

ARNPEI PROFESSIONAL CONDUCT REVIEW COMMITTEE

Formal Inquiry Panel Decision

Complaint #2017-010

Re: Veronica Farlette, Member Registration no. 005168

A formal inquiry panel of the Professional Conduct Review committee of the Association of Registered Nurses of Prince Edward Island ("the panel") conducted a hearing in Charlottetown PEI, on May 17, 2018 to consider a complaint dated October 13, 2017, against Registered Nurse, Veronica Farlette, registration number 005168. The hearing followed a meeting of the investigation panel of the PCR committee, which was held on February 27, 2018, and resulted in the committee's decision to proceed to a formal inquiry. The complaint described an incident that occurred on October 7, 2017 at Atlantic Baptist Home, Charlottetown.

The purpose of the formal inquiry was to determine whether or not Veronica Farlette engaged in professional misconduct or conduct unbecoming the profession of nursing, or both, on October 7, 2017. The panel was also charged with deciding an appropriate penalty, if warranted. The Notice of Formal Hearing was the basis of the hearing and it alleged:

That on October 7, 2017, Ms Farlette administered two different medications, being scopolamine and morphine, in the same subcutaneous catheter, which had been inserted solely for the purpose of morphine administration, and that by doing so you failed to follow the relevant clinical standards applicable under the circumstances of the matter.

Panel members in attendance were: Paula Gauthier, Chair, Andrea Slysz (member), Meghan MacDonald (member), Craig McDowall (public representative). Also in attendance were: Complainant, Wendy Holland, Respondent, Veronica Farlette, Adducer, Ryan McCarville, and Doug Drysdale, legal Counsel for the panel. Christine McDougall, from Office of the Future, audio recorded the proceedings.

When the hearing began, Ryan McCarville, adducer of evidence, indicated that he and Veronica Farlette had prepared an Agreed Statement of Facts for the panel's consideration. With Ms. Holland's consent, this document was circulated to all panel members and the complainant, at which time the panel recessed to consider it. When the hearing resumed, Chair, Paula Gauthier asked Mr McCarville whether the committee could consider the investigation report, which was included in the book of documents. Mr. McCarville agreed to that request. Ms. Gauthier then stated that the panel would accept the Agreed Statement of Facts.

In the Agreed Statement of Facts, Ms. Farlette acknowledged that on October 7, 2017, in the course of treating a patient, she made use of a single subcutaneous catheter injection site for the

purpose of injecting both morphine and scopolamine. In doing so, Ms Farlette was in violation of long term care clinical standard #14. 4. 5, which states that: *"If more than one medication is to be administered via an intermittent subcutaneous injection site, then a separate site must be used for each medication."*

For the purpose of the Agreed Statement of Facts, Ms. Farlette admitted that these allegations constitute professional misconduct as defined in sections 1 (t) of the Registered Nurses Act and conduct unbecoming the profession of nursing, both of which are contrary to section 30 (4) of the Registered Nurses Act.

Veronica Farlette was found guilty of professional misconduct and conduct unbecoming a member of the profession of nursing, both of which contravene the Registered Nurses Act.

Mr. McCarville then presented to the Panel his written recommendations on penalty. He acknowledged that he and the respondent had not agreed on a penalty. Copies of the recommendations were then circulated to the committee members, the complainant and the respondent. Mr. McCarville's recommendations read as follows:

1. Veronica Farlette's license to practise as Registered Nurse shall be suspended for a period of thirty (30) days;
2. Veronica Farlette shall pay a fine in the amount of \$2500.00;
3. Veronica Farlette shall pay the Association of Registered Nurses of Prince Edward Island's legal costs in the amount of \$2500; and
4. Veronica Farlette shall undergo ethics training.

The complainant and respondent were asked for their input on the penalty recommendations. Ms Holland stated she agreed with the 30-day suspension of Ms Farlette's RN license and ethics training, but she suggested that the panel consider forgoing the fine and legal costs. In her verbal submission, Ms Farlette asked that the Panel to show compassion for her situation. She indicated her intention to retire, so has little income and, as a naturalized Canadian citizen, is experiencing a delay in obtaining old age security benefits.

Following submissions on penalty the complainant, respondent and adducer were dismissed and the hearing was adjourned.

The panel then met to consider penalty. In its deliberations, the panel considered a number of factors, the overarching one of which was ARNPEI's mandate of protection of the public. The panel recognizes that policies, procedures and best practice standards are established to enhance the safety and welfare of clients and others. It further concludes that any individual who decides to contravene those policies, procedures and standards without appropriate consultation with

superiors and without a valid reason poses an unacceptable risk of harm to others. The potential seriousness of this type of reckless behaviour should never be underestimated.

The panel also identified a number of mitigating factors in this situation:

1. There was no apparent harm to the client;
2. The respondent admitted her wrongdoing immediately upon being confronted;
3. The information considered in the investigator's report, suggests that this breach was a one-time occurrence, so risk of future harm to the public was considered to be low;
4. Given the respondent's declared retirement status and limited income, the panel considered that a fine and payment of legal costs would most likely pose undue financial hardship for the respondent; and
5. In the investigator's report, Ms Farlette identified several physical health challenges, along with stress, anxiety and tiredness from working overtime as major influences on her behaviour in this situation. Lack of ethical knowledge was not an obvious factor. For this reason, the panel considered ethics training would have limited usefulness.

The panel decided not to accept Mr. McCarville's recommendation on penalty. Suspension of a nurse's license is a very serious matter and we do not feel the circumstances of the case call for such strong measures. We have found Ms Farlette to be guilty of professional misconduct and conduct unbecoming the profession of nursing, which is a significant mark on her record. It is necessary to emphasize that she was wrong, but the recommended penalties go too far.

In consideration of the above factors, the Panel's decision on penalty was unanimous and is as follows:

1. A letter of reprimand will be placed on Ms Farlette's ARNPEI file; and
2. Prior to commencement of any future nursing employment, Ms Farlette must present the aforementioned letter of reprimand to the employer.

Finally, in the interest of full disclosure, it must be noted that, at the conclusion of the hearing, the writer (Chair of the panel) recognized the member from a friendship and workplace relationship they had had 42 years previous in another province. Once that realization was made, the writer disclosed this relationship to the panel members. The writer explained that because she and the respondent had not had any contact for many years, the writer felt she could remain objective in the deliberations. After a discussion on the matter, the panel members were satisfied that the previous relationship was unlikely to negatively impact the PCR process and deliberations on penalty proceeded. The final decision was not influenced by the long-ago friendship.

Respectfully submitted,



Paula Gauthier, Chair
Formal Inquiry panel,

June 7, 2018
Date