

**IN THE MATTER OF:**                    **The Registered Nurses Act, R.S.M. 2001, c. R40**

**AND IN THE MATTER OF:**        **A hearing into the conduct of Lorie Farr, CRNM #143621**

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**DECISION**

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**AND IN THE MATTER OF:**        **A Hearing into the Conduct of Lorie Farr, CRNM #143621**

## **DECISION**

Discipline Panel Members:                    Michele Groff, RN, Chair  
   Jennifer Berscheid, RN  
   Doug Simpson, Public Representative

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

Counsel to Lorie Farr:                            Mark Toews  
   Deeley Fabbri Sellen

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

## **Introduction**

On January 7, 2019, 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 Lorie Farr (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 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.

The Member was not present at the hearing but was represented by her lawyer who pled guilty on her behalf to the charges of professional misconduct as set out in the Notice of Hearing dated June 28, 2018.

The Panel then heard submissions from counsel for the Investigation Committee, 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. The following facts are not in dispute:

1. The Member has been a Registered Nurse since 1991. She practiced in Saskatchewan from 1991 to 2007.

2. In the 2008 practice year the Member registered in Manitoba. As part of her initial application to the College, a criminal record check was obtained which disclosed the Member had been convicted of three offences in the 1980s and 1990s. These convictions were addressed to the satisfaction of the College at that time.
3. From 2009 to 2015 the Member renewed her registration annually with the College. During that time there were no questions on the renewal form relating to criminal charges or convictions.
4. In the fall of 2015, when applying for a practicing registration renewal for the 2016 year, the application form contained the following question: "Have you ever been charged, convicted or found guilty (i.e. conditional discharge, absolute discharge or suspended sentence) of an offence under the Criminal Code, Controlled Drugs and Substances Act or Food and Drugs Act?".
5. The Member knowingly and falsely answered "no" to this question. At the time she answered this question she was aware that she was the subject of two additional charges that dated back to 2005 – 2006 that were pending before the courts in Saskatchewan.
6. In January of 2017 the 2005 - 2006 criminal charges before the courts in Saskatchewan were stayed.
7. In the fall of 2017, when applying for a practicing registration renewal for the 2018 year, the application form again contained the following question: "Have you ever been charged, convicted or found guilty (i.e. conditional discharge, absolute discharge or suspended sentence) of an offence under the Criminal Code, Controlled Drugs and Substances Act or Food and Drugs Act?".
8. The Member again knowingly and falsely answered "no" to this question. At the time she answered this question she was aware that she had been the subject of two charges in Saskatchewan that had been stayed as noted above.
9. In both the 2016 and 2018 renewal application forms the Member falsely declared the information provided was complete and truthful.
10. In February of 2018 the Member's employer dismissed the Member from her employment for nondisclosure of her legal history in Saskatchewan. The employer then reported the matter to the College as required by the Act.
11. The College referred this matter to the Investigation Committee who in turn referred the matter to the Discipline Committee.
12. In all proceedings before the College the Member has been cooperative and has acknowledged wrong doing.

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 made the following Order pursuant to subsections 43(1) and 44(1) of the Act:

1. the Member be suspended for a period of three months commencing on the date of this Order, and
2. the Member pay costs to the College in the amount of \$3,000.00.

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

1. The primary purpose of the College is the protection of the public. If members intentionally provide false or misleading information, the College cannot fulfill its mandate.
2. Registered Nurses, must display honesty, practice with integrity, and be accountable in all of their professional actions.
3. The public's confidence in the integrity of the nursing profession will be diminished if members are permitted to provide false information to their governing body without meaningful denunciation.
4. A clear message must be sent to all members of the profession that there are consequences to providing false information to the College.
5. As the Member has fully cooperated with the College in this investigation, the Panel has determined that the costs should be limited to \$3,000.00.

DATED at Winnipeg, Manitoba, the 7<sup>th</sup> day of January 2019.

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Michele Groff, RN, Chair

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Jennifer Berscheid, RN

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Doug Simpson, Public Representative