

Fitness to Practise Committee

2020 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 42 new matters referred to the Committee in 2020. In addition, 37 matters were carried over from the previous year, for a total caseload of 79 matters.



As of December 31, 2020, there were 39 matters in progress as follows:

- 2 hearings were completed and the written decisions and reasons for decision are pending;
- 4 matters were adjourned;
- 8 matters have hearings scheduled in 2021 (includes one matter that commenced in 2020);
- 4 hearings were to be set; and
- 21 matters are 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 2020, a total of 40 matters related to 40 members were completed. These were resolved as follows:

- 37 Consent Orders;
- 2 contested hearings completed; and
- 1 hearing did not proceed (the member's certificate of registration expired and therefore the Committee lost jurisdiction).

Dispositions Ordered

Resolution by Consent Order (Table 1)

- 7 consent orders involved the member voluntarily surrendering their certificate of registration;
- 9 related to Return to Practice requests and breach of Orders;
- 21 had no finding of incapacity. In 17 of these matters, the member entered into an undertaking with the College; in 3 matters, the member moved into the non-practising class; and, in one matter, no finding was made based on a revised assessment.

Hearings

Panels of the FTP Committee spent 3.25 days hearing three FTP matters in 2020, as follows:

(a) Contested Matters

- 2 hearings completed and suspensions were ordered (Table 2)
- 1 hearing began in 2020 and will continue in 2021.

(b) Removal of Information matters (Table 3)

No Removal of Information matters were heard in 2020



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 TCL's 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 2020, as seen in Table 5, five 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 2020, as seen in Table 6, matters related to four members who were in breach of the terms, of their Undertakings with the College were resolved by Consent Order.

Committee Meetings

The Committee held a virtual meeting on July 8, 2020 to orient new members. Through November and December 2020, Committee members attended virtual training sessions on the use of CaseLines, the new online file sharing platform used in hearings.

On September 21, 2020, some new Committee members attended the "Conducting a Discipline Hearing Basic Workshop" hosted by the Health Profession Regulators of Ontario. This workshop included a session on conducting FTP hearings.



Committee members:

July to December 2020

Terry Holland, RPN, Chair
Andrea Arkell, PM
Jay Armitage, PM
Margarita Cleghorne, RPN* (from September 2020)
Dawn Cutler, RN* (from September 2020)
Jacqueline Dillon, RPN* (from September 2020)
Tanya Dion, RN* (from September 2020)
Sylvia Douglas, PM
David Edwards, RPN* (from September 2020)
Jennifer Farah, RPN
Kerry Gartshore, RPN
Fotyne Georgopoulos, RPN
Carly Gilchrist, RPN* (from September 2020)
Karen Goldenberg, PM
Shaneika Grey, RPN* (from September 2020)
Max Hamlyn, RPN* (from September 2020)
Neil Hillier, RPN* (from September 2020)
Carly Hourigan, PM* (from September 2020)
Bill Irwin, PM
Carolyn Kargiannakis, RN* (from September 2020)
Karen Laforet, RN* (from September 2020)
Marnie MacDougall, PM (from November 2020)
Bonnie MacKinnon, RN* (from September 2020)
Mary MacNeil, RN* (from September 2020)
Jane Mathews, RN
Ian McKinnon, PM
Natalie Montgomery, PM* (from September 2020)
Andrea Norgate, RN
Linda Marie Pacheco, RN* (from September 2020)
Honey Palalon, RN* (from September 2020)
Lalitha Poonasamy, PM* (from September 2020)
Desiree Ann Prillo, RPN* (from September 2020)
Heather Riddell, RN* (from September 2020)
George Rudanycz, RN* (from September 2020)
Martin Sabourin, RN* (from September 2020)
Michael Schroder, NP* (from September 2020)
Heather Stevanka, RN* (from September 2020)
Patricia Sullivan, RN
Sherry Szucsko-Bedard, RN* (from September 2020)
Fernando Tarzia, RN

January to June 2020

Naomi Thick, RN, Chair
Sylvia Douglas, PM
Catherine Egerton, PM
Jennifer Farah, RPN
Barbara Frayne, RN
Fotyne Georgopoulos, RPN
Kathleen Patterson, RPN
Fernando Tarzia, RN
Kari Van Camp, NP
Kimberly Wagg, RPN
Jody Whaley, RPN
Colleen Wilkinson, RN
Christopher Woodbury, PM (to May 2020)



Committee members (contd.):

July to December 2020

Jane Walker, RN* (from September 2020)

Jody Whaley, RPN

Colleen Wilkinson, RN

Josée Wright, RPN

* 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

Appendix 1 – Statistical tables

1. Disposition of Matters

■ Table 1. Resolution by Consent Order

Outcomes	2016	2017	2018	2019	2020
Agree to terms, conditions or limitations	12	1	0	1	0
Voluntary surrender of Certificate of Registration	25	21	34	11	7
Return to Practice / Breach	13	16	15	10	9
No Findings	10	54	39	18	21
Variance	2	0	0	0	0
Total	62	92	88	40	37

■ Table 2. Contested matters

Outcomes	2016	2017	2018	2019	2020
Suspension	6	9	7	2	2
Terms, conditions or limitations	0	0	0	0	0
Re-instatement Granted/Not granted	-	-	1	0	0
No Findings	9	0	0	1 ¹	0
Total	15	9	8	3	2

■ Table 3. Removal of Information matters

Outcomes	2016	2017	2018	2019	2020
Removal of Information	3	0	0	0	0
Total	3	0	0	0	0

■ Table 4. Motions

Motion	2016	2017	2018	2019	2020
Adjournments	9	0	0	6	4
Total	9	0	0	6	4

¹ 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	2016	2017	2018	2019	2020
RTP requests granted	6	10	13	8	5
RTP requests denied	0	0	0	0	0
Total	6	10	13	8	5

■ Table 6. Breach dispositions

Resolution	2016	2017	2018	2019	2020
Breaches resolved by Consent Order	7	6	2	2	4
Breach hearings	3	1	0	0	0
Total	10	7	2	2	4