the Committee that she recognizes the seriousness of her conduct.
6. Dr. Wyatt has not been furtive or clandestine in her relationship with Ms. A early on in the relationship, she confided in three separate counsellors who subsequently reported the situation to the College. The Committee could find no evidence that her behaviour towards Ms. A was either predatory or exploitative in nature.
7. Dr. Wyatt has taken steps to eliminate risk by altering her practice pattern to exclude long-term, intensive psychotherapy.
8. While accepting the limited predictive value of character witnesses in determining the likelihood of re-offence, the Committee could not help but be impressed by the testimony of those witnesses who came forward in her defence. Dr. Wyatt is clearly a dedicated, competent and compassionate family physician whose community would be ill served by imposing a permanent prohibition on her return to practice.

In its deliberations, the Committee also considered a number of decisions from previous discipline cases involving post-termination sexual relationships.

In weighing the options for penalty in this case, the Committee considered the risk of re-offence to be of paramount importance. The Committee heard Mr. Schoener's expert opinion that he considers the risk in Dr. Wyatt's case to be low. In response, it considered the College's submission that the best predictor of future behaviour is past behaviour. Counsel for the College cites that Dr. Wyatt's disclosure to Mr. Schoener of a previous relationship with an ex-patient strongly supports this position. There was a dearth of evidence before the Committee regarding the nature of this relationship and, as a result, it does not give great weight to the significance of this admission.

The lack of predatory behaviour on Dr. Wyatt's part leads the Committee to conclude that she is not at high risk to re-offend. Her actions are not those of a physician who exploits her patients for sexual gratification. The fact that the relationship with Ms. A has endured for five years is seen by the Committee as evidence of the commitment of Dr. Wyatt and Ms. A to maintaining a long-term relationship. The Committee believes that the severity of penalty imposed and the trauma of the disciplinary process itself will provide sufficient disincentive to re-offend to ensure that this obligation has been met.

The Committee determined that, although a serious penalty was certainly warranted, it did not consider revocation to be appropriate in the circumstances. After careful consideration, the Committee has decided to impose the following penalty:

ORDER

The Committee orders and directs that:

1. Dr. Wyatt be reprimanded and that the reprimand be recorded on the register.
2. The Registrar is directed to impose a permanent term, condition and limitation on Dr. Wyatt's certificate of registration, prohibiting her from engaging in psychotherapy as defined in Schedule 1 to this Order.
3. The Registrar is directed to suspend Dr. Wyatt's certificate of registration for a period of 24 months, to commence on a date to be fixed by the Registrar.

4. Twenty (20) months of the suspension ordered shall be suspended, provided that the following conditions are fulfilled:
 - i. that Dr. Wyatt attend, at her own cost, a program about appropriate boundaries that is satisfactory to the Registrar, and that she provide proof to the Registrar of having attended and completed such a program within 12 months of beginning her suspension;
 - ii. that Dr. Wyatt receive psychotherapy and counselling, at her own cost, if any, by a psychotherapist satisfactory to the Registrar, for a minimum period of 24 months, or until such time as the psychotherapist and the Registrar agree that such therapy is no longer necessary;
 - iii. that the psychotherapist shall confirm the participation and cooperation of Dr. Wyatt in the psychotherapeutic relationship by way of a written report to the Registrar every three months throughout the duration of therapy commencing on the three-month anniversary date of this Order;
 - iv. that for a period of 20 months from the date she returns to practice, Dr. Wyatt will authorize the Ministry of Health to submit a summary of her monthly billings for the Registrar to review. Should the Registrar observe any billing pattern that suggests that Dr. Wyatt is engaging in psychotherapy as prohibited by this order, he is directed to arrange for a peer review audit by a family physician selected by him. The auditor will examine Dr. Wyatt's records and provide a written report to the Registrar on whether Dr. Wyatt is engaging in psychotherapy and, if so, the nature of it. Dr. Wyatt understands and agrees that the Registrar may take such action as is appropriate on the basis of these reports and she will be responsible for any costs associated with these reviews.
5. In the event that Dr. Wyatt fails to fulfill any of the above conditions, then the balance of her suspension will be served to commence on a date to be fixed by the Registrar.

Schedule "1"

For the purpose of this Order, psychotherapy shall mean any form of treatment for the maintenance of mental or emotional well-being and any form of treatment for mental or emotional illness, behavioural mal-adaptations, and/or other problems that are assumed to be of a mental or emotional nature, in which a physician deliberately establishes a professional relationship with a patient for the purposes of maintaining, removing, modifying or retarding

existing symptoms, or attenuating or reversing disturbed patterns of behaviour and of promoting positive personality growth and development. This is not intended to include occasional and incidental counselling that arises in the course of normal medical practice.

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Diana Silver Wyatt, this is notice that the Discipline Committee ordered that there shall be a ban on publication of the names of “Patient A” and “Patient A’s” child, and any information that could disclose their identities, which are disclosed in the motion record filed with the Committee, under subsection 45(3) of the *Health Professions Procedural Code* (the Code), which is Schedule 2 to the *Regulated Health Professions Act, 1991*.

Subsection 93(1) of the Code, which is concerned with failure to comply with these orders, reads:

Every person who contravenes an order made under ... section 45 or 47... is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.

Indexed as: Wyatt, D.S. (Re)

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

DR. M. GABEL (CHAIR)) **Hearing date:** February 1, 2011
S. BERI) **Decision date:** February 1, 2011
DR. F. SLIWIN) **Release of Written Reasons:** March 21, 2011

B E T W E E N:

DR. DIANA SILVER WYATT

(Moving Party)

- and -

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

(Responding Party)

**ORDER AND REASONS FOR ORDER
(On a Motion to Vary the Order of the Discipline Committee of 2000)**

INTRODUCTION

On February 1, 2011, the Discipline Committee (the “Committee”) heard a motion brought by Dr. Wyatt for an order seeking to vary a term, condition and limitation imposed on her certificate of registration pursuant to an order of the Committee made on June 26, 2000 (the “2000 Order”). At the conclusion of the hearing, the Committee allowed the motion and delivered a written order varying the term, condition and limitation imposed on Dr. Wyatt’s certificate of registration, with written reasons to follow.

THE MOTION

The Notice of Motion sought an order directing the Registrar to remove the following term and condition from the certificate of registration held by Dr. Wyatt, as set out in paragraph 2 of the 2000 Order:

The Registrar is directed to impose a permanent term, condition and limitation on Dr. Wyatt's certificate of registration, prohibiting her from engaging in psychotherapy as defined in Schedule "1" [to the 2000 Order].

The Committee considered the extensive materials in a motion record filed on behalf of Dr. Wyatt, and heard the submissions of counsel for Dr. Wyatt in support of the motion. Counsel for the College of Physicians and Surgeons of Ontario took no position on the motion.

BACKGROUND

On December 3, 1999, the Discipline Committee found that Dr. Wyatt committed an act of professional misconduct, in that she engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. The Committee also found that Dr. Wyatt committed an act of professional misconduct, in that she failed to maintain records that are required to be kept respecting a member's patients, and failed to make, retain, or make available required patient records.

According to the Agreed Statement of Facts entered as an Exhibit at the 1999 hearing, and the Committee's Decisions and Reasons, the following was established:

1. Dr. Diana Silver Wyatt is a family physician in Kingston, Ontario. From May 1988 to July 1994 Dr. Wyatt was the complainant's physician.
2. The complainant met Patient A in October of 1992 and they started living together shortly thereafter. The complainant referred Patient A to Dr. Wyatt, who began providing medical care to Patient A in December 1992.
3. A significant component of the medical care involved psychotherapy.
4. The complainant and Patient A lived together intermittently from 1991 until 1994, at which time the complainant moved away until February of 1995.
5. In July 1994 the physician patient relationship between Dr. Wyatt and the complainant ended.

6. In late August 1995, Dr. Wyatt admitted to having commenced a sexual relationship with Patient A, approximately one month after the last medical appointment that took place in June 1995.
7. Dr. Wyatt admitted this relationship to three other therapists, two of whom were also her patients. All three therapists and the complainant made complaints to the College.
8. The Committee concluded that this was an exceptional case, noting that Dr. Wyatt had no prior misconduct, that Patient A did not complain and had remained in a stable, long term relationship with Dr. Wyatt for five years, that Dr. Wyatt sought the help of the College during that time, and that Dr. Wyatt had gained insight into the inappropriate nature of her behaviour at that time.
9. As a result of this finding, on June 26, 2000, the Discipline Committee ordered as part of the penalties imposed, that a permanent term, condition and limitation be imposed on Dr. Wyatt's certificate of registration, prohibiting her from engaging in psychotherapy as defined by Schedule "1" to that Order.

Dr. Wyatt has fulfilled all of the conditions of the June 2000 Order, including successful completion of a boundaries course, and extensive psychotherapy and counseling.

EVIDENCE

The Committee received and considered documentary evidence as follows:

- The Affidavit of Dr. Diana Silver Wyatt, sworn August 17, 2010, with attached exhibits; CPSO's Discipline Committee Decisions and Reasons dated December 3, 1999 (finding), and June 26, 2000 (penalty), Registration information from the CPSO website, CME accreditation for Course, CPSO's Complaints Committee Decision and Reasons dated July 2008, and a Copy of Complaint and Response.
- The Affidavit of Dr. X, sworn September 9, 2010, with attached exhibits
- The Affidavit of Dr. Y, sworn August 7, 2010, with attached exhibits
- The Affidavit of Dr. Z, sworn August 20, 2010, with attached exhibits

The evidence was not disputed by the College.

DECISION AND REASONS FOR DECISION

The onus on this motion is upon Dr. Wyatt to show that it is in the public interest for the term, condition and limitation to be removed from her certificate of registration. The burden of proof to be met is the civil standard, or balance of probabilities.

Over ten years have passed since the imposition of the restriction on Dr. Wyatt's certificate of registration. Dr. Wyatt is no longer in general family practice. She now practises in several correctional facilities in Kingston, Ontario, and occasionally at local walk-in clinics. The restriction has caused difficulties in her work at the correctional facilities, as well as in her ability to find new work opportunities. Dr. Wyatt has attempted to apply for an exemption from the Office of Controlled Substances Health Canada in order to use methadone for the treatment of opioid dependence in the correctional facilities. As a result of the restriction, Dr. Wyatt was not granted the exemption without having to present extraordinary documentation and evidence to support her application. Furthermore, Dr. Wyatt has been denied employment with a number of clinics and facilities, including a position as a medical officer with the Canadian Forces, because of the restriction on her certificate of registration.

Dr. Wyatt has also undergone significant changes in her personal life. She is no longer in a relationship with Patient A. However, they have an amicable relationship and she continues to co-parent the child of Patient A.

Dr. Wyatt has undergone significant personal work and psychotherapy in order to separate her professional and personal life. The Committee considered the report of Dr. X. Dr. Wyatt has been seeing Dr. X for psychotherapy since 2000 when she was ordered to undergo psychotherapy as part of her penalty. She has been seeing him voluntarily for the last several years. According to Dr. X, "she is able to maintain boundaries with difficult, clever and manipulative prisoners with antisocial personality disorders". Dr. X also stated in his report that "[s]he is not likely to repeat an offense. She is a more mature and self-aware person, more balanced and stable in her relationships. She is capable of carrying the responsibility of a full and unrestricted license. I feel that she is safe to do psychotherapy as well. In her own psychotherapy she has learned a lot about the process of psychotherapy and now may have as much training as some of the family doctors who do psychotherapy full-time."

The Committee also considered the report of Dr. Y who initially assessed Dr. Wyatt in 1998 for her original hearing, and again in 2000. He reassessed Dr. Wyatt in 2007 and again in 2009. In his 2007 report, Dr. Y stated, “It is my independent professional opinion that Dr. Wyatt has, as Dr. X indicates, changed a great deal” and “[a]s someone who examined Dr. Wyatt and then had no contact, and who came back into her life to re-evaluate her, the change appears to me to be more dramatic than Dr. X states. She does appear to be a different person.” He further stated, “I specifically believe that there is no longer a need to carry out the restrictions which I recommended in the past...I believe that the conditions which created a need for these restrictions are no longer an issue for Dr. Wyatt”. Dr. Y concluded, “[b]ased on my professional training, knowledge and experience...Dr. Wyatt is fully rehabilitated and does not constitute any sort of practice risk”.

In an updated evaluation delivered in 2009, Dr. Y reiterated his belief that Dr. Wyatt is safe to practise psychotherapy and poses no risk to the public if she is granted an unrestricted certificate of registration.

The Committee also considered a letter of recommendation from Dr. Z, who taught a course offered through a psychotherapy association relating to management of boundaries in a clinical setting, which Dr. Wyatt attended in 2007. In his letter filed with the Committee, Dr. Z states, “Dr. Wyatt took the course very seriously and understood the responsibility required of her in order to successfully re-educate herself on the issues which were addressed in the module. She was clearly concerned about how to improve her understanding of boundary management, and showed great dedication to the course and interest in following up after the completion of the course.”

The Committee considered that a member should be given the opportunity to have an order varied where the original term is rendered unnecessary or inappropriate as a result of a future change in circumstances, including the rehabilitation of the member.

As stated in *Li v. College of Physicians and Surgeons of Ontario (2008)*, “It would be incongruous to allow an opportunity to a member to seek reinstatement even after the most serious penalties, but permit a lesser term, condition and limitation to be permanent, regardless

of whether any future change of circumstances (including the rehabilitation of the member) may render the original term no longer necessary or appropriate”.

The Committee concluded that Dr. Wyatt has met the burden of proof and has shown that a change in circumstances has occurred, such that it is in the public interest for the term, condition and limitation prohibiting Dr. Wyatt from engaging in psychotherapy to be removed from her certificate of registration. The evidence to support Dr. Wyatt’s application was overwhelming and was not challenged by the College.

ORDER

Therefore, the Discipline Committee ordered and directed that paragraph 2 of the Order of June 26, 2000, be varied and directed the Registrar to remove the term, condition and limitation on the certificate of registration of Dr. Wyatt, prohibiting her from engaging in psychotherapy.