



**Nova Scotia
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in Psychology**

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Nova Scotia Board of Examiners in Psychology

SUMMARY OF DECISION OF INVESTIGATION COMMITTEE

**Jennifer Naugler, MA, R.Psych.
Registration number: R0550**

A panel of the Investigation Committee of the Nova Scotia Board of Examiners in Psychology (the “**Committee**”) concluded its investigation into a complaint against Ms. Jennifer Naugler by issuing its decision dated August 1, 2024.

The Committee reached agreement with Ms. Naugler with respect to the disposition of the complaint.

A summary of the complaint and disposition appears below.

OVERVIEW OF COMPLAINT AND SUMMARY OF INVESTIGATION

This matter was initiated by a formal complaint from Ms. Naugler’s employer dated December 14, 2023, stating that Ms. Naugler was not upholding the Standards of Practice. A panel of the Investigation Committee, formed in accordance with section 35 of the *Psychologists, SNS 2000, c 32* (the “*Psychologists Act*”) was responsible for the investigation of this complaint.

Committee Review

The Committee considered 4 primary allegations, which are addressed in turn.

1. Ms. Naugler stored confidential materials insecurely.
2. Ms. Naugler failed to complete and file documentation in a timely fashion.
3. Ms. Naugler failed to follow through with plans for clients.
4. Ms. Naugler failed to engage in sufficient self-care to ensure no harm to her clients.

In her responses to the complaint, Ms. Naugler highlighted the impact of the Covid-19 pandemic on her practice as well as increasing administrative burdens and personal circumstances. She indicated that she had changed how she works so that she is not continuing the alleged violations noted in the complaint. The Committee considered this information, but also had to consider the consequences of any potential violations that may be at this point historical. The Committee was also in possession of performance reviews, which added information concerning the persistence of prior potential violations.

1. Ms. Naugler stored confidential materials insecurely.

Ms. Naugler acknowledged that she had unsecured, confidential information in her office. Her conduct in this regard likely falls short of NSBEP Standards of Professional Conduct, Section 7; Standards for Providers of Psychological Services, V.2; and the Canadian Code of Ethics for Psychologists, Principle I.19.

Ms. Naugler's response that her office could not be locked and that she did not have secure storage available in her office, and her note that procedures had been changed does not excuse her potential breach of the requirement for secure storage. If secure storage were not available to her, she could and should have undertaken such steps as necessary to remedy that.

2. Ms. Naugler failed to complete and file documentation in a timely fashion.

Documents submitted by the Complainant and by the Privacy Office suggest that many records were outstanding, including documents that were unsigned, reports that were not completed, protocols that were unscored, and scales that were not completed. Information from Ms. Naugler's performance reviews reference her failure to complete paperwork in a timely manner. The issue is mentioned, with varying degrees of seriousness, in documents from 2010, 2012, 2014, 2017, and 2019.

Ms. Naugler acknowledged having failed to complete documentation. Her conduct in this regard likely falls short of NSBEP Standards of Professional Conduct Principles 7.1 and 7.2; Standards for Providers of Psychological Services V.1; and I.19, I.21, and I.41 of the Canadian Code of Ethics for Psychologists.

3. Ms. Naugler failed to follow through with plans for clients in a timely manner.

Ms. Naugler acknowledged struggling with time management. She did not explicitly acknowledge that she had not followed through with plans for clients. Performance reviews from 2012, 2019, 2021 and 2022 note issues with time-management or following through with prioritized tasks.

The Complainant listed numerous instances in which Ms. Naugler had not made appropriate referrals following initial appointments, had not contacted families to arrange feedback, or had not filed an appropriate document to initiate services that were appropriate.

Ms. Naugler's conduct in this regard likely fell short of Principles 2.2, 5.3, 5.4, and 7.1 of the NSBEP Standards of Professional Conduct; I.3, V.1 and V.2 of the Standards for Providers of Psychological Services; and II.33 and III.17 of the Canadian Code of Ethics for Psychologists.

Ms. Naugler's contention that delays resulted from "the turnover in staff, loss of seasoned clinicians, high acuity of client needs, increased stress level, and workload demands" does not alter her responsibility to abide by these standards. Evidence shows that the general issue has been ongoing for over a decade. In this time, Ms. Naugler had a responsibility to deal with these concerns in a more effective manner.

4. *Ms. Naugler failed to engage in sufficient self-care to ensure no harm to her clients.*

Ms. Naugler acknowledged that she had not reached out to her employer to advise that she was struggling or needed support. She reported having experienced elevated levels of stress because of personal issues and changes in the workplace. Her performance review from 2019 noted that maintaining a balance between work and personal health was accomplished only "sometimes."

There was insufficient information before the Investigation Committee to demonstrate Ms. Naugler's health resulted in harm to her clients. However, while there was no evidence of harm to clients, the Committee notes that psychologists are responsible for engaging in sufficient self-care activities to help avoid conditions that could result in impaired judgment and interfere with their ability to benefit and not harm others. In this regard, the Investigation Committee references Principles II.11, II.12, II.33 and II.34 of the Canadian Code of Ethics for Psychologists in this regard.

The Committee received responses to the complaints from Ms. Naugler, and additional, detailed evidence in response to its demand for production to the Health Authority.

The Committee concluded that the information before it, if proven, tends to suggest that Ms. Naugler violated the NSBEP Standards of Professional Conduct and Standards for Providers of Psychological Services, as well as the Canadian Code of Ethics for Psychologists.

Failure to store patient materials securely carries significant risks for confidentiality, which could have harmful consequences for patients. Failing to complete patients' records, to document clinical contacts, and to follow through with appropriate referrals, feedback, and meetings risks harm to patients, in some cases potentially serious harm.

The information available to the Committee, if proven, suggested that some of Ms. Naugler's failures in these areas did lead to delays—sometimes lengthy delays—in offering services to clients, which may have had deleterious impact on individuals and families. For children assessed for ADHD and Autism Spectrum Disorders (ASD), a lengthy delay in receiving diagnosis and treatment may have, and likely has had a substantial impact. Access to services for these clients is generally contingent upon

formal diagnosis and documentation and treatment is most effective when delivered earlier or as soon as possible in order to impact children's future development and well-being.

Ms. Naugler's potential failures to enable timely service also negatively affects public perceptions of psychology, psychologists, and psychological services, as well as mental-health services in general.

The records available to the Committee, if true, likely establish that Ms. Naugler's problems in these areas were not new, that she had received feedback from supervisors concerning them and had previously acknowledged her tendency toward tardiness and incomplete records, and that she had been provided with opportunities for assistance. Given these records indicate a history of concerns dating back more than 10 years, the Investigation Committee believes Ms. Naugler had more than sufficient time to address these concerns earlier and that they were not merely, as she stated, a consequence of changes to the system since the COVID-19 pandemic in 2020.

Relevant Standards and Principles

Psychologists have their own guidelines, established via the NSBEP Standards of Practice, and in the Canadian Code of Ethics for Psychologists. The relevant sections of both documents are indicated below:

NSBEP Standards of Practice

NSBEP Standards of Professional Conduct

Principle 2. A registrant shall organize and conduct his/her activities so that users shall receive appropriate and adequate psychological services.

- 2.2 In employment settings, a registrant shall assume responsibility for the planning, delivery, and supervision of all the psychological services he/she provides to a client. Registrants working as employees shall make reasonable efforts to ensure that their work setting adheres to the Standards of Professional Conduct in the planning, delivery, supervision and billing practices of all psychological services provided.
- 2.4 Registrants do not discontinue services without, in consultation with the client, making reasonable arrangements for the client to obtain services elsewhere.
- 2.8 A registrant documents her/his sources of data.

Principle 3. A registrant shall conduct herself/himself so that clients will receive her/his most effective professional performance.

- 3.3 A registrant must not engage in the practice of psychology while her/his ability to perform professional services is impaired or could reasonably be

expected to be, impaired due to addictions, mental, emotional, physiological, or pharmacological conditions. A registrant who becomes impaired after psychological services have been initiated shall discontinue providing services, making reasonable efforts to ensure clients are notified and assisted in obtaining replacement services.

Principle 4. A registrant accurately represents services and qualifications.

- 4.2 A registrant shall not misrepresent directly or by implication his/her professional qualifications such as education, experience, or areas of competence.

Principle 5. A registrant shall respect the client's right to know the nature of the services provided.

- 5.1 A registrant shall obtain informed consent with respect to the delivery of all psychological services unless otherwise permitted or required by law. This includes, but is not limited to, agreeing on the general nature and extent of the services to be rendered.
- 5.3 A registrant fulfills the terms of the agreement with the client. Services departing from this agreement shall normally have the informed consent of the client prior to their initiation.
- 5.4 To the extent advisable and not contraindicated, a psychologist shall properly inform a person who has undergone an assessment or his/her legal representative of the conclusions, opinions and recommendations issuing from the assessment within a reasonable time.

Principle 7. A registrant shall make reasonable efforts to ensure that psychological records are complete and accessible and that their records and the records of those they supervise are secure and protected from loss, tampering or unauthorized use or access.

- 7.1 A registrant shall keep a record related to the psychological services provided by the registrant for each client, individual or corporate, who has engaged the registrant to provide psychological services or for whom such services have been authorized.
- 7.2 Individual client records will include the following:
- a. clients name, address and phone number (if available).
 - b. clients date of birth.
 - c. the date of every relevant and clinically significant contact with the client.
 - d. the date of every clinically significant consultation, either given or received by the registrant, regarding services to the client
 - e. a description of any presenting problem(s) and history relevant to the problem.

- f. relevant information about every clinically significant service activity related to the client that is carried out by the registrant or under the responsibility of the registrant, including but not limited to: assessment procedures; assessment findings; diagnoses; goals or plans of service; reviews of progress including any modifications to plans of service; activities related to crises or critical incidents; interventions carried out or advice given.
 - g. relevant information about every clinically significant service activity that was commenced but not completed, including reasons for non-completion.
 - h. all reports or correspondence about the client received by the registrant, which are relevant and clinically significant to the registrant's service to the client.
 - i. all reports and communications prepared by the registrant regarding the client.
 - j. a copy of every signed-consent and/or documentation of obtaining verbal consent related to the registrant's service to the client.
 - k. relevant information about every referral of the client by the registrant to another professional
- 7.8 In an employment setting a registrant will make all reasonable efforts to ensure policy is in place that specifies the steps necessary to secure, maintain and make available, on appropriate request, all client records in the event of the registrants departure from that employment.

Standards for Providers of Psychological Services

I. PROVISION OF SERVICES

I.3 ALL LEVELS OF PROVIDERS OF PSYCHOLOGICAL SERVICES ARE RESPONSIBLE FOR PROVIDING SERVICES EFFICIENTLY AND EFFECTIVELY.

...

Psychologists take action to avoid waiting periods or delays in the provision of services by monitoring the volume of service requests, and the capability of meeting those demands....

V. RECORD KEEPING AND CONFIDENTIALITY

V.1 PSYCHOLOGISTS MAINTAIN ACCURATE THE CURRENT RECORDS OF SERVICES PROVIDED.

...

Psychologists maintain records with sufficient information for monitoring and evaluating the services provided....

V.2 ALL LEVELS OF PROVIDERS WORK TO ESTABLISH AND MAINTAIN A RELIABLE METHOD FOR SAFEKEEPING AND CONTROL OF RECORDS.

Psychologists control access to psychological service records regardless of method of storage (e.g., physical, electronic, etc.). When records from a psychological service unit are made part of an organization-wide record-keeping system, psychologists develop procedural safeguards to ensure control over the part of the record collected by the provider of psychological service.

All levels of providers ensure the physical safety of records from loss or damage....

Canadian Code of Ethics for Psychologists

Principle I: Respect for the dignity of persons.

I.19 Obtain informed consent from all independent and partially dependent individuals and groups...for any psychological services provided to them except in circumstances of urgent need (e.g., disaster or other crisis).

I.21 If signed consent forms are required by law or desired by the psychologist, the individuals or groups giving consent, or the organization for whom the psychologist works, establish and use signed consent forms that specify the dimensions of informed consent or that acknowledge that such dimensions have been explained and are understood.

I.41 Collect, store, handle, and transfer all private information, whether written or unwritten (e.g., communication during service provision, written records, e-mail or fax communication, computer files, video-tapes), in a way that attends to the needs for privacy and security. This would include having adequate plans for records in circumstances of one's own serious illness, termination of employment, or death.

Principle II: Responsible Caring

II.11 Seek appropriate help and/or discontinue scientific or professional activity for an appropriate period of time, if a physical or psychological condition reduces their ability to benefit and not harm others.

II. 12 Engage in self-care activities that help to avoid conditions (e.g., burnout, addictions) that could result in impaired judgment and interfere with their ability to benefit and not harm others.

II.33 Maintain appropriate contact, support, and responsibility for caring until a colleague or other professional begins service, if referring a client to a colleague or other professional.

II.34 Give reasonable notice and be reasonably assured that discontinuation will cause no harm to the client, before discontinuing services.

Principle III: Integrity in Relationships

III.17 Honour all promises and commitments included in any written or verbal agreement, unless serious and unexpected circumstances (e.g., illness) intervene. If such circumstances occur, then the psychologist would make a full and honest explanation to other parties involved.

III.33 Familiarize themselves with their discipline's rules and regulations, and abide by them, unless abiding by them would be seriously detrimental to the moral rights or welfare of others as demonstrated in the Principles of Respect for the Dignity of Persons and Peoples, or Responsible Caring. (See Standards IV.17 and IV.18 for guidelines regarding the resolution of such conflicts.)

III.34 Familiarize themselves with and take into account their discipline's guidelines and best practices for their area(s) of activity, and demonstrate a commitment to maintaining the standards of their discipline.

III.35 Seek consultation from colleagues and/or appropriate others, including advisory groups, and give due regard to their advice in arriving at a responsible decision, if faced with difficult situations.

Principle IV: Responsibility to Society

Principle IV.10 Uphold the discipline's responsibility to society by promoting and maintaining the highest standards of the discipline.

DISPOSITION

Overall, the Investigation Committee determined there is sufficient evidence that, if proven, could constitute professional misconduct and/or incompetence, and warrants a registration sanction.

After reviewing all information received during the investigation, the Committee concluded that a reprimand with consent is appropriate, and a one-year mentorship of the psychologist be undertaken in order to rectify the concerns noted, as outlined in the Summary.

In lieu of forwarding this matter to the Hearing Committee and with the consent of Ms. Naugler, the Investigation Committee ordered the following pursuant to section 35(11) of the *Psychologists Act*, Ms. Naugler is **reprimanded** for failing to:

1. storing confidential materials insecurely;
2. failing to complete and file documentation in a timely fashion; and

3. failing to follow through with plans for clients in a timely manner.

As a result, the Committee requires Ms. Naugler to participate in a one-year period of **re-education**, by way of mentorship with a psychologist registered in the province of Nova Scotia, during which her documentation and follow-up of clinical work is regularly reviewed and reported to the NSBEP.

The terms of the mentorship are as follows:

- the mentorship shall commence within 30 days of Ms. Naugler's acceptance of the Investigation Committee's consent reprimand and consent re-education;
- the mentor shall be a registered psychologist approved by the NSBEP;
- the NSBEP shall provide a copy of the Investigation Committee's decision to the mentor;
- Ms. Naugler shall participate in 2 hours of mentorship per month.;
- the mentor shall provide a report to the NSBEP every 2 months commenting on:
 - Ms. Naugler's practices regarding the storage of clients' personal health information;
 - Ms. Naugler's timeliness of completion and filing of client documentation;
 - Ms. Naugler's timeliness of her follow through with client plans;
- the mentor shall immediately notify the NSBEP in the event any concerning information comes to their attention regarding the issues outlined in the Investigation Committee's decision; and
- Ms. Naugler shall be responsible for all costs associated with mentorship.

The Investigation Committee believes that the disposition outlined above reflects its concerns with Ms. Naugler's practice. The Committee believes that the public interest is served by reprimanding Ms. Naugler and requiring remedial re-education.

The NSBEP and Ms. Naugler may agree to extend, alter, or modify the terms of the mentorship. Should Ms. Naugler fail to successfully complete the terms of mentorship, or should Ms. Naugler violate any of the terms, the NSBEP may pursue further disciplinary action.