

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 Jenell Chorneychuk,
CRNM (Suspended) #145914**

DECISION



College of
Registered Nurses
of Manitoba

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AND IN THE MATTER OF: **An Inquiry Hearing into the Conduct of Jenell Chorneychuk,
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DECISION AND REASONS

Inquiry Panel Members: Jennifer Colvine, RN, Panel Chair
 Tricia Tyerman, RN
 Onyinye (Jessica) Anyaeji, Former Registrant
 Evelyn Mayor, Public Representative
 Quinn Menec, Public Representative

Counsel to the Investigation Committee: William G. Haight
 Phillips Aiello

Counsel to the Panel: Sacha Paul
 Thompson Dorfman Sweatman LLP

Member: Jenell Chorneychuk (Self-Represented)

Introduction

On July 28, 2021, 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 Jenell Chorneychuk (the “Member”), a suspended member of the College.

The charges against the Member were contained in two separate Notices of Hearing: Notice of Hearing dated August 26, 2020 (“NOH 1”) and Notice of Hearing dated June 14, 2021 (“NOH 2”).

The original hearing for NOH1 was set for October 5, 2020. However, the Member consented in writing to have the hearing held on a later date to be determined. Accordingly, the Chair of this Inquiry Panel issued a Notice of Adjournment of Hearing Date of October 1, 2020 to that effect. Ultimately, by Notice of New Hearing Date of June 22, 2021, the hearing date for NOH1 was scheduled for July 28, 2021.

By letter dated June 15, 2021 to the Member, the Registrar provided NOH2 to the Member. The date of hearing was set for July 28, 2021. At the commencement of the hearing on July 28, the Panel concluded that the Notices of

Hearing had been properly served and the time limits set forth in paragraph 116(4) of the Regulated Health Professions Act S.M. 2009 c. 15 (“RHPA”) had been met.

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

The Panel heard submissions from counsel to Complaints Investigation Committee (“CIC”) and from the Member on a procedural matter relating to whether the two Notices of Hearing should be heard at the same time. The Member did not oppose hearing the two Notices of Hearing at the same time. The Panel decided that there was no prejudice in hearing NOH1 and NOH2 at the same time and accordingly proceeded to hear both matters on July 28, 2021.

The Member appeared at the hearing. She was self-represented. The Member pled guilty to conduct unbecoming and professional misconduct. In so doing, the Member admitted to the particulars in paragraph 4, 5, and 13 of NOH1 and all 7 paragraphs in NOH2.

Before accepting the guilty plea, the Member confirmed to the Panel that she was pleading guilty voluntarily; that she understood that she was giving up her right to a hearing on these charges; she was admitting to the essential elements of the offences; and she understood that pleading guilty could have consequences for her. After this confirmation, the Panel accepted her guilty plea on these charges.

Counsel to the CIC advised that it was staying charges arising from paragraphs 1, 2, 3, 6-12, 14, and 15 of NOH 1.

The Panel then heard submissions from counsel for the College, as well by 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 for CIC and by the Member, the Panel adjourned to consider the matter.

The following facts are not in dispute:

1. The Member has been a Registered Nurse for more than 10 years.
2. The Member was found guilty of criminal offences pertaining to the fraudulent use of a credit card and impersonating a co-worker. The Member admitted to fraudulently using a credit card in or about December 2018. The Member further admitted to impersonating a co-worker to obtain property in December 2018 and February 2019.
3. When the Member completed her renewal application with the College in or about November 2019, she did not disclose to the College that she had been charged with criminal offences despite the fact that the renewal application asks members to disclose, amongst other things, if a member has been charged with any offences. At the point of her renewal application,
 - a. the Member had been arrested and charged with criminal offences; and
 - b. the Member had made her first appearance in court in relation to the criminal charges.
4. The Member did not have any criminal record prior to the events in 2018 and 2019.
5. The CIC had imposed a requirement upon the Member to advise CIC of any criminal hearings or proceedings. A third party advised the College of additional criminal charges against the Member, which the Member did not disclose to CIC.

6. On February 14, 2021, CIC asked the Member to attend a meeting of the CIC set for February 20, 2020. The notice provided by the CIC advised the Member that CIC was considering imposing conditions on her practice or an interim suspension.
7. On February 18, 2020, the Member interviewed for a position of Clinical Instructor with Employer A. In this interview with Employer A, the Member did not advise that she was invited to attend a CIC meeting or advise of the criminal charges she was facing at that time.
8. The Member did not attend the February 20, 2020 CIC meeting. CIC imposed an interim suspension of the Member's certificate of practice. CIC emailed and called the Member to advise her of the interim suspension on February 20, 2020. However, the Member never advised Employer A of any issues with her certificate of practice.
9. Employer A hired the Member as a Clinical Instructor. The Member worked for Employer A from June 1 to June 19, 2020. In this position, the Member was an instructor at a long term care facility. She was responsible for 5 nursing students, which responsibility included teaching clinical skills. Amongst other things, in her position with the Employer A, she had access to personal health information of clients and had the ability to intervene for patient care.
10. On June 26, 2020, the Member applied for a new job—Practice Consultant with Employer B. In her written application, the Member identified herself with a false name. She called herself “Jenell Chorney.” As part of her interactions with Employer B, she represented that she was able to practice as a Registered Nurse.
11. Employer B searched in a database known as “Nurse Check” for the name “Jenell Chorney” and found no entry. Employer B then contacted Employer A to determine if they had a “Jenell Chorney” as an employee. Employer A advised Employer B that they did not have such an employee but did have a “Jenell Chorneychuk.”
12. Ultimately, Employer A terminated the Member and Employer B did not hire the Member for the position. Employer A then reported the Member. Employer B also reported the Member to the College.
13. In March 2021, the Member was sentenced to a 9 month conditional sentence due to identity fraud and credit card fraud.

Decision

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

After considering the submissions of counsel and of the Member, the Panel makes the following Order:

- a. The Member's Registration is cancelled; and
- b. The Member shall pay costs in the amount of \$4,000. This amount is to be paid prior to any application the Member may make to reinstate her Membership with the College.

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

1. Registered Nurses must act with integrity in both their personal and professional lives.
2. The Member's admitted conduct shows a lack of integrity.
 - a. She took advantage of a colleague by fraudulently assuming her identity and engaging in credit card fraud.
 - b. She took an assumed name ("Jenell Chorney") in an effort to obtain a job.
3. These actions show an intentional course of conduct spanning 2018 to 2020 to deceive others for her own personal benefit. Such actions demonstrate a lack of integrity.
4. In addition, and relevant to the issue of integrity:
 - a. The Member obtained a position with Employer A by failing to disclose her pending criminal charges and ultimately the fact that she was interim suspended by the College.
 - b. She also failed to disclose the fact that she was criminally charged in her renewal application with the College.
5. These are acts of omission. While the conduct described in paragraph 4 is not as egregious as the actions noted in paragraph 2, such conduct is serious and reflects negatively upon the Member's integrity. The Member's omissions were done for personal benefit (to obtain a job or avoid regulatory scrutiny by her College). We expect Registered Nurses to be forthright in order to act with integrity and her omissions further demonstrate a lack of integrity.
6. The College must protect the public. The public must have confidence in the profession. Further, such serious breaches of integrity need to be addressed appropriately in order to deter any such further conduct. Cancellation of the Member's Registration is accordingly required.
7. The Member did plead guilty. In her submissions to the Panel, she said that she took full responsibility for her actions. She acknowledged that Registered Nurses are in a position of trust. She admitted to acting without integrity. The Member has also been convicted criminally and is currently serving a 9 month conditional sentence. She has already lost her position with Employer A due to her conduct. The Member has suffered consequences.
8. Further, the Member did not have a prior criminal record or a prior discipline history with the College.
9. The Panel acknowledges this. The Member has accepted full responsibility. She did not oppose the penalty of cancellation. In light of the seriousness of the conduct, the Panel concludes that cancellation is warranted.
10. With respect to costs, counsel for the CIC did not take a position on costs and neither did the Member. Counsel for the CIC provided options on costs which included seeking an order of costs not more than \$5,000 which could be paid prior to any reinstatement application the Member may make.

11. In light of the fact that the Member did plead guilty and in light of the fact that this hearing occurred over ½ day, the Panel orders that the Member pay costs in the amount of \$4,000 to be paid prior to any reinstatement application the Member may make.

DATED at Winnipeg, Manitoba, the 12th day of August, 2021.