

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 MICHELLE BIEBER

**REASONS FOR DECISION BY:**

**SASKATCHEWAN ASSOCIATION OF LICENSED PRACTICAL NURSES**

**DISCIPLINE COMMITTEE**

**Discipline Committee:**

Randy dos Santos (Chair), Marcie Halyk, Mary-Ellen Wellsch, K.C.

**Member:**

Michelle Bieber

**Counsel:**

Darcia Schirr, K.C. for the Counselling and Investigation Committee

Anderson Stodalka for Michelle Bieber

Lynsey Gaudin for the Discipline Committee

**INTRODUCTION:**

[1] On August 23, 2022, the Discipline Committee of the Saskatchewan Association of Licensed Practical Nurses (“**SALPN**”) held a hearing over Zoom concerning allegations of professional misconduct against Licensed Practical Nurse (“**LPN**”), Ms. Michelle Bieber, in her off-duty conduct on the online social media platform, Facebook. It was confirmed at the outset of the hearing that the Discipline Committee was properly constituted to hear the matter.

[2] At the hearing, Ms. Darcia Schirr appeared as legal counsel for the SALPN Counselling and Investigation Committee (the “**Investigation Committee**”). Mr. Anderson Stodalka appeared as legal counsel for Ms. Bieber.

[3] At the commencement of the hearing, Ms. Schirr filed an Affidavit of Service of a process server (**Exhibit P-1**) who affirmed that Ms. Bieber was personally served on May 4, 2022 with a copy of the Notice of Discipline Hearing dated May 3, 2022. Appendix A to the Notice of Discipline Hearing set out the particulars of the allegations against Ms. Bieber as follows:

1. In July 2021, you posted a photograph on social media of two youth in a hospital waiting room. Your photograph and your comments with the photograph then lead to a dialogue on social

media between yourself and a number of individuals. In the course of this dialogue, you made a number of inappropriate, insensitive and racist comments.

- [4] The allegations of professional misconduct are said to constitute a breach by Ms. Bieber of various provisions of *The Licensed Practical Nurses Act, 2000* (the “**Act**”), the *SALPN Regulatory Bylaws* (the “**Bylaws**”), the *SALPN Code of Ethics*, and the *SALPN Standards of Practice*, as outlined in Appendix A to the Notice of Discipline Hearing.
- [5] At the hearing, Ms. Bieber pleaded guilty to the allegations contained in Appendix A to the Notice of Discipline Hearing.

#### **EVIDENCE:**

- [6] At the outset of the hearing, the following Agreed Statement of Facts was filed with the Discipline Committee (**Exhibit P-2**) [the information referenced in the “Tabs” is not included]:

##### Introduction

1. Michelle Bieber resides in the City of Regina in the Province of Saskatchewan.
2. Michelle Bieber first registered with the Saskatchewan Association of Licensed Practical Nurses (SALPN) on May 14, 2008. She remained a practicing member until January 1, 2021 when she took out a non-practicing certificate which was in place from January 1, 2021 to February 23, 2022. Ms. Bieber currently holds a practicing license and she is employed as a Licensed Practical Nurse at the Regina General Hospital.
3. On July 15, 2021, SALPN received an on-line complaint from Claudia Laswisse. The complaint was referred to the Counselling and Investigation Committee (the “Investigation Committee”).
4. The Investigation Committee requested that Ms. Bieber provide her written response to the complaint and she did that. Further, the Investigation Committee directed its investigator, Delta Bartzen, to interview Ms. Laswisse and Ms. Laswisse was interviewed. Upon completion of these steps, the Investigation Committee recommended, pursuant to section 26(2)(a) of *The Licensed Practical Nurses Act, 2000* (the “Act”), that the Discipline Committee hear and determine the complaint. The investigation has resulted in the charges set out in Appendix A to a Notice of Discipline Hearing dated May 3, 2022
5. Michelle Bieber admits the allegation as described in Appendix A and admits that her conduct constitutes professional misconduct as that term is defined in the Act and amount [*sic*] to a breach of the Regulatory Bylaws, *Code of Ethics and Standards of Practice* particularized in the Notice of Discipline Hearing.

##### Background Underlying the Charges

6. In her complaint form, Ms. Laswisse described her complaint as follows:

Michelle Bieber had posted a picture of 2 indigenous youth at a hospital e.r. waiting room from Regina, Saskatchewan. She started writing racist slurs about the 2 youth on a facebook group called Regina's Rant and Rave. She then proceeded to write very hurtful, hateful comments in my facebook app

messenger to me. After her verbal attacks, She [sic] quickly changed her name to, [sic] Shell Parisien. She had a very profound affect [sic] on me as we are going through the reconciliation part as [sic] our history and this just made me hurt a lot more.

7. Ms. Laswisse refers to “Regina Rant and Rave”. This is a Facebook platform. The website describes Regina Rant and Rave as follows:

A place for all things Regina! Ask questions or post upcoming events or just discuss anything and all things, positive or negative, to do with Regina.

There's one rule only and it is that there are no naming names, personally attacking each other and/or bullying of any kind. That goes for giving enough hints or using an [sic] alias that people will still know who you are talking about. This DOES NOT include Raves or businesses. The No Names is to keep people from bullying and attacking each other. Violators will be warned once and if it persists will be banned from the page.

There will also be no selling of anything on the page what so ever, there is plenty of other pages to do so on so please refrain from selling anything on this page.

Thank you

- Public

Anyone can see who's in the group and what they post

- Visible

Anyone can find this group.

8. Ms. Laswisse attached a series of Facebook messages to her complaint form. The Facebook messages are attached at Tab A. The posts made by Michelle Bieber have been identified with an asterisk. Ms. Laswisse does not use her real name on any social media platforms and on Regina Rant and Rave, she uses the name “Katiana Las”.
9. Claudia Laswisse did not know Michelle Bieber personally and prior to the Facebook exchanges, she had no prior interaction with Michelle Bieber. As indicated in the Facebook posts, Ms. Laswisse responded to the Facebook post made by Ms. Bieber as did many others.
10. In the course of this exchange, Ms. Laswisse was messaged by a woman who reported that Ms. Bieber was a licenced [sic] practical nurse working at the Regina General Hospital.
11. Through the exchanges, Ms. Laswisse noted that Ms. Bieber was taking some of her posts down. Ms. Laswisse looked at Ms. Bieber's profile link and noted that she had changed her name to "Shell Parisien". Ms. Laswisse then sent "Shell Parisien" a private Facebook message which led to a private exchange between the two of them. This exchange is attached at Tab B. The messages sent by Ms. Bieber are identified by asterisks. The messages sent by Ms. Laswisse are in blue boxes
12. Claudia Laswisse has blocked Michelle Bieber and “Shell Parisien” from all of her social media platforms.
13. If called to testify, Michelle Bieber would state the following:

- (a) On July 9, 2021, she was at the Regina General Hospital Emergency Department with her daughter who had suffered an injury. She was not working at that time. She saw these two youth with a puppy. She was concerned about the condition of the puppy which is why she posted her first message on Regina Rant and Rave. Her intention was to bring awareness to people that they should not bring puppies into public spaces because of parvo virus.
- (b) She was aware of an SHA policy that photographs should not be taken and posted within SHA facilities but she forgot about the policy at the time.
- (c) After Ms. Bieber made her first post regarding the puppies and parvo virus she began receiving Facebook messages from "Katiana Las". A copy of the first exchange between the two of them is attached as Tab C. The entry in the blue box is from Ms. Bieber. Ms. Bieber became threatened by the exchanges she had with "Katiana Las" and she became defensive which led to her inappropriate and insensitive comments. She recognizes now that she should not have made the comments and that she should have blocked the messages. Her messages to "Katiana Las" and others at this time were inappropriate and insensitive and her emotions quickly got away from her.
- (d) She used the name "Shell Parisien" because "Parisien" is her maternal grandmother's maiden name. Ms. Bieber identifies as Cree/Mischif and she is seeking Metis status at present.
- (e) Ms. Bieber has had mental health struggles. In 2020, she did not work any nursing hours although she held a practicing license. For 2021, she held a non-practicing license.
- (f) Since July 2018, Ms. Bieber has been under the care of [REDACTED], a registered counsellor with [REDACTED]. She is also under the care of [REDACTED]. Attached at Tab D is [sic] letter dated July 19, 2022 prepared by [REDACTED].
- (g) Ms. Bieber offers the information regarding her mental health as context and background and not as an excuse or justification for the Facebook posts she made.
- (h) Ms. Bieber unconditionally and sincerely apologizes to Claudia Laswisse for her inappropriate comments and regrets any distress she may have caused her.

Previous Discipline History

14. Michelle Bieber has never been the subject of a previous complaint to SALPN.

[7] Ms. Schirr, on behalf of the Investigation Committee, and Mr. Stodakla, on behalf of Ms. Bieber, executed the Agreed Statement of Facts to demonstrate their agreement to the same.

[8] During the hearing, Ms. Bieber confirmed her guilty plea to the charge contained in the Notice of Discipline Hearing.

**DECISION:**

[9] The primary issue before the Discipline Committee is whether the conduct of Ms. Bieber, as summarized in the Agreed Statement of Facts, is professional misconduct as that term is defined in

section 24 of the Act, and if so, whether the proposed sanction submission is appropriate under section 30 of the Act.

[10] 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 counselling 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 counselling 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.*

#### Finding of a Nexus between Off-Duty Conduct and the Profession

[11] As a preliminary issue, the Discipline Committee considered whether Ms. Bieber's off-duty conduct on Facebook is properly the subject matter of a professional discipline hearing.

[12] Ms. Schirr submitted that off-duty conduct may be the subject of discipline by a professional regulatory body when there is a sufficient nexus between a professional's off-duty conduct and their profession. Ms. Schirr directed the Discipline Committee to paragraphs 90 and 91 of *Strom v. Saskatchewan Registered Nurses' Association*, 2020 SKCA 112, and paragraphs 173 to 181 of *Leontowicz v. College of Physicians and Surgeons of Saskatchewan*, 2022 SKQB 98, as establishing the following three factors to be considered in determining if such a nexus exists:

- (i) the nature of the profession;
- (ii) the relationship of the misconduct to the work of the profession or the personal characteristics considered necessary to practice the profession; and
- (iii) whether the person charged is identified or purported to act as a member of that profession.

[13] Ms. Schirr submitted that the nature of the nursing profession is healing and helping, and that personal characteristics of compassion, integrity, tolerance and being respectful are considered necessary to practice the profession. It was submitted that Ms. Bieber's inappropriate off-duty conduct was directly related to the nature of the nursing profession and the personal characteristics considered necessary to practice that profession. Regarding the third factor, Ms. Schirr noted that Ms. Bieber did not identify her profession in her social media posts or messages, but, nevertheless, Ms. Bieber was quickly identified by at least one other Facebook user as an LPN who worked at Regina General Hospital. Given that Ms. Bieber was identified as a member of SALPN by at least one Facebook user, Ms. Schirr also noted that any Facebook user who identified Ms. Bieber was a key stroke away from publicly disclosing Ms. Bieber's membership with SALPN on Facebook in relation to Ms. Bieber's conduct that led to this hearing.

- [14] In response, Mr. Stodalka noted that the original Facebook post concerned dogs and was not racially-motivated, and reminded the Discipline Committee that Ms. Bieber has no past history of misconduct related to patient care and the nature of the profession. Concerning the third factor of the test for a sufficient nexus, Mr. Stodalka submitted that Ms. Schirr's characterization of what constitutes identification is overly broad, and, if the Discipline Committee accepts Ms. Schirr's submissions, any public comment made by a professional could be said to be in relation to their profession given how simple it is to find an individual's profession online.
- [15] The Discipline Committee acknowledges the rights and privileges of LPNs as private citizens and recognizes their interest for privacy in their lives outside of work. However, off-duty conduct that has a sufficient nexus to the nursing profession such that there is a risk that it derogates from the high standards, integrity and tolerance expected of the profession cannot be condoned. Discipline is justified when off-duty misconduct has a negative impact on an LPN's ability to carry out their professional obligations or where the off-duty misconduct reflects negatively on the profession and jeopardizes the public's confidence in SALPN's ability to regulate the profession in the public interest.
- [16] The Discipline Committee considered the submissions of both counsel and the factors identified by Ms. Schirr as to whether there is a nexus between Ms. Bieber's off-duty conduct and the nursing profession. The community in which Ms. Bieber lives and works as an LPN is multicultural with a large Indigenous population. Ms. Bieber's racist comments on a public Facebook group, and the private messages that followed, would lead a reasonable person to doubt whether Ms. Bieber is able to carry out her professional obligations in all circumstances. Ms. Bieber is expected to meet the high standards demanded by the public and SALPN regardless of who her patients are and what their cultural backgrounds are. Additionally, racism and intolerant comments conflict with core values of the nursing profession and reflect negatively on the profession as a whole. The Discipline Committee finds that there was a sufficient nexus between Ms. Bieber's off-duty conduct and the profession in order to engage the attention of the Discipline Committee and to send a message to other members that racism will not be tolerated in the profession.

#### Finding of Professional Misconduct

- [17] In reaching its decision, the Discipline Committee reviewed and considered the evidence submitted by way of the Agreed Statement of Facts and the submissions of Ms. Schirr and Mr. Stodalka.

[18] The Discipline Committee accepts the Agreed Statement of Facts and Ms. Bieber's guilty plea, and finds Ms. Bieber guilty of professional misconduct as defined in the Act. The Discipline Committee concludes that Ms. Bieber's conduct on a Regina Facebook group and her private messages to members of the public was not in the best interests of the public or of the profession, reflected poorly on the SALPN membership, and was harmful to the public's confidence in the profession. The Discipline Committee finds that Ms. Bieber has failed to meet the high standards that the public expects of SALPN members in their professional and personal lives.

#### Consideration of the Sanction Submission

[19] Having accepted that Ms. Bieber was guilty of professional misconduct, consideration then turned to an assessment of the penalty appropriate in the circumstances. Ms. Schirr submitted a proposed Sanction Submission (**Exhibit P-3**) and Mr. Stodalka confirmed that the Sanction Submission represented their joint submission regarding sanction. The Sanction Submission was as follows:

1. Pursuant to section 30(1)(e) of *The Licensed Practical Nurses Act, 2000* (the "Act"), Michelle Bieber shall be reprimanded.
2. Pursuant to section 30(1)(d)(ii) of the Act, Ms. Bieber's continued practice shall be subject to the following condition:
  - (a) On or before October 31, 2022, Ms. Bieber shall complete the Indigenous Awareness Canada course entitled "*201 Indigenous Awareness Certification*". Ms. Bieber shall bear any costs and provide proof of completion to the Registrar.
3. Pursuant to section 30(3) of the Act, a copy of the Discipline Committee order and decision shall be provided to Claudia Laswisse.
4. A copy of the Discipline Committee order and decision shall be published on the SALPN website.

[20] Ms. Schirr submitted that the Sanction Submission should be considered in light of Ms. Bieber's apology to the complainant, Ms. Claudia Laswisse, contained in paragraph 13(h) of the Agreed Statement of Facts, which Ms. Schirr read into the record during the hearing. Ms. Schirr submitted that paragraph 13(h) amounts to a public apology, which was requested by Ms. Laswisse.

[21] Regarding the proposed sanctions, Ms. Schirr explained that she and Mr. Stodalka have recommended a course on Indigenous awareness. Counsel determined that such a course addressed the primary, racial concerns with Ms. Bieber's misconduct, which was preferable to a course related to proper conduct on social media. The proposed course is offered by Indigenous Awareness Canada, a well-regarded, Indigenous-run training agency. Ms. Schirr submitted that the course requirements,



the reprimand, which is not an insignificant consequence in itself, and having to submit to these disciplinary proceedings are sufficient to serve the purposes of education and specific deterrence.

- [22] Ms. Schirr noted that the Sanction Submission does not include a requirement that Ms. Bieber distribute the written decision to her nursing employers, which is typical of SALPN discipline sanctions. Ms. Schirr submitted that there must be a link between the sanctions imposed and the misconduct. As the misconduct related to off-duty conduct, the link between the misconduct and a requirement to distribute the decision to employers is insufficient to justify that sanction. It was submitted that general deterrence will nevertheless be addressed by the requirement that this order and decision be published on the SALPN website.
- [23] Mr. Stodalka provided the Discipline Committee with the following two cases concerning inappropriate comments made by teachers: *Ontario College of Teachers v. Bowers*, 2018 ONOCT 42, and *Ontario College of Teachers v. Antonenko*, 2019 ONOCT 79. Mr. Stodalka submitted that considerations for teachers and nurses are similar, and that these decisions support the sanctions proposed in the Sanction Submission.
- [24] Mr. Stodalka, in addition to the authorities, submitted that a reprimand and sensitivity training are an appropriate penalty given Ms. Bieber's remorse for her actions, lack of prior disciplinary record, and her commitment to avoid making a similar mistake again.
- [25] Mr. Stodalka submitted that the joint submissions, like the Sanction Submission, should generally be accepted in order to encourage resolution and only be refused in extreme cases.
- [26] On the matter of costs, Ms. Schirr submitted that the Investigation Committee is not requesting an order for the costs of these proceedings against Ms. Bieber. Ms. Schirr explained that, upon the termination of its investigation, the Investigations Committee had determined that this matter should be settled by alternative dispute resolution under section 26(2)(b)(i) of the Act without a hearing. Ms. Laswisse did not consent to that form of resolution, and the matter therefore proceeded to a discipline hearing. As costs would not be a consideration if the parties had resolved the matter as the Investigations Committee recommended, Ms. Schirr submits that the Discipline Committee should not exercise its discretion to make an order for costs under section 30(2)(a) of the Act.
- [27] Mr. Stodalka submitted that an award of costs against Ms. Bieber would be a significant financial burden for her as Ms. Bieber has not been employed for some time.

[28] The Discipline Committee is mindful of the decision of the Saskatchewan Court of Appeal in *Rault v Law Society of Saskatchewan* regarding the standard for disregarding joint submissions as to penalty, as raised by Mr. Stodalka, and notes that the concept was recently reaffirmed by the Court of Appeal in the criminal context in *R v Bear*, 2018 SKCA 22, where Chief Justice Richards, relying on Justice Moldaver in *R v Anthony-Cook*, 2016 SCC 43, said at paragraph 23:

Rejection (of a joint submission) denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all of the relevant circumstances, including the important of promoting certainty in resolution of discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold [...]

[29] The above test was applied in the regulatory context in *Law Society of Saskatchewan v. Blenner-Hassett*, 2018 SKLSS 6, concluding as follows at paragraph 37:

We cannot say the submission is so unhinged from the circumstance of the offence and the offender that a reasonable person would conclude the proper functioning of the system had broken down. As such the Committee will give effect to the joint submission.

See also: *Saskatchewan College of Pharmacy Professionals v. Jolyn Schultz and Sunnyside Ventures Ltd.*, 2019 SKCPPDC 9; *Saskatchewan College of Pharmacy Professionals v. Ryan Toth and Toth Pharmacy Ltd.*, 2020 SKCPPDC 3.

[30] The Discipline Committee accepts the submissions by both Ms. Schirr and Mr. Stodalka as to the appropriateness of the Sanction Submission. The Discipline Committee recognizes that off-duty conduct may impact a member's ability to act as an ethical care provider and can impact the public's perception of the profession. The Discipline Committee understands that the penalty ordered should protect the public confidence in SALPN's ability to regulate its members, and that this can be achieved through a penalty that addresses the principles of specific deterrence, general deterrence, and public protection.

[31] In considering the Sanction Submission, the Discipline Committee took into account Ms. Bieber's cooperation during the investigation and hearing process, as well as the fact that she accepted responsibility for her conduct in the Agreed Statement of Facts.

[32] For the reasons that follow, the Discipline Committee concludes that the Sanction Submission is appropriate, reasonable, and within the public interest, and addresses the above principles.

- [33] Ms. Bieber demonstrated a lack of cultural awareness and sensitivity. The Discipline Committee finds that Ms. Bieber would benefit from Indigenous awareness education and training and that the course offered by Indigenous Awareness Canada, and recommended by counsel as a condition to her continued practice, is appropriate.
- [34] The Discipline Committee agrees with the imposition of a reprimand as stated in the Sanction Submission as it sends an appropriately strong message to Ms. Bieber that she is to refrain from repeating her misconduct. In combination with the reprimand, the Sanction Submission's requirement that this order and decision be published on the SALPN website, are sufficient specific deterrence and general deterrence to other members of the profession. The Discipline Committee accepts Ms. Schirr's submissions that a requirement that Ms. Bieber disclose this order and decision to her employers is not sufficiently linked to the nature of her misconduct and is unnecessary to meet the purposes of disciplinary action against a member.
- [35] The Discipline Committee notes its general practice of ordering costs against SALPN members in cases that proceed by way of an agreed statement of facts. However, the Discipline Committee understands that this case is atypical in that it would have been resolved without a hearing and without a requirement to pay costs but for the complainant's refusal to consent to alternative dispute resolution. The Discipline Committee adopts Ms. Schirr's submissions on this point and Mr. Stodalka's comments about the financial status of Ms. Bieber and refrains from making an order that Ms. Bieber make any payment of costs.

#### Consideration of Request that Names be Abbreviated in Published Decision

- [36] During his submissions, Mr. Stodalka requested that all names be abbreviated as initials in the published decision. Mr. Stodalka submitted that the use of abbreviations or a pseudonym is called for here given the inflammatory nature of the misconduct, that the misconduct was unrelated to Ms. Bieber's employment, and Ms. Bieber's personal circumstances, including the fact that she has been unemployed for some time.
- [37] In response, Ms. Schirr submitted that abbreviation is not typical in decisions of discipline hearings as it is contrary to the open court principle. Further, section 25 of the Bylaws specifically requires publication of the full text versions of the decisions of the Discipline Committee on the SALPN website. Ms. Schirr submitted that only in cases where significant personal information was disclosed in a decision would abbreviation be justified and that the Discipline Committee would have to set

out, in detail, its reasoning for abbreviating names if it decided to do so. It was submitted that there is no justification in this case for any exception to the open court principle by abbreviation of names.

[38] The open court principle is a fundamental principle of the professional discipline system that requires that all hearings are open so that the public can be assured that justice has been done. An order contrary to the open court principle, such as holding hearings *in camera*, publication bans and anonymization, is exceptional and such an order will only be made where (i) necessary to prevent a serious risk to the administration of justice; (ii) there are no reasonable alternative measures; and (iii) the salutary effects of the order outweigh the deleterious effects on the rights and interests of the parties and the public to an open hearing. In consideration of a request for an order contrary to the open court principle, the Discipline Committee will consider whether any extraordinarily sensitive personal information has been disclosed in the hearing, and how that order will impact the purpose of the hearing. The Discipline Committee notes that the desire to avoid publicity or embarrassment, the normal stresses of disclosure of personal matters in litigation, and the effect of a decision on one one's career will not outweigh the public interest in an open hearing.

[39] The Discipline Committee has considered Mr. Stodalka's request on behalf of Ms. Bieber and counsels' submissions and finds that this is not a case where abbreviation of names is necessary or appropriate. Ms. Bieber's concerns, as submitted by Mr. Stodalka, do not extend beyond the normal and expected concerns of any professional who is the subject of discipline proceedings, and publication of Ms. Bieber's name does not create a serious risk to the administration of justice that would justify an order contrary to the open court principle. Instead, disclosure of Ms. Bieber's name is necessary to meet the purposes of this hearing, including informing the public and specific and general deterrence. However, the Discipline Committee notes that Ms. Bieber's sensitive personal information and medical records will not be disclosed as doing so is not required by the open court principle and the public interest in this case.

**ORDER:**

[40] Upon consideration of the evidence and the submissions of Ms. Schirr and Mr. Stodalka, the Discipline Committee issues the following Order on September 14, 2022:

1. Pursuant to section 30(1)(e) of *The Licensed Practical Nurses Act, 2000* (the "Act"), Michelle Bieber shall be reprimanded.

2. Pursuant to section 30(1)(d)(ii) of the Act, Ms. Bieber's continued practice shall be subject to the following condition:
  - (a) On or before October 31, 2022, Ms. Bieber shall complete the Indigenous Awareness Canada course entitled "*201 Indigenous Awareness Certification*". Ms. Bieber shall bear any costs and provide proof of completion to the Registrar.
3. Pursuant to section 30(3) of the Act, a copy of the Discipline Committee order and decision shall be provided to Claudia Laswisse.
4. A copy of the Discipline Committee order and decision shall be published on the SALPN website.

Dated at Regina, Saskatchewan, this 14<sup>th</sup> day of September, 2022.



---

R. dos Santos, Chairperson, Discipline Committee of the Saskatchewan Association of Licensed Practical Nurses on behalf of the Discipline Committee consisting of M. Halyk and M.E. Wellsch, K.C.