

THE STANDARD OF CARE.

# Fitness to Practise Committee 2022 Annual Report

#### Introduction: Role of the Committee

The Fitness to Practise Committee ("the Committee") supports the College's commitment to the public by addressing concerns about the impact of a nurse's health on public safety.

The Committee holds hearings to determine if members are incapacitated due to a mental or physical condition or disorder, such that they should not practice, or their practice should be restricted.

If a member is found to be incapacitated, the Committee can revoke, suspend, or impose terms, conditions or limitations (TCLs) on the member's certificate of registration.

The Committee also determines members' requests to return to practice and matters of alleged breach of the terms of an Order of the Committee or the terms of an Undertaking to the College.

The Committee endorses the resolution of matters by agreements that protect the public and provide for the member's safe return to practice when possible.

Based upon approved procedure and protocol, agreements between the College and the member are reviewed by panels of the Committee and, if found appropriate, approved as Consent Orders, eliminating the need for formal hearings.

#### **Executive Summary**

#### Fitness to Practise (FTP) Committee Caseload

There were 60 new matters referred to the Committee in 2022. In addition, 36 matters were carried over from the previous year, for a total caseload of 96 matters.



As of December 31, 2022, there were 78 matters in progress as follows:

- 4 matters were adjourned;
- 2 matters are ongoing and have hearings scheduled in 2023 (includes one matter that commenced in 2021);
- 12 hearings were to be set; and
- 60 matters were awaiting determination whether to proceed by hearing or Consent Order review.

#### **Matters Completed**

Matters are completed when a determination of a member's capacity is made and a disposition is ordered. Matters may be resolved by Consent Order or by way of contested hearing.

In 2022, a total of 18 matters related to 18 members were completed. These were resolved as follows:

- 17 Consent Orders;
- 1 contested hearing completed.

#### **Dispositions Ordered**

#### **Resolution by Consent Order** (Table 1)

- 3 consent orders involved the member voluntarily surrendering their certificate of registration;
- 5 related to Return to Practice requests and breach of Orders;
- 9 had no finding of incapacity. In 8 of these matters, the member entered into an undertaking with the College and in one matter, the member moved into the nonpractising class.

#### Hearings

Panels of the FTP Committee spent 12 days hearing three FTP matters in 2022, as follows:

#### (a) Contested Matters

- 1 hearing completed and a suspension was ordered (Table 2)
- 1 hearing began in 2021 and 1 hearing began in 2022. Both will continue in 2023

#### (b) Removal of Information matters (Table 3)

No Removal of Information matters were heard in 2022



#### Return to Practice (RTP) Requests

Requests to Return to Practice are made by members who have surrendered their certificates of registration.

These requests are made in accordance with specified terms of the original Order, requiring the member to provide up-to-date information demonstrating that they are ready to return to practice, with or without TCLs on their certificate of registration.

Where the College and the member agree that the member may return to practice and, to any terms required, the matter proceeds by way of Consent Order.

Where the parties do not agree, the matter is heard by a panel at a contested hearing.

In 2022, as seen in Table 5, three RTP requests were granted and no requests were denied. All requests were resolved by Consent Order.

#### **Breaches**

It may be alleged that a member has failed to comply with the terms of an Order of the Committee or their Undertaking to the College. A failure to abide by or comply with the terms of an Order or Undertaking is commonly referred to as a breach.

If the member and the College agree that a breach has occurred and on the appropriate conditions required to protect the public, the matter is resolved by way of Consent Order.

Where there is a dispute whether the Order or Undertaking has been breached, or about the appropriate conditions required to protect the public, then the matter proceeds to a contested hearing.

In 2022, as seen in Table 6, two matters related to members who were alleged to be in breach of the terms, of a Panel's Order were resolved by Consent Order.



#### **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:

Shaneika Grey, RPN

July to December 2022 January to June 2022

Michael Hogard, RPN, Chair Dawn Cutler, RN, Chair

Janet Adanty, RN

Andrea Arkell, PM

Jay Armitage, PM

Floiag Busto, BDN

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Eloisa Busto, RPN Eloisa Busto, RPN Tina Colarossi, NP Margarita Cleghorne, RPN

Tim Crowder, PM Tim Crowder, PM

Jean-Laurent Domingue, RN Jacqueline Dillon, RPN

Sylvia Douglas, PM

Ramona Dunn, RN

David Edwards, RPN

Tomoko Fukushima, RN

Carly Gilchrist, RPN

Tanya Dion, RN

Sylvia Douglas, PM

Ramona Dunn, RN

David Edwards, RPN

Kerry Gartshore, RPN

Lynn Hall, RN Karen Goldenberg, PM (to May 2022)

Carly Gilchrist, RPN

Max Hamlyn, RPN
Tyler Hands, RN
Meil Hillier, RPN
Neil Hirji, RN
Michael Hogard, RPN
Carly Hourigan, PM
Michael Hourigan, PM
Carly Hourigan, PM

Aisha Jahangir, RN

Morgan Krauter, NP

Karen Laforet, RN

Sandra Larmour, PM

Rodolfo, Ir Lastimosa, RP

Sandra Larmour, PM Rodolfo Jr. Lastimosa, RPN Sarah Louwagie, RPN Marnie MacDougall, PM

Marnie MacDougall, PM
Mary MacNeil, RN
Benson Mathai, RPN
Mary MacNeil, RN
Benson Mathai, RPN
Jane Mathews, RN

#### **Committee Members (contd.):**

July to December 2022

Jane Mathews, RN Donna May, RPN Ian McKinnon, PM Sharon Moore, RN Edsel Mutia, RN

Shakhnoz Niezova, RN Andrea Norgate, RN

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

Donna May, RPN
Ian McKinnon, PM
Sharon Moore, RN
Andrea Norgate, RN
Fidelia Osime, PM
Lalitha Poonasamy, PM

Susan Roger, RN

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



## Appendix 1 – Statistical tables

### 1. Disposition of Matters

■ Table 1. Resolution by Consent Order

Outcomes	2018	2019	2020	2021	2022
Agree to terms, conditions or limitations	0	1	0	0	0
Voluntary surrender of Certificate of Registration	34	11	7	9	3
Return to Practice / Breach	15	10	9	9	5
No Findings	39	18	21	20	9
Variance	0	0	0	0	0
Total	88	40	37	38	17

#### ■ Table 2. Contested matters

Outcomes	2018	2019	2020	2021	2022
Suspension	7	2	2	2	1
Terms, conditions or limitations	0	0	0	0	0
Re-instatement Granted/Not granted	1	0	0	0	0
No Findings	0	1 <sup>1</sup>	0	0	0
Total	8	3	2	2	1

#### ■ Table 3. Removal of Information matters

Outcomes	2018	2019	2020	2021	2022
Removal of Information	0	0	0	0	0
Total	0	0	0	0	0

#### ■ Table 4. Motions

Motion	2018	2019	2020	2021	2022
Adjournments	0	6	4	4	4
Total	0	6	4	4	4

<sup>&</sup>lt;sup>1</sup> This matter started as a hearing but an agreement was reached and no finding was made after the Member signed an undertaking with the College.



# Return to Practice Requests and Breaches Table 5. Return to Practice (RTP) Requests and Outcomes

Resolution	2018	2019	2020	2021	2022
RTP requests granted	13	8	5	8	3
RTP requests denied	0	0	0	0	0
Total	13	8	5	8	3

■ Table 6. Breach dispositions

Resolution	2018	2019	2020	2021	2022
Breaches resolved by Consent Order	2	2	4	1	2
Breach hearings	0	0	0	0	0
Total	2	2	4	1	2