

# BRITISH COLUMBIA COLLEGE OF NURSES AND MIDWIVES

## CITATION

(Section 37 of the *Health Professions Act*, RSBC 1996, c. 183)

TO: **Barbara (Trish) Berg**

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████████████████████

**TAKE NOTICE** that a Panel of the Discipline Committee of the British Columbia College of Nurses and Midwives (BCCNM) will conduct a hearing into your conduct as a Licensed Practical Nurse (LPN) registrant under s. 38 of the *Health Professions Act* (the Act).

The hearing will be either held at the offices of BCCNM, 900 – 200 Granville Street, Vancouver, British Columbia, or be conducted by videoconference, on **May 11 and 12, 2022 at 10:00am**.

You are requested to attend the hearing. You have the right to be represented by legal counsel and to submit evidence. However, if you fail to attend the hearing, the Panel may proceed with the hearing in your absence and, without further notice to you, may take any action that it is authorized to take under the Act.

The purpose of the hearing is to inquire into your conduct as follows:

1. On or about December 25 and 27, 2020, a Registered Care Aide (RCA) ██████████ advised you she witnessed an incident of resident abuse where another RCA made a fist at and put a resident, A.R., in a chokehold. You did not report this incident of resident abuse to the management team at Maple Ridge Seniors Village (MRSV) contrary to one or more of the following Professional Standards and/or Practice Standards: *Responsibility and Accountability, Client-Focused Provision of Service, and/or Ethical Practice*.

This conduct also constitutes professional misconduct, or breach of the Act or bylaws, under s. 39(1) of the Act.

2. You did not prepare a reportable incident form or otherwise document the report provided to you by RCA ██████████ contrary to one or more of the following Professional Standards and/or Practice Standards: *Responsibility and Accountability, Documentation, Client-Focused Provision of Service, and/or Ethical Practice*.

This conduct also constitutes professional misconduct, or breach of the Act or bylaws, under s. 39(1) of the Act.

3. On or about December 27, 2020, RCA ██████████ advised you of an incident of resident abuse involving the same resident, A.R. RCA ██████████ reported to you that on December 18, 2020, she witnessed another RCA putting an electric razor in A.R.'s mouth three times to attempt to "keep him quiet". You did not report this incident of resident abuse to the management team at MRSV contrary to one or more of the following Professional

Standards and/or Practice Standards: *Responsibility and Accountability, Client-Focused Provision of Service, and/or Ethical Practice.*

This conduct also constitutes professional misconduct, or breach of the Act or bylaws, under s. 39(1) of the Act.

4. You did not prepare a reportable incident form or otherwise document the report provided to you by RCA [REDACTED] contrary to one or more of the following Professional Standards and/or Practice Standards: *Responsibility and Accountability, Documentation, Client-Focused Provision of Service, and/or Ethical Practice.*

This conduct also constitutes professional misconduct, or breach of the Act or bylaws, under s. 39(1) of the Act.

5. Beginning in or about January 2021 through to August 2021, you failed to respond to BCCNM communications, inquiries and requests for information in a timely, full and substantive manner with respect to the investigations against you, contrary to BCCNM Bylaw 203 and the *Responsibility and Accountability Professional Standard*. You did not respond to the following communications, inquiries and requests for information from BCCNM in a timely, full and/or substantive manner:

- a. email and attached letter from Catherine Johnson, Professional Conduct Review Consultant, dated January 25, 2021;
- b. telephone call and voicemail from Ms. Johnson on February 3, 2021;
- c. email from Ms. Johnson, dated February 3, 2021;
- d. email from Ms. Johnson, dated February 9, 2021 attaching her letter of January 25, 2021;
- e. email from Ms. Johnson, dated February 11, 2021 attaching her letter of January 25, 2021;
- f. email from Ms. Johnson, dated February 25, 2021;
- g. telephone call and voicemail from Ms. Johnson on March 1, 2021;
- h. email from Ms. Johnson, dated March 3, 2021;
- i. email from Ms. Johnson dated March 3, 2021 with enclosures which were also sent to you by Xpresspost on March 3, 2021 to your last known address;
- j. telephone call and voicemail from Ms. Johnson on March 23, 2021 and a follow up email of the same date;
- k. telephone call and voicemail from Ms. Johnson on April 6, 2021;
- l. email from Ms. Johnson with attached letter, both dated April 6, 2021;
- m. email from Ms. Johnson, dated May 3, 2021 attaching her letter of April 6, which were also sent to you by Xpresspost on May 3, 2021 to your last known address;

- n. email from Ikreet Randhawa, Administrative Assistant, and attached letter from Ms. Johnson both dated June 4, 2021 enclosing BCCNM's investigation report for review and comment;
- o. telephone call and voicemail from Ms. Johnson on June 16, 2021;
- p. email from Ms. Johnson, dated July 8, 2021 attaching letter of June 4, 2021;
- q. email from Mr. Randhawa and attached letter from Ms. Johnson both dated June 4, 2021 enclosing BCCNM's investigation report, which were sent to you by Select Couriers on July 8, 2021 to your last known address; and
- r. email from Ms. Johnson, dated July 26, 2021, in response to your email of July 25, 2021, attaching her letter of June 4, 2021;

This conduct constitutes unprofessional conduct, or breach of the Act or bylaws, under s. 39(1) of the Act.

**FURTHER TAKE NOTICE** that after a hearing under s. 38 of the Act, the Discipline Committee may make such determinations and orders under s. 39 of the Act as it considers appropriate.

The Discipline Committee is constituted under the Act and BCCNM's Bylaws. You are referred to sections 37 to 40 of the Act, and sections 196 to 213 and Schedules I and J of the Bylaws.

This Citation is issued at the direction of BCCNM's Inquiry Committee under s. 37 of the Act and s. 206 of BCCNM's Bylaws.

**BRITISH COLUMBIA COLLEGE OF NURSES AND MIDWIVES**



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Cynthia Johansen  
Registrar/CEO

March 15, 2022

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Date