

IN THE MATTER OF *THE LICENSED PRACTICAL NURSES ACT, 2000* AND BYLAWS
AND IN THE MATTER OF A COMPLAINT AGAINST GLADYS SHEWCHUK OF
MacNUTT, SASKATCHEWAN

DECISION OF:

**SASKATCHEWAN ASSOCIATION OF LICENSED PRACTICAL NURSES
DISCIPLINE COMMITTEE**

INTRODUCTION:

The hearing by the Discipline Committee into the complaint against Gladys Shewchuk was convened in the Coach Room of the Travelodge South Hotel in Regina, Saskatchewan, on October 19, 2010 at 2:00 p.m., being the location and date set out in the Notice of Hearing sent to Ms. Shewchuk.

Present at the hearing were Merrilee Rasmussen, Q.C., legal counsel for the Counselling and Investigation Committee (referred to as the “Investigation Committee”) of the Saskatchewan Association of Licensed Practical Nurses (referred to as “SALPN”) and Della Bartzen, investigator for SALPN. Also present at the hearing by way of teleconference was Ms. Shewchuk and her legal counsel, Doreen Clark.

EVIDENCE:

At the outset of the hearing, the following Agreed Statement of Facts and Documents was filed with the Discipline Committee [the information referenced in the “Tabs” is not included]:

Both the Counselling & Investigation Committee of the Saskatchewan Association of Licensed Practical Nurses and Gladys Shewchuk hereby agree to the following facts and documents to be received in evidence by the Discipline Committee of the Saskatchewan Association of Licensed Practical Nurses in relation to the hearing of the formal complaint described above:

- 1. Gladys Shewchuk is a member of the Saskatchewan Association of Licensed Practical Nurses (“SALPN”). She has been a member of the SALPN since 1988.*
- 2. Membership in SALPN, and the conduct of members, is governed by The Licensed Practical Nurses Act, 2000 (the “Act”), the SALPN bylaws, and the Code of Ethics.*

3. *As a self-regulating profession, SALPN is authorized by the Act, to discipline its members for failure to adhere to the requirements of the Act, the bylaws, or the Code of Ethics.*
4. *Pursuant to s. 26 the Act, the Counselling and Investigation Committee (the "Investigation Committee") is required to investigate allegations of professional misconduct, and on completion of its investigation, to make a written report to the Discipline Committee recommending that either that the subject matter of the complaint be referred for a discipline hearing or that no further action be taken.*
5. *Ms Shewchuk entered into an alternative dispute resolution agreement dated August 13, 2009 (the "Agreement") to resolve by consent a complaint concerning her practice received by the Investigation Committee on January 29, 2009. The consensual resolution of the complaint was reported by the Investigation Committee to the Discipline Committee on December 5, 2009. A copy of the report with the Agreement attached is provided at Tab A.*
6. *Paragraph 3 of the Agreement required Ms Shewchuk to complete the course titled "Roles, Responsibilities and Ethics for LPNs" from the Saskatchewan Institute of Applied Science and Technology ("SIAST") by July 1, 2010 and to provide proof of having done so to the Investigation Committee on or before that date. Paragraph 4 of the Agreement required Ms Shewchuk to complete the course titled "Phar 264 Administration of Medication" from SIAST by July 1, 2010 and to provide proof of having done so to the Investigation Committee on or before that date. These courses are referred to in these Agreed Facts collectively as "the required courses".*
7. *Ms Shewchuk did not provide proof of having completed the required courses on or before July 1, 2010, as a result of which the Investigation Committee commenced an investigation pursuant to s. 26(1) of the Act.*
8. *Ms Shewchuk acknowledges that she did not attempt to register for the required courses until after July 1, 2010. She has complied with the other provisions of the Agreement.*
9. *After completing its review and investigation of the complaint, it was the unanimous recommendation of the Investigation Committee that the Discipline Committee should hear and determine the formal complaint against Ms Shewchuk for failing to comply with all of the provisions of the Agreement. The Investigation Committee's written report containing the formal complaint against Ms Shewchuk was submitted to the Discipline Committee on September 2, 2010. A copy of the written report and formal complaint is attached at Tab B.*
10. *Ms Shewchuk acknowledges that a Notice of Hearing and Formal Complaint was served on her by registered mail in accordance with the requirements of the Act and that the Discipline Committee has jurisdiction to hear and determine the Formal Complaint herein. A copy of the Notice of Hearing and Formal Complaint is attached at Tab C.*

11. Ms Shewchuk accepts responsibility for the following actions:

a. *She failed to take the required courses prior to July 1, 2010, as she agreed to do pursuant to the Agreement dated August 13, 2009 between herself and the Investigation Committee and acknowledges that a failure to fulfill an Agreement with her professional association is professional misconduct as that term is defined in section 24 of the Act.*

12. Accordingly, Ms Shewchuk agrees to the following disciplinary actions:

a. *She will accept a formal reprimand;*

b. *She will undertake to successfully complete, and provide proof to SALPN of having successfully completed, the required courses prior to June 30, 2011, failing which her licence to practise as an LPN will be suspended until she does so; and*

c. *She will pay \$1,000 in partial payment of the costs of the investigation and discipline process by paying \$250 by January 31, 2011, and \$150 by the last day of each of February, March, April, May and June 2011 and, if any payment is not paid by the due date the balance then remaining to be paid shall immediately become payable and her licence to practise as an LPN will be suspended until payment of the said amount of \$1,000 is made in full.*

During the presentation of the Agreed Statement of Facts and Documents and the submissions, legal counsel for Ms. Shewchuk clarified point 1 of the Agreed Statement of Facts and Documents. While Ms. Shewchuk has been a member of SALPN since 1988, she originally began to practice as an LPN during the 1970's. Also, at the time of the hearing, Ms. Shewchuk was approximately 55 years old.

Also during submissions by Ms. Shewchuk's legal counsel, it was pointed out that Ms. Shewchuk did self-report the medication error that led to the original complaint against her (that error being her having given a medication without a doctor's order). Also, through the August 13, 2009 Alternate Dispute Resolution Agreement (referred to as the "ADR Agreement") with SALPN's Investigation Committee, Ms. Shewchuk did acknowledge having made the error and that the error amounted to "professional misconduct." Counsel also stated that this professional practice complaint affected Ms. Shewchuk deeply during the winter of 2009-10, causing her to experience depression and high blood pressure. In response to additional questions by Discipline Committee members, Ms. Shewchuk indicated that she had checked out the SIAST courses on-line and had tried to register in January 2010 for the one course she was able to find on the website. She encountered difficulties in trying to register on-line – it "seemed to be too much" to do on her own, on-line, and she believes her depression contributed to this failure to register and complete the courses.

SUBMISSIONS OF PARTIES:

Counsel for the Investigation Committee submitted that the Discipline Committee should accept the facts as set out in the Agreed Statement of Facts and Documents, including the agreement of the Member that her actions in violating the terms of the August 13, 2009 ADR Agreement constitute “professional misconduct” within the meaning of the *Act* and the appropriate, agreed-upon penalties for that professional misconduct.

During submissions, legal counsel for the Member confirmed the Member’s agreement with the proposed penalties as set out in the Agreed Statement of Facts and Documents, although counsel expressed some concern over the specific courses Ms. Shewchuk would be required to take. Specifically, her concerns were that SIAST had indicated to Ms. Shewchuk that she may be required to take other courses along with the pharmacological course titled “Phar 264 Administration of Medication.” At the hearing, Ms. Shewchuk’s counsel asked for the opportunity to confer with SALPN or legal counsel for the Investigation Committee to try to address that concern.

Legal counsel for the Investigation Committee was immediately able to assist with this issue by indicating that it is not up to SIAST to determine what classes SALPN members must take. Whatever standards SIAST might have are essentially irrelevant; adults can choose to take whatever classes they wish. The orders being sought in this hearing are that the Member takes only the two named SIAST courses: (i) “Roles, Responsibilities and Ethics for LPNs” and (ii) “Phar 264 Administration of Medication.” Counsel also mentioned that if it becomes necessary to do so, SALPN staff will speak to SIAST personnel directly if the Member encounters difficulty registering for only those two courses, although it will remain the Member’s responsibility to register for and take those courses.

DECISION:

The primary issues before the Discipline Committee are whether the conduct of Ms. Shewchuk, as summarized in paragraphs 6-8 and 11 of the Agreed Statement of Facts and Document, is “professional misconduct” within the meaning of s. 24 of the *Act* and, if so, whether the proposed agreed-upon penalties are appropriate under s. 30 of the *Act*. Sections 24 and 30 of the *Act* read as follows:

24. Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;*
- (b) it tends to harm the standing of the profession;*
- (c) it is a breach of this Act or the bylaws; or*
- (d) it is a failure to comply with an order of the counselling and investigation committee, the discipline committee or the council.*

30(1) *Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:*

(a) an order that the member be expelled from the association and that the member's name be struck from the register;

(b) an order that the member's licence be suspended for a specified period;

(c) an order that the member's licence be suspended pending the satisfaction and completion of any conditions specified in the order;

(d) an order that the member may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) obtain medical or other treatment or counseling or both;

(e) an order reprimanding the member;

(f) any other order that the discipline committee considers just.

(2) *In addition to any order made pursuant to subsection (1), the discipline committee may order;*

(a) that the member pay to the association, within a fixed period:

(i) a fine in a specified amount not exceeding \$5,000; and

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the counseling and investigation committee and the discipline committee and costs of legal services and witnesses; and

(b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member's licence be suspended.

(3) *The executive director shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.*

(4) *Where a member is expelled from the association or a member's licence is suspended, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.*

(5) *The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.*

Before examining the primary issues, a further issue was identified by the Discipline Committee following the hearing. Although it does not affect the result, it is necessary to comment upon it briefly.

In the *Report of the Counselling and Investigation Committee* made pursuant to s.26 of the *Act*, dated September 10, 2010, the Counselling and Investigation Committee made a recommendation that the Discipline Committee hear and determine the Formal Complaint attached as Schedule A to the *Report*. The attached Formal Complaint asserts that Ms. Shewchuk is guilty of professional misconduct contrary to s.24 of the *Act*. The grounds stated for this assertion are Ms. Shewchuk's contravention of sections (i) to (iii) of the SALPN *Code of Ethics* for her failure to successfully complete the course titled "Roles, Responsibilities and Ethics for LPNs" and the course titled "Phar 264 Administration of Medication," by July 1, 2010, all of which is contrary to the ADR Agreement between the Member and the Counselling and Investigation Committee. What is of note is that the s.26 *Report* (to which the Formal Complaint is attached) refers only to Ms. Shewchuk's failure to provide confirmation of completion of the course "Roles, Responsibilities and Ethics for LPNs" and that the Committee's Investigator, upon contacting the Member, determined only that the Member "had not taken the course as required and had no specific plans to do so." It is on this basis alone (i.e. the failure to complete the one course) that the Investigation Committee expressed its opinion that the Member may be guilty of professional misconduct and that the Discipline Committee should hear and determine the complaint. No where in the *Report* itself does it mention that: (i) the Member failed to provide confirmation of completion of the course "Phar 264 Administration of Medication;" (ii) the Investigator sought information from the Member about the status of her taking this second course; and (iii) the Investigation Committee is of the opinion that the failure to take this second course also amounts to professional misconduct.

In our view, the failure to include a reference to the "Phar 264 Administration of Medication" course in the s.26 *Report* is clearly an error, likely a typographical one or one of oversight, although an argument might be made that the Investigation Committee did not take any steps to investigate the Member's failure to complete the "Phar 264 Administration of Medication" course and/or that did not consider that this failure may also constitute professional misconduct. It is our view that it is more likely an oversight. In any event, we do not find that this error affects the outcome of this case. While there is no reference to the "Phar 264 Administration of Medication" course in the s.26 *Report*, the "Formal Complaint" attached to and referenced in the s.26 *Report* clearly includes an allegation of professional misconduct as a result of the Member's failure to confirm successful completion of both courses. Furthermore, the Notice of Hearing (which is served on the Member) mirrors the Formal Complaint and includes reference to both courses.

The s.26 *Report* and the Formal Complaint are the documents that give the Discipline Committee jurisdiction to hear and determine a specific complaint against a member. While the *Report* and Formal Complaint before us are inconsistent to the extent outlined above, we find that the allegations in the Formal Complaint are sufficiently clear and specific to allow us to conclude that we have jurisdiction to hear and determine whether the Member's failure to complete both courses constitutes "professional misconduct." An important consideration in reaching this conclusion is whether Ms. Shewchuk had proper notice of the extent of the allegations against her – in other words, it is a question of whether she suffers prejudice if we proceed to consider her failure to complete both courses at this one hearing (and not just the "Roles, Responsibilities and Ethics" course). In our view, Ms. Shewchuk did have proper notice of all of the allegations and suffers no prejudice if we make a determination regarding both allegations – the failure to complete the "Phar 264 Administration of Medication" course is set out in both the Formal Complaint (attached to the s. 26 *Report*) and in the Notice of Hearing served on her. In addition, as evidenced by the Agreed Statement of Facts and Documents, the Member clearly agreed that she failed to successfully complete both courses, that these failures amount to a breach of her ADR Agreement, and that both failures amount to professional misconduct under the *Act*. Also, in paragraph 10 of the Agreed Statement of Facts and Documents, Ms. Shewchuk specifically acknowledged that the Discipline Committee has jurisdiction to hear and determine the Formal Complaint.

In addition, as a matter of practicality, if the Discipline Committee did not deal with the Member's breach of her ADR Agreement (regarding her failure to complete the "Phar 264 Administration of Medication") at this hearing, it would be open to the Investigation Committee to now investigate that issue. Such an investigation would likely result in another Formal Complaint and a s.26 *Report* being issued, indicating that the Discipline Committee should hear and determine such a complaint. In light of the circumstances in this case and, in particular, the knowledge and agreement of the Member, it would be a waste of resources to hold a second discipline hearing to inquire into such a similar complaint for which the Member has already admitted her guilt. Furthermore, a second discipline hearing could potentially result in greater cost/penalty to the Member. Therefore, even if we were to find that the Investigation Committee failed to specifically investigate the Member's failure to complete the "Phar 264 Administration of Medication" course, in all of the circumstances of this case, it is most appropriate for the Discipline Committee to proceed to consider the Member's failure to complete both courses at this one hearing.

We now turn to the first primary issue before us, that is, whether Ms. Shewchuk's conduct, in violating the terms of her ADR Agreement (by failing to complete two specific courses through SIAST by July 1, 2010), amounts to "professional misconduct" within the meaning of s.24 of the *Act*.

The Discipline Committee finds, on the basis of the evidence presented to it in the Agreed Statement of Facts and Documents set out above, the submissions of legal counsel at the hearing held on October 19, 2010, and the Member's acknowledgement of professional misconduct, that Gladys Shewchuk did commit acts of "professional misconduct" within the meaning of section 24 of *The Licensed Practical Nurses Act, 2000*.

Specifically, we find that Ms. Shewchuk's breach of her August 13, 2009 ADR Agreement through her failure to complete the SIAST courses "Roles, Responsibilities and Ethics for LPNs" and "Phar 264

Administration of Medication” by July 1, 2010, amounts to professional misconduct within the meaning of sections 24(a) and (b) of the *Act*, that is, it is conduct that is harmful to the best interests of the public or the members and that it is conduct that tends to harm the standing of the profession.

ADR Agreements have become widely used in the professional disciplinary process as a way to resolve complaints made against members, without the necessity of a disciplinary hearing. They are a valuable tool, saving the Association the significant costs associated with convening and conducting a disciplinary hearing for every complaint (a saving that is passed on to the members) and helping a member avoid some of the costs and stress associated with a discipline hearing. The use of an ADR Agreement also provides an opportunity for a more amicable or positive resolution of the complaint as well as allowing flexible and creative solutions. However, in order to maintain the efficacy of ADR Agreements, it is critical that Members comply with all of the terms of such Agreements and, if a Member fails to do so, the Association must be able to take action to address the breach or breaches of the Agreement in a timely and effective manner.

We find that Ms. Shewchuk’s breach of her ADR Agreement amounts to conduct that “harms the best interests of the public or its members.” The public should be able to rely on the disciplinary processes of a self-regulating profession (such as SALPN) to ensure that the profession’s members (in this case, LPNs) are practicing in a safe and competent manner. Ms. Shewchuk agreed to take the courses in question, presumably because all parties to the Agreement thought they were necessary or appropriate to ensure patient safety. Ms. Shewchuk’s failure to comply with the terms of the Agreement by not taking those courses is harmful to the best interests of the public. Furthermore, Ms. Shewchuk’s conduct is harmful to the best interests of the members. If SALPN cannot rely on a member’s compliance with the terms of an ADR Agreement she voluntarily entered into, the Investigation Committee could become reluctant to enter into such agreements in the future, thereby affecting the ability of other members to enter into such agreements for their own benefit, while potentially driving up membership costs in order to pay for discipline hearings for every complaint that appears to have merit.

In addition, we find that Ms. Shewchuk’s breach of her ADR Agreement amounts to professional misconduct because it “tends to harm the standing of the profession” by calling into question the profession’s ability to govern itself, as it is required to do under the *Act*, including through the use of investigative and disciplinary powers that ensure LPNs are practicing competently and without misconduct. Given the impact of the original complaint and disciplinary process on Ms. Shewchuk’s health, we do not view Ms. Shewchuk’s failure to comply with the ADR Agreement (by failing to complete the two agreed-upon courses) as defiant behaviour or conduct designed to flaunt the disciplinary process. However, her failure to meet her obligations under the Agreement frustrates or undermines the disciplinary process, resulting in harm to the standing of the profession.

As indicated above, section 24(c) of the *Act* states that a breach of the *Act* or the bylaws also constitutes “professional misconduct.” Included in the Regulatory Bylaws for *The Saskatchewan Association of Licensed Practical Nurses Act, 2000* is a *Code of Ethics* to which LPNs must adhere. In addition to our finding of professional misconduct under s. 24(a) and (b) of the *Act*, the Discipline Committee also finds that the Member’s conduct amounts to a breach of the first statement in the *Code of Ethics* (as contained in the Regulatory Bylaws), which statement reads as follows:

CODE OF ETHICS

As a member of the Saskatchewan Association of Licensed Practical Nurses:

(i) I will fulfill my obligations to society in a professional, competent manner.

As previously indicated, both the Formal Complaint and the Notice of Hearing allege that Ms. Shewchuk contravened sections (i) to (iii) of the *Code of Ethics* through her breach of the ADR Agreement. While we have found that Ms. Shewchuk has contravened section (i), we find that she has not contravened sections (ii) and (iii) of the *Code*. Sections (ii) and (iii) of the *Code* read as follows:

- (ii) I will hold in confidence all matters coming to my knowledge in the performance of my duties, and in no way, and at no time will this confidence be violated.*
- (iii) I will respect and protect the beliefs and personal convictions of my patients regardless of religion, culture, nationality, race, colour, creed, age, sexual orientation or status.*

With respect, we do not see sections (ii) and (iii) of the *Code* as relevant or applicable to Ms. Shewchuk's breach of her ADR Agreement for her failure to complete the two courses. We were not made aware of all of the details of the original complaint that resulted in the ADR Agreement, those details being of little consequence to the matter before us. We are dealing solely with an allegation of professional misconduct for Ms. Shewchuk's breaches of the ADR Agreement. This hearing does not involve a resurrection of the original complaint.

We note that Ms. Shewchuk's breaches of the ADR Agreement might well contravene other sections of the *Code of Ethics* (i.e. – possibly sections 5, 7, 8 and 9); however, it is not necessary to consider these obligations, given our findings above that Ms. Shewchuk is guilty of professional misconduct within the meaning of ss.24(a) and (b), as well as s.24(c) (a breach of the Bylaws for the violation of s.1 of the *Code of Ethics*).

PENALTIES:

The Discipline Committee, having found Ms. Shewchuk guilty of professional misconduct, must consider appropriate penalties under s.30 of the *Act* for that misconduct.

After a careful review of the proposed penalties outlined in the Agreed Statement of Facts and Documents and the submissions of both legal counsel at the hearing, the Discipline Committee finds that the proposed, agreed-upon penalties are appropriate for what we have determined to be professional misconduct by the Member.

The issuance of a formal reprimand is a relatively minor but appropriate penalty. It is well-suited to the circumstances before us. It represents an acknowledgement of the professional misconduct found in this

case and acts as an additional penalty to those contained in the ADR Agreement. The requirement that Ms. Shewchuk complete the two courses at SIAST (which she had originally agreed to complete as part of the ADR Agreement) is aimed at having Ms. Shewchuk fulfill the original terms of the ADR Agreement. As previously mentioned, legal counsel for the Investigation Committee indicated that if Ms. Shewchuk has difficulty with SIAST permitting her to register for only these two courses, SALPN staff would speak to SIAST personnel about the issue. Of course, this offer of assistance does not relieve Ms. Shewchuk of her personal responsibility to register and complete these courses herself. Ms. Shewchuk must personally meet these obligations, but if SIAST is not allowing her to register for these two courses (and *only* these two courses), Ms. Shewchuk must get in touch with SALPN personnel to ask for their assistance on this point. Once Ms. Shewchuk completes the two required courses, she must personally provide confirmation of her successful completion to SALPN, through Cara Brewster (SALPN Registrar).

Lastly, we find that the agreed-upon penalty that would require Ms. Shewchuk to pay part of the costs of the investigation and discipline hearing, in the amount of \$1,000.00, is also an appropriate penalty. If Ms. Shewchuk had voluntarily followed through with all of her obligations under the ADR Agreement, this disciplinary hearing would not have been necessary. We note that the costs of a disciplinary hearing greatly exceed the fixed amount of \$1,000.00 which Ms. Shewchuk has agreed to pay.

Therefore, in accordance with s.30 of *The Licensed Practical Nurses Act, 2000*, the Discipline Committee makes the following orders:

1. That Gladys Shewchuk be formally reprimanded for her professional misconduct.
2. That Gladys Shewchuk be permitted to continue to practise as a Licensed Practical Nurse only on the following conditions:
 - (a) That Ms. Shewchuk successfully complete the course titled “Roles, Responsibilities and Ethics for LPNs,” available through SIAST, at her own expense, on or before June 30, 2011, and to provide Cara Brewster, Registrar of SALPN, with proof of successful completion prior to June 30, 2011;
 - (b) That Ms. Shewchuk successfully complete the course titled “Phar 264 Administration of Medication,” available through SIAST, at her own expense, on or before June 30, 2011, and to provide Cara Brewster, Registrar of SALPN, with proof of successful completion prior to June 30, 2011;
 - (c) That Ms. Shewchuk pay to SALPN the sum of \$1,000.00, representing partial payment of the costs of the investigation and discipline process, by payments as follows:
 - **\$250.00 by February 15, 2011**
 - \$150.00 by February 28, 2011
 - \$150.00 by March 31, 2011

- \$150.00 by April 30, 2011
- \$150.00 by May 31, 2011
- \$150.00 by June 30, 2011

If any of the above payments are not paid to SALPN on or before their respective due dates, the remaining balance becomes immediately due and payable; and

3. Should Ms. Shewchuk fail to comply with any of the conditions set out in paragraphs 2(a) and 2(b) of this order, or fail to comply with the order to pay costs as set out in paragraph 2(c), Ms. Shewchuk's licence shall be suspended until the date on which the failure is remedied.

With respect to the course titled "Roles, Responsibilities and Ethics for LPNs" the Discipline Committee has become aware through previous hearings, that SIAST refers to this course as "EMPL 1000 Roles, Responsibilities and Ethics" and that the course is available to be taken at SIAST through the Continuing Education, Nursing Division. Participants complete the course on their own and are given a maximum of 12 weeks to complete the course. While the course is available to be taken on an on-going basis from September to June, registrations are generally not accepted after April 1st in a given year because the course needs to be completed before the end of June. The Discipline Committee is not aware of the details of the SIAST course "Phar 264 Administration of Medication," however, given the time restrictions for registration and completion of the "Roles, Responsibilities and Ethics" course, the Discipline Committee strongly recommends that Ms. Shewchuk register for the courses as soon as possible.

It should be noted that this case deals only with Ms. Shewchuk's breaches of the ADR Agreement (in relation to her failure to take the agreed-upon courses). As such, our findings of professional misconduct and the penalties ordered for this misconduct do not replace all of the terms of the ADR Agreement that Ms. Shewchuk entered into. The ADR Agreement addressed a different complaint than that which is now before this Discipline Committee and Ms. Shewchuk must continue to comply with the terms of that Agreement which still require fulfillment or completion. An example of a term of the ADR Agreement that still requires completion is contained in #1 of that Agreement. That term requires Ms. Shewchuk to: notify any new employer of the existence of the Agreement during the period of time between the signing of the ADR Agreement (August 13, 2009) and July 1, 2011; provide a new employer with a copy of the Agreement as well as the contact information for the SALPN Investigator; and provide the Investigation Committee with her employer's written confirmation that she has done these things.

In closing, the Discipline Committee acknowledges the impact that the original complaint and the investigative and disciplinary processes have had on Ms. Shewchuk personally. We commend her for having self-reported her medication error in the first place (which we understand occurred during an emergency situation) and for her initial cooperation in entering into the ADR Agreement. As previously indicated, we do not view Ms. Shewchuk's failure to meet some of her obligations in the ADR Agreement as defiant behavior or that she no longer accepted responsibility for her conduct. Her failure appears to have resulted more from her anxiety over her conduct and feelings of overwhelm. However, there must

still be consequences for this professional misconduct. The Discipline Committee sincerely hopes that Ms. Shewchuk is now able to meet and complete the terms of this Order and those remaining in effect in her ADR Agreement, allowing her to move on and to continue to practice in a profession which she enjoys and to which she has been dedicated for a number of years.

DATED at Regina, Saskatchewan, this 28th day of January, 2011.

**SASKATCHEWAN ASSOCIATION OF
LICENSED PRACTICAL NURSES,
DISCIPLINE COMMITTEE**



Angela Zborosky, Chairperson

Kathy Ogle, LPN, Member
Marjorie Molsbery, LPN, Member
Andrea Zavislak, LPN, Member
Tony Linner, Public Representative, Member