

# Discipline Committee

## 2020 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 were impacted by the onset of the global pandemic in the first quarter of 2020. The Discipline Committee transitioned expeditiously to hearing non-contested matters virtually and deferred the hearing of contested matters until a virtual process was established for them. In November 2020, the Committee commenced hearing contested matters virtually and employed the document sharing platform CaseLines.

### A. Panel Activities

#### 1. Completed Matters<sup>1</sup> (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- all allegations are withdrawn or dismissed;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.

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<sup>1</sup> 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.

In 2020, Discipline Committee panels made findings of professional misconduct in 53 matters involving 53 members. In addition, three matters were withdrawn and one reinstatement request was abandoned. In total, 57 matters were completed in 2020.

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

46 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 80.7% of all completed matters. On average, one hearing day<sup>2</sup> was required per matter.

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

Seven contested matters, involving a total of 10.25 hearing days, were resolved. In addition, three hearing days were held for a matter that is continuing in 2021. The number of hearing days for contested matters ranged from one to three days with an average of 1.5 hearing days per matter.

(c) Penalty Orders (Table 4)

Discipline Committee panels made penalty orders in 53 matters where findings of professional misconduct were made. The penalties that were ordered included:

- 6 revocations;
- 41 suspensions;
- 41 terms, conditions and limitations; and
- 53 reprimands.

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 60 days for hearings, deliberation and decision-writing for 57 matters. 58 days were for hearings (includes three hearing days for a matter that is continuing in 2021, and 0.75 days hearing motions to withdraw allegations). Two days were for deliberation/decision-writing.

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<sup>2</sup> A hearing day is approximately seven hours.

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 2020, the Discipline Committee spent an additional 1.5 days administering reprimands at proceedings specifically convened for that purpose.

### 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 25 written reasons in 2020, some of which related to matters that were heard in 2019. 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 2020, impacts on reason release timelines included the global pandemic and the cyber-security incident. In multiple cases, this resulted in the release of the written reasons after the 60-day guideline.

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

In two non-contested matters, the time for release of the written reasons met the 60-day guideline. In 10 matters, the written reasons were released between 61 and 90 days, and in nine matters, they were released in 91 days or more.

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

In four contested matters, the written reasons 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, 2020, 11 pre-hearings and 21 hearings were scheduled for 2021. 21 pre-hearings and one hearing were in the process of being scheduled. Decision-writing was underway for 35 matters (includes one Decision on Liability being written for a matter that is continuing in 2021). One hearing was adjourned and in one matter the parties had to determine if they wanted to proceed with a pre-hearing or move directly to a hearing.

## 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 35 matters, where pre-hearings were held in 2020, 17 matters (48.5%) 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 53 hearings that commenced in 2020, 37 hearings (70.0%) commenced in nine months or less from the date of referral from the ICRC and 11 hearings commenced between 10 and 12 months. 5 hearings commenced 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 9.4 months, with a range of four to 20 months. The average number of months from referral to the conclusion of a hearing for contested matters was 12.1 months, with a range of seven to 19 months.

## C. Discipline Committee Meetings

The Committee held virtual meetings on July 8, 2020 to orient new members and on August 31, 2020 to train panel and pre-hearing chairs. The Committee also had a virtual Decision Writers' workshop on August 28, 2020. Through November and December 2020, Committee members attended virtual training sessions on the use of CaseLines, the online file sharing platform used in Discipline hearings.

On September 21, 2020, 16 Committee members attended the "Conducting a Discipline Hearing Basic Workshop" hosted by the Health Profession Regulators of Ontario.

### Committee members:

#### July to December 2020

Terry Holland, RPN, Chair  
Andrea Arkell, PM  
Jay Armitage, PM  
Margarita Cleghorne, RPN  
Dawn Cutler, RN  
Jacqueline Dillon, RPN  
Tanya Dion, RN  
Sylvia Douglas, PM  
David Edwards, RPN  
Jennifer Farah, RPN\* (from September 2020)  
Kerry Gartshore, RPN\* (from September 2020)  
Fotyne Georgopoulos, RPN\* (from September 2020)  
Carly Gilchrist, RPN  
Karen Goldenberg, PM  
Shaneika Grey, RPN  
Max Hamlyn, RPN  
Neil Hillier, RPN  
Carly Hourigan, PM  
Bill Irwin, PM  
Carolyn Kargiannakis, RN  
Karen Laforet, RN  
Marnie MacDougall, PM (from November 2020)  
Bonnie MacKinnon, RN  
Mary MacNeil, RN  
Jane Mathews, RN\* (from September 2020)  
Ian McKinnon, PM  
Natalie Montgomery, PM  
Andrea Norgate, RN\* (from September 2020)  
Linda Marie Pacheco, RN  
Honey Palalon, RN

#### January to June 2020

Terry Holland, RPN, Chair  
Margarita Cleghorne, RPN  
Dawn Cutler, RN  
Jacqueline Dillon, RPN  
Tanya Dion, RN  
Sylvia Douglas, PM  
David Edwards, RPN  
Catherine Egerton, PM  
Grace Fox, NP  
Carly Gilchrist, RPN  
Deborah Graystone, NP  
Carolyn Kargiannakis, RN  
Mary MacNeil, RN  
Linda Marie Pacheco, RN  
Honey Palalon, RN  
Tania Perlin, PM  
Lalitha Poonasamy, PM  
Desiree Ann Prillo, RPN  
Heather Riddell, RN  
George Rudanycz, RN  
Michael Schroder, NP  
Heather Stevanka, RN  
Sherry Szucsko-Bedard, RN  
Devinder Walia, PM  
Jane Walker, RN  
Terah White, RPN  
Christopher Woodbury, PM (to May 2020)  
Richard Woodfield, PM (to March 2020)

**Committee members (contd.):**

**July to December 2020**

Lalitha Poonasamy, PM

Desiree Ann Prillo, RPN

Heather Riddell, RN

George Rudanycz, RN

Martin Sabourin, RN

Michael Schroder, NP

Heather Stevanka, RN

Patricia Sullivan, RN\* (from September 2020)

Sherry Szucsko-Bedard, RN

Fernando Tarzia, RN\* (from September 2020)

Jane Walker, RN

Jody Whaley, RPN\* (from September 2020)

Colleen Wilkinson, RN\* (from September 2020)

Josée Wright, RPN\* (from September 2020)

\* From September 2020, the membership of the Discipline and Fitness to Practise Committees were merged.

**Staff contacts:**

Ravi Prathivathi, Manager, Business Support

Kurt Maben, Hearings Administration Coordinator, Business Support

Lesley Wright, Hearings Administrator, Business Support

Patty Lee Him, Hearings Administrator, Business Support

Adrienne Kang, Hearings Administrator, Business Support

Ana Djapa, Hearings Assistant, Business Support

## STATISTICAL TABLES

### A. Panel Activities

Table 1. Completed matters

Matters with:	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Findings	40	93.0	44	93.6	35	100	43	100	53	93.0
All allegations withdrawn	1	2.3	2	4.3	0	0.0	0	0.0	3	5.3
All allegations dismissed	2	4.7	0	0.0	0	0.0	0	0.0	0	0.0
Reinstatement Abandoned	0	0.0	1	2.1	0	0.0	0	0.0	1	1.7
<b>Total</b>	<b>43</b>	<b>100</b>	<b>47</b>	<b>100</b>	<b>35<sup>3</sup></b>	<b>100</b>	<b>43</b>	<b>100</b>	<b>57</b>	<b>100</b>

Table 2. Types of completed matters

Completed cases	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Non-contested matters	29	69.0	33	70.2	25	71.4	31	70.5	46	80.7
Contested matters	12	28.6	11	23.4	10	28.6	13	29.5	7	12.3
All allegations withdrawn	1	2.4	2	4.3	0	0.0	0	0.0	3	5.3
Reinstatement Abandoned	0	0.0	1	2.1	0	0.0	0	0.0	1	1.7
Removal of Information Abandoned	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Total</b>	<b>42</b>	<b>100</b>	<b>47</b>	<b>100</b>	<b>35</b>	<b>100</b>	<b>44<sup>4</sup></b>	<b>100</b>	<b>57</b>	<b>100</b>

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

<sup>4</sup> Includes the matter where liability findings were made in 2018 but penalty was ordered in 2019

Table 3. Hearing days<sup>5</sup> for 2020

Completed matters	Matters	Total days	Min. days/case	Max. days/case	Average days/case
Non-contested matters	46	44.0	0.5	1.0	1.0
Contested matters	7	10.25	1.0	3.0	1.5
All allegations withdrawn matters	3	0.75	0.25	0.25	0.25
<b>Total</b>	<b>56</b>	<b>55</b>	-	-	-

Table 4. Penalty Orders

Penalty Types	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Reprimand	34	37.8	41	35.7	32	37.2	42	36.2	53	37.6
Suspension	20	22.2	33	28.7	22	25.6	32	27.6	41	29.1
Terms, conditions, limitations	23	25.6	33	28.7	22	25.6	33	28.4	41	29.1
Revocation	12	13.3	7	6.1	10	11.6	9	7.8	6	4.2
Fine	1	1.1	1	0.9	0	0.0	0	0.0	0	0.0
<b>Total</b>	<b>90</b>	<b>100</b>	<b>115</b>	<b>100</b>	<b>86</b>	<b>100</b>	<b>116</b>	<b>100</b>	<b>141</b>	<b>100</b>
<b># of matters with penalty orders</b>	<b>39</b>		<b>45</b>		<b>34</b>		<b>44</b>		<b>53</b>	

<sup>5</sup> A hearing day is approximately seven hours, measured in 0.25 day increments.



Table 5. Hearing and deliberation/decision-writing days

Activity days	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Hearings (including ongoing matters)	48.25	87.3	65.5	88.0	41.0	94.3	60.25	91.6	58	94.3
Hearing - Removal of Information Request	0.25	0.5	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	0.0
Deliberation/decision-writing	6.25	11.3	7.0	9.4	2.0	4.6	4.5	6.8	2	3.3
Administering Reprimands	0.50	0.9	2.0	2.6	0.50	1.1	1.00	1.5	1.5	2.4
<b>Total</b>	<b>55.25</b>	<b>100</b>	<b>74.5</b>	<b>100</b>	<b>43.5</b>	<b>100</b>	<b>65.75</b>	<b>100</b>	<b>61.5</b>	<b>100</b>
<b># of matters</b>	<b>44</b>		<b>48</b>		<b>35</b>		<b>44</b>		<b>57</b>	

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

Time	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
60 days or fewer	16	50.0	24	62.0	18	54.5	4	9.5	2	8.0
61 days or more	16	50.0	15	38.0	15	45.5	38	90.5	23	92.0
<b>Total</b>	<b>32</b>	<b>100</b>	<b>39</b>	<b>100</b>	<b>33</b>	<b>100</b>	<b>42</b>	<b>100</b>	<b>25</b>	<b>100</b>

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	2	9.5	0	0.0
61 days or more	19	90.5	4	100.0
<b>Total</b>	<b>21</b>	<b>100</b>	<b>4</b>	<b>100</b>

## B. Committee Activities

Table 8. Matters in progress on December 31, 2020

Matter Status	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Pre-hearing to be set	6	13.0	3	9.7	15	34.0	9	16.1	21	23.1
Pre-hearing scheduled	4	8.7	7	22.6	4	9.0	13	23.2	11	12.1
Hearing to be set	3	6.5	6	19.4	3	6.8	8	14.3	1	1.1
Hearing scheduled	20	43.5	6	19.4	14	32.0	20	35.7	21	23.1
Hearing in progress	2	4.3	2	6.4	1	2.2	0	0	0	0.0
Deliberation	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Decision-writing	8	17.4	6	19.3	7	16.0	6	10.7	35 <sup>6</sup>	38.4
To be determined	0	0.0	1	3.2	0	0.0	0	0.0	1	1.1
Adjournment	3	6.5	0	0.0	0	0.0	0	0.0	1	1.1
<b>Total</b>	<b>46</b>	<b>100</b>	<b>31</b>	<b>100</b>	<b>44</b>	<b>100</b>	<b>56</b>	<b>100</b>	<b>91</b>	<b>100</b>

Table 9. Time from referral to pre-hearing

Time	2019		2020	
	#	%	#	%
4 months or less	11	30.6	17	48.5
5-9 months	24	66.7	17	48.5
10-12 months	0	0.0	0	0.0
13 months or more	1	2.8	1	3.0
<b>Total</b>	<b>36</b>	<b>100</b>	<b>35</b>	<b>100</b>

Table 10. Time from referral to commencement of hearing

Time	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
9 months or less	27	61.4	28	62.2	26	74.3	33	76.7	37	70.0
10-12 months	9	20.4	10	22.2	3	8.6	10	23.3	11	21.0
13 months or more	8	18.2	7	15.6	6	17.1	0	0.0	5	9.0
<b>Total</b>	<b>44</b>	<b>100</b>	<b>45</b>	<b>100</b>	<b>35</b>	<b>100</b>	<b>43</b>	<b>100</b>	<b>53</b>	<b>100</b>

<sup>6</sup> includes one Decision on Liability being written for a matter that is continuing in 2021

Table 11. Time from referral to conclusion of hearing

	<b>Minimum months/case</b>	<b>Maximum months/case</b>	<b>Average months/case</b>
Matters with agreements	4	20	9.4
Contested matters	7	19	12.1