

IN THE MATTER OF: **The Regulated Health Professions Act S.M. 2009, c. 15**

AND IN THE MATTER OF: **An inquiry hearing into the conduct of Angelina Ocran,**
CRNM # 139263

DECISION



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IN THE MATTER OF: The Regulated Health Professions Act S.M. 2009, c. 15

**AND IN THE MATTER OF: An Inquiry Hearing into the Conduct of Angelina Ocran,
CRNM #139263**

DECISION AND REASONS

Inquiry Panel Members: Lydia Harris, RN, Panel Chair
 Charity Reeves, RN, Panel Member
 Joanna Knowlton, Public Representative, Panel Member

Counsel to the Complaints William G. Haight
Investigation Committee: Duboff Edwards Haight & Schachter

Counsel to the Member: Ryan McElhoes
 Bueti Wasyliw Wiebe

Counsel to the Panel: Gordon A. McKinnon
 Thompson Dorfman Sweatman

Introduction

On November 5, 2019, a Panel of the Inquiry Committee (the “Panel”) of the College of Registered Nurses of Manitoba (“the College”) held a hearing into the charges against Angelina Ocran (the “Member”), a member of the College.

At the commencement of the hearing, it was agreed that the Notice of Hearing had been properly served and the time limits set forth in s. 116 of *The Regulated Health Professions Act* (the “RHPA”) had been met.

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

The Member appeared at the hearing with legal counsel and pled guilty to professional misconduct.

The Panel then heard submissions from counsel for the Complaints Investigation Committee (the “CIC”), as well as counsel for 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 submissions of counsel, the Panel adjourned to consider the matter.

Findings

The following facts are not in dispute:

1. The Member has been a member of the College since 2003.
2. On January 18, 2019, during the course of an investigation by the College of a mandatory employer report, the Member provided the College's investigator with a written evaluation purported to be issued by [REDACTED] from [REDACTED] dated October 20, 2014 (the "Written Evaluation").
3. The Member provided the Written Evaluation to the College's investigator as proof that she had completed remedial training.
4. The Written Evaluation was not prepared by [REDACTED] or anyone representing [REDACTED]. The Written Evaluation was a false document.
5. The Member knew that the Written Evaluation that she submitted was a false document.
6. On February 8, 2019 the Member was confronted by the College's investigator regarding the veracity of the Written Evaluation and she continued to assert that the Written Evaluation was a legitimate document.
7. The Member now acknowledges to this Panel that the Written Evaluation was a false document.

Decision and Order

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, the Panel made the following Order pursuant to s. 126 and s. 127 of the RHPA:

1. the Member be reprimanded;
2. the Member pay a fine in the amount of \$4,500;
3. the Member pay costs in the amount of \$4,500; and
4. the fine and costs be paid to the College on or before June 30, 2021.

Reasons for Decision

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

1. Counsel for the CIC and counsel for the Member agreed that this was a serious offence and jointly recommended that the Member be reprimanded.
2. Counsel for the CIC and counsel for the Member also agreed that a fine was warranted both as specific deterrence and general deterrence. The maximum fine under the RHPA is \$10,000. Given that this was an

integrity issue and given the seriousness of the misrepresentation the Panel is of the view that \$4,500 is an appropriate fine.

3. Counsel for the CIC and counsel for the Member further agreed that an order for costs would be appropriate and the range should be between \$3,000 and \$5,000. The Panel is of the view that the misrepresentation in question never should have occurred and when confronted the Member should have immediately acknowledged her wrongdoing. In the circumstances the Panel is of the view that costs should be at the higher range and therefore sets costs at \$4,500.
4. With respect to the time to pay, the Panel heard submissions that the Member is currently unemployed and facing financial challenges. Accordingly, the Panel is allowing a generous amount of time to pay the fine and costs.

DATED at Winnipeg, Manitoba, the 5th day of November 2019.