

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

AND IN THE MATTER OF: **A discipline hearing into the conduct of [REDACTED]**
[REDACTED]

ORDER



**College of
Registered Nurses
of Manitoba**

890 Pembina Highway
Winnipeg, MB R3M 2M8
Telephone: 204-774-3477

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

AND IN THE MATTER OF: **A Discipline Hearing into the Conduct of** [REDACTED]
[REDACTED]

ORDER

WHEREAS pursuant to s.34 of *The Registered Nurses Act*, R.S.M. 2001, c. R40 (the "Act"), a Panel of the Discipline Committee (the "Panel") of the College of Registered Nurses of Manitoba (the "College"), being duly constituted pursuant to s.32 and 33 of the Act, conducted a hearing on October 18, 2018 concerning the conduct or practice of [REDACTED] (the "Member"), being a registered member of the College under the Act.

AND WHEREAS the Notice of Hearing alleges that the Member did commit an act or acts, which constitutes Breach of an Order; a contravention of the Act as specified in s.42 of the Act, the particulars of which are set out in the Notice of Hearing;

AND WHEREAS the Member acknowledged that the Member's conduct constituted Breach of an Order as set out in the Notice of Hearing;

AND WHEREAS the Panel heard submissions relating to penalty from Counsel for the Investigation Committee and for the Member;

AND WHEREAS the Panel is satisfied that the Member committed an act or acts which demonstrate that the Member is suffering from an ailment that might, if the Member continues to practice, constitute a danger to the public pursuant to section 42 (f) of the Act;

NOW THEREFORE THE PANEL ORDERS that, pursuant to s.43 (1) and 44(1) of the Act, the Member:

General Terms:

1. This Order shall remain in effect for 7 years from the date of returning to independent registered nursing practice. The definition of independent registered nursing practice shall not include a return to work program.
2. The Member shall comply with the terms and conditions of this order. Should the Member fail to comply with any term(s) and/or condition(s) of this order, in the absence of a reasonable explanation, such failure to comply, will constitute a breach of this order. If the Member breaches any term or terms of this order, such a breach may constitute and be deemed professional misconduct and grounds for suspension and disciplinary action against

her.

3. Should the Member at any time not be listed on the practicing register, then all obligations of the terms of this Order shall be held in abeyance.
4. In the case of a relapse, the Member will immediately withdraw from nursing practice, report the relapse to the Member's physician/addiction specialist and to the Manager of Professional Conduct of the College. The Member will not return to nursing practice without the approval of the Complaints Investigation Committee.
5. Any leave of absence from a registered nursing position greater than one month will result in the time of that leave of absence being reviewed by the Manager of Professional Conduct or delegate. This will be done to determine if that absence will be considered when calculating the end date of the order.
6. The Member will immediately:
 - a. Provide in writing the name(s) and address(es) of all the Member's registered nursing employers to the Manager of Professional Conduct or delegate.
 - b. Provide a copy of Appendix A to this order to the supervisor, manager or chief nursing officer of all registered nursing employers.
 - c. Provide all direct supervisors with the name of the Manager of Professional Conduct and to advise that any questions, concerns, correspondence, reports, etc. should be directed to the Manager, Professional Conduct or delegate.
 - d. Return the College's Employer Confirmation form to the Manager of Professional Conduct or delegate confirming that the Member has advised all current registered nursing employer(s) that the Member have complied with 6(b) and (c) of this undertaking.
 - e. Make arrangements for the Member's employer and the Member to have a discussion with the Manager of Professional Conduct or delegate about the terms of the order.
7. In the event the Member has a new manager or supervisor, the Member will immediately comply with the process set out in 6 (a) (b) (c) (d) and (e).
8. In the event the Member accepts any new registered nursing employment during the term of this order, the Member will immediately comply with the process set out in 6 (a) (b)(c) (d) and (e).
9. Within thirty (30) days of any change of the Member's name, address, telephone number, facsimile number or electronic mail address, the Member shall notify the Manager of Professional Conduct or delegate of such change.
10. Advise the Manager of Professional Conduct or delegate of any change of employment or a relocation to another province or jurisdiction being contemplated. This must occur prior to the change occurring.

If the Member is seeking registration in another province/jurisdiction, the Member authorizes the College to release information regarding the Member to the extent required by the other province/jurisdiction in which the Member is seeking registration.

11. Provide all necessary reports requested by the Manager of Professional Conduct or delegate.
12. Pay all costs incurred by the College in monitoring the Member's compliance with this order.

Individual terms:

13. The following conditions will be placed on the Member's registration:
 - a. The Member will not work more than full time hours or anything in excess of a 12-hour shift for a minimum of one (1) year from the date of return to independent registered nursing practice.
 - b. The Member will not practice in high-pressure, quick-paced, and rapidly changing environments such as critical care (ICU/CCU) intermediate care, step down units, OR, ER, forensics, specialty care areas such as palliative care, hospice or labour and delivery for a minimum of one year from the date of return to independent registered nursing practice.
 - c. The Member may not work for a health care staffing agency for a minimum of one year from the date of return to independent registered nursing practice.
 - d. The Member will not obtain employment in the float pool and will not float from unit to unit in a facility for a minimum of one year from the date of return to independent registered nursing.
 - e. The Member will not have access to opioids or controlled medications for the period of one year from the date of the Member's return to independent registered nursing practice.

Following that year, the Member is required to have a second registered nurse co-sign all narcotic/controlled medication administration for a period of one year.
 - f. The calculation of the one-year period referenced in sub paragraphs (a) through (e) of this article shall be subject to the provisions of paragraphs 3 and 5 of the Order. The definition of independent registered nursing practice referenced in sub paragraphs (a) through (e) hereof shall not include a return to work program.
 - g. The Member shall work under the direction of an on-site RN (no sole practice) for the duration of this Order. The member will not practice in an environment where the Member is the sole registered nurse on duty in that area at any time, including but not restricted to, home care and personal care homes.
14. Attend ongoing sessions with an addiction specialist and attend meetings as deemed necessary by the addictions specialist. Reports confirming compliance with recommended treatment are to be sent by the Member to the Manager of Professional Conduct or delegate every three (3) months.

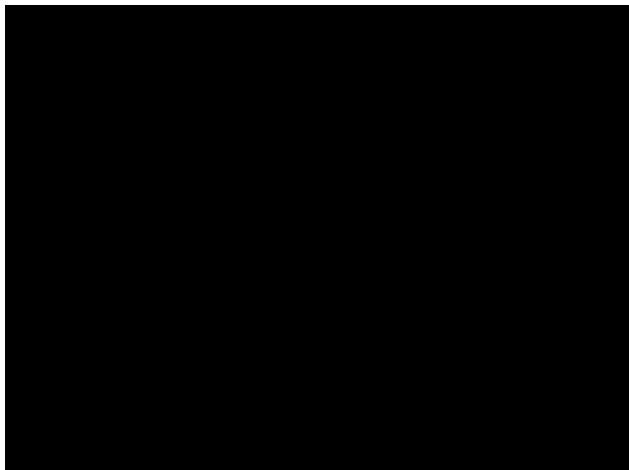
15. Attend ongoing sessions with a mental health care provider (e.g. employee assistance program such as Employee Assistance Programs (EAP), Addictions Foundation of Manitoba (AFM) after care, independent/private counsellor) as deemed necessary by the mental health care provider, with reports sent to the College every three months for the duration of the recommendations.
16. Attend a twelve-step program or substantial equivalent (e.g. Nurses at Risk, Registered Nurses United, SOS) for a minimum of twice a week for the duration of the Order.
17. Submit proof of attendance at the twelve-step program or substantial equivalent, utilizing the 12-Step Attendance Forms within one month from the date of the Order and then every three months for the duration of the Order.
18. Meet with a Sponsor for the duration of the Order.
19. Submit proof of an active and consistent relationship with a sponsor within one month from the date of the Order then every three months for the duration of the Order, utilizing the Sponsor Form.
20. Abstain from alcohol and all mood altering prescription and non-prescription substances except those prescribed by one physician/health care provider who is knowledgeable about the Member's history of substance abuse for the duration of this Order.
21. Submit to the Manager of Professional Conduct or delegate a copy of prescription(s) from any health care provider regarding any narcotic and/or controlled substance prescription medication(s) prescribed for the Member indicating the reason for medication, dosage, route, frequency, and duration. This information must be submitted to the Manager of Professional of Conduct or delegate within seven (7) days of obtaining any prescription or refill. Provide the Member's physician/health care provider with a copy of this Order to ensure that the Member's physician/health care provider is aware of the Member's addiction and restrictions regarding medications. The Member will request that the Member's physician/health care provider provide written confirmation to the Manager of Professional Conduct that a copy of the Order was provided.
22. Submit the College's RN Practice Reports to the Manager of Professional Conduct or delegate every month for the first six months of this Order. For the balance of the first year of this Order these reports are to be submitted every three months. For the second year of this Order the reports are to be submitted every six months and then annually for the duration of this Order.
23. Provide a urine sample for a drug screening test within 4 hours of an employer's request for such a sample, on reasonable suspicion of relapse and give consent to the Member's employer(s) to report any test results or other information of a relapse to the Manager of Professional Conduct.
24. To attend for at least 86 random drug screening tests during the duration of this Order. Drug and alcohol testing may include body fluid testing, hair testing or any other valid and reliable method of testing such as saliva.

If at any time during the duration of this Order the Member is not employed as an RN, on a leave of absence from registered nursing employment for greater than one month, or on a return to work program the drug testing will occur. However, any drug testing will not be considered in the original 86 ordered drug screens and will be in addition to the 86 ordered. During this period the Member will attend for random monthly drug screening tests. The following will apply to any random drug-screening test:

- a. The Member has no longer than seven hours between notification and collection of the drug-screening specimen. A breach of this time frame will constitute a positive result.

- b. It is the Member responsibility to respond to messages from the screening facility within the seven-hour period to prevent a positive result due to a missed test.
- c. It is the Member's responsibility to inform the screening facility of times that the Member will be unavailable due to travel for vacation.
- d. The Member will ensure that the screening facility has reliable contact information at all times.
- e. Circumstances which constitute a breach and, therefore, a positive result, include, but are not limited to:
 - i) A failure to attend to the screening facility in the time frame required;
 - ii) A dilute urine; and
 - iii) A drug screen with an adulterated result.
- f. Provision of anything other than a negative result, without a reasonable medical explanation may be considered a positive result.
- g. If a specimen is reported positive, it is considered non-compliance and a breach of this Order.
- h. Any positive drug screen result indicating the presence of a mood altering substance that has not had prior written authorization and confirmation from a physician/healthcare provider who is knowledgeable about the Member's history of substance abuse shall result in the Member ceasing registered nursing practice until further investigation and receipt of written authorization to return to practice from the Complaints Investigation Committee.
- i. Any drug screen that is confirmed as an adulterated or substituted specimen shall result in the Member ceasing registered nursing practice until further investigation and receipt of written authorization to return to practice from the Complaints Investigation Committee.
- j. All positive results will be investigated. The investigation findings will be submitted to the Complaints Investigation Committee for review and decision.
- k. Any form of non-compliance with drug screening may result in an increased level of testing regardless of the number of screens originally required.

DATED at Winnipeg, Manitoba, the 18th day of October 2018.





—

—

Appendix A

ORDER FOR DISTRIBUTION TO THE EMPLOYER

An Order is a decision made by a Panel of the Discipline Committee of the College of Registered Nurses of Manitoba (the College).

The Member shall comply with the terms and conditions of the Order.

Should the Member fail to comply with any term(s) and/or condition(s) of this order, in the absence of a reasonable explanation, such failure to comply will constitute a breach of this order. If the Member breaches any term or terms of this order, such a breach may constitute and be deemed professional misconduct and grounds for suspension and disciplinary action against the Member.

General Order terms:

1. The Member will immediately:
 - a. Provide in writing the name(s) and address(es) of all the Member's registered nursing employers to the Manager of Professional Conduct or delegate.
 - b. Provide a copy of this Appendix to the supervisor, manager or chief nursing officer of all registered nursing employers.
 - c. Provide all direct supervisors with the name of the Manager of Professional Conduct and to advise that any questions, concerns, correspondence, reports, etc. should be directed to the Manager, Professional Conduct or delegate.
 - d. Return the Employer Confirmation form to the Manager of Professional Conduct or delegate confirming that the Member has advised all current registered nursing employer(s) that the Member has complied with 1 (b) and 1 (c) of this Order.
 - e. Make arrangements for the Member's employer and the Member to have a discussion with the Manager of Professional Conduct or delegate about the terms of the Member's Order.
2. In the event the Member has a new manager or supervisor the Member will immediately comply with the process set out in 1 (a) (b) (c) (d) and (e).
3. In the event the Member accepts any new registered nursing employment during the term of this Order, the Member will immediately comply with the process set out in 1 (a) (b) (c) (d) and (e).
4. Within thirty (30) days of any change of the Member's name, address, telephone number, facsimile number or electronic mail address, the Member shall notify the Manager of Professional Conduct or delegate of such change.
5. Advise the Manager of Professional Conduct or Delegate of any change of employment or a relocation to another province or jurisdiction being contemplated. This must occur prior to the change occurring.

If the Member is seeking registration in another province/jurisdiction, the Member authorizes the College to release information regarding the Member to the extent required by the other province/jurisdiction in which the Member is seeking registration.

6. Provide all necessary reports requested by the Manager of Professional Conduct or delegate.
7. Pay all costs incurred by the College in monitoring the Member's compliance with this undertaking.

Individual terms:

8. The following conditions will be placed on the Member's registration:

- a. The Member will not work more than full time hours or anything in excess of a 12-hour shift for a minimum of one (1) year from the date of return to independent registered nursing practice.
- b. The Member will not practice in high pressure, quick-paced, and rapidly changing environments such as critical care (ICU/CCU) intermediate care, step down units, OR, ER, forensics, specialty care areas such as palliative care, hospice or labour and delivery for a minimum of one year from the date of return to independent registered nursing practice.
- c. The Member may not work for a health care staffing agency for a minimum of one year from the date of return to independent registered nursing practice.
- d. The Member will not obtain employment in the float pool and will not float from unit to unit in a facility for a minimum of one year from the date of return to independent registered nursing practice.
- e. The Member will not have access to opioids or controlled medications for the period of one year from the date of the Member's return to independent registered nursing practice.

Following that year, the Member is required to have a second registered nurse co-sign all narcotic/controlled medication administration for a period of one year.

- f. The calculation of the one-year period referenced in sub paragraphs (a) through (e) of this article shall be subject to the provisions of paragraphs 3 and 5 of the Order. The definition of independent registered nursing practice referenced in sub paragraphs (a) through (e) hereof shall not include a return to work program.
 - g. The Member shall work under the direction of an on-site RN (no sole practice) for the duration of this Order. The Member will not practice in an environment where the Member is the sole registered nurse on duty in that area at any time, including but not restricted to, home care and personal care homes.
9. Submit the College's RN Practice Reports to the Manager of Professional Conduct or delegate every month for the first six months of this Order. For the balance of the first year of this Order these reports are to be submitted every three months. For the second year of this Order the reports are to be submitted every six months and then

annually for the duration of this Order.

10. Provide a urine sample for a drug screening test within 4 hours of an employer's request for such a sample, on reasonable suspicion of relapse and give consent to the Member's employer(s) to report any test results or other information of a relapse to the Manager of Professional Conduct.

Contact the Manager of Professional Conduct with any questions, concerns, correspondence, and reports.

Tracey Legary RN BN Manager of Professional
Conduct College of Registered Nurses of Manitoba
890 Pembina Highway Winnipeg, MB R3M 2M8
tlegary@crnm.mb.ca
Phone: 204-784-5184
Fax: 204-775-6052