

**IN THE MATTER OF *THE PSYCHOLOGISTS ACT, 1997* AND BYLAWS AND IN THE
MATTER OF A COMPLAINT AGAINST
DR. GLENN PANCYR, A MEMBER OF THE SASKATCHEWAN COLLEGE OF
PSYCHOLOGISTS**

**DECISION
Saskatchewan College of Psychologists
DISCIPLINE COMMITTEE**

Discipline Committee Members:

Renée Schmidt, Registered Doctoral Psychologist, Acting Chair
Doris Schnell, Registered Psychologist, Member
Kristina McAvoy, Registered Psychologist, Member
Kristin Bellows, Registered Psychologist, Member
Krista Smith, Registered Psychologist, Member

Ronni Nordal, Q.C., appearing on behalf of the Professional Conduct Committee
Anita Fraser, appearing on behalf of the member Dr. Glenn Pancyr
Merrilee Rasmussen, Q.C., legal counsel for the Discipline Committee

INTRODUCTION

[1] The Discipline Committee convened on October 25, 2021, virtually via Zoom, as agreed by the parties, to hear and determine the formal complaint concerning the Member dated February 8, 2021, as amended August 30, 2021, as required by *The Psychologists Act, 1997* (“the Act”). The parties acknowledged the jurisdiction of the Discipline Committee, as comprising the members listed above, to hear and determine the formal complaint.

[2] At all times material to the complaints made against him, Dr. Pancyr was a member of the Saskatchewan College of Psychologists, licensed to practise in the Province of Saskatchewan subject to the Act, the regulatory bylaws of the College, the *Canadian Code of Ethics for Psychologists* (“the Code”), and related Saskatchewan College of Psychologists Practice Guidelines (“the Guidelines”).

THE FORMAL COMPLAINT

[3] The Formal Complaint contains the following charge alleging that Dr. Glenn Pancyr is guilty of professional misconduct and/or professional incompetence contrary to the provisions of sections 25 and 26 of *The Psychologists Act, 1997*, in that he:

made statements containing his professional opinion about an individual (J.H.) in reports submitted to Saskatchewan Government Insurance on January 4, 2016 and January 27, 2019 in a manner that was not clear and understandable as he referred to the individual (J.H.) whom he had not assessed by means of direct person to person contact rather than the report contents, which he had reviewed, contrary to guideline 3.23 of the Saskatchewan Professional Practice Guidelines of the Saskatchewan College of Psychologists approved May 15, 2010.

THE EVIDENCE

[4] The parties submitted an Agreed Statement of Facts to the Discipline Committee, in which Dr. Pancyr acknowledges the jurisdiction of the College and that he was served with the formal complaint. In addition, he pleads guilty to the charge set out in the formal complaint as described above. A copy of the Agreed statement of Facts (not including the documents appended thereto) is attached to this decision as Appendix 1.

LEGISLATION

[5] *The Psychologists Act, 1997* 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] Section 20 of *The Saskatchewan College of Psychologists Regulatory Bylaws, 2016*¹ requires members to comply with the Code of Ethics of the College:

20 Every member shall comply with the *Canadian Code of Ethics for Psychologists*, Third Edition, as adopted by the Canadian Psychological Association.

[7] The *Regulatory Bylaws* of the College also contain provisions relating to what constitutes professional misconduct and/or professional incompetence:

6(1) 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

¹ Published in *The Saskatchewan Gazette* on June 3, 2016. These bylaws did not formally come into force until their publication date, as provided for in subsection 14(8) of the Act. However, section 14 of the 2004 Regulatory Bylaws in force immediately prior to June 3, 2016 contains the same provision.

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

[8] Where a member is found to be guilty of professional misconduct, the Discipline Committee is authorized to make orders directed at the conduct underlying the complaint that gave rise to the finding. 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

Finding of Professional Misconduct

[9] The Discipline Committee accepts the guilty plea provided by the Member in the Agreed Statement of Facts in relation to the charge contained in the Formal Complaint. He has acknowledged that he was in contravention of the Practice Guidelines as outlined in the charge contained in the Formal Complaint. The Discipline Committee finds that a failure to comply with the Practice Guidelines is conduct that is harmful to the best interests of the public or the members of the College and tends to harm the standing of the profession, contrary to clauses 25(a) and (b) of the Act, which describe the type of conduct that constitutes professional misconduct. It is also conduct that is in contravention of clause 6(1)(j) of the College's Regulatory Bylaws and thus professional misconduct contrary to clause 25(c) of the Act. The Member did not clearly communicate in his report to Saskatchewan Government Insurance that he had not actually met with the complainant and had instead conducted a file review. The Discipline Committee therefore finds that the Member is guilty of professional misconduct.

Penalty

[10] The Discipline Committee must therefore determine the appropriate consequence to follow as a result of its findings. Section 32 of the Act sets out the powers of the Discipline Committee where it finds a member guilty of professional misconduct. The range of powers available to the Discipline Committee runs from reprimand to expulsion and includes the ordering of counselling or a requirement to take certain courses, among other things. The list is 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".

[11] The parties have also provided the Discipline Committee with a Joint Penalty Submission by which they have agreed that an appropriate penalty, in light of the fact that Dr. Pancyr has been a member of the College since its establishment in 2002 and since 1993 in its predecessor

college and has no discipline record, he pled guilty and took responsibility for his actions, and he entered into an agreed statement of facts and joint submission as to penalty, would include a formal reprimand and an order that he pay the costs incurred by the College with respect to the investigation and hearing of the complaint against him in the total amount of \$13,650.50.

[12] The Discipline Committee is mindful that in its decision in the case of *Rault v. Law Society of Saskatchewan*,² 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.³ 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 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

² 2009 SKCA 81.

³ *Ibid*, at paragraph 13.

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.

[13] 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 or competence 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. The Discipline Committee finds no good or cogent reason to depart in substance from the sentence agreed to in the joint submissions provided by the parties as it meets the goal of public protection while also respecting the interests of the Member.

[14] The Discipline Committee notes that it is required to ensure that its decision is published on the College's website pursuant to subsection 6(2) of *The Saskatchewan College of Psychologists Regulatory Bylaws, 2016* and will do so in compliance with the Bylaws.

ORDER

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

1. Dr. Glenn Pancyr is hereby reprimanded;
2. Dr. Glenn Pancyr shall pay costs in the amount of \$13,560.50 within one year after the date of this Order and if he fails to do so his licence shall be thereupon suspended until the costs are paid in full;
3. In accordance with subsection 6(2) of *The Saskatchewan College of Psychologists*

Regulatory Bylaws, 2016, this decision and reasons shall be posted on the College's website.

Dated at Regina, Saskatchewan this 5th day of November 2021.

SASKATCHEWAN COLLEGE OF PSYCHOLOGISTS,
DISCIPLINE COMMITTEE



Renée Schmidt,
Registered Doctoral Psychologist, Acting Chair

On behalf of the members of the Discipline Committee:

Doris Schnell, Registered Psychologist
Kristina McAvoy, Registered Psychologist
Kristin Bellows, Registered Psychologist
Krista Smith, Registered Psychologist

APPENDIX 1

CANADA)
PROVINCE OF SASKATCHEWAN)
TO WIT)

In the matter of *The Psychologists Act, 1997*
And in the matter of Glenn Pancyr, Ph.D.,
A Psychologists of Saskatoon, Saskatchewan
(PCC 2020-015)

AGREED STATEMENT OF FACTS AND ADMISSIONS

A. Charges

1. The Formal Complaint dated February 8, 2021 and amended August 30, 2021 alleges that Dr. Glenn Pancyr is guilty of professional misconduct and/or professional incompetence contrary to the provisions of Sections 25 and 26 of *The Psychologists Act, 1997*, S.S. 1997, c P-36.01 and/or Regulatory Bylaw #20 in that he:

Made statements containing his professional opinion about an individual (J.H.) in reports submitted to Saskatchewan Government Insurance on January 4, 2016 and January 27, 2019 in a manner that was not clear and understandable as he referred to the individual (J.H.) whom he had not assessed by means of direct person to person contact rather than the report contents, which he had reviewed, contrary to guideline 3.23 of the Saskatchewan Professional Practice Guidelines of the Saskatchewan College of Psychologists approved May 15, 2010.

B. Jurisdiction

2. Dr. Glenn Pancyr (“Dr. Pancyr”) is registered with the College of Psychologists in Saskatchewan and, accordingly, is subject to *The Psychologists Act, 1997*.

3. Dr. Pancyr is currently the subject of a Formal Complaint dated February 8, 2021. The original Formal Complaint was served on Dr. Pancyr by letter dated February 8, 2021. The Formal Complaint was amended with Dr. Pancyr’s consent and is dated August 30, 2021.

4. Attached at Tab “1” is an Affidavit of Carmel Kleisinger, Registrar of the College of Psychologists in Saskatchewan with exhibits attached including:
- proof of registration
- copy of original Formal Complaint with proof of service

5. Attached at Tab “2” is a copy of amended Formal Complaint dated August 30, 2021.

6. Notice of Hearing was served on legal counsel for Dr. Pancyr.

C. Dr. Pancyr's Education and Background

7. Dr. Pancyr received his Bachelor of Science in Psychology from the University of Victoria in 1980, followed by his Masters of Arts in Clinical Psychology from the University of Saskatchewan in 1983. Thereafter, Dr. Pancyr received his Doctor of Philosophy in Clinical Psychology from the University of Saskatchewan in 1988.

8. At all material times, Dr. Pancyr practiced psychology as a consultant with Saskatchewan Government Insurance ("SGI").

D. Particulars of Complaint

9. The Saskatchewan College of Psychologists ("the College") received a complaint raising concern with the practice of Dr. Glenn Pancyr ("Dr. Pancyr"). The concerns noted in the complaint related to reports submitted by Dr. Pancyr to SGI relating to SGI claimant, J.H. dated January 4, 2016 and January 27, 2019.

10. At all times material to the complaint made against him, Dr. Pancyr was a member of the Saskatchewan College of Psychologists, licensed to practise in the Province of Saskatchewan subject to the *The Psychologists Act, 1997*, the regulatory bylaws of the Saskatchewan College of Psychologists, the Canadian Code of Ethics for Psychologists ("the Code"), and the Saskatchewan College of Psychologists Practice Guidelines, which were approved May 15, 2010 ("the Guidelines").

11. On or around November 24, 2015 SGI requested that Dr. Pancyr, as a consultant psychologist, complete a file review relating to J.H. and answer the question:

- Has the insured reached maximal medical improvement? If no, please provide your recommendation for course of treatment.

(A copy of November 24, 2015 SGI request is attached at Tab "3")

12. Dr. Pancyr did not meet with, examine or assess J.H.

13. Dr. Pancyr conducted a review of the file provided to him by SGI and provided his professional psychological opinion in report dated January 4, 2016.

(A copy of Dr. Pancyr's January 4, 2016 opinion is attached as Tab "4")

14. On or around January 10, 2019 SGI requested that Dr. Pancyr, as a consultant psychologist, complete a file review relating to J.H. and answer two questions:

1. Based on the objective medical information, are the insured's current symptoms (including vestibular dysfunction, dizziness, headaches, etc) related to the Motor Vehicle Accident of September 6, 2012? Does this change your opinion as per the prior consultant reviews? If yes, to what extent?

2. If the current symptoms are related to the motor vehicle accident of September 6, 2012, are these symptoms limiting her ability to perform her employment? To what extent?

(A copy of January 10, 2019 SGI request is attached as Tab "5")

15. Dr. Pancyr did not meet with, examine or assess J.H.

16. Dr. Pancyr conducted a review of the file provided to him by SGI and provided his professional psychological opinion in a report dated January 27, 2019.

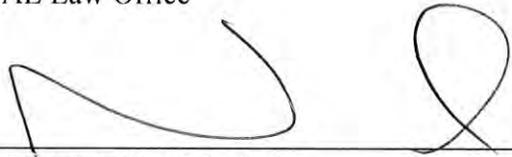
(A copy of Dr. Pancyr's January 27, 2019 opinion is attached as Tab "6")

E. Conclusion

17. Dr. Pancyr, though legal counsel, pleads guilty to the charge set out in the amended Formal Complaint outlined above.

DATED at Regina, Saskatchewan this 27 day of September, 2021.

NORDAL Law Office

Per: 

Ronni A. Nordal, Q.C.
Counsel for the Professional Conduct
Committee of the Saskatchewan
College of Psychologists

DATED at Saskatoon, Saskatchewan this 27th day of September, 2021.

McKercher LLP

Per: 

Anita G. Fraser
Counsel for the Member Dr. Glenn Pancyr