

IN THE MATTER OF A DISCIPLINE HEARING BY A DISCIPLINE
COMMITTEE, ESTABLISHED PURSUANT TO *THE LICENSED PRACTICAL
NURSES ACT, 2000* AND BYLAWS TO INQUIRE INTO THE CONDUCT OF
LICENSED PRACTICAL NURSE, GISELLE ATKINSON

ORDER OF:

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

A hearing was held on January 19, 2016 in Regina, Saskatchewan, to inquire into a complaint made against Licensed Practical Nurse, Giselle Atkinson. At the hearing, Darcia Schirr, appeared as legal counsel for the Counselling and Investigation Committee. The Member, Ms. Atkinson, was also present at the hearing.

An Agreed Statement of Facts was presented at the hearing. Ms. Schirr, on behalf of the Investigation Committee, indicated that on the basis of those agreed facts, certain charges in the formal complaint were withdrawn. Ms. Atkinson confirmed her agreement with the evidence presented. She also formally acknowledged her guilt concerning the remaining charges in the formal complaint and that her conduct amounts to professional misconduct under the *Act*. Ms. Schirr then put forth a written document titled "Penalty Submission on Behalf of the Counselling and Investigation Committee." Ms. Schirr indicated that she had spoken to Ms. Atkinson about the penalty submission on the date of the hearing and that Ms. Atkinson indicated her agreement with the proposed penalties. At the hearing, Ms. Atkinson indicated that she was in agreement with the proposed penalties and made additional submissions on her own behalf.

Following the presentation of the evidence and submissions, the Discipline Committee called for a short recess to consider the information. Upon resumption of the hearing, the Discipline Committee had some additional questions for the parties and indicated that the Committee had some concerns about the conditions attached to the proposed indefinite suspension. The Discipline Committee sought the parties' agreement to certain changes to the jointly proposed penalty submissions and indicated further that it expected to make changes to the conditions attached to the proposed indefinite suspension. The Discipline Committee concluded the hearing by indicating that it would need to deliberate further concerning the proposed penalties and that an order would issue in due course.

Upon consideration of the evidence, the Discipline Committee finds that Ms. Atkinson's conduct, as alleged in the Formal Complaint (as it was amended at the hearing), is professional misconduct. The Discipline Committee has also considered the written penalty submission and the further submissions of the parties and has determined the appropriate penalties to apply in this case, the reasons for which will be explained in a written decision.

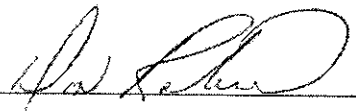
Therefore, in accordance with s. 30 of the *Act*, the Discipline Committee makes the following orders, with our written reasons for decision to follow:

1. That pursuant to s. 30(1)(c) of *The Licensed Practical Nurses Act, 2000* (the "*Act*"), Giselle Atkinson's shall be suspended and remain suspended for a minimum period of one year and until such time as the following conditions are met:
 - (a) That within two months of her intended return to practice, Ms. Atkinson shall obtain and submit a written report to the Registrar from Dr. Akeju (or a subsequent treating psychiatrist) confirming that she is fit to return to practice and that she is compliant with her treatments plan, the details of which should be set out in the report. The costs of any such report shall be borne by Ms. Atkinson.
 - (b) That within two months of her intended return to practice, Ms. Atkinson shall obtain and submit a written report to the Registrar from Regina Qu'Appelle Health Region Addiction Services providing confirmation that she has adhered to her plan for treatment, the details of which will be set out in the report.
 - (c) Ms. Atkinson shall submit to the Registrar drug screen test results on both a monthly basis, as well as on a random basis as may be determined by the Registrar, which demonstrate negative results for a period of 12 consecutive months. The costs of any testing and reporting shall be borne by Ms. Atkinson.
2. During the period of suspension set out in paragraph 1, Ms. Atkinson shall also comply with the following conditions:
 - (a) Ms. Atkinson shall remain under the care of Dr. Akeju, psychiatrist or some other psychiatrist. In the event Ms. Atkinson engages another psychiatrist, she shall advise the Registrar as to the name and contact information of the new psychiatrist within seven days of such a change.
 - (b) Ms. Atkinson shall abstain from the use of any opiates, benzodiazepines, narcotics and/or other controlled substances unless they have been prescribed by Dr. Akeju, another psychiatrist or a general physician. In the event Ms. Atkinson has a valid prescription for an opiate, benzodiazepine, narcotics and/or other controlled substances, she shall only take such prescriptions as directed by her medical caregiver. Ms. Atkinson shall immediately provide to the Registrar a list of the prescription medications she is taking. Should Ms. Atkinson's prescription medications change at any time, she will immediately notify the Registrar of the same.

- (c) Within 60 days of the date of the Discipline Committee Order, Ms. Atkinson shall contact Regina Qu'Appelle Health Region Addiction Services and seek an addictions assessment. Ms. Atkinson shall follow all recommendations made in the addictions assessment.
3. That in the event all of the conditions are met in paragraphs one and two and Ms. Atkinson's license is reinstated, Ms. Atkinson may continue to practice under the following conditions, pursuant to s. 30(1)(d) of the *Act*:
- (a) For so long as Ms. Atkinson continues to hold a practicing license with the Association following her reinstatement, Ms. Atkinson shall continue to provide random drug screen results to the Registrar upon the Registrar's request.
- (b) For a period of two years, Ms. Atkinson shall, if requested by the Registrar, provide reports from Dr. Akeju or whoever her treating psychiatrist may be at the time regarding her condition, treatment, treatment compliance and ability to safely practice nursing. The costs of any such reports shall be borne by Ms. Atkinson.
- (c) For a period of one year, Ms. Atkinson shall work in nursing environments where she has no access, directly or indirectly, to narcotics, benzodiazepines, opiates and controlled substances.
- (d) For so long as Ms. Atkinson continues to hold a practicing license with the Association, she shall immediately advise the Registrar if she is the subject of any disciplinary sanctions taken by her nursing employer.
- (e) For a period of two years, in the event Ms. Atkinson changes her nursing employer, she shall advise the Registrar of that within seven days of the change.
- (f) For a period of two years, Ms. Atkinson shall provide a copy of the Discipline Committee decision to her nursing employers.
4. That pursuant to s. 30(2)(a)(ii) of the *Act*, Ms. Atkinson shall pay costs of the investigation and hearing in the amount of \$2,000.00. Such costs shall be paid on or before January 1, 2018. In the event payment is not made, Ms. Atkinson's license shall be suspended until such payment is made, pursuant to section 30(2)(b) of the *Act*.

DATED at Regina, Saskatchewan, this 7 day of ~~January~~^{February}, 2016

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



Don Robinson, Public Representative, Chairperson
Kate DeVries, LPN, Member
Brenda Lalonde, LPN, Member
Barb Lindsay, LPN, Member
Arlene Patron, LPN, Member