



College of
Registered Nurses
of Manitoba

CRNM Member

Discipline Committee Decision

On July 24, 2014, June 17, 2015 and August 25, 2016, 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.

At the commencement of the hearing, it was established that the Notice of Hearing had been properly served and the time limits set forth in paragraph 34 of the *Act* had been met.

No objections were raised as to the composition of the Panel and the Panel proceeded to hear the matter.

On July 24, 2014, the Member did not appear but a medical certificate was provided establishing that the Member could not appear due to medical reasons. The hearing was adjourned and rescheduled for June 17, 2015. On June 17, 2015, counsel for the Investigation Committee and the Member were in attendance and jointly requested the hearing be adjourned to a later date for the purpose of gathering information. On August 25, 2016, the hearing was reconvened at the request of counsel for the Investigation Committee. The Member was in attendance and represented himself.

The Panel then heard submissions from counsel for the Investigation Committee, as well as the Member, respecting the background facts giving rise to the matters raised in the Notice of Hearing and the appropriate disposition of the matter.

After hearing the submissions of the parties, the Panel adjourned to consider the matter. The following facts are not in dispute:

1. The College received a complaint from the Member's employer in 2011.
2. The Executive Director of the College referred the matter to the Investigation Committee, established under Part 6 of the *Act*.
3. This set in motion the complaints investigation procedure of the College.
4. On numerous occasions, the Member failed to respond to correspondence and inquiries from the College.
5. On September 16, 2013, the Member entered into an undertaking with the College.
6. The undertaking included a requirement to complete certain educational activities and to complete a paper to demonstrate insight and learning.
7. Even after he entered into the undertaking, the Member continued to avoid responding to the College on a timely basis and in a professional manner.

8. Although the Member met the educational requirements of the Undertaking, the Member failed to submit a paper demonstrating insight and learning on a timely basis. The paper provided was not acceptable to the Manager, Professional Conduct.
9. To this day, the Member has failed to complete a revised paper acceptable to the Manager, Professional Conduct.
10. As a result, the Member breached Clause 11 of the Undertaking, the *Standards of Practice for Registered Nurses* Standard II Professional Practice including Indicator 11, Standard IV Ethical Practice including Indicator 23 Primary Value G of Part I of the *Code of Ethics for Registered Nurses*.

The Panel is satisfied that the facts submitted constitute professional misconduct, as alleged in the Notice of Hearing and, accordingly, the member is guilty of professional misconduct, as charged.

After considering the submissions of counsel with respect to discipline, the Panel orders the Member to:

11. Complete a paper in accordance with clause 11 of the Member's undertaking dated September 16, 2013, demonstrating insight and learning, to the satisfaction of the Manager, Professional Conduct on or before October 1, 2016.
12. Pay costs to the College in the amount of \$5,000 within one year from the date upon which the current restriction on the Member's license is removed.

The Panel considers the foregoing disposition to be appropriate for the following reasons:

13. The Panel heard evidence that the Member's health condition restricted his ability to effectively deal with external stressors such as those outlined in the Notice of Hearing.
14. Although the Member was suffering from a medical condition, this did not prevent him from understanding his obligations to the College and yet he repeatedly failed to respond in an appropriate and professional manner.
15. The Member's failure to respond to the College resulted in extensive procedural steps at significant expense to the College. The Member now expresses insight and remorse for his conduct and now accepts responsibility for his actions or lack thereof.
16. The College must send a clear message to the Member and to others in the profession that all registered nurses have an obligation to respond promptly to all communication from the College dealing with complaints, investigation and discipline.
17. This award of costs should not be considered a precedent in future cases where members have repeatedly failed to respond to correspondence from the College. But for the Member's medical condition, the College would have assessed a much higher award of costs. However, given the medical evidence and the Member's current financial circumstances, the Panel is satisfied that an award of costs in the amount of \$5,000 is fair and just.

The College will not make public the member's name or registration number respecting the privacy of the member's personal health information. This is consistent with the College's Board of Director's policy C-6

Publication:

- 5 vi) When considering the publication of personal or financial information regarding a member the College shall consider whether the privacy interest of the member outweighs the public interest in making the information available. The dignity of the member must be respected by publishing the minimum amount of personal or financial information necessary to effectively communicate the circumstances and the reasons for decision.