

IN THE MATTER OF *THE PSYCHOLOGISTS ACT, 1997* AND BYLAWS AND IN THE MATTER OF A COMPLAINT AGAINST WENDY TURNER-LARSEN, REGISTERED PSYCHOLOGIST, OF REGINA, SASKATCHEWAN

DECISION

of

**Saskatchewan College of Psychologists**

DISCIPLINE COMMITTEE

Discipline Committee Members:

Mary Hampton, Registered Doctoral Psychologist, Chair  
Angelina Baydala, Registered Doctoral Psychologist  
Gordon Glaicar, Public Representative

Karen Prisciak, Q.C., appearing on behalf of the Professional Conduct Committee  
Heather Nord, appearing on behalf of Wendy Turner-Larsen  
Merrilee Rasmussen, Q.C., legal counsel for the Discipline Committee

**INTRODUCTION:**

[1] The Discipline Committee convened on April 3, 2012, via conference call, as agreed by the parties. The Formal Complaint, dated October 17, 2011, which was served on the Member as required by *The Psychologists Act, 1997*,<sup>1</sup> alleged that Ms Turner-Larsen was guilty of professional misconduct and/or professional incompetence, within the meaning of *The Psychologists Act, 1997*.

[2] At all times material to the complaints against her, Wendy Turner-Larsen was a Member of the Saskatchewan College of Psychologists and licensed to practice in the Province of Saskatchewan.

**THE FORMAL COMPLAINT**

[3] The Formal Complaint charges that Ms Turner-Larsen is guilty of professional misconduct and/or professional incompetence contrary to sections 25 and 26 of *The Psychologists Act, 1997* and/or the Regulatory Bylaws in that, during the course of her clinical practice she:

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<sup>1</sup>Exhibit D to the Affidavit of Karen Messer-Engel, dated October 25, 2010, and filed in evidence in this hearing as Exhibit P-1.

1. Displayed testimonials on her website contrary to Regulatory Bylaw 13(2)(g);
2. Counselling clients to ingest supplements for therapeutic benefit contrary to the Canadian Code of Ethics for Psychologists, 3<sup>rd</sup> ed., 2000 (hereinafter referred to as the "Code") II.21, II.20, II.16, III.5, III.8 and II.42 and the Saskatchewan College of Psychologists Professional Practice Guidelines 3.18, 3.12 and 3.24 (hereinafter referred to as the "Guidelines");
3. Dispensed supplements to clients contrary to the Code II.21, II.20, II.16, III.5, III.8 and II.42 and to the Guidelines 3.18, 3.12 and 3.24;
4. Counselling clients to ingest supplements for therapeutic benefit and continued to dispense supplements for therapeutic benefit to clients after being made aware of the prohibition against using testimonials and the practice of nutritional psychology as a recognized practice of psychology by the Professional Conduct Committee of the Saskatchewan College of Psychologists contrary to the Code II.21, II.20, II.16, II.5, III.8 and II.42 and the Guidelines 3.18, 3.12 and 3.24;
5. Presented inaccurate information about the effectiveness of supplements in a published article under the auspices of psychology in contravention of Regulatory Bylaws 13(1)2 and 13(2)(d) and contrary to the Code II.9.

**FACTS:**

[4] An "Agreement as to Facts" was submitted to the Discipline Committee by the parties.<sup>2</sup> The entire text of the Agreement is as follows:

1. Wendy Turner-Larsen has been a registered psychologist with the Saskatchewan College of Psychologists since March 1, 2002.
2. On October 17, 2011, the Executive Director/Registrar of the Saskatchewan College of Psychologists served the Formal Complaint on Wendy Turner-Larsen. Attached as Appendix "A" is a copy of the Formal Complaint.
3. From 2009 to and including October 17, 2011, Wendy Turner-Larsen did display testimonials on her website as well as presenting testimonials in the Winter/Spring 2012 workshops contrary to Saskatchewan College of Psychologists Bylaw 13(2)(g). Of the four testimonials published on her website, three individuals had received psychological treatment from Wendy Turner-Larsen. Attached as Appendix "B" is a copy of the testimonials dated June 13, 2011 and June 23, 2011 and the brochure for the Winter/Spring 2012 workshops.

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<sup>2</sup>Exhibit P-1.

4. Further to Paragraph 3 above, all testimonials were subsequently removed by Wendy Turner-Larsen. Attached as Appendix "C" is a copy of her website which is currently active on the internet.

5. From 2009 to October 17, 2011, Wendy Turner-Larsen did counsel clients to ingest supplements for therapeutic benefit contrary to the Canadian Code of Ethics for Psychologists, 3rd ed., 2000, II.21, II.20, II.16, III.5, III.8 and II.42 and the Saskatchewan College of Psychologists Professional Practice Guidelines 3.18, 3.12 and 3.24. Wendy Turner-Larsen required clients to complete forms when she recommended supplements in the treatment of their psychological disorders. Attached as Appendix "D" is a copy of the forms. Wendy Turner-Larsen gradually introduced supplements in her psychological practice over the past two years after studying in this area for four years.

6. Wendy Turner-Larsen accepts that at present there is no empirical data or clinical trials substantiating the use of supplements for the purpose of treating psychological disorders.

7. From 2009 to October 17, 2011, Wendy Turner-Larsen did dispense supplements to clients contrary to the Canadian Code of Ethics for Psychologists, 3rd ed., 2000, II.21, II.20, II.16, III.5, III.8 and II.42 and the Saskatchewan College of Psychologists Professional Practice Guidelines 3.18, 3.12 and 3.24. Wendy Turner-Larsen dispensed the supplement - Tryptophan - on one occasion to a client. On other occasions she did offer samples of 5-Hydroxytryptophan which samples were received via mail order from the United States. The last date she dispensed supplements was January of 2010.

8. From 2009 to October 17, 2011, Wendy Turner-Larsen did counsel clients to ingest supplements for therapeutic benefit and did dispense supplements for therapeutic benefit. She was subsequently made aware of the prohibition against using testimonials. She recognizes the practice of nutritional psychology is not a recognized practice of psychology by the Professional Conduct Committee of the Saskatchewan College of Psychologists contrary to the Canadian Code of Ethics for Psychologists, 3rd ed., 2000, II.21, II.20, II.16, III.5, III.8 and II.42 and the Saskatchewan College of Psychologists Professional Practice Guidelines 3.18, 3.12 and 3.24. Attached as Appendix "E" is a notice of a workshop for October 5, 2009.

9. From 2009 to October 17, 2011, Wendy Turner-Larsen did provide inaccurate information about the effectiveness of supplements in a published article under the auspices of psychology in contravention of Regulatory Bylaws 13(1)2 and 13(2)(d) and contrary to the Canadian Code of Ethics for Psychologists, 3rd ed., 2000, II.9. Attached as Appendix "F" is a copy of an article from Healthy Horizons dated spring 2009.

10. Further to Paragraph 8 above, Wendy Turner-Larsen represented the following:

Many moods we suffer today, such as anxiety, stress, depression, agitation, irritation etc (sic) can be a result of depleted brain chemicals such as serotonin, dopamine, endorphins and others. ... As a psychologist in private practice, I have been working with many of my clients utilizing amino acid therapy for over three years and have witnessed tremendous improvement in their mental health and general state of being. In some cases, the mood(s) were completely cured and little or no additional counselling was required. ... There are specific amino acids, about 5 or 6 of them that are very effective in raising and healing our depleted brain chemicals. ... In some cases amino acids can supplement antidepressants to improve one's mood or well-being ....

11. Wendy Turner-Larsen accepts that she is guilty of the charges as itemized in the Formal Complaint dated October 17, 2011.

#### **LEGISLATION:**

[5] *The Psychologists Act, 1997* defines professional misconduct and professional incompetence in the following manner:

##### **Professional misconduct**

25 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, that:

- (a) is harmful to the best interests of the public or the members of the college;
- (b) tends to harm the standing of the profession;
- (c) is a breach of this Act or the bylaws; or
- (d) is a failure to comply with an order of the professional conduct committee, the discipline committee or the council;

is professional misconduct within the meaning of this Act.

##### **Professional incompetence**

26 Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment, or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

[6] *The College of Psychology Regulatory Bylaws, 2004* also contain provisions relating to what constitutes professional misconduct and professional incompetence:

6(2) For the purposes of sections 25 and 26 of the Act, the committee may find a psychologist guilty of professional incompetence and/or professional misconduct where the member:

- (a) abused a client physically, sexually, verbally, or psychologically;
- (b) wilfully endangered the safety of a client;
- (c) influenced a client to change the client's last will and testament;
- (d) wrongfully abandoned a client;
- (e) misappropriated property belonging to a client, employer or fellow employee;
- (f) failed to exercise discretion with respect to the disclosure of confidential information about a client;
- (g) failed to maintain or falsified any client record;
- (h) failed to inform any employer or any client of the psychologist's inability to accept specific responsibility in areas where special training is required or where the psychologist does not feel competent to function without supervision;
- (i) failed to report the incompetence or misconduct of a member or colleague;
- (j) failed to comply with the Code of Ethics of the college or failed to comply with established standards of practice;
- (k) failed without reasonable cause to respond to inquiries from the college regarding alleged professional misconduct or professional incompetence;

(l) conspired to participate in any act of misconduct or counselled a participant in any act of misconduct;

(m) obtained registration by misrepresentation or fraud; or

(n) contravened any provision of the Act or these bylaws.

[7] Where a member is found to be guilty of professional misconduct and/or professional incompetence, the Discipline Committee is authorized to make orders directed at improving the conduct or competence. Section 32 of *The Psychologists Act, 1997* provides the Discipline Committee with the following authority:

**Disciplinary powers**

32(1) Where the discipline committee finds a member guilty of professional incompetence or professional misconduct, it may make one or more of the following orders:

(a) an order that the member be expelled from the college and that the member's name be struck from the register;

(b) an order that the member be suspended from the college for a specified period;

(c) an order that the member be suspended from the college pending the satisfaction and completion of any conditions specified in the order;

(d) an order that the member may continue to practise only under conditions specified in the order, which may include, but are not restricted to, an order that the member:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) obtain treatment, counselling or both;

(e) an order that reprimands the member; or

(f) any other order that to it seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

(a) that the member pay to the college within a fixed period:

(i) a fine in a specified amount not to exceed \$5,000; and

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and the costs of legal services and witnesses; and

(b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the college.

#### **ANALYSIS AND DECISION:**

[8] The Discipline Committee accepts the pleas of guilty to the formal complaint by Ms Turner-Larsen, as set out in paragraph 11 of the Agreed Statement of Facts. The conduct that is the substance of the formal complaint constitutes failures to comply with both the Bylaws of the College and the Code of Ethics of the College. A failure to comply with the Code of Ethics is a breach of section 14 of the College's Regulatory Bylaws, which requires all members so to comply. A breach of a bylaw is, as described in clause 25(c) of *The Psychologists Act, 1997*, professional misconduct. The Discipline Committee therefore finds that Ms Turner-Larsen is guilty of professional misconduct. The Discipline Committee must therefore determine the appropriate consequence to follow as a result of that finding.

[9] Section 32 of *The Psychologists Act, 1997* sets out the powers of the Discipline Committee where it finds a member guilty of professional incompetence or professional misconduct. This provision establishes, firstly, that the Discipline Committee has no power to do anything unless there is a finding of guilt and, secondly, that the powers it does have are those enumerated in the list contained in the provision. The range of powers available to the Discipline Committee runs from expulsion to reprimand, and includes the ordering of counselling or a requirement to take certain courses, among other things. The list is apparently designed to give the Discipline Committee as broad a discretion as possible to tailor its order to the needs of the situation, so as to ensure that the disposition of the complaint will accomplish the goal of protecting the public while respecting the interests of members. The list concludes with a broad power to make any order that the Discipline Committee thinks is "just". However, in all cases the Discipline Committee must make an "order".

[10] The parties have also presented the Discipline Committee with Joint Submissions as to Sentencing<sup>3</sup> as follows:

The Professional Conduct Committee and Counsel for Wendy Turner-Larsen jointly submit the following as discipline for Wendy Turner-Larsen:

1. The Member shall receive a reprimand.

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<sup>3</sup>Exhibit P-2.

2. The Member shall provide an Undertaking with the following terms:
  - (a) She will not display testimonials on her website as required by Regulatory Bylaw 13(2)g;
  - (b) She will not counsel clients to ingest supplements for therapeutic benefit contrary to the Canadian Code of Ethics for Psychologists, 3rd ed., 2000, II.21, II.20, II.16, III.5, III.8 and II.42 and the Saskatchewan College of Psychologists Professional Practice Guidelines 3.18, 3.12 and 3.24;
  - (c) She will not dispense supplements to clients contrary to the Canadian Code of Ethics for Psychologists, 3rd ed., 2000, II.21, II.20, II.16, III.5, III.8 and II.42 and the Saskatchewan College of Psychologists Professional Practice Guidelines 3.18, 3.12 and 3.24;
  - (d) She will not present inaccurate information about the effectiveness of supplements in published articles under the auspices of psychology in contravention of Regulatory Bylaws 13(1)2 and 13(2)(d) and contrary to the Canadian Code of Ethics for Psychologists, 3rd ed., 2000, II.9;
  - (e) She understands that her failure to comply with the above undertakings may lead to disciplinary proceedings against her by the College of Psychologists.
3. The Member shall complete an on-line ethics course sponsored by the Canadian Psychological Association on or before November 1, 2012.
4. The Member shall pay the costs incurred for the prosecution of these charges to the Saskatchewan College of Psychologists within 30 days of the date hereof. Such costs shall include legal fees, expert costs and reasonable disbursements.

[11] In its decision in the case of *Rault v. Law Society of Saskatchewan*,<sup>4</sup> the Saskatchewan Court of Appeal made it clear that a discipline committee must give serious consideration to a joint submission on sentencing agreed upon by counsel unless the sentence is unfit or unreasonable, or contrary to the public interest, and it should not be departed from unless there are good or cogent reasons for doing so.<sup>5</sup> The Court went on to say, in relation to the discipline process applicable to members of the Law Society of Saskatchewan (which is similar to the process applicable to psychologists):

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<sup>4</sup>[2009] S.J. No. 436

<sup>5</sup>*Ibid*, at paragraph 13.

The discipline process in the Act has many similarities to the criminal process and as such the bargaining process is undermined if a joint submission, the product of compromise, is readily rejected by the Discipline Committee. There is a formal process for the handling of complaints, including the appointment of an Investigation Committee, which may set out a Formal Complaint outlining the allegations which may constitute a finding of guilt as to conduct unbecoming a lawyer. This can lead to the appointment of a Hearing Committee which determines if the allegations in the Formal Complaint are well-founded and, if so, the matter is referred to the Discipline Committee for sentencing on the charges.

This process can be time-consuming for Benchers involved in the various stages leading to the final penalty imposed by the Discipline Committee and can involve significant costs for both the member and the Law Society. Therefore, all members and the Law Society have a vested interest in ensuring that matters proceed expeditiously. If the member co-operates with the investigation and hearing process and, as happened in the instant case, pleads guilty, and puts an Agreed Statement of Facts before the Hearing Committee, the Law Society is relieved of the burden of proving the allegations in what could, in some instances, be a complicated and protracted hearing with the usual risks and vagaries that may occur in the course of such hearings. If the parties negotiating compromise agreements cannot expect their efforts will be respected, there is little incentive to attempt to negotiate a resolution. For this reason, joint submissions on sentence should be considered by the Discipline Committee in a principled way similar to the jurisprudence in criminal matters and as applied by discipline committees in the provinces noted above.

[12] As a result, it is only in a situation where the Discipline Committee is persuaded that the sentence agreed to in a joint submission is unfit or unreasonable or contrary to the public interest that the Discipline Committee would not accept the joint submission. The Discipline Committee is also mindful of the fact that the objective of professional discipline proceedings is not punishment, but correction or improvement of conduct to ensure, to the extent that it is reasonably practicable to do so, that the public is protected from substandard conduct or competence on the part of psychologists who are members of the College.

[13] The Discipline Committee is in agreement with the Joint Submission as presented, and therefore makes the Order set out below.

**ORDER:**

[14] For all of the reasons set out above, the Discipline Committee of the Saskatchewan College of Psychologists therefore finds Wendy Turner-Larsen guilty of professional misconduct for failure to comply with the Bylaws and Code of Ethics of the College, contrary to section 14 of the College's Regulatory Bylaws, and, pursuant to section 32 of *The Psychologists Act, 1997*, Orders as follows:

1. That Wendy Turner-Larsen is hereby reprimanded and shall in future conduct herself at all times in accordance with the Bylaws and Code of Ethics of the College and, in particular, shall comply with the Undertakings she has provided to the College, a signed copy of which is attached as Appendix A to this Order;
2. That Wendy Turner-Larsen shall complete an on-line ethics course sponsored by the Canadian Psychological Association on or before November 1, 2012 and shall provide proof of having done so to the Registrar of the College, failing which her licence shall be suspended until such proof is provided; and
4. That Wendy Turner-Larsen shall pay the costs incurred for the prosecution of these charges by the Saskatchewan College of Psychologists for legal fees, expert costs, and reasonable disbursements, as certified by the Registrar, within 30 days of the date of her receipt of that certification, failing which her licence shall be suspended until such costs are paid in full.

Dated at Regina, Saskatchewan this 13th day of April 2012.

SASKATCHEWAN COLLEGE OF PSYCHOLOGISTS,  
DISCIPLINE COMMITTEE

original signed by \_\_\_\_\_  
Mary Hampton, Registered Doctoral Psychologist  
Chairperson