

Investigation Committee Order
(section 43(c), RHPA)

TO: Carolyn Erith Clarke

This is to inform you that an Investigation Committee of the College of Registered Nurses & Midwives of Prince Edward Island has considered the complaint dated July 14, 2023 made by Mary Harris against Carolyn Erith Clarke, RN registration number 06455, and the response from Carolyn Erith Clarke, dated August 2, 2023, as required by section 43 of the *Regulated Health Professions Act (RHPA)*.

Section 43 requires the Investigation Committee to consider the complaint and the member's response and to choose one of four options:

- (a) dismiss the complaint, if in the opinion of the investigation committee, the complaint is frivolous and vexatious or without merit;
- (b) refer the complaint to a mediator for mediation, if
 - (i) the investigation committee is satisfied that the referral is appropriate in the circumstances and not contrary to the public interest, and
 - (ii) the complainant and the respondent agree to participate in mediation;
- (c) make any order that the hearing committee is authorized to make under subsection 58(2), if the respondent consents to the order; or
- (d) investigate the complaint or refer the complaint to an investigator for investigation in accordance with section 47.

Members of the Committee are: Stacey Burns MacKinnon (Chair), Melissa Bruce (Member) and Shirley Urquhart (Public Representative).

The complaint submitted by Mary Harris described one incident giving rise to two allegations involving Carolyn Erith Clarke which the complainant says occurred at Queen Elizabeth Hospital on August 1-2, 2022, as follows:

The allegation is that you (Carolyn Erith Clarke) left the QEH Emergency Department while on duty and drove in an Island Emergency Medical Services Ambulance a short distance on a public roadway.

It is the Investigation Committee's decision to not investigate the complaint at this time since the Investigation Committee feels it understands the circumstances of this incident and the member has acknowledged responsibility for the incident in her written response.

PLEASE NOTE that although we have decided not to investigate the complaint, we have decided to issue orders to you (the member) under subsection 43(c) of the RHPA, because you (the member) have acknowledged responsibility for the incident, including acceptance of the facts alleged by the Complainant, and the Committee feels that professional misconduct or incompetence occurred in this case, as those terms are defined in section 57 of the RHPA.

We will allow two weeks for you to consent to the orders below from the Investigation Committee. If you do agree to consent you must read and sign the bottom of this letter in the space provided and return the signed letter to the College, to the attention of Stacey Burns MacKinnon, Chair of the Investigation Committee, before the end of the two weeks.

If you do not consent to the orders, the complaint and member's response will be referred to Rosemary White, Investigator, to commence an investigation into the matter. This incident will subsequently be referred to a **Hearing Committee, the Hearing Committee will not be informed about this proposal.**

As a result of the foregoing, the Investigation Committee makes the following orders:

- (i) A letter of Reprimand shall be prepared by the Coordinator of Regulatory Services for the College for approval and signature by the Chair of the Committee, and will be delivered to the member and to the member's file;
- (ii) The member shall pay a fine of \$500 to the College within two weeks of receiving this letter.

You shall have 14 days from the date you receive this letter to consent to this order by signing your name and dating the bottom of a copy of this document and returning it to the CRNMPEI office, to the attention of the Chair named below. Failure to do this will result in the complaint being referred by the Committee to the investigator.

Dated this 11th day of October 2023, at Charlottetown, PEI



Stacey Burns MacKinnon, Chair of the Investigation Committee

I, Carolyn Erith Clarke, consent to the two orders written above. I give this consent voluntarily, and I confirm that I am aware that I have the right to seek legal advice before signing this document.

_____ Date: _____

Carolyn Erith Clarke, Member Respondent