

IN THE MATTER OF: *THE PSYCHOLOGISTS REGISTRATION ACT,*
C.C.S.M. c. P190

AND IN THE MATTER OF: **DR. RICHARD SHORE, A MEMBER OF THE**
PSYCHOLOGICAL ASSOCIATION OF MANITOBA

AND IN THE MATTER OF: **A HEARING BEFORE THE INQUIRY COMMITTEE**
OF THE PSYCHOLOGICAL ASSOCIATION OF
MANITOBA IN RESPECT OF CHARGES ISSUED
APRIL 14, 2020 AND JANUARY 19, 2021

**REASONS FOR DECISION OF THE INQUIRY PANEL OF THE PSYCHOLOGICAL
ASSOCIATION OF MANITOBA UNDER S. 41 OF BY-LAW NO. 1 OF THE
PSYCHOLOGICAL ASSOCIATION OF MANITOBA**

INQUIRY PANEL:

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Introduction

The Complaints Committee of the Psychological Association of Manitoba (“PAM”) issued charges against Dr. Richard Shore on April 14, 2020 and January 19, 2021. The hearing into those charges took place on Monday, February 22, 2021. 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 4), and gave effect to it by order following the hearing. The Panel told counsel that in due course written reasons would be provided, and these are the Panel’s reasons.

Background of Charges and the Alleged Breaches of the Code of Conduct

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 has a past history of professional misconduct on two previous occasions. On April 16, 2007, an Inquiry Committee Panel of PAM accepted a plea of guilty from Dr. Shore to charges of professional misconduct relating to, among other things, that he had failed to observe appropriate professional boundaries with a client, exploited the relationship with that client to further his own personal interests, provided psychological services to the client when he was not fit to provide those services and that he had failed to create and maintain accurate and complete records of his treatment of that client. As a result of the guilty plea, the Inquiry Committee Panel ordered, among other things, that Shore's Certificate of Registration with PAM be suspended for a two month period (from April 9, 2007 to June 8, 2007), and that he would be supervised in his practice for a period of at least 12 months, commencing on June 5, 2007.

In May 2018, Dr. Shore once again pleaded guilty to charges of engaging in conduct unbecoming of a member, making false and deceptive statements with respect to his association affiliations and a separate charge of professional misconduct. As a result, Dr. Shore was required to practice psychology under the supervision of Dr. Lesley Enns ("Dr. Enns") for a period of at least one year (From January 1, 2018, but which had in fact commenced in 2017). Dr. Shore was required to limit his practice by not engaging in the treatment of pure personality disorders or in the treatment of clients with strong Cluster B personality disorder traits for anxiety, depression, relationship difficulties and Post Traumatic Stress Disorder. Dr. Shore was also required to disclose to Dr. Enns all active files on which he was then working and he agreed to allow Dr. Enns to review all such files and to provide him with any required guidance and direction.

The period of supervision by Dr. Enns was extended beyond January 1, 2019 on the basis of a recommendation by Dr. Enns and with the concurrence of Dr. Shore and the Complaints Committee.

On June 21, 2019, PAM received a complaint from C.B., a Canadian Forces Veteran, to whom Dr. Shore provided psychological services through Veterans Affairs Canada as a third-party benefit provider from 2010 to 2017 ("C.B. Complaint"). The complaint alleged that during treatment for his Post Traumatic Stress Disorder, depression and anger management, Dr. Shore fell asleep during some of his sessions, conducted the sessions in his home where there was a

lack of privacy, Dr. Shore failed to complete documentation for the patient's Disability Tax Credit and failed to properly treat his condition.

On December 18, 2019, PAM received a complaint filed by Medavie Blue Cross on behalf of Veterans Affairs Canada, regarding counselling and other psychological services provided to another Canadian Forces Veteran through Veterans Affairs Canada as a third-party benefit provider from 2013 to 2019 (the "Medavie Complaint"). The complaint alleged that treatment of the veteran had been going on for an unusually lengthy time (2013 to current) without clear improvement or goals; sessions were usually structured (e.g., two hours each and in the client's home); professional boundaries were poor (e.g. watching TV for one hour of a session, the veteran being upset Dr. Shore had not been paid for all or his services); and that Dr. Shore supported negative comments the client made about VAC and previous case managers.

After affording Dr. Shore an opportunity to respond to the complaints and appointing an Investigator, the Complaints Committee issued charges of professional misconduct against Dr. Shore on April 14, 2020 in relation to the C.B. Complaint (Exhibit 1) and the Registrar of PAM suspended Dr. Shore's Certificate of Registration on an interim basis pending the outcome of the complaint proceedings in the C.B. Complaint and the Medavie Complaint. Dr. Shore's Certificate of Registration continued to be suspended until the hearing and he has not engaged in the practice of psychology since April 20, 2020. On January 19, 2021, the Complaints Committee of Pam issued charges of professional misconduct against Shore arising from the Medavie Complaint (Exhibit 2).

Charge Relating to C. B. Complaint

Dr. Shore was charged with conduct unbecoming of a member of PAM contrary to s.7.7 of the Code of Conduct of PAM (the "Code"); and professional misconduct in respect of the following matters relating to his interactions with C.B.:

- On no less than three occasions between 2010 and October 2017 during therapy sessions, Dr. Shore fell asleep and continued to sleep during the sessions;
- Dr. Shore repeatedly failed to submit reports on behalf of C.B. to Veterans Affairs Canada ("VAC"), which reports were required in order for C.B. to receive

benefits from VAC related to his physical and psychological conditions, in a timely way, or at all;

- Dr. Shore repeatedly undertook to C.B., and to VAC that the required reports would be forthcoming by certain dates, but he repeatedly neglected to fulfil those undertakings;
- Dr. Shore failed to take adequate steps to preserve the confidentiality of the information, including sensitive personal health information, being provided to him by C.B., during the sessions, including that he conducted the sessions with C.B. in a house which he was sharing with another individual, while that individual was present, without taking measures to ensure the privacy of those sessions. Further, Dr. Shore allowed that individual to have access to documentation containing the personal health information of C.B. in the fall of 2017;
- After C.B. complained about those confidentiality issues, Dr. Shore met with C.B. for therapy and/or counselling sessions on three occasions in a public restaurant, without regard for C.B.'s discomfort relating to conducting such sessions in a public setting; and
- Throughout 2016 and 2017, Dr. Shore failed to recognize that he was not assisting C.B., and that his psychological health was not improving as a result of the therapy and counselling. Dr. Shore failed to make an appropriate referral to another psychologist or health care provider in circumstances in which it was appropriate to do so.

Charge Relating to the Medavie Complaint

In respect of the matters relating to the Medavie Complaint, Dr. Shore was charged with being involved in a prohibited dual relationship in breach ss. 5.10 of the Code; professional misconduct and acting in a manner which would be regarded by other members of PAM as unbecoming, disgraceful, dishonourable or unprofessional in breach of ss. 7.6 and 7.7 of the Code; failing to

act in accordance with a client's welfare, in breach of ss. 5.1 and 8.2 of the Code; and providing psychological services and rendering an account for those services when he was not registered or licensed to provide such services in breach ss. 18.1 (b) of the Code. The particulars in relation to these charges included the following:

- Dr. Shore had a professional relationship with Client X, a veteran of the Canadian Armed Forces (the "Veteran") between on or about December 2012 and continuing until at least February 2020. Throughout that period, Dr. Shore regularly provided therapy and counselling to the Veteran by way of two hour sessions, occurring once a week in his home resulting in an impairment of Dr. Shore's objectivity.
- In contravention of the Resolution and Order of the Inquiry Committee Panel dated May 15th , 2018, Dr. Shore failed to disclose to Dr. Enns the ongoing professional relationship he had with the Veteran .
- In contravention of the Resolution and Order of the Inquiry Committee Panel dated May 15th , 2018, Dr. Shore engaged in the treatment of a client with strong, concurrent Cluster B personality disorder traits associated with Post-Traumatic Stress Disorder.
- Dr. Shore failed to recognize that although there was some periodic improvement in the Veteran's psychological functioning, the Veteran was not making substantial progress in therapy on an overall basis, and Dr. Shore failed to recognize that his treatment plan required some modification and some variability in approach.
- By failing to modifying his treatment plan and not presenting the Veteran's case to Dr. Enns for supervision, Dr. Shore failed to act in accordance with the Veteran's welfare and to provide psychological services adequate to the Veteran's needs.
- In or about the months of July and/or August 2016, Dr. Shore provided psychological services, including counselling to the Veteran and rendered an account for his services, when he was not registered or licensed to provide such services.

Discussion

The charges against Dr. Shore involve subsections 5.1, 6.6, 7.6, 7.7, 8.2, 8.3, and 18.1(b) of the Code of Conduct of PAM, which provide as follows:

5.1 Preserving client welfare

In professional relationships, a registrant must take steps to protect or act in accordance with the client's welfare.

6.6 Limiting access to client records

A registrant and those working under her or his authority, must, to the greatest extent possible and consistent with their authority, preserve and protect the confidentiality of client records.

Where the psychologist maintains the records (i.e. is custodian of a client's records), he or she must take reasonable steps to ensure that they, and all persons working under their authority comply with confidentiality requirements. Examples of persons working under the registrant's authority are office and IT staff, secretaries, supervisees, and colleagues. A formal orientation and written agreements to comply with confidentiality provisions is recommended.

In a hospital, school, or other institution, where a Psychologist may not be the custodian of records, the Psychologist should take reasonable steps to ensure the confidentiality of records that are under their direct control (files containing test protocols, etc.).

7.6 Compliance

Where required, a registrant must comply with an undertaking, condition or limitation imposed on the registrant's registration by the College.

7.7 Unprofessional behaviour

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.

8.2 **Services appropriate to needs**

A registrant must provide psychological services which are appropriate and adequate to the client's needs, and which respect the confidential nature of the professional relationship between the registrant and the client, or else refer the client to another registrant for services.

8.3 **Fulfillment of agreements**

A registrant must fulfill the terms of his or her agreements with a client as established in the informed consent for services or at the outset of the professional relationship.

18.1 **Legal compliance**

A registrant must

- (b) conduct him- or herself so that the psychological services provided by the registrant or his or her supervisees comply with the laws applicable to the provision of psychological services and with the professional standards and policies of the College set out in this Code or in issued practice advisories or guidelines.

Dr. Shore admitted the facts underling the charges in relation to the C.B. Complaint and in respect of the Medavie Complaint.

The report into the investigation of the Medavie Complaint formed part of the Agreed Statement of Facts (Exhibit 3) and the Investigator found that Dr. Shore's failure to present this client to his supervisor, Dr. Enns, was an egregious omission. The Investigator also found that Dr. Shore's unusual practice of seeing this client for two-hour sessions in his home and offering pro bono sessions was concerning given that Dr. Shore has twice been disciplined for boundary violations, and at a minimum, this necessitated discussion and reflection with his supervisor, which did not occur. Moreover, the atypical presentation of the client and the challenges in treatment should have warranted prioritization for supervision. Dr. Shore accepted that he knew he should have presented this client.

While the Investigator found that Dr. Shore appears to be a warm, compassionate psychologist who is empathic and genuinely cares for his clients, Dr. Shore failed to adapt his treatment over

time and given the clear periods of decompensation, and areas where there was only slight improvement, more variability in treatment approach over seven years was needed to attempt to maximize treatment gain.

Moreover, the Investigator found that Dr. Shore repeatedly violated the restrictions on his practice; restrictions he has agreed to and which were in place for the protection of the public, including seeing this client in a professional context and charging for sessions, at a time he knew his licence was suspended and he was prohibited from psychological practice. Furthermore, at a time when his entire practice was to be supervised, Dr. Shore failed to present this client in supervision which the Investigator found was a flagrant omission.

Finally this client presented with significant Cluster B traits and Dr. Shore was restricted from practice with such clients which was ultimately recognized by Dr. Shore and therefore there was either a willful violation of the terms of supervision or a serious question of his clinical judgement. In either case, it raised significant questions as to his ability to recognize, and therefore operate within, the agreed upon limits of his practice.

Guilty Plea and Joint Recommendation

Dr. Shore plead guilty to all of the charges against him. Given the findings of the Investigator, which were included as part of the Agreed Statement of Facts, Dr. Shore's guilty plea and his acknowledgement that he has committed acts of professional misconduct and has contravened the Code, the Panel finds that:

1. Pursuant to subsections 40(a) and 40(g) of By-Law No. 1 of the PAM under the Act Dr. Shore is guilty of professional misconduct and conduct unbecoming a member of PAM as a result of the facts, and matters outlined and referred to in Charges of Professional Misconduct dated April 14, 2020 in connection with his interactions with a former client who was a veteran of the Canadian Armed Forces occurring between 2010 and 2017; and
2. Pursuant to subsections 40(a), 40(b) and 40(g) of By-Law No. 1 of PAM, under the Act, Dr. Shore is guilty of professional misconduct and of contravening various

provisions of the Code of Conduct of PAM, and of conduct unbecoming a member of PAM as a result of the facts and matters outlined and referred to in Charges of Professional Misconduct dated January 19, 2021 in connection with his interactions with another former client, who was also a veteran of the Canadian Armed Forces, occurring between 2012 and 2020.

Counsel for the Complaints Committee and for Dr. Shore submitted a Joint Recommendation as to disposition (Exhibit 4) for consideration of the Panel.

Pursuant to section 41 of By-Law No. 1 of PAM, the Panel has broad discretion with respect to the Orders it may make following a hearing into charges against a member. In determining the types of orders to be granted, it is useful to consider the objectives of such orders. Those objectives include:

- The protection of the public. Orders under section 41 are not simply intended to protect the particular patients involved, but are also intended to protect the public generally by maintaining high standards of competence and professional integrity among psychologists;
- The punishment of the member involved;
- Specific deterrence in the sense of preventing the member from committing similar acts of misconduct in the future;
- General deterrence in the sense of informing and educating the profession generally as to the serious consequences which will result from breaches of recognized standards of competent and ethical practice;
- Protection of the public trust in the sense of preventing a loss of faith on the part of the public in the ability of the profession to regulate itself;
- The rehabilitation of the member (in appropriate cases); and
- Proportionality between the conduct of the member and the orders made.

The Joint Recommendation proposed the following disposition:

- That Dr. Shore be reprimanded with respect to his conduct in relation to the Charges of Professional Misconduct dated April 14, 2020 and in relation to the Charges of Professional Misconduct dated January 19, 2021.
- That Dr. Shore be permitted to voluntarily surrender his Certificate of Registration with PAM effective February 22, 2021, effective that date.
- That Dr. Shore no longer be entitled to use the title “Psychologist” or to otherwise represent or hold himself out to the public as a psychologist or to use a title or a description of his services containing the words “psychologist”, “psychological” or “psychology” or any derivative thereof.
- That there be publication of this Resolution and Order and the written reasons for decision delivered in this matter on PAM’s website, and in PAM’s newsletter with the content consistent with the Resolution and Order and written reasons for decision delivered in this matter, which publications shall specifically refer to Dr. Shore by name.
- That PAM shall send notices to all third party service providers and institutional referral sources, that as a result of multiple complaints of professional misconduct against Dr. Shore, he has voluntarily surrendered his registration with PAM and as a further result of those complaints and this Resolution and Order, Dr. Shore is no longer entitled to use the title “Psychologist” or to otherwise represent or hold himself out to the public as a psychologist or to use a title or description of his services containing the words “psychologist”, “psychological” or “psychology” or any derivative thereof.
- That Dr. Shore immediately take steps to have references to him as a psychologist removed from the websites and other publications of The Manitoba Psychological Society and from <https://threebestrated.ca/psychologists-in-winnipeg-mb> and from any other website or publication referring to Dr. Shore as a psychologist.
- That the surrender of Dr. Shore’s registration and the disposition of the charges referred to herein be reported by PAM to the Inter-Jurisdictional Disciplinary Data Bank.

- That Dr. Shore contribute to the cost of these proceedings in the amount of \$15,000.00, which costs would not be payable unless and until Dr. Shore makes an application to have his registration with PAM reinstated, in which case, the full amount of \$15,000.00 becomes due and payable as a condition of any such reinstatement.

The Panel carefully reviewed the terms of the Joint Recommendation made by counsel for the Complaints Committee and for Dr. Shore to ensure that the terms of the Joint Recommendation will fulfill the objectives relating to disposition outlined above. The Panel appreciated the thoughtful and detailed submissions relating to how the terms met these objectives. The Panel notes that while subsection 41(1) of By-Law No. 1 of PAM does not expressly reference accepting the surrender of a member's Certificate of Registration as an order that may be made following a finding pursuant to section 40, subsection 41(3) permits the Panel to make any ancillary order that is appropriate or required and notes that acceptance of a voluntary surrender of a member's registration is expressly contemplated as a disposition of a complaint pursuant to section 25 of By-Law No. 1 of PAM. The Panel is therefore satisfied it has the jurisdiction to accept the surrender of a member's Certificate of Registration pursuant to section 41 of By-Law No. 1 of PAM.

The Panel accepts the joint recommendation as a reasonable disposition to the serious charges against Dr. Shore.

- A reprimand represents a serious punishment and the denunciation of his profession in relation to his conduct. In addition, Dr. Shore has been suspended since April 2020 and has surrendered his license. This has had and will continue to have a significant impact on Dr. Shore.
- The disposition satisfies specific deterrence in that Dr. Shore will be prevented from committing similar acts of misconduct in the future. In the event that Dr. Shore applies for re-instatement (which is not his current intention), he would be subject to any terms and conditions necessary to protect the public and would be required to pay the contribution to costs.

- General deterrence is also satisfied in that the publication of this disposition and Reasons for Decision serves as a notice to the profession as to the serious consequences which will result from breaches of recognized standards of competent and ethical practice;
- The disposition protects both the specific patients involved and the public trust in that the denunciation of Dr. Shore and his withdrawal from practice when viewed from the perspective of a reasonably informed member of the public, is an appropriate disposition of these charges and upholds the faith of the public in self-regulation of the profession.

Dr. Shore has been cooperative throughout these proceedings and has expressed his remorse. His conduct was impacted by his difficult personal and financial circumstances. However, the Panel agrees with the description of the Investigator that his conduct was egregious and given his past discipline history, significant punishment is warranted. The Panel finds that the Joint Recommendation appropriately balances the conduct of the member and the goals of sentencing and is a proportionate disposition.

In reaching the decision to accept the Joint Recommendation of the parties, the Panel has also been mindful of the high threshold for departing from Joint Recommendations from counsel and accepts that it should not depart from a Joint Recommendation unless the proposed disposition would bring the regulation of the profession into disrepute or would otherwise be contrary to the public interest.

Accordingly, the Inquiry Panel orders that:

- Pursuant to subsection 41(1)(a) of By-Law No. 1 of PAM, Dr. Shore is hereby reprimanded with respect to the facts, matters and things outlined and referred to in the Charges of Professional Misconduct dated April 14, 2020 in connection with Dr. Shore's interactions with his former client occurring between 2010 and 2017.
- Pursuant to subsection 41(1)(a) of By-Law No. 1 of PAM, Dr. Shore is hereby reprimanded with respect to the facts, matters and things outlined and referred to in the Charges of Professional Misconduct dated January 19, 2021 in connection with Dr. Shore's interactions with another client, occurring between 2012 and 2020.

- Pursuant to subsections 22(1)(c) and 41(3) of By-Law No. 1 of PAM, Dr. Shore is hereby permitted to voluntarily surrender his Certificate of Registration with PAM effective February 22, 2021, on the terms and conditions outlined in this Resolution and Order, which voluntary surrender is accepted and takes effect as of the date of this Resolution and Order.
- As a result of the voluntary surrender by Dr. Shore of his Certificate of Registration with PAM, Dr. Shore shall no longer be entitled to use the title “Psychologist” or to otherwise represent or hold himself out to the public as a psychologist or to use a title or a description of his services containing the words “psychologist”, “psychological” or “psychology” or any derivative thereof.
- There shall be publication of this Resolution and Order and the written reasons for decision delivered in this matter on PAM’s website, and in PAM’s newsletter with the content consistent with the Resolution and Order and written reasons for decision delivered in this matter, which publications shall specifically refer to Dr. Shore by name.
- PAM shall send notices to all third party service providers and institutional referral sources, including without limiting the generality of the foregoing Medavie Blue Cross, the Manitoba Public Insurance Corporation, and the Workers Compensation Board of Manitoba, which notices shall notify those referral sources that as a result of multiple complaints of professional misconduct against Dr. Shore, he has voluntarily surrendered his registration with PAM and as a further result of those complaints and this Resolution and Order, Dr. Shore is no longer entitled to use the title “Psychologist” or to otherwise represent or hold himself out to the public as a psychologist or to use a title or description of his services containing the words “psychologist”, “psychological” or “psychology” or any derivative thereof.
- Dr. Shore shall immediately take steps to have references to him as a psychologist removed from the websites and other publications of The Manitoba Psychological Society and from <https://threebestrated.ca/psychologists-in-winnipeg-mb> and from any other website or publication referring to Dr. Shore as a psychologist.

- The surrender of Dr. Shore's registration and the disposition of the charges referred to herein shall be reported by PAM to the Inter-Jurisdictional Disciplinary Data Bank.
- Pursuant to section 42 of By-Law No. 1 of PAM, Dr. Shore shall contribute to the cost of these proceedings in the amount of \$15,000.00, on the express understanding that as a result of Dr. Shore's present financial circumstances, those costs shall not be payable to PAM unless and until Dr. Shore shall make an application to have his registration with PAM reinstated. In the event Dr. Shore shall apply to have his registration with PAM reinstated, the full amount of \$15,000.00 shall become due and payable as a condition of any such reinstatement, which condition shall be in addition to any other conditions which may be imposed by PAM in relation to any such reinstatement.

DATED this 9th day of April, 2021



Jim Newton on behalf of the Panel