

**IN THE MATTER OF *THE PSYCHOLOGISTS ACT, 1997* AND BYLAWS AND IN THE  
MATTER OF A COMPLAINT AGAINST  
DR. FREDERICK REEKIE**

**DECISION  
Saskatchewan College of Psychologists  
DISCIPLINE COMMITTEE**

Discipline Committee Members:

Tom Robinson, Registered Doctoral Psychologist, Chair  
Christel Gee, Public Representative  
Marc Sheckter, Registered Doctoral Psychologist, Member

Karen Prisciak, Q.C., appearing on behalf of the Professional Conduct Committee  
Kelsey O’Brien, appearing on behalf of the Member, Dr. Frederick Reekie  
Merrilee Rasmussen, Q.C., legal counsel for the Discipline Committee

**INTRODUCTION**

[1] The Discipline Committee convened on December 9, 2019, via conference call, as agreed by the parties, to hear and determine the formal complaint concerning the Member dated November 1, 2018, and amended December 3, 2019, as required by *The Psychologists Act, 1997* [“the Act”]. The Complainant was notified of the hearing as required by subsection 31(13) of the Act and chose to attend the conference call with a support person but did not participate in the proceedings.

[2] At all times material to the complaints made against him, Dr. Reekie was registered as a provisional member of the Saskatchewan College of Psychologists, with a provisional licence to practise in the Province of Saskatchewan, subject to the Act, *The Saskatchewan College of Psychologists Regulatory Bylaws, 20161* (“the Regulatory Bylaws”), and the *Canadian Code of Ethics for Psychologists*<sup>2</sup> (“the Code”) and related Saskatchewan College of Psychologists Practice Guidelines (“the Guidelines”).

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<sup>1</sup> As published in *The Saskatchewan Gazette*, June 3, 2016.

<sup>2</sup> 3<sup>rd</sup> Ed., 2000.

## THE FORMAL COMPLAINT

[3] The Formal Complaint, dated November 1, 2018 and amended December 3, 2019, contains the following charges alleging that Dr. Reekie is guilty of professional misconduct and/or professional incompetence contrary to the provision of Sections 25 and 26 of *The Psychologists Act, 1997*, S.S. 1997, and/or Regulatory Bylaw #20, in that:

Charge 1: Disclosed a personal addiction which was unnecessary to the counselling relationship contrary to Principle III of the Canadian Code of Ethics for Psychologists, 3rd ed., 2000 and Section 3.7 of the Professional Practice Guidelines of the Saskatchewan College of Psychologists.

Charge 2: Identified and communicated that a client displayed characteristics consistent with a diagnosis of a mental disorder in addition to providing a resource referencing that disorder without a formal psychological assessment contrary to Section 3.7 of the Professional Practice Guidelines of the Saskatchewan College of Psychologists and Regulatory Bylaw 13(2)(c).

## FACTS

[4] As noted above, the parties submitted an Agreed Statement of Facts and Joint Submissions as to Penalty to the Discipline Committee, the relevant text of which is set out below:

### *Background*

5. At the material time, Dr. Reekie was a provisional licensee working under the supervision of fully licensed psychologists. Dr. Reekie did not have an Authorized Practice Endorsement and therefore was not licensed to communicate diagnoses to clients.

6. ■■■ and ■■■ are in a spousal relationship. They chose to see Dr. Reekie for couples counselling.

7. ■■■ and ■■■ had four counselling sessions with Dr. Reekie.

### *Self-Disclosure*

8. During a therapy session, Dr. Reekie made a decision to provide a personal example of a strategy that he believed would be helpful to ■■■ and ■■■, and in doing so disclosed his history of addiction to ■■■ and ■■■. The disclosure was in the form of a brief example of a boundary that Dr. Reekie used in his own recovery, following which the focus was immediately returned to ■■■ and ■■■.

9. The disclosure was not essential in the context of the therapeutic counselling relationship.

10. The clients did not report any discomfort with this disclosure to Dr. Reekie during their therapy sessions. The clients later reported to the College of Psychologists that the disclosure had been disturbing and offensive to them.

*Discussion of Borderline Personality Disorder*

11. Through clinical interview, observation and informal assessment, Dr. Reekie observed behaviors in ■■■ that, in his opinion, were possibly indicative of a disorder. In particular, he considered the possibility that ■■■ may have Borderline Personality Disorder ("BPD").

12. As a result, during pre-session preparations before Dr. Reekie's fourth and final session with ■■■ and ■■■, Dr. Reekie decided he could not ethically continue therapy counselling sessions with this couple.

13. He discussed this matter with his supervisor, a fully licensed psychologist with an Authorized Practice Endorsement, who agreed that the possibility of BPD was a reasonable hypothesis.

14. Dr. Reekie attempted to engage ■■■ in looking at the origin of ■■■ behaviours, with the intent of suggesting a referral to a clinical psychologist for formal assessment and therapy. During the course of that discussion, Dr. Reekie shared his perception that some of ■■■ behaviours are similar to the criteria for the disorder.

15. Dr. Reekie referred ■■■ to a book called "Stop Walking on Eggshells: Taking your life back when someone you care about has borderline personality disorder". This statement was based on clinical interview, observation, and informal assessment, not a formal psychological assessment. Formal psychological assessment measures were not employed.

16. The clients interpreted Dr. Reekie's comments and his suggestion of a resource as being consistent with delivering a diagnosis of borderline personality disorder in ■■■.

17. Dr. Reekie did not provide any reasoning for his comments regarding Borderline Personality Disorder to the clients.

18. Dr. Reekie, through his counsel, pleads guilty to the charges set out in the Amended Formal Complaint.

## LEGISLATION

[5] The Act defines professional misconduct as follows:

### **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.

[6] Where a member is found to be guilty of professional misconduct, the Discipline Committee is authorized to make orders directed at improving the conduct or competence. Section 32 of the Act 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**

[7] The Discipline Committee accepts the guilty plea provided by Dr. Reekie through his counsel in the Agreed Statement of Facts in relation to the charges contained in the Formal Complaint. He has acknowledged that his actions as set out in the Charges contained in the Formal Complaint were in breach of the Code and therefore constitute a breach of the bylaws, which is professional misconduct within the meaning of clause 25(c) of the Act.

[8] The Discipline Committee must therefore determine the appropriate consequence to follow as a result of its findings in accordance with section 32 of the Act, quoted above, which sets out the powers of the Discipline Committee where it finds a member guilty of professional misconduct.

[9] The parties also submitted an Agreement as to Penalty to the Discipline Committee, which states as follows:

Dr. Frederick Reekie pleads guilty to the charges against him and accepts the following sentence:

1. A reprimand.

2. A fine of \$2,000 payable within one year of the date of the Order. If the fine is not paid within one year, the Member will be charged with failing to comply with an Order of the Discipline Committee. The Member cannot be returned to the Register until the Discipline Committee has addressed his failure to comply.

3. Cost recovery of investigation expenses, Professional Conduct Committee expenses and legal fees and Discipline Committee expenses and legal fees in the sum of \$8,058.00, payable within one year from the date of the Order. If the costs are not paid within one year, the Member will be charged with failing to comply with an Order of the Discipline Committee. The Member cannot be returned to the Register until Discipline Committee has addressed his failure to comply.

4. An Order publishing the Discipline Committee's decision and sentence on the website of the College.

[10] In its decision in the case of *Rault v. Law Society of Saskatchewan*,<sup>3</sup> the Saskatchewan Court of Appeal made it clear that a discipline committee must give serious consideration to a joint submission on sentencing that has been agreed to 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>4</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):

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

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<sup>3</sup> 2009 SKCA 81.

<sup>4</sup> *Ibid*, at paragraph 13.

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.

[11] 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 found no good or cogent reason to depart in substance from the sentence agreed to in the joint submissions provided by the parties.

[12] The Discipline Committee notes that provisional membership is intended to allow persons to be able to practice as a psychologist under supervision while they complete the requirements for full practice membership.<sup>5</sup> A provisional membership expires after three years<sup>6</sup> and a person who fails to achieve full practice within that period of time ceases to be a member, but can re-apply<sup>7</sup>. A provisional member who is not currently licensed is removed from the practice register. The Discipline Committee understands that Dr. Reekie is no longer a member of the College and that the references in the Agreement as to Penalty to returning to the register are intended to clarify that if he does again apply for membership any intervening failure to comply with the Discipline Committee's Order would have to be addressed.

## **ORDER**

[13] For all of the reasons set out above, the Discipline Committee of the Saskatchewan College of Psychologists therefore finds Dr. Frederick Reekie guilty of professional misconduct and, pursuant to section 32 of *The Psychologists Act, 1997*, orders that:

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<sup>5</sup> Regulatory Bylaws, subsection 11(5).

<sup>6</sup> Pursuant to subsection 11(3) of the Regulatory Bylaws, periods of parental leave, leave for medical reasons and periods of time awaiting scheduling of the required oral interview are not included in this calculation of time.

<sup>7</sup> Regulatory Bylaws, subsection 11(4).

1. Dr. Frederick Reekie is hereby reprimanded.
2. Within one year from the date of this Order, Dr. Frederick Reekie shall pay to the College:
  - (a) a fine of \$2,000; and
  - (b) costs incurred by the College in the investigation, Professional Conduct Committee expenses and legal fees, and Discipline Committee expenses and legal fees in the amount of \$8,058.00;
3. This Decision and Order be published on the website of the College; and
4. If any of the amounts ordered to be paid in accordance with paragraph 2 above are not paid within the time required, Dr. Frederick Reekie will be charged with failing to comply with an Order of the Discipline Committee pursuant to clause 25(d) of the Act and cannot be returned to the Register until the Discipline Committee has addressed his failure to comply.

Dated at Regina, Saskatchewan this 29<sup>th</sup> day of January 2020.

SASKATCHEWAN COLLEGE OF PSYCHOLOGISTS,  
DISCIPLINE COMMITTEE



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Tom Robinson,  
Registered Doctoral Psychologist, Chair