

Hearing Committee Notice of Determination and Order

Complaint # 2018-001

Re: Victoria MacInnis, Member Registration #005664

A Hearing Committee of the College of Registered Nurses of Prince Edward Island (the "Committee") conducted a hearing in Charlottetown, PEI on August 20, 2020, to consider a complaint dated September 4, 2018 against Registered Nurse Victoria MacInnis, registration number 005664. The Hearing followed a meeting of the Investigation Committee that resulted in a written notice of referral from the Investigation Committee dated July 16, 2019 to proceed to a hearing.

Members of the Committee in attendance at this hearing were Christine Drummond (Chair); Ashley Buchanan (member); and Shirley Urquhart (public representative). Also in attendance: Respondent Victoria MacInnis, Adducer Tom Keeler, Legal Counsel for the Respondent Michael Fleischmann; and Legal Counsel and Advisor for the Committee Doug Drysdale.

The purpose of the hearing on August 20, 2020, was to determine whether Victoria MacInnis engaged in activities that were professional misconduct, as that term is defined in the Prince Edward Island *Registered Nurses Act*. The allegations contained in the Notice of Formal Hearing dated June 17, 2020 all occurred in June of 2018 which is before the *Regulated Health Professions Act* (the "RHPA") was made applicable to the nursing profession in Prince Edward Island. We were advised by legal counsel that the former legislation (the *Registered Nurses Act*) applies in this case as far as the definition of 'professional misconduct' and the penalties that can be imposed are concerned, but otherwise the RHPA governs the process we followed for the hearing.

We note that this hearing was originally scheduled to commence on September 10, 2019, but Ms. MacInnis was involved in an unfortunate car accident and suffered injuries which made her unavailable for months. The members of the Committee wish her well in her recovery.

The conduct to be reviewed is described in the Notice of Formal Hearing, as follows:

Allegation #1- On or about June 11, 2018, while employed as a Registered Nurse at the Provincial Correctional Centre in Charlottetown, Prince Edward Island (the "PCC"), Ms. MacInnis engaged in conduct which violated the provisions of the Act, in that she failed to provide a patient with medication at the required time, despite repeated inquiries by PCC Staff requesting verification on behalf of the patient;

Allegation #2- On or about June 12, 2018, while employed as a Registered Nurse at the PCC, Ms. MacInnis engaged in conduct which violated the provisions of the Act, in that she incorrectly transcribed a verbal antibiotic medication from memory, and failed to

initiate administration of medication until the day following receipt of the order, despite noting that therapy had commenced; and

Allegation #3- On or about June 12, 2018, while employed as a Registered Nurse at the PCC, Ms. MacInnis engaged in conduct which violated the provisions of the Act, in that Ms. MacInnis failed to ensure that required documentation or a physician's order was completed prior to obtaining a diagnostic test.

FINDINGS and DECISION

The hearing was concluded in one day because the adducer, Mr. Keeler, and the lawyer for the member, Mr. Fleischmann, presented an Agreed Statement of Facts to the Committee. In addition, Mr. Keeler provided two binders of relevant documents for the Committee's consideration, with no objection from Mr. Fleischmann. The Committee recessed to review this material and returned to the hearing to accept the Agreed Statement of Facts in place of evidence which otherwise would have been presented.

In the Agreed Statement of Facts, Victoria MacInnis admitted to certain facts stated in the document, and acknowledged that she had committed professional misconduct in relation to each of the three incidents described in the Notice of Formal Hearing. On that basis, the Committee found her guilty of three instances of professional misconduct under the *Registered Nurses Act*.

The evidence from the Agreed Statement of Facts establishes that Victoria MacInnis engaged in professional misconduct as defined in the Registered Nurses Act. Ms. MacInnis was employed as a registered nurse at the Provincial Correctional Centre. In respect to allegations #1, #2, and #3 Ms. MacInnis failed to follow established policies and procedures and this constitutes professional misconduct as defined in the Registered Nurses Act Section 1(t) (iii) (B); that is, she failed to comply with a provision of the bylaws, including a provision of any code of ethics or set of professional standards of practice established or adopted by the bylaws. Ms. MacInnis failed to follow necessary professional standards because she failed to demonstrate responsibility and accountability by providing competent, safe and ethical nursing practice (Standard 4) according to the Standards of Nursing Practice (2016) where Ms. MacInnis did not exercise reasonable judgement in decision-making (4.5) and did not follow established policies and procedures (4.6).

Ms. MacInnis also failed in her ethical responsibility (according to the Code of Ethics for Nurses [2017]) to provide safe, compassionate, competent and ethical care (A) and by being accountable (G).

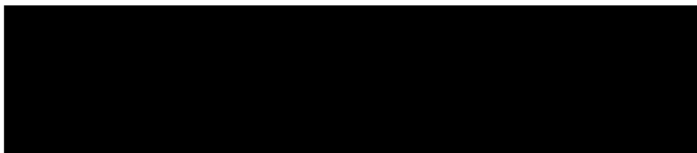
PENALTY

A range of penalties is available under section 31(2) of the *Registered Nurses Act* for professional misconduct, and the Committee has decided that a fine would be the most appropriate penalty in the circumstances. In arriving at this conclusion, the Committee considered the submissions from Mr. Keeler and Mr. Fleischmann, as well as the binder of materials Mr. Fleischmann presented at the hearing, and the factors mentioned in section 58(2.1) of the RHPA. Of particular significance are the statements in the Agreed Statement of Facts that the misconduct here was at the low end of the spectrum and did not involve any intentional malfeasance, and there was no evidence of harm to any patient. We also note that Ms. MacInnis has suffered for her actions through the loss of her position at PCC. Finally, we recognize that Ms. MacInnis accepted responsibility for her actions without requiring a full hearing, and cooperated in the Agreed Statement of Facts.

Victoria MacInnis is ordered to pay a fine in the amount of \$500 to the College of Registered Nurses of Prince Edward Island within a week of receiving this decision.

Victoria MacInnis has the right under section 59(2) of the RHPA to appeal this determination and order, or either of them, to the Supreme Court of Prince Edward Island within 30 days after being served with this document.

Respectfully submitted at Charlottetown, Prince Edward Island this 28 day of September 2020.

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Christine Drummond, Chair of the Hearing Committee