

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, KEVIN HENRY

ORDER OF:

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

A hearing was held on March 21, 2016 in Regina, Saskatchewan, to inquire into a complaint made against Licensed Practical Nurse, Kevin Henry. At the hearing, Connor Clyde appeared as legal counsel for the Counselling and Investigation Committee (hereafter the "CIC"). The Member, Mr. Henry, did not appear at the hearing.

Legal counsel for the CIC filed an Affidavit of Service of a process server who affirmed that Mr. Henry was personally served at his home address on February 27, 2016, with a copy of a letter from Mr. Clyde dated February 24, 2016, the Report to Discipline Committee (by the Counselling and Investigation Committee), and the Notice of Discipline Hearing. Mr. Clyde also advised that he delivered copies of the materials to Mr. Henry on March 7, 2016 via email, to the email address used in their past communications with Mr. Henry.

The Discipline Committee was satisfied that Mr. Henry was properly served with a copy of the Notice of Discipline Hearing as required by the *The Licensed Practical Nurses Act, 2000* (the "Act"), and pursuant to s. 29(11) of the *Act*, proceeded with the hearing in the absence of the Member. It may be noted that while the Notice of Discipline Hearing indicated that the hearing would commence at 10:00 AM on March 21, 2016, the letter from Mr. Clyde, served with the Notice, indicated a new start time of 9:30 AM. While the Discipline Committee commenced the hearing shortly after 9:30 AM, the proceedings continued until well after 10:00 AM and Mr. Henry did not appear for the hearing at any time.

The formal complaint against Mr. Henry that is the subject of these proceedings alleges professional misconduct on the basis that Mr. Henry failed to comply with any of the orders made by this Discipline Committee on July 6, 2015, including orders that he: (1) meet with the Registrar or Associate Registrar before the expiry of a 60 day suspension; (2) complete the *Canadian Council for Practical Nurse Regulators LPN Code of Ethics* course online and provide verification of completion to the Registrar before the expiry of the 60 day suspension; (3) pay specified fines and costs by way of monthly payments.

At the hearing, the CIC introduced evidence through the SALPN Registrar, Cara Brewster. Counsel for the CIC made submissions concerning the charges in the formal complaint and the

penalties it proposed. These proposed penalties included that the Member continue to be subject to the orders made by the Discipline Committee on July 6, 2015 (with a modification to the dates for compliance) as well as additional orders related to the new charge of professional misconduct, including the payment of fines and additional costs. It may be noted that pursuant to the terms of the July 6, 2015 Order, Mr. Henry's license is currently suspended.

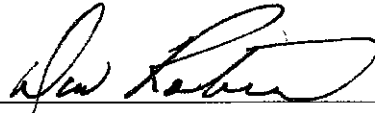
The Discipline Committee took a brief recess to consider the complaint and the proposed penalties. Upon reconvening, the Discipline Committee ruled that upon consideration of the evidence and having heard the submissions of the CIC as to appropriate penalties, the Discipline Committee finds that Mr. Henry's conduct, as alleged in the Formal Complaint, is professional misconduct, and finds that the penalties which were proposed to be within the range of reasonable consequences for the professional misconduct in question. The Discipline Committee indicated that an Order would be issued, substantially in the form requested by the CIC, effective the date of the hearing. 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 Kevin Henry remain subject to the following conditions of the order of the Discipline Committee dated July 6, 2015, with the conditions and the dates for compliance modified as follows:
 - (a) That Kevin Henry shall meet with the Registrar or Associate Registrar within 60 days from the date of this Order to discuss the potential consequences on his conduct to clients, colleagues, the profession and himself and the importance of maintaining current registration in a self-regulated profession, pursuant to s. 30(1)(f) of the *The Licensed Practical Nurses Act, 2000* (the "*Act*").
 - (b) That Kevin Henry shall complete the Canadian Council for Practical Nurse Regulators LPN Code of Ethics course online and provide verification of completion to the Registrar within 60 days from the date of this Order, pursuant to s. 30(1)(f) of the *Act*.
 - (c) That Kevin Henry shall pay a fine in the amount of \$400.00, pursuant to s. 30(2)(a)(i) of the *Act*.
 - (d) That Kevin Henry shall pay a portion of the costs of the investigation and hearing, which costs shall be fixed in the amount of \$7,000.00, pursuant to s. 30(2)(a)(ii) of the *Act*.
 - (e) That the fine and costs referred to in paragraphs 1(c) and 1(d) of this Order, in the total amount of \$7,400.00, shall be paid by Kevin Henry on or before December 31, 2016. Kevin Henry's license shall remain suspended pursuant to s. 30(2)(b) of the *Act* until such payment is made.

2. That Kevin Henry shall pay a fine in the amount of \$2,000.00, pursuant to s. 30(2)(a)(i) of the *Act*.
3. That Kevin Henry shall pay a portion of the costs of the investigation and hearing, which costs shall be fixed in the amount of \$5,000.00, pursuant to s. 30(2)(a)(ii) of the *Act*.
4. That the fine and costs referred to in paragraphs 2 and 3 of this Order, in the total amount of \$7,000.00, shall be paid by Kevin Henry on or before December 31, 2016, failing which Kevin Henry's license shall be immediately suspended pursuant to s. 30(2)(b) of the *Act* until such payment is made.

DATED at Regina, Saskatchewan, this 21st day of March, 2016

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



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