

Discipline Committee

2022 Annual Report

Introduction: Role of the Committee

The Discipline Committee supports the College's commitment to the public to address concerns about practice and conduct.

Executive summary

The Discipline Committee's hearings and activities continued to be impacted by the global pandemic in 2022. Hearings of both contested and uncontested matters were conducted virtually.

A. Panel Activities

1. Completed Matters¹ (Table 1)

Disciplinary matters are resolved by way of non-contested or contested hearings. Matters are resolved or disposed of when:

- all allegations are withdrawn or dismissed;
- no findings of professional misconduct and/or incompetence are made by a panel;
- findings of professional misconduct and/or incompetence are made and a penalty is ordered;
- reinstatement requests are granted, not granted or abandoned; and
- removal of information requests are granted, not granted or abandoned.

In 2022, Discipline Committee panels made findings of professional misconduct in 75 matters involving 75 members. In addition, three matters were withdrawn. One reinstatement request was abandoned. In total, 79 matters were completed in 2022.

¹ The number of completed matters reported in this report will differ from the number in the College Performance Measurement Framework ("CPMF") report to the Ministry due to a difference in the definition of when a matter is completed.

(a) Non-contested Matters (Table 2 and Table 3)

73 matters were resolved by panels accepting agreed statements of facts and/or joint submissions on penalty presented by the College and the member. This represents 92.4% of all completed matters. On average, 0.75 hearing day² was required per matter.

(b) Contested Matters (Table 2 and Table 3)

Two contested matters, involving a total of 7.50 hearing days, were resolved. In addition, 9.25 hearing days were held for two matters that are continuing in 2023. The number of hearing days for contested matters ranged from two days to 5.5 days with an average of four hearing days per matter.

(c) Penalty Orders (Table 4)

Discipline Committee panels made penalty orders in 75 matters where findings of professional misconduct were made. The penalties that were ordered included:

- 4 revocations;
- 67 suspensions;
- 67 terms, conditions and limitations
- 74 reprimands; and
- 2 fines

Terms, conditions and limitations ordered included monitoring and/or supervising of members' practices and members' education/remediation.

2. Hearing and Deliberation/Decision-Writing (Table 5)

Discipline Committee panels met on 72 days for hearings, deliberation and decision-writing for 80 matters (includes 9.25 hearing days for two matters that are continuing in 2023 and 0.75 days hearing three motions to withdraw allegations).

The administration of reprimands commonly occurs immediately following hearings, and the time spent on this administration is included in the calculation of hearing days. In 2023, the Discipline Committee spent an additional 1.75 days administering reprimands at three proceedings specifically convened for that purpose.

² A hearing day is approximately seven hours.

3. Release of Decision and Reasons (Table 6)

For agreement hearings, the Discipline Committee may deliver its decision on the day of the hearing or within 24 hours after the conclusion of the hearing. Subsequently, the Committee releases its written reasons for decision (“reasons”).

The Discipline Committee released 59 written reasons in 2022, some of which related to matters that were heard in 2021. The Discipline Committee Guidelines set out that the Committee’s written reasons be released within 60 days of the conclusion of the hearing. The time period for the release of the written reasons can be impacted by the complexity of the legal and evidentiary issues in the case, or logistical issues, such as the availability of panel members. In 2022, the cascading effect the continuing global pandemic resulted in the release of almost all the written reasons after the 60-day guideline.

(a) Released decisions and reasons for non-contested matters (Table 7)

In three matters, the written reasons were released in 60 days or less. In 23 matters, the written reasons were released between 61 and 90 days, and in 29 matters, they were released in 91 days or more.

(b) Released decisions and reasons for contested matters (Table 7)

Two contested matters had written reasons released between 61 and 90 days, and the written reasons in two matters were released in 91 days or more.

B. Committee Activities

1. Matters in Progress (Table 8)

The number of matters in progress varies in relation to:

- the number and timing of matters referred;
- requests for postponements of hearings and pre-hearings;
- adjournments granted; and
- the length of time required for decision writing.

On December 31, 2022, three hearings were ongoing, 14 pre-hearings and 31 hearings were scheduled for 2023. 47 pre-hearings were to be scheduled. Eight hearings were in the process of being scheduled. Decision-writing was underway for 26 matters. Three hearings were adjourned.

2. Length of Time from Referral to Pre-Hearing/Hearing

The Committee guidelines for matters moving through the discipline process require pre-hearings to be scheduled within four months and hearings to commence within nine months from the referral by the ICRC. The length of time from referral to a pre-hearing and hearing is affected by several factors, including:

- holding a matter in abeyance until the conclusion of related matters within the criminal justice system or other jurisdiction;
- communication and logistical matters with self-represented members; and
- accommodating scheduling issues of legal counsel, for one or both parties.

(a) Referral to Pre-Hearing (Table 9)

Of the 59 matters, where pre-hearings were completed in 2022, 16 matters (27.1%) had pre-hearing conferences held within four months or less from the date of referral.

(b) Referral to Commencement of Hearing (Table 10)

Of the 69 hearings that were scheduled in 2022, 32 hearings (46.4%) were scheduled in nine months or less from the date of referral from the ICRC and 31 hearings were scheduled between 10 and 12 months. Six hearings were scheduled 13 months or more from the referral date.

(c) Referral to Conclusion of Hearing (Table 11)

The average number of months from the ICRC's referral to the conclusion of a hearing for matters resolved by agreement between the parties was 11.2 months, with a range of five to 22 months. The average number of months from referral to the conclusion of a hearing for contested matters was 16.5 months, with a range of 13 to 20 months.

C. Discipline Committee Meetings

The DC & FTP Committees held virtual meetings on February 4, May 6, and October 17 & 18, 2022 for general education of Committee members. A virtual meeting was held on May 5, 2022, to orient new members to their roles on the DC & FTP Committees. A Decision Writing workshop was conducted on July 27, 2022.

On October 14, 2022, 11 Committee members attended the “Conducting a Discipline Hearing Basic Workshop” hosted virtually by the Health Profession Regulators of Ontario (HPRO).

One Committee member attended HPRO’s “Reasons Writing Workshop” virtually on October 7, 2022.

Committee members:

July to December 2022

Michael Hogard, RPN, Chair
Janet Adanty, RN
Andrea Arkell, PM
Jay Armitage, PM
Eloisa Busto, RPN
Tina Colarossi, NP
Tim Crowder, PM
Jean-Laurent Domingue, RN
Sylvia Douglas, PM
Ramona Dunn, RN
David Edwards, RPN
Tomoko Fukushima, RN
Carly Gilchrist, RPN
Shaneika Grey, RPN
Lynn Hall, RN
Max Hamlyn, RPN
Tyler Hands, RN
Neil Hillier, RPN
Nazlin Hirji, RN
Carly Hourigan, PM
Aisha Jahangir, RN
Morgan Krauter, NP
Karen Laforet, RN
Sandra Larmour, PM
Sarah Louwagie, RPN
Marnie MacDougall, PM
Mary MacNeil, RN
Benson Mathai, RPN
Jane Mathews, RN
Donna May, RPN
Ian McKinnon, PM
Sharon Moore, RN
Edsel Mutia, RN
Shakhnoz Niezova, RN
Andrea Norgate, RN

January to June 2022

Dawn Cutler, RN, Chair
Janet Adanty, RN
Andrea Arkell, PM
Jay Armitage, PM
Eloisa Busto, RPN
Margarita Cleghorne, RPN
Tim Crowder, PM
Jacqueline Dillon, RPN
Tanya Dion, RN
Sylvia Douglas, PM
Ramona Dunn, RN
David Edwards, RPN
Kerry Gartshore, RPN
Carly Gilchrist, RPN
Karen Goldenberg, PM (to May 2022)
Shaneika Grey, RPN
Max Hamlyn, RPN
Neil Hillier, RPN
Michael Hogard, RPN
Carly Hourigan, PM
Aisha Jahangir, RN
Karen Laforet, RN
Sandra Larmour, PM
Rodolfo Jr. Lastimoso, RPN
Marnie MacDougall, PM
Mary MacNeil, RN
Benson Mathai, RPN
Jane Mathews, RN
Donna May, RPN
Ian McKinnon, PM
Sharon Moore, RN
Andrea Norgate, RN
Fidelia Osime, PM
Lalitha Poonasamy, PM
Susan Roger, RN

Committee Members (contd.):

July to December 2022

Patrycja Nowicka-Bujko, RPN
Lalitha Poonasamy, PM
Susan Roger, RN
Michael Schroder, NP
Emilija Stojsavljevic, RPN
Sherry Szucsko-Bedard, RN
Kari Van Kamp, NP
Terah White, RPN
Ingrid Wiltshire-Stoby, NP

January to June 2022

Martin Sabourin, RN (to June 2022)
Michael Schroder, NP
Heather Stevanka, RN
Emilija Stojsavljevic, RPN
Patricia Sullivan-Taylor, RN
Sherry Szucsko-Bedard, RN
Shafrina Tarani, NP (to Jan 2022)
Kari Van Kamp, NP
Jane Walker, RN
Terah White, RPN
Colleen Wilkinson, RN
Ingrid Wiltshire-Stoby, NP

Staff contacts:

Veronica Adetoye, Director, Business Services
Kurt Maben, Hearings Administration Coordinator
Lesley Wright, Hearings Administrator
Adrienne Kang, Hearings Administrator
Saad Siddiqui, Hearings Administrator
Vipa Pandya, Hearings Assistant

STATISTICAL TABLES

A. Panel Activities

Table 1. Completed matters

Matters with:	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Findings	35	100	43	100	53	93.0	46	97.9	75	94.9
All allegations withdrawn	0	0.0	0	0.0	3	5.3	1	2.1	3	3.8
All allegations dismissed	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reinstatement Abandoned	0	0.0	0	0.0	1	1.7	0	0.0	1	1.3
Total	35³	100	43	100	57	100	47⁴	100	79	100

Table 2. Types of completed matters

Completed cases	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Non-contested matters	25	71.4	31	70.5	46	80.7	36	76.6	73	92.4
Contested matters	10	28.6	13	29.5	7	12.3	10	21.3	2	2.5
All allegations withdrawn	0	0.0	0	0.0	3	5.3	1	2.1	3	3.8
Reinstatement Abandoned	0	0.0	0	0.0	1	1.7	0	0.0	1	1.3
Removal of Information Abandoned	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	35	100	44⁵	100	57	100	47⁶	100	79	100

³ For one matter, liability findings were made in 2018 but the penalty was heard in 2019.

⁴ For one matter, liability findings were made in 2020 but the penalty was heard in 2021

⁵ Includes the matter where liability findings were made in 2018 but penalty was ordered in 2019

⁶ Includes the matter where liability findings were made in 2020 but penalty was ordered in 2021

Table 3. Hearing days⁷ for 2022

Completed matters	Matters	Total days	Min. days/case	Max. days/case	Average days/case
Non-contested matters	73	54.50	0.5	1.0	0.75
Contested matters	4	16.75	2.0	5.5	4.00
All allegations withdrawn matters	3	0.75	0.25	0.25	0.25
Total	80	72	-	-	-

Table 4. Penalty Orders

Penalty Types	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Reprimand	32	37.2	42	36.2	53	37.6	46	39.7	74	34.6
Suspension	22	25.6	32	27.6	41	29.1	32	27.6	67	31.3
Terms, conditions, limitations	22	25.6	33	28.4	41	29.1	32	27.6	67	31.3
Revocation	10	11.6	9	7.8	6	4.2	6	5.1	4	1.9
Fine	0	0.0	0	0.0	0	0.0	0	0.0	2	0.9
Total	86	100	116	100	141	100	116	100	214	100
# of matters with penalty orders	34		44		53		46		75	

⁷ A hearing day is approximately seven hours, measured in 0.25 day increments.

Table 5. Hearing and deliberation/decision-writing days

Activity days	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Hearings (including ongoing matters)	41.0	94.3	60.25	91.6	58	94.3	55.25	97.0	72.00	97.6
Hearing - Removal of Information Request	0.0	0.0	0.0	0.0	0	0.0	0	0.0	0	0.0
Reinstatement hearings	0.0	0.0	0.0	0.0	0	0.0	0	0.0	0	0.0
Deliberation/decision-writing	2.0	4.6	4.5	6.8	2	3.3	1.25	2.1	0	0.0
Administering Reprimands	0.50	1.1	1.00	1.5	1.5	2.4	0.5	0.9	1.75	2.4
Total	43.5	100	65.75	100	61.5	100	57.0	100	73.75	100
# of matters	35		44		57		47		83	

Table 6. Time from conclusion of hearing to release of decision and reasons

Time	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
60 days or fewer	18	54.5	4	9.5	2	8.0	1	1.4	3	5.1
61 days or more	15	45.5	38	90.5	23	92.0	71	98.6	56	94.9
Total	33	100	42	100	25	100	72	100	59	100

Table 7. Time from conclusion of hearing to release of decision and reasons in non-contested and contested matters

Time	Non-contested Matters		Contested Matters	
	#	%	#	%
60 days or fewer	3	5.5	0	0.0
61 days or more	52	94.5	4	100.0
Total	55	100	4	100

B. Committee Activities

Table 8. Matters in progress on December 31, 2022

Matter Status	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Pre-hearing to be set	15	34.0	9	16.1	21	23.1	58 ⁸	54.2	47	35.6
Pre-hearing scheduled	4	9.0	13	23.2	11	12.1	6	5.6	14	10.6
Hearing to be set	3	6.8	8	14.3	1	1.1	4	3.7	8	6.0
Hearing scheduled	14	32.0	20	35.7	21	23.1	13	12.2	31	23.5
Hearing in progress	1	2.2	0	0.0	0	0.0	1	0.9	3	2.3
Deliberation	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Decision-writing	7	16.0	6	10.7	35 ⁹	38.4	11	10.3	26	19.7
To be determined	0	0.0	0	0.0	1	1.1	1	0.9	0	0.0
Adjournment	0	0.0	0	0.0	1	1.1	13	12.2	3	2.3
Total	44	100	56	100	91	100	107	100	132	100

Table 9. Time from referral to pre-hearing

Time	2021		2022	
	#	%	#	%
4 months or less	17	50.0	16	27.1
5-9 months	16	47.1	42	71.2
10-12 months	0	0.0	1	1.7
13 months or more	1	2.9	0	0.0
Total	34	100	59	100

Table 10. Time from referral to commencement of hearing

Time	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
9 months or less	26	74.3	33	76.7	37	70.0	42	79.2	32	46.4
10-12 months	3	8.6	10	23.3	11	21.0	7	13.2	31	44.9
13 months or more	6	17.1	0	0.0	5	9.0	4	7.6	6	8.7
Total	35	100	43	100	53	100	53	100	69	100

⁸ includes 55 matters that were referred between November and December 2021

⁹ includes one Decision on Liability written for a matter that continued in 2021

Table 11. Time from referral to conclusion of hearing

	Minimum months/case	Maximum months/case	Average months/case
Matters with agreements	5	22	11.2
Contested matters	13	20	16.5