

NOTICE OF SECTION 52 DECISION

TO: MORGAN MACDONALD, R.N.
JULIA PARROT
COUNCIL OF THE COLLEGE OF REGISTERED NURSES AND MIDWIVES OF PEI

TAKE NOTICE THAT the Investigation Committee has received an Investigation Report on October 11, 2023 and a Supplementary Investigation Report on December 5, 2023 from Investigator Rosemary White concerning the complaint by Julia Parrot against Morgan MacDonald. The Committee has met to consider the reports as required by section 52 of the *Regulated Health Professions Act* ("RHPA") and to choose one of four options described in section 52:

- 52 (1) An investigation committee shall, within 60 days of preparing or receiving an investigation report or reports under section 51, consider the report or reports and
- (a) dismiss the complaint, if in the opinion of the investigation committee
 - (i) the allegations are frivolous, vexatious or without merit, or
 - (ii) there is insufficient evidence to support the allegations;
 - (a.1) 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;
 - (b) make any order that the hearing committee is authorized to make under subsection 58(2), if the respondent consents to the order; or
 - (c) request that the person or persons who appointed the investigation committee appoint a hearing committee and refer the complaint to the hearing committee for a hearing.

The Committee met on the 12th of January 2024, and has decided to issue an order to Morgan MacDonald under RHPA paragraph 52(1)(b). If Mr. MacDonald decides to consent to the order, he must confirm in writing (see below) and upon receipt by the Committee, the complaint will be concluded once the requirements of the order which Mr. MacDonald will be required to complete have been successfully completed. If Mr. MacDonald does not wish to consent, or consent within the time frame set out below, as is his right, the complaint and section 52 of the RHPA will be reconsidered by the Committee, and a new decision issued.

The Investigation Committee is of the view that there is evidence in the Investigation Reports which could result in a finding of professional misconduct by Morgan MacDonald if this complaint proceeds to a hearing, and has decided to propose an order to Mr. MacDonald because of this. The Investigation Committee has no ability to conduct a hearing and what might result from a hearing is unknown at this point, but the RHPA provides a mechanism to allow Mr. MacDonald to accept responsibility for his actions, and that is through the order that the committee can make. There will be no need for a hearing, if Mr. MacDonald consents.

The Investigation Committee is of the view that the conduct to be reviewed at a hearing if one is required is possible contravention of the practice directive referred to at the end of Ms. White's first Investigation Report in this case, concerning boundaries as they relate to interaction between a registered nurse and a former patient. The investigation has produced evidence not only of incidents which were described in the

complaint, but of similar activity described by other witnesses during the course of the investigation. A contravention of a practice directive is "professional misconduct" by definition in section 57 of the RHPA.

From one perspective, the incidents could be regarded as not related to the practice of nursing, but from another perspective, there is a very real connection between the RN in this case, his status and position as an RN, and the people he communicated with socially later on. The law requires there to be a connection or a nexus between the conduct and the obligations of a member of the nursing profession to establish professional misconduct, and the Committee is satisfied that such a connection can be established in this case.

The Investigation Committee feels that there is evidence of a pattern of misconduct here within the meaning of CRNMPEI's Practice Directive on the Therapeutic Nurse-Client Relationship (May 2020). This directive addresses the differences of therapeutic nurse-client relationships versus personal relationships and when the boundaries with the nurse-client relationships with former clients/students may be crossed. Under this directive, it lists actions or behaviors with the potential to cross the boundary of a therapeutic nurse-client relationship including establishing a personal relationship with a former client and using social networking with current or former clients. The directive also defines boundary violation as engaging in a romantic or sexual relationship with a current or former client.

The Committee is concerned with what seems to be a pattern of behavior as it is described in the initial and supplementary Investigation Reports. Morgan MacDonald works with a vulnerable population of people suffering from mental health afflictions and the directive speaks to the topic of professional intimacy which can increase the vulnerability of clients. The directive also speaks to the point of power imbalance which places the client/student in a position of vulnerability. The complaint described only contact with clients outside of the clinical area but which began through initial contact [REDACTED] in the clinical setting.

We note that Morgan MacDonald's supervisors gave him a favorable report on his working relationship with clients, but the Committee has strong concerns over the pattern of behavior he seems to have established.

Subsection 58(2) of the RHPA provides for a wide variety of orders which may be used instead of a hearing, including the following, and this Committee is authorized to make such an order because of section 52(b), if Mr MacDonald consents (see above):

58 (2) Where a hearing committee determines that conduct of the respondent constitutes professional misconduct or incompetence, the hearing committee may make one or more of the following orders:

- (a) an order directing the respondent to undergo additional education or training.

Consequently, for the purpose of paragraph 52(1)(b), the Committee will make the following order, **IF AND ONLY IF MORGAN MACDONALD SIGNS THE BOTTOM OF THIS DOCUMENT ON OR BEFORE THE DATE INDICATED BELOW TO INDICATE CONSENT TO, AND AGREEMENT WITH, THE FOLLOWING:**

Morgan MacDonald will attend an educational course as described later in this paragraph on boundaries between nurses and the patients or clients they have in their care, once the relationship of patient and nurse has ended, at his own expense. Mr. MacDonald must complete the course and arrange for the person or organization responsible for presenting the course to confirm to the Committee in writing that Mr. MacDonald completed the course successfully, on or before September 1, 2024. The course selected by the committee is Probe: Ethics & Boundaries Program – Canada. The link to the program is <https://www.cpepdoc.org/cpep-courses/probe-ethics-boundaries-program-canada/#toggle-id-6>.

IF MORGAN MACDONALD CHOOSES TO NOT CONSENT TO THIS ORDER BEING ISSUED OR IF HE CHOOSES TO CONSENT BUT THEN DOES NOT SATISFY THE TERMS OF THE ORDER, THE FACT THAT THE ORDER WAS PROPOSED OR ATTEMPTED WILL NOT BE COMMUNICATED TO THE HEARING COMMITTEE IF A HEARING IS HELD SUBSEQUENTLY.

The Committee retains jurisdiction over the complaint in the event that Morgan MacDonald consents to the order but fails to comply with its terms, in which case the matter will be returned to the Committee for further decision.

Morgan MacDonald shall have until 5:00 p.m. on Friday, March 15, 2024, to consent to the order set out above. To indicate consent, he must sign and date a copy of this document before a witness and return it to the College office, marked "URGENT", to the attention of Carol Walker, Chair of the Investigation Committee.

Dated February 22, 2024.


Carol Walker,
Chair, Investigation Committee

I, Morgan MacDonald, RN, Registration number 005985, do hereby consent to the terms of the order set out above in this document, freely and voluntarily, and I understand that I have the right to consult legal counsel, but whether or not I have consulted legal counsel, by signing and dating below, I am consenting to the terms of the order and will comply with its terms, on or before September 1, 2024.


Morgan MacDonald

Date

March 15, 2024