



CRNM Member

## Discipline Committee Decision

On Nov. 18, 2015 a Panel of the Discipline Committee (the "Panel") of the College of Registered Nurses of Manitoba (the "College") held a hearing into the charges against a Member of the College.

The following facts are not in dispute:

1. The Member was charged with five charges under "*The Customs Act* and/or Schedule IV of *The Controlled Drugs and Substances Act (the "CDSA")*". Charge No. 3 was that:

Between March 1, 2009 and Nov. 23, 2012, at or near the City of Winnipeg, Province of Manitoba, and elsewhere within and outside Canada, the Member did smuggle into Canada goods to wit: Anabolic Steroids and their derivatives, the importation of which is prohibited, controlled or regulated by *The Customs Act (the "Act")* and/or the CDSA contrary to section 159 of the Act, and did thereby commit an offence contrary to section 160 of the said Act.

2. The Member pled guilty to Charge No. 3 in Provincial Court on Sept. 21, 2015. The other four charges under the Act and/or the CDSA were stayed. The Member was sentenced on Nov. 9, 2015 to two years less one day of incarceration which is to be served in the community under curfew. The terms of the sentence include reporting to a sentence supervisor, and a 24 hour curfew with specific exceptions for certain activities such as work and medical appointments. All appointments not addressed in the court order are to be pre-approved by the sentence supervisor.

The Panel is satisfied that the facts submitted constitute conduct unbecoming a Member of the College, as alleged in paragraph 3 of the Notice of Hearing and, accordingly, the Member is guilty of conduct unbecoming, as charged. The balance of the charges in the Notice of Hearing was stayed.

The Panel orders, pursuant to s. 43 and s. 44 of the Registered Nurses Act:

1. That the monitoring includes but is not limited to employer reports and sentencing supervisor reports.
2. That the monitoring demonstrates the Member is fit to engage in registered nursing practice and is in compliance with the Order.
3. The circumstances relevant to the findings of this Panel and the Order of this Panel shall be published without identifying the Member by name or registration number.
4. That the Member pay costs in the amount of \$3,000 to the College within one year of the date of this Order.

The Panel considers this order to be appropriate for the following reasons:

1. The public interest is served through strict monitoring and reporting requirements. The Member will be required to satisfy the College on regular and random bases as to the Member's abstinence from all unauthorized steroid use.

2. There was no evidence presented that the Member's conduct had any negative impact on the Member's nursing practice. In fact, the Member's current employer stated in a letter dated Sept. 8, 2015 that "The Member is most certainly one of the best nurses that I have had the pleasure to get to know...the Member is very concerned for colleagues and patients." Other written evidence provided that the Member is compassionate, caring and learns from mistakes.

Counsel for the Investigation Committee argued that the Member's name be published to act as a general deterrent to other members of the profession. Counsel for the Member argued that general deterrence will be accomplished by publication of the particulars of the charge without the inclusion of the Member's name.

The Panel accepts the argument of Counsel for the Member. It was agreed that publication has already taken place in the media. There was no evidence that the Member's nursing care was negatively impacted by the Member's conduct. Furthermore, the Panel agrees that deterrence to the profession will take place without the addition of the Member's name. The Member is currently employed, but further publication of the Member's name could have the undesired result of loss of employment.