

**IN THE MATTER OF *THE PSYCHOLOGISTS ACT, 1997* AND BYLAWS AND IN THE
MATTER OF A COMPLAINT AGAINST
DR. D'ARCY HELMER, A REGISTRANT OF THE SASKATCHEWAN COLLEGE OF
PSYCHOLOGISTS**

**DECISION
Saskatchewan College of Psychologists
DISCIPLINE COMMITTEE**

Discipline Committee Members:

Renée Schmidt, Registered Doctoral Psychologist, Chair
Val Harding, Registered Doctoral Psychologist
Marc Sheckter, Registered Doctoral Psychologist
Christel Gee, Public Representative

Ronni Nordal, K.C., appearing on behalf of the Professional Conduct Committee
Nicholas Cann, K.C., appearing on behalf of Dr. Helmer
Merrilee Rasmussen, K.C., legal counsel for the Discipline Committee

INTRODUCTION

[1] The Discipline Committee convened on June 30, 2025, virtually via Zoom, as agreed by the parties, to hear and determine the amended formal complaint concerning Dr. Helmer dated February 19, 2025, 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. Helmer was a registered 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. Helmer is guilty of professional misconduct and/or professional incompetence contrary to the provisions of sections 25 and 26 of *The Psychologists Act, 1997*, and/or Regulatory Bylaw #20 in that he:

1) Communicated with a client (“AVL”), between October 25, 2023 and March 7, 2024, including but not limited to emails dated December 4, 2023 and March 7, 2024, in a manner that was patronizing and unprofessional and/or intimidating and/or threatening, contrary to s. 11.1 of the *Saskatchewan Professional Practice Guidelines (3rd version-revised October 5, 2019)* and articles I.3, I.12, II.1, II.3, III.33, III.34 and IV.18 of the *Canadian Code of Ethics for Psychologists (4th edition)*.

2) In email communication with a client (“AVL”) on December 4, 2023 and/or March 7, 2024, alleged monies were owing by AVL that had, in fact been paid by a third party in December 2023, on or about February 13, 2024, and threatened to contact AVL’s employer and disclose confidential information, including personal health information, if payment was not made, contrary to s. 11.1 of the *Saskatchewan Professional Practice Guidelines (3rd version-revised October 5, 2019)* and articles I.3, I.12, II.1, II.3, III.33, III.34 and IV.18 of the *Canadian Code of Ethics for Psychologists (4th edition)*.

3) When considering the ethical problem of whether to report concerns regarding AVL to AVL’s employer, consulted with three former clients, and did not consult with colleagues or individuals/groups with the appropriate knowledge and objectivity, contrary to the preamble (Ethical Decision Making) and articles II.30 and III.35 of the *Canadian Code of Ethics for Psychologists (4th edition)*.

THE EVIDENCE

[4] The parties submitted an Agreed Statement of Facts to the Discipline Committee, in which Dr. Helmer 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. The portions of the Agreed statement of Facts relevant to the charges contained in the formal complaint are the following (paragraph numbers are the paragraph numbers in the agreed statement of facts; in order to protect the confidentiality of the parties some of the facts as set out here are paraphrased and some paragraphs from the Agreed Statement of Facts are omitted):

8. The concerns raised in the Complaint relate to the Complainant’s attendance at Dr. Helmer’s clinic on October 3 and 19, 2023 for a neuropsychological evaluation and a

quantitative electroencephalogram evaluation (the “Assessment”), and Dr. Helmer’s conduct in relation to collecting payment for services rendered.

9. The Complainant had sustained a head injury while employed by a previous employer and perceived that injury to be connected with difficulties they were currently having in their current workplace.

11. The Complainant wanted to keep their personal health information private and did not seek the Assessment through their employer.

12. On September 26, 2023, the Complainant made arrangements for the Assessment directly with Dr. Helmer, and advised Dr. Helmer that they did not want any information to be released to their employer and that the Assessment report was only to be provided to the Complainant.

13. Prior to the Assessment being carried out, there were discussions between the Complainant and Dr. Helmer regarding payment arrangements. The Complainant indicated they did not want to claim the cost through their previous employer, and that if the cost was not covered by their health services insurance plan with their current employer, the Complainant was in a position to pay the account personally and would do so.

14. Prior to the October 3, 2023 Assessment, the Complainant did not make Dr. Helmer aware of communication they had with their previous employer in June 2023, including a request for completion of a medical questionnaire.

15. The Assessment was carried out by Dr. Helmer on October 3 and 19, 2023. There are no concerns being raised about the manner or quality of the assessment or resulting report.

16. Dr. Helmer states that the neurocognitive and QEEG data obtained through the Assessment caused Dr. Helmer concern about the Complainant’s operational fitness for duty in his current employment context. Dr. Helmer sought the Complainant’s consent to contact their current employer regarding potential accommodations, but the Complainant did not provide consent.

17. Dr. Helmer issued a statement of account to the Complainant dated October 25, 2023.

18. The October 25, 2023 statement of account was sent by Dr. Helmer to the Complainant by email on October 31, 2023. The October 31, 2023 email set out: “Good morning. Any progress on direction and payment of the invoice for your assessment? Please find the invoice attached. Thanks.”

19. Although not set out on the statement of account, during meetings with the Complainant, Dr. Helmer had indicated that payment would be due upon receipt of the account.

20. On October 31, 2023, AVL responded to Dr. Helmer by email stating: “I am working with [*my employer’s*] health services as they are my care provider as we speak as to how to properly action your invoice. I have asked them to meet in person to move the ball faster for both our sakes”.

21. On November 10, 2023, Dr. Helmer emailed the Complainant, asking what the outcome of that meeting was.

22. On December 4, 2023, Dr. Helmer emailed the Complainant, in which he threatened to call the Complainant’s “boss”.

24. The Complainant advised Dr. Helmer that the employer’s health services insurance plan had rejected payment of the October 25, 2023 account. The Complainant did not pay the statement of account and stated that Dr. Helmer should contact the former employer for payment. The Complainant provided Dr. Helmer with a copy of the June 2023 correspondence from the previous employer and medical questionnaire at this point in time.

25. On December 4, 2023, the Complainant replied to Dr. Helmer by email stating: “Please send me the invoice and I’ll pay and see if [*the former employer*] will reimburse me at a later date.” The Complainant did not pay the invoice.

26. On December 13, 2023, at the Complainant’s request, Dr. Helmer submitted a medical questionnaire, the Assessment report, and the October 25, 2023 statement of account to the previous employer.

27. Dr. Helmer states that he considered contacting the Complainant’s boss regarding concerns about the Complainant’s fitness for duty. Dr. Helmer states that he did not consider contacting the current employer as the Complainant had specifically indicated no information could be released to the current employer and Dr. Helmer had agreed to that. Dr. Helmer states that he developed concerns throughout his interactions with the Complainant, including concerns about the Complainant’s neurocognitive status and fitness for duty, the Complainant’s non-disclosure of their health status to the current employer, and non-payment of the statement of account.

28. Dr. Helmer spoke with three retired employees of the Complainant’s current employer, each of whom had been clients of his, regarding the Complainant. Dr. Helmer states that during each of these three discussions he raised concerns about the Complainant: withholding that the previous employer had requested an assessment and completion of a medical questionnaire, lying about their contract with Dr. Helmer to pay for the services, and not disclosing their health status to the current employer and others connected with their employment. Dr. Helmer indicates that these discussions took place in confidence.

29. Dr. Helmer did not contact any psychologist, colleague or the College in relation to his

concerns.

30. Dr. Helmer's indication that he would contact the Complainant's current employer and others caused the Complainant to feel a need to disclose personal health information to the current employer that they had not intended to disclose.

31. Payment of the October 25, 2023 was made by the previous employer by cheque dated February 13, 2024 and sent to Dr. Helmer's former office. Dr. Helmer was out of the country starting in December 2023 until late March 2024, but had left instructions to have the mail checked and for processing payments, etc., but this cheque was not deposited in Dr. Helmer's absence.

32. On March 7, 2024 Dr. Helmer emailed the Complainant, subject line "unpaid invoice" in which he threatened to turn the matter over to his lawyer and a collection agency, giving them information about where the Complainant worked, if he did not receive payment by March 21, 2024.

33. Dr. Helmer later discovered that the cheque had been received when he returned to his former office in early April 2024.

35. Dr. Helmer acknowledged that he became frustrated by the Complainant's nonpayment of the account which they had stated would be paid if coverage was not provided by the current employer's health services insurance plan.

36. The Complainant states that the actions of Dr. Helmer as set out above caused the Complainant increased anxiety and shame and created a reluctance to engage with other helping professionals.

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, 2021* requires members to comply with the Code of Ethics of the College.

[7] The *Regulatory Bylaws* of the College also contain provisions relating to what constitutes professional misconduct and/or professional incompetence. The particular provision applicable to this case is the following:

6(1) For the purposes of sections 25 and 26 of the Act, the Discipline Committee may find a member guilty of professional incompetence and/or professional misconduct where the member:

(j) failed to comply with the Code of Ethics of the college or failed to comply with established standards of practice;

[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 Dr. Helmer in the Agreed Statement of Facts in relation to the charge contained in the amended formal complaint. He has acknowledged that he was in contravention of the Code of Ethics and Practice Guidelines as outlined in the charges contained in the amended formal complaint. This conduct 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 Discipline Committee therefore finds that Dr. Helmer 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. Helmer has been a member of the College since its establishment in 2002 and since 1984 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) a formal reprimand;

(b) 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 \$12,500 payable within one year;

(c) a fine of \$2,000 to be paid within one year;

(d) a requirement that he engage in supervision with a fully registered psychologist with the same areas of declared competency. If the member has not been able to engage a supervisor after exhausting all active Registered Psychologists with competency in neuropsychology, the member may seek supervision with a Registered Psychologist with differing competencies. Before engaging the supervisor, the member will provide a copy of the Discipline Committee's full decision(s) to the supervisor. Supervision will focus on ethics, communication with clients and self-reflection. A supervision plan signed by the member and supervisor needs to be approved by the Registrar. The supervision hours should occur at a rate of six hours of face-to-face supervision for every one hundred and sixty work hours. Supervision hours should cover the feedback provided to a minimum of three clients and a minimum period of four months. The supervision hours should be submitted to the Registrar after each client, accompanied by Supervisor's signature; and

(e) the suspension of his licence if any of the above conditions is not met in the time required.

[12] The Discipline Committee is mindful that in its decision in the case of *Rault v. Law Society of Saskatchewan*,¹ 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

¹ 2009 SKCA 81.

should not be departed from unless there are good or cogent reasons for doing so.² 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 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

² *Ibid*, at paragraph 13.

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, 2021* 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. D'Arcy Helmer guilty of professional misconduct and, pursuant to section 32 of *The Psychologists Act, 1997*, orders that:

1. Dr. D'Arcy Helmer is hereby reprimanded;
2. Dr. D'Arcy Helmer shall pay costs in the amount of \$12,500 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. Dr. Darcy Helmer shall pay a fine of \$2,000 to be paid within one year after the date of this Order and if he fails to do so his licence shall be thereupon suspended until the fine is paid in full;
4. Dr. D'Arcy Helmer shall engage in supervision with a fully registered psychologist with the same areas of declared competency or, if he has not been able to engage a supervisor after exhausting all active Registered Psychologists with competency in neuropsychology, he may seek supervision with a Registered Psychologist with differing competencies, subject to the following requirements:
 - (a) before engaging the supervisor, he shall provide a copy of this decision to the supervisor;
 - (b) supervision will focus on ethics, communication with clients and self-reflection;
 - (c) a supervision plan signed by Dr. Helmer and the supervisor who is engaged must be approved by the Registrar;

- (d) supervision hours should occur at a rate of six hours of face-to-face supervision for every 160 work hours;
- (e) Dr. Helmer shall submit the supervision hours to the Registrar after each client, verified by the supervisor's signature; and
- (f) Dr. Helmer's supervision hours must cover the feedback provided to a minimum of three clients and a minimum period of four months, and if Dr. Helmer fails to do so his licence shall be thereupon suspended until he has met this requirement.

5. In accordance with subsection 6(2) of *The Saskatchewan College of Psychologists Regulatory Bylaws, 2021*, this decision and reasons shall be posted on the College's website.

Dated at Regina, Saskatchewan this 14th day of July 2025.

SASKATCHEWAN COLLEGE OF PSYCHOLOGISTS,
DISCIPLINE COMMITTEE



Renée Schmidt,
Registered Doctoral Psychologist, Chair

On behalf of the members of the Discipline Committee:
Val Harding, Registered Doctoral Psychologist
Marc Sheckter, Registered Doctoral Psychologist
Christel Gee, Public Representative