

IN THE MATTER OF AN APPEAL FROM THE PENALTY DECISION OF THE
DISCIPLINE COMMITTEE ESTABLISHED PURSUANT TO *THE LICENSED PRACTICAL
NURSES ACT, 2000* TO INQUIRE INTO THE CONDUCT OF SAVANNAH HODGSON
LAWRENCE, LPN

DECISION OF COUNCIL UNDER THE LICENSED PRACTICAL NURSES ACT, 2000

Introduction

Savannah Hodgson Lawrence was found guilty of professional misconduct by the Discipline Committee of the Saskatchewan Association of Licensed Practical Nurses (SALPN) in its decision dated July 11, 2016. At a penalty hearing held on September 26, 2016, the Discipline Committee suspended her licence for three months, ordered her to pay \$15,000 in costs by December 31, 2017, and to provide her nursing employers with a copy of the Discipline Committee's decisions regarding liability and penalty for a period of two years.

Pursuant to subsection 35(1) of *The Licensed Practical Nurses Act, 2000*, Ms Lawrence submitted an appeal of the decision relating to the amount of the costs ordered to be paid by a letter to SALPN dated November 29, 2016. The written reasons for its decision relating to penalty were released by the Discipline Committee on December 28, 2016.

Appeal Hearing

The Council convened to hear Ms Lawrence's appeal on April 24, 2017. Ms Lawrence explained that she had been on maternity leave until January 31, 2017. She expects to obtain casual employment as an LPN in the near future. She has applied for registration and licensure with the Saskatchewan Registered Nurses' Association (SRNA) in order to increase her employability. She requested that Council either extend the time for her to pay or else reduce the amount of the costs that she must pay. She said she could afford to pay \$500/month, and therefore requested that the time to pay be extended for a period of 30 months.

Legal Counsel for the Counselling and Investigation Committee submitted a written brief of law to Council. She argued that the standard of review applicable in this situation is a reasonableness standard, that is, Council should not intervene if the Discipline Committee's decision falls in the

range of what is reasonable whether or not Council would have made the same decision itself. She pointed out that the costs incurred in the discipline process were largely as a result of the fact that Ms Lawrence did not respond to communications with her so that a formal hearing had to be held with witnesses having to testify. The costs would have been significantly less if Ms Lawrence had cooperated with the Counselling and Investigation Committee. Legal counsel also pointed out that the costs of \$15,000 was agreed to by Ms Lawrence at the Discipline Committee hearing regarding penalty and therefore the amount of the costs was effectively a joint submission that should not be disturbed by Council. Legal counsel suggested that a practical resolution of this appeal would be the extension of the time provided for the costs to be paid, and proposed that a date for payment of June 1, 2018, or whatever period of time that the Council considered reasonable in the circumstances, would be appropriate.

Analysis

Council agrees that the applicable standard of review is reasonableness. Council also accepts that, although there was some suggestion by Ms Lawrence that she didn't understand that she could have objected to the amount of the costs to be awarded, she nevertheless did accept that amount at the Discipline Committee hearing. She also accepted this amount in her submissions on appeal to Council, arguing primarily that she could only afford to pay \$500 per month and just needed more time to pay.

Legal counsel for the Counselling and Investigation Committee did not object to the extension of the time permitted for Ms Lawrence to pay the costs as ordered.

Decision

Council has authority under clause 35(5)(d) of *The Licensed Practical Nurses Act, 2000* to vary the order of the Discipline Committee on hearing an appeal.

Council has determined that it will not vary the amount of the costs ordered, as determined by the Discipline Committee. The amount of costs to be paid by Ms Lawrence to SALPN is therefore confirmed as \$15,000.

However, Council will vary the Discipline Committee's penalty order to provide that the costs awarded in the amount of \$15,000 may be paid over a longer period to time. Council therefore orders that the costs of \$15,000 shall be paid as follows:

- (a) \$3,000 to be paid on or before December 31, 2017;
- (b) \$6,000 to be paid on or before December 31, 2018; and
- (c) \$6,000 to be paid on or before December 31, 2019.

The Council further orders that, if Ms Lawrence should fail to make any of the required

payments on or before the dates set out above:

- (a) her licence as a licensed practical nurse shall thereupon be suspended until the full amount of \$15,000 has been paid in full; and
- (b) if she is a member of the SRNA at the relevant time, SALPN's Executive Director shall forward a written complaint to the SRNA's Investigation Committee for investigation as a complaint of professional misconduct under *The Registered Nurses Act*.

DATED this 26th day of April 2017.

Council of the Saskatchewan Association of
Licensed Practical Nurses



Per: Kari Pruden, President