

**IN THE MATTER OF A HEARING BY  
THE DISCIPLINE COMMITTEE OF THE BRITISH COLUMBIA COLLEGE OF NURSING  
PROFESSIONALS CONVENED PURSUANT TO THE PROVISIONS OF  
THE *HEALTH PROFESSIONS ACT* RSBC 1996, c.183**

BETWEEN:

**The British Columbia College of Nursing Professionals**

(the “College” or “BCCNP”)

AND:

**Coralee Lord**

(the “Respondent”)

**DETERMINATION OF THE DISCIPLINE COMMITTEE**

<b>Hearing Dates:</b>	November 12-14, 2019
<b>Discipline Committee Panel:</b>	Sheila Cessford, Chair Edna McLellan, RN (T) Stephanie Buckingham, RN (T)
<b>Counsel for the College:</b>	Michael Seaborn
<b>The Respondent:</b>	appearing on her own behalf

**Introduction**

1. A panel of the Discipline Committee (the “Panel”) of the British Columbia College of Nursing Professionals (the “College” or “BCCNP”) conducted a hearing to determine, pursuant to section 39 of the *Health Professions Act* RSBC 1996 c.183 (the “Act” or the “HPA”), whether Coralee Lord failed to comply with the Act or bylaws, or committed unprofessional conduct.
2. For the reasons that are set out below, the Panel finds that allegations 1, 3, 5 and 6 of the Citation dated July 29, 2019 (the “Citation”) are proven to the requisite standard. The Panel finds that Ms. Lord breached a standard imposed under the

Act and committed professional misconduct in relation to the allegations which were proven. The Panel dismisses allegations 4 and 7.

### **Background**

3. The particulars of the allegations against Ms. Lord are set out in the Citation as follows:

1. On or about January 19, 2017, you used profanity and engaged in conduct unbecoming a health professional towards your supervisor, contrary to one or more of the following Professional Standards: the *Professional Responsibility and Accountability Professional Standard* and the *Ethical Practice Professional Standard*.

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

2. Between approximately February 6 and 8, 2017, you made a threatening statement regarding your supervisor, contrary to one or more of the following Professional Standards: the *Professional Responsibility and Accountability Professional Standard* and the *Ethical Practice Professional Standard*.

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

3. Between approximately September 2016 and March 2017, you made aggressive and threatening statements regarding your supervisor, contrary to one or more of the following Professional Standards: *the Professional Responsibility and Accountability Professional Standard* and the *Ethical Practice Professional Standard*.

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

4. Between approximately September 2016 and March 2017, you engaged in aggressive and threatening behaviour towards your supervisor, contrary to one or more of the following Professional Standards: *the Professional Responsibility and Accountability Professional Standard* and *the Ethical Practice Professional Standard*.

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

5. Between approximately September 2016 and March 2017, you met with, and were otherwise in communication with, clients outside of working hours, contrary to one or more of the following Practice Standards and/or Professional Standards: the *Professional Responsibility and Accountability Professional Standard*, the *Ethical Practice Professional Standard*, the *Boundaries in the Nurse-Client Relationship Practice Standard*, and the *Privacy and Confidentiality Practice Standard*.

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

6. On or about September 14, 2016, you purchased and provided beer to a client diagnosed with Alcohol Dependency, failed to inform the detox team or the addiction physicians of this client's alcohol withdrawal symptoms, and failed to record the provision of beer in the client's documentation, contrary to one or more of the following practice Standards and/or Professional Standards: the *Professional Responsibility and Accountability Professional Standard*, the *Ethical Practice Professional Standard*, the *Boundaries in the Nurse-Client Relationship Practice Standard*, the *Documentation Practice Standard*, and the *Medication Administration Practice Standard*.

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

7. On one or more occasions between approximately May 2016 and January 2017, your husband drove you, and on one or more occasions drove you with clients, to health care facilities where you were working, contrary to one or more of the following practice Standards and/or Professional Standards: the *Professional Responsibility and Accountability Professional Standard*, the *Ethical Practice Professional Standard*, the *Boundaries in the Nurse-Client Relationship Practice Standard*, and the *Privacy and Confidentiality Practice Standard*.

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

4. At the outset of the discipline hearing, the College advised that it would not be proceeding with Allegation 2.
5. The hearing took place at the College's offices at suite 900 – 200 Granville Street, Vancouver, British Columbia.
6. The College called five witnesses:
  - a. Douglas Andrie;
  - b. Colleen Poston;
  - c. Crystal Tremblay;
  - d. Debbie Welsh; and
  - e. Lee Erikson.
7. Ms. Lord testified on her own behalf and called no other witnesses.

8. The College and Ms. Lord delivered oral and written submissions.
9. The Panel's determination takes into account the evidence adduced at the hearing and the parties' oral and written submissions.

### **Service of Citation**

10. The College submitted proof of service of the Citation in this matter. Service was not raised as an issue. The Panel is satisfied that Ms. Lord was properly served with the Citation.

### **Burden and standard of proof**

11. The College bears the burden of proof and must prove its case on a "balance of probabilities". The leading authority, *F.H. v. McDougall*, 2008 SCC 53, states that the "evidence must always be sufficiently clear, convincing and cogent to satisfy the balance of probabilities test."

### **Relevant HPA Provisions, Bylaw Provisions and Professional and Practice Standards**

#### ***HPA***

12. Under section 39(1) of the HPA, the Discipline Committee may dismiss the matter, or determine that Ms. Lord:

39(1)...

- (a) has not complied with this Act, a regulation or a bylaw,
- (b) has not complied with a standard, limit or condition imposed under this Act,
- (c) has committed professional misconduct or unprofessional conduct,
- (d) has incompetently practised the designated health profession, or
- (e) suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs their ability to practise the designated health profession.

13. The College alleges section 39 (1) (a), (b), and (c) are engaged.

### **College Bylaws and Standards**

14. The relevant bylaw in force at the material times was bylaw 8.01 which stated “Registrants must conduct themselves in accordance with the standards of practice and the standards of professional ethics.”
15. That bylaw was enacted pursuant to section 19(1)(k) of the HPA.
16. The College has established both Professional and Practice Standards pursuant to this authority.
17. As noted above in the particulars of the Citation allegations, the College alleges the conduct at issue is contrary to the following standards:
  - a. The Professional Responsibility and Accountability Professional Standard
  - b. The Ethical Practice Professional Standard
  - c. The Documentation Practice Standard
  - d. The Medication Administration Practice Standard
  - e. The Privacy and Confidentiality Practice Standard
  - f. The Boundaries in the Nurse-Client Relationship Practice Standard

### **Credibility**

18. The College submits that because Ms. Lord’s evidence often contradicted the evidence of the College’s witnesses, the Panel must make assessments of credibility and decide whose account to believe. The College submits that the Panel should be guided by the following passages from *Bradshaw v. Stenner*, 2010 BCSC 1398:

[186] Credibility involves an assessment of the trustworthiness of a witness’ testimony based upon the veracity or sincerity of a witness and the accuracy of the evidence that the witness provides (*Raymond v. Bosanquet (Township)* (1919), 1919 CanLII 11 (SCC), 59 S.C.R. 452, 50 D.L.R. 560 (S.C.C.)). The art of assessment involves examination of various factors such as the ability and opportunity to observe events, the firmness of his memory, the ability to resist the influence of interest to modify his recollection, whether the witness’ evidence harmonizes with independent evidence that has been accepted, whether the witness changes his testimony during direct and cross-examination, whether the witness’ testimony seems unreasonable, impossible, or unlikely, whether a witness has a motive to lie, and the demeanour of a witness generally (*Wallace v. Davis*, [1926]

31 O.W.N. 202 (Ont.H.C.); *Faryna v. Chorny*, 1951 CanLII 252 (BC CA), [1952] 2 D.L.R. 354 (B.C.C.A.) [Faryna]; *R. v. S.(R.D.)*, 1997 CanLII 324 (SCC), [1997] 3 S.C.R. 484 at para.128 (S.C.C.)). Ultimately, the validity of the evidence depends on whether the evidence is consistent with the probabilities affecting the case as a whole and shown to be in existence at the time (*Faryna* at para. 356).

[187] It has been suggested that a methodology to adopt is to first consider the testimony of a witness on a 'stand alone' basis, followed by an analysis of whether the witness' story is inherently believable. Then, if the witness testimony has survived relatively intact, the testimony should be evaluated based upon the consistency with other witnesses and with documentary evidence. The testimony of non-party, disinterested witnesses may provide a reliable yardstick for comparison. Finally, the court should determine which version of events is the most consistent with the "preponderance of probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions" (*Overseas Investments (1986) Ltd. v. Cornwall Developments Ltd.* (1993), 1993 CanLII 7140 (AB QB), 12 Alta. L.R. (3d) 298 at para. 13 (Alta. Q.B.)). I have found this approach useful.

19. The Panel agrees that this is a useful approach to assess credibility.

### **Evidence**

20. The College's first witness was Douglas Andrie. He testified that:

- a. He was the Clinical Coordinator of the Riverstone Detox / Daytox Program (the "Riverstone Program") at the Chilliwack General Hospital (the "Hospital") during the events in question. He was Ms. Lord's supervisor.
- b. The Riverstone Program provides withdrawal services in clients' homes or other facilities.
- c. The Riverstone Program has an Aboriginal Outreach Team, comprised of a nurse and clinical counselor. Ms. Lord was a nurse on the Aboriginal Outreach Program. Mr. Andrie described Ms. Lord's responsibilities in her position of Aboriginal Outreach Nurse. Ms. Lord worked in the Eastern Valley area from Boston Bar to Anderson Creek.
- d. It was felt because Ms. Lord is Métis and due to her skill and experience, she could build relationships with the communities served by the program and people would feel comfortable to reach out to her for assistance.
- e. The Riverstone Program held a morning team meeting every day at 8:00 am called "Kardex".

- f. Mr. Andrie identified the Fraser Health Authority (“FHA”) Confidentiality and Security of Personal Information policy and stated that it applied to Ms. Lord.
- g. Mr. Andrie testified about the events on January 19, 2017, after having his memory refreshed with a January 19, 2017 email reporting the incident, which he sent to his manager, Lee Erikson. Mr. Andrie stated that everything occurred as documented in the email but that he did not independently recollect many details, other than the meeting ended badly. Mr. Andrie stated that he was re-traumatized by attending this hearing and if he cannot recollect the details, it is because he has blocked some of them out. The January 19, 2017 email records that Mr. Andrie requested contact information to cancel Ms. Lord’s attendance at an upcoming event she was registered to attend which was being held outside of the program’s jurisdiction. Ms. Lord replied that Mr. Andrie could find the information in her shared calendar. Mr. Andrie said he would prefer if Ms. Lord provide the contact information to him. Ms. Lord then became agitated. She walked over and put her phone in Mr. Andrie’s face. She then “blew up”, threw down her phone and yelled many “F words” to Mr. Andrie. Ms. Lord slammed the door and was screaming as she left the room. In his email reporting the incident, Mr. Andrie indicated that he felt Ms. Lord was insubordinate in refusing to provide him with the requested information, and unprofessional in throwing her phone and screaming profanities.
- h. Mr. Andrie testified about Ms. Lord’s behaviour at the Kardex meetings. He described her behaviour as being “bizarre”. He described an incident in which Ms. Lord attended the Kardex meeting wearing “crazy sunglasses and a hat”. When asked by the Panel to provide more details about why those were crazy, Mr. Andrie stated “the colours, the time of day – it was just to be outlandish”. Ms. Lord would also move around the room to stand directly behind Mr. Andrie and was frequently on her phone.

- i. An investigation was conducted into Ms. Lord's behaviour. Ms. Lord was placed on paid leave pending the outcome of the investigation.
- j. During the investigation, a number of issues were brought to light:
  - i. Ms. Lord's husband was driving clients to their appointments.
  - ii. Ms. Lord was speaking about Mr. Andrie to other staff, including talking about killing Mr. Andrie.
  - iii. Ms. Lord was in contact with a patient "BD", while she was on paid leave. BD was in regular contact with Ms. Lord because he was afraid of the Emergency Department.
- k. Mr. Andrie identified an email which he wrote on March 29, 2017 to Ms. Erikson summarizing a telephone call with BD. He wrote that BD stated he "is in regular contact with [Ms. Lord] via cell and texting", "He called her 3 days ago, and he spoke with her and met her", "He stated that he is in need of a physician for medical issues (chest pains). He is afraid of ER and will not get served in WalkIn Clinics anymore", "He is not pursuing detox services at this time". This email followed a request of the same date from Ms. Erikson to get in touch with BD, confirm whether he had been in contact with Ms. Lord and offer any needed services. Ms. Erikson made that request following an email of March 29, 2017 from Crystal Tremblay stating "I checked the messages this morning and there was one from Coralee. This message was left last night. She indicated that we (the aboriginal team or outreach) give [BD] a call as "he is not doing very well".
- l. Ms. Lord filed respectful workplace complaints against Mr. Andrie.
- m. Mr. Andrie described the impact of the work environment due to Ms. Lord's conduct as being very traumatic for everyone, in particular, for the staff who shared a vehicle with Ms. Lord for 12 hours a day. For Mr. Andrie personally, he quit his job and moved out of the province.



- n. On cross-examination, Mr. Andrie stated that he told Ms. Lord he would be a “buffer” between Ms. Lord and his manager, Ms. Erikson.
21. The College’s next witness was Crystal Tremblay. She testified that:
- a. She worked as an Outreach Worker in the Riverstone Program. Ms. Tremblay was on a different team than Ms. Lord.
  - b. In February 2017, she walked into the end of a discussion between Ms. Lord and another colleague, Colleen Poston, in which she heard Ms. Lord say the words, “pillow over his face”. Ms. Tremblay understood Ms. Lord to be saying she wanted to put a pillow over Mr. Andrie’s face. She stated that she did not recall the conversation and did not hear any other comments made by Ms. Lord about Mr. Andrie that could be considered to be threatening.
  - c. While Ms. Lord was on a leave of absence, Ms. Tremblay was asked to advise Ms. Erikson or security if Ms. Lord ever came to work. Ms. Lord did come to work while she was on leave.
  - d. Ms. Tremblay never observed Mr. Andrie try to provoke Ms. Lord.
  - e. There were instances where Ms. Lord was “short” with Ms. Tremblay but Ms. Lord later apologized to her.
  - f. In March 2017, Ms. Tremblay listened to a work voicemail message from Ms. Lord in which Ms. Lord was following up about BD. Ms. Lord advised that she had been in touch with BD and he required assistance from the Riverstone Program. Ms. Tremblay described BD as having a severe substance use disorder. He also had anxiety, particularly in association with coming into the Hospital. After Ms. Lord left on leave, Ms. Tremblay tried to establish a relationship with BD. She would meet him outside of the Hospital to accompany him into the Hospital. Ms. Tremblay stated that Ms. Lord worked very closely with BD. BD trusted Ms. Lord and they worked well together. When she was on leave, BD asked for Ms. Lord and indicated that he preferred to deal with her.

- g. Ms. Tremblay heard from a colleague, Alexis Sipes, who has since passed away, that Ms. Lord delivered treatment to BD in an alley.
  - h. Ms. Lord told Ms. Tremblay that Ms. Lord's husband had driven Ms. Lord and a patient to a long house for healing. Ms. Tremblay stated it was common knowledge that Ms. Lord's husband drove her to and from work events.
  - i. On cross-examination, Ms. Tremblay acknowledged that Ms. Sipes died of an overdose and had been actively using drugs while she was working at Riverstone. Ms. Tremblay did not observe signs that Ms. Sipes had been using drugs at the time she told Ms. Tremblay about Ms. Lord treating BD in the alley.
  - j. On cross-examination, Ms. Tremblay acknowledged that private meetings with patients at the Hospital typically take place in the hallway.
22. The College's next witness was Debbie Welsh. She testified by video conference that:
- a. She was a Clinical Counselor in the Riverstone Program. She worked on the Aboriginal Outreach Team. She no longer works there.
  - b. Her shift was 4 days on 4 days off. She worked 12 hours a day. Ms. Tremblay worked with Ms. Lord for 2 of her 4 shift days. Her shifts with Ms. Lord would involve them doing outreach working and travelling together in a vehicle.
  - c. Ms. Lord spoke about Mr. Andrie to Ms. Welsh. Ms. Lord made derogatory and threatening comments about Mr. Andrie which included "I'm going to kick him in the nuts", "I'm going to show him who is boss", "Doesn't know what the fuck he's doing", "I'm going to cut off his nuts and shove them down his throat", and "I'm going to take him to the union and he won't know what hit him".
  - d. At Kardex meetings, there were occasions during which Ms. Lord stood behind Mr. Andrie and was on her phone. Ms. Lord also wore sunglasses

and a hat. Ms. Welsh could not recall whether there was anything unusual about the sunglasses or hat.

- e. Ms. Welsh did not observe Mr. Andrie provoke Ms. Lord. Ms. Welsh said 'in fairness to Ms. Lord', Mr. Andrie "was not there as a coordinator". Ms. Welsh stated that when Mr. Andrie was there, she observed him to be professional. Ms. Welsh had a strained relationship with Mr. Andrie.
- f. While at work, Ms. Lord would take "quiet time" after supper. She would turn down the lights at her desk and rest.
- g. Ms. Welsh found Ms. Lord's unpredictable conduct to be very difficult and stressful. The unpredictable nature made Ms. Welsh feel unsafe when travelling in a vehicle with Ms. Lord. Ms. Welsh also described times following the Kardex meetings, where she took Ms. Lord for coffee to the library parking lot to help calm her down. Ms. Welsh stated that she walked away from Ms. Lord on the Cheam Reserve and at the Hospital because of how she was treating Ms. Welsh. Ms. Welsh indicated that she was scared of Ms. Lord and did not want to travel with her. Ms. Lord was a large part of the reason that Ms. Welsh left her position.
- h. Ms. Welsh was asked if Ms. Lord suffered from migraines and replied she "didn't pay attention to, no idea, I was more concerned about her behaviours." On cross-examination, Ms. Welsh specified those behaviours included "abruptness, rudeness, and aggression" and "when Ms. Lord was triggered, we suffered."
- i. She is aware of two instances where Ms. Lord's husband drove Ms. Lord to and from work events. The first one was for a suicide training program at Boston Bar. The second was to a reserve in Coquitlam. Ms. Lord was not supposed to attend either event because they were outside the program's jurisdiction.
- j. Ms. Welsh described BD as a patient who developed a strong therapeutic alliance with Ms. Lord. Ms. Welsh stated that she wanted to make very

clear that Ms. Lord “was always a really good nurse and very good to the people. The problem is that sometimes the things that were done were not supposed to be done”. When asked whether BD contacted Ms. Lord outside of work, Ms. Welsh replied that she did not know. She said BD contacted Ms. Lord whenever he wanted to, but Ms. Welsh did not know when Ms. Lord responded.

- k. Ms. Welsh was not able to provide specific details about Ms. Lord meeting BD for treatment in an alley.
  - l. Ms. Welsh described Ms. Lord buying beer for BD on one occasion. Ms. Welsh and Ms. Lord were in a vehicle with BD. They drove to the liquor store. Ms. Lord went into the liquor store to buy beer and gave the beer to BD. The purchase of beer for BD was not recorded in BD’s clinical record. Ms. Welsh said neither she nor Ms. Lord informed the detox team about Ms. Lord purchasing beer for BD as “that would not have gone over well”. On cross-examination Ms. Welsh agreed that she and Ms. Lord tried to convince BD to attend the Emergency Department that day, but BD refused because of his anxiety. Ms. Welsh testified that BD had an Alcohol Dependency.
  - m. Ms. Welsh acknowledged that she left Riverstone after Ms. Lord had left Riverstone and that despite Ms. Lord’s departure, there were remained issues with a “toxic culture”.
  - n. On cross-examination, Ms. Welsh was asked whether she took the San’yas Indigenous Cultural Safety Training course and she indicated that she had.
23. The College’s next witness was Colleen Poston. She testified that:
- a. She was a Health Care Assistant at the Riverstone Program.
  - b. She had shifts at the same time as Ms. Lord but they were on different teams.

- c. Ms. Lord “hated” Mr. Andrie. Ms. Lord made threatening comments towards or about him. In particular, she stated “I want to bite his dick off”. She also stated that she wanted to kill Mr. Andrie. While Ms. Poston could not recall the specific dates of those comments, she could recall them being made as she was “stunned”. When her memory was refreshed, Ms. Poston also agreed that Ms. Lord made other comments including: “I want to put a pillow over [Mr. Andrie’s] face” and “I want to kick him in the nuts”.
- d. Ms. Poston regularly observed Ms. Lord provoke Mr. Andrie. Ms. Lord stood behind Mr. Andrie and was on her cell phone. She wore “rose colored sunglasses”.
- e. Ms. Lord went to reserves on her days off. She was in contact with patients on her days off, notably, BD. BD was not stable in his home environment. Ms. Lord told Ms. Poston that she had “detoxed BD in the alley”. The alley is in Chilliwack, not far from the Hospital.
- f. Ms. Lord’s husband drove her to and from work events. On one occasion, Ms. Lord’s husband picked her up in Mission and drove Ms. Lord and her colleague to a physician’s clinic in Maple Ridge. Ms. Lord’s husband sat in the lobby. Another time, in approximately 2016, Ms. Lord’s husband accompanied her to the Lookout Shelter in Abbotsford.
- g. Ms. Lord took sleeping pills at approximately 6:30 pm and the staff would cater to her by turning down the lights and not using the photocopier.
- h. Ms. Poston described Ms. Lord’s behaviour as “explosive” but also “funny and helpful”.
- i. Ms. Poston described one incident involving Ms. Lord and Mr. Andrie as having been “vicious”. She said Ms. Lord was “spitting nails mad and swearing: F..., F....F....”. She had her “fists clenched” and was “in a rage”. Ms. Lord was stomping her feet.

- j. On cross-examination, Ms. Poston agreed she never saw Ms. Lord go to a patient's house with her husband, or have a conversation with a patient outside of work.
  - k. On cross-examination, Ms. Poston was asked whether she took the San'yas Indigenous Cultural Safety Training Course and she indicated that she had.
24. The College's last witness was Lee Erikson. She testified that
- a. She was the Mental Health Substance Use Manager. The Riverstone Program was one of the programs which Ms. Erikson oversaw. Mr. Andrie reported to Ms. Erikson.
  - b. Ms. Lord's behaviour came to Ms. Erikson's attention when a staff member asked management to remind the staff that they should not leave work early. Ms. Erikson asked Mr. Andrie to investigate and during the course of that investigation, a number of issues came to light about Ms. Lord. Specifically, Ms. Lord was leaving work early, her husband was driving her to places where employees in the Riverstone Program were required to see patients, she was attending events when she was not scheduled to work, she was going to First Nations communities on her day off when she was not scheduled to work, she was seeing patients on her day off, she was hostile to her supervisor Mr. Andrie and made threatening remarks about what she wanted to do to him, she was walking her dog rather than assisting co-workers with detox activities, and she purchased beer for a patient who is alcohol dependent.
  - c. The staff reported feeling unsafe as a result of Ms. Lord's behaviour.
  - d. Because of the safety issue, Ms. Lord was placed on a paid leave of absence during the investigation.
  - e. Ms. Erikson received the report from Mr. Andrie about the incident on January 19, 2017.

- f. Ms. Erikson conducted an interview of Ms. Lord on March 17, 2017. Her notes from that meeting were made contemporaneously and were entered into evidence. Ms. Lord agreed that her husband drove her and co-workers to client visits. Ms. Lord acknowledged she probably made the comment “he is a dick” about Mr. Andrie. Ms. Lord may have stated “he doesn’t know what the fuck he is doing” and she may have told people “have a process in the union right now, he won’t know what hit him”. When asked by Ms. Erikson whether she was aware that these comments are considered threatening, abusive and insubordinate, Ms. Lord replied “I am sure they are. Doug regularly threatens me with termination”. Ms. Lord acknowledged wearing sunglasses and said it was because of her migraines. Ms. Lord denied standing behind Mr. Andrie at meetings or being on the phone during meetings.
- g. On March 31, 2017, Ms. Erikson received a forwarded email attaching a text message from Ms. Lord which stated “I heard from [BD]. He needs an appointment for detox”.
- h. Ms. Erikson held a second meeting with Ms. Lord on May 3, 2017. Typed notes from that meeting were entered into evidence. The notes indicate that Ms. Lord refused to answer the questions relating to her attendance at First Nations reserves for training events when she was not working. Ms. Lord denied taking rests from 6 pm to 8 pm. Ms. Lord acknowledged that her husband drove her to a shelter in Abbotsford. She said that she did not feel safe attending on her own. Ms. Lord also acknowledged that her husband dropped her off and picked her up at the Hospital. She denied sharing confidential information in the presence of her husband. Ms. Lord denied using profanity on January 19, 2017. She stated that Mr. Andrie was trying to humiliate her and it related to workplace complaints Ms. Lord made against Mr. Andrie. Ms. Lord stated she had to leave the room for her sanity. Ms. Lord reported no medical condition, disability or request for accommodation.

- i. By letter dated May 24, 2017, FHA terminated Ms. Lord.
  - j. On cross-examination, Ms. Lord asked several questions to Ms. Erikson suggesting that Ms. Erikson was bullying and harassing Ms. Lord and inciting others, such as Mr. Andrie to do the same. Ms. Erikson did not accept those propositions.
  - k. In response to a Panel question, Ms. Erikson stated that she does not consider treatment in an alley to be problematic.
  - l. Ms. Erikson also clarified in response to a Panel question that there is no FHA policy about use of vehicles. The requirement to hold a driver's licence may exist in a job posting or job description.
25. Ms. Lord testified on her own behalf. She called no other witnesses. Ms. Lord testified that:
- a. In 2016 to 2017, she applied for a mental health position as well as a detox position at Riverstone. Ms. Lord believes that Ms. Erikson did not like Ms. Lord personally or professionally and, as a result, chose to place her in the Riverstone Program position, which Ms. Lord says was a toxic work environment. Ms. Lord indicated that "we are here today because Ms. Erikson continues to harass me"; "I believe that [Ms Erikson] chose the toxic work environment in order to fire me."
  - b. The January 19, 2017 incident was the result of Mr. Andrie "nitpicking and harassing" Ms. Lord for close to nine months. Ms. Lord was anxious anytime she went to a meeting. On this day, Ms. Lord said that Mr. Andrie wanted to cancel her attendance at an event in Coquitlam that had been booked by another member of the team. She had indicated to Mr. Andrie that he should cancel it as it did not look good if one member of the team cancelled an event booked by another member of the team. Ms. Lord told Mr. Andrie that the event details and contact information were in the shared calendar, however, Mr. Andrie was not satisfied with that and wanted Ms. Lord to provide him with the contact information. Ms. Lord



then showed Mr. Andrie her phone. Finally, she wrote down the details on a piece of paper, but he said, “you are not going to write that down on that paper are you?” Ms. Lord then left the room crying.

- c. Ms. Lord chose to wear sunglasses and sit out of Mr. Andrie’s line of sight because it made her less of a target. She denies standing behind him. She may have worn a touque in the winter. When a colleague told Ms. Lord that her sunglasses were bothering Mr. Andrie, Ms. Lord stopped wearing them.
- d. Ms. Lord is not aware of what kind of treatment it is alleged that she delivered to BD in an alley. There is no alley near the Hospital. She has never given treatment to someone in an alley. BD is homeless and “couch surfs”. He never stayed in the same place. Ms. Lord has never met with him alone. BD did contact Ms. Lord frequently by text message on her phone. That was the only consistent manner of contact with BD. When Ms. Lord was placed on a paid leave of absence, she was not asked to return her phone. Ms. Lord had been on leave for approximately 2 to 3 weeks when she received text messages letting her know that BD was not doing well. BD had not reached out to Riverstone. His history was not having been treated well at the Hospital. Ms. Lord thought she should let the team know that BD was struggling and needed assistance.
- e. Ms. Lord denies meeting patients on her days off. The one exception was on February 14, 2017, when she received a late invitation from a drug and alcohol counselor from Cheam regarding a relaxation class the next day for women who had been traumatized. The invitation was only for women. Ms. Lord was the only member of the Aboriginal Outreach Team working on February 14, 2017 and the staff member scheduled for the next day was a man. Ms. Lord left her shift two hours early on February 14, 2017 so she could attend the event in Cheam on February 15, 2017, which was a day she was not scheduled to work.

- f. Ms. Lord was subsequently placed on leave. Ms. Lord received no information about the reasons for her paid leave until the first meeting in March 2017.
- g. Ms. Lord said Ms. Welsh has no knowledge of Aboriginal culture or practice. Once while they were working in Cheam, Ms. Welsh left the water running while doing dishes. She did not realize that they were on well water. Ms. Lord corrected her and said that Ms. Welsh did not appreciate having her behaviour corrected.
- h. Ms. Lord stated she was the only one who had taken the San'yas Indigenous Cultural Competency Training program and was the only one with First Nations culture and history. Ms. Lord had worked in the Emergency Department for six years and had firsthand knowledge of how First Nations people were treated at the Hospital.
- i. With respect to the incident of purchasing beer for BD, Ms. Lord testified about a number of the circumstances leading to that decision. BD was the last appointment of the day. BD had fallen and was on crutches. Ms. Wells and Ms. Lord were asked to drive BD home that evening. BD asked if they could stop at the liquor store on the way home. BD had told them he had stopped drinking that morning and was experiencing withdrawal. BD's cousin normally bought his alcohol but BD did not know when his cousin could do so. Ms. Wells and Ms. Lord tried to convince BD to go to the Emergency Department but he refused. BD gave Ms. Lord money and she purchased beer for him. She felt she had no other options.
- j. Ms. Lord brought the Panel to a 2003 workplace evaluation she received which was positive, as well as a December 14, 2009 letter of reference from Morrie Steele in support of her application for a Master's of Nursing program at the University of Victoria which was also very positive.
- k. After taking the "Bystander to Ally" course in May 2017, Ms. Lord wrote a letter to the First Nations Health Authority setting out why she felt

Riverstone was unsafe and asking that they intervene. In this letter, Ms. Lord makes the following statement about BD:

Lee has contacted the College of registered nurse requesting my nursing licence be revoked because I put clients first and answered the text messages of the first nation's client I mentioned earlier. I also offered to meet him at Riverstone on a regular scheduled day off because I feared he would not show for his doctor's appointment unless I was there to support him. He did attend that appointment and he told me it was because I was there.

- I. In response to questions, Ms. Lord said that her description above was poorly worded and that she did not in fact meet BD in person or attend an appointment with him.
26. Under cross-examination, Ms. Lord denied making the statements "pillow over his face", "kick him in the nuts", "cut his nuts off and stuff them down this throat", and "bite his penis off". Ms. Lord also denied wearing sunglasses because she did not want to look at Mr. Andrie's face. When asked to explain how three of her colleagues told the Panel she made those comments about Mr. Andrie, Ms. Lord responded that those witnesses are all employed by Mr. Andrie and Ms. Erikson and they have "inferior" positions and education to Ms. Lord, making them more amenable to influence and at risk of harassment themselves.
  27. Under cross-examination, Ms. Lord admitted that she bought BD beer and stated that she had no other available options. Ms. Lord stated that the nurse in charge was made aware of the situation. She admitted she did not document the purchase of beer, stating that "it was not her role" and she was not trained in the "PARIS system".
  28. When asked about her husband driving her to work events, Ms. Lord stated that Mr. Andrie "set her up" in one circumstance involving Ms. Sipes where she was forced to have her husband drive. Ms. Lord admitted having her husband drive her to two shelters because she felt unsafe.
  29. On cross examination, Ms. Lord was asked to explain how she was bullied by Ms. Erikson via Mr. Andrie as proxy when her colleagues testified that they were afraid of Ms. Lord. Ms. Lord responded that her colleagues also found the environment

to be toxic. Ms. Lord stated that she expects they were stressed watching her be harassed and bullied by Mr. Andrie. Ms. Lord was asked to reconcile that statement with evidence given by those three colleagues that they did not observe Mr. Andrie bully Ms. Lord and that he always acted professionally toward her. Ms. Lord explained that Mr. Andrie's bullying was subtle; he would glare at Ms. Lord.

30. In response to Panel questions, Ms. Lord denied any outburst and use of profanity on January 19, 2017. She said she cried and left the office.

### **Analysis and Findings of Fact**

#### ***Allegation 1***

31. The Panel finds that the College has proven to the requisite standard that on January 19, 2017, Ms. Lord used profanity and engaged in conduct unbecoming a health professional towards her supervisor to the requisite standard contrary to one or more College standards.
32. Mr. Andrie's evidence from memory was that Ms. Lord "exploded, screamed the F word at me and was screaming while she was walking down the hallway". He prepared an email summary of the incident which was sent to Ms. Erikson on January 19, 2017 at 9:54 am, less than two hours after the incident. In his email, Mr. Andrie states "It was at this point that she blew up, throwing her blackberry down and stood up, yelling many "F" words to me, and slammed the office door, as she left, still screaming." While Mr. Andrie's memory was weak on certain points, it was clear with respect to the central element of this allegation, i.e. Ms. Lord's use of profanities towards him. When asked "was she yelling profanities?", he responded adamantly, "absolutely...she was yelling the f word, she was completely out of control". On cross-examination, Mr. Andrie maintained Ms. Lord was "out of control".
33. Ms. Poston could not recall the date of the January 19, 2017 incident but was clear in her description of a "particularly vicious" incident with Mr. Andrie. Ms. Poston stated Ms. Lord "went too far – like way too far". She stated she was "spitting nails mad and swearing, fuck, fuck, fuck, fists clenched, in a rage" and noted that she

was stomping her feet. Ms. Poston's maintained her description of Ms. Lord being "in a rage" on cross-examination.

34. Ms. Lord denies that she swore at Mr. Andrie. In her closing submissions she states "In my career of 25 years, I have NEVER sworn at a supervisor and this was no exception. I ran from the room crying, no one could make out what I said." Ms. Lord maintains that several of her colleagues were in attendance and she did not want to call them as witnesses as she did not want them to suffer harassment from Ms. Erikson.
35. The Panel has considered Ms. Lord's testimony about the January 17, 2019 incident. It accepts that she did run out of the Kardex meeting crying. In considering Mr. Andrie's testimony, Ms. Poston's testimony and Mr. Andrie's email of January 17, 2019, however, the preponderance of probabilities is that Ms. Lord also yelled profanities at Mr. Andrie and continued to yell profanities as she slammed the door on her way out of the room.
36. The Panel finds this behaviour to be unbecoming a health professional towards their supervisor. It caused disruption among staff and took members of the team away from their health care duties.
37. The Panel finds this conduct breaches the following standards:
  - Ethical Practice
  - 7 Promotes and maintains respectful communication in all professional interactions.
  - 8 Treats colleagues, students and other health care workers in a respectful manner.

***Allegation 3***

38. The Panel finds that the College has proven to the requisite standard that between September 2016 and March 2017, Ms. Lord made aggressive and threatening statements regarding her supervisor contrary to one or more College professional standards.
39. Ms. Welsh testified that Ms. Lord made the following comments about Mr. Andrie "I'm going to kick him in the nuts", "I'm going to show him who is boss", "He doesn't

know what the fuck he is doing”, “I want to cut his nuts off and stuff them down this throat”, “I want to cut his nuts off and strangle him with them”, and “I am going to take him to the union and he wouldn’t know what hit him”. The Panel found Ms. Welsh’s evidence to be convincing and unwavering. She was clear and her memory was strong. She was unshaken in cross-examination. The Panel also notes that Ms. Welsh gave this testimony despite also acknowledging that she had her own misgivings about Mr. Andrie, and that she found that Mr. Andrie was not present as a coordinator. Further, Ms. Welsh was clear to state that she felt Ms. Lord was a good nurse and very good to her patients. The Panel found Ms. Welsh’s evidence to be credible, forthright, considered and without exaggeration.

40. Ms. Poston also gave evidence about statements she heard Ms. Lord make about Mr. Andrie. Specifically, Ms. Lord said, “I want to cut his dick off”, she wanted to kill Mr. Andrie, and that she wanted to put a pillow over Mr. Andrie’s face. Ms. Poston said that Ms. Lord made numerous comments about Mr. Andrie but those three comments “stuck out” to her the most. Ms. Poston said she was “stunned” at hearing the remarks. When refreshed, Ms. Poston also recollected Ms. Lord stating that she wanted to “kick him in the nuts”. Ms. Poston stated Ms. Lord tried to provoke Mr. Andrie almost every day; she hated him. The Panel finds these comments to be specific and strong recollections which did not change under cross-examination. The Panel notes that Ms. Poston describes recollecting the first three comments vividly because of how struck she was by them.
41. Ms. Tremblay’s testified that she walked in at the end of a conversation in which Ms. Lord was stating she wanted to cover Mr. Andrie’s face with a pillow. Ms. Tremblay’s evidence about this statement is not strong. She came into the end of a discussion, and she made an inference that Ms. Lord was speaking about Mr. Andrie. The Panel notes that Ms. Tremblay’s evidence does not contradict the other College witnesses’ accounts and is consistent with the stronger evidence provided by Ms. Poston who was present for the entire comment about the pillow which was made.

42. Mr. Andrie's evidence about the comments made by Ms. Lord is based primarily upon what others told him. Mr. Andrie also had difficulty recollecting specific details and had little independent memory. The Panel accepts Mr. Andrie's evidence that he felt unsafe and left his job and moved provinces at least in part due to Ms. Lord.
43. Ms. Erikson provided little independent recollection of comments made by Ms. Lord. She primarily read from documents in front of her. The Panel accepts that the March 17, 2017 document records that Ms. Lord stated at that time that she "probably" and "may have" said that Mr. Andrie "is a dick" and "doesn't know what the fuck he is doing", and that she may have said there is a "process in the union right now, he won't know what hit him". The Panel also accepts that the May 3, 2017 investigation document records Ms. Lord disputing that she made any threatening comments about Mr. Andrie. The Panel also accepts that the May 24, 2017 termination letter refers to a number of these statements being made. Nevertheless, the Panel does find the quotes in the investigation documents and termination letter to be unattributed. There is no record of who provided information that Ms. Lord made such comments. As such, the Panel gives more weight to the evidence of Ms. Welsh and Ms. Poston regarding their direct evidence of those comments. The investigation documents and termination letters are consistent with that testimony.
44. Ms. Lord denied making any of the comments attributed to her. The Panel finds this is inconsistent with the direct testimony of several other witnesses and one of the investigation documents in which she is recorded to have admitted making some of those comments.
45. The Panel does not accept Ms. Lord's submission that Ms. Welsh, Ms. Poston and Ms. Tremblay provided the testimony they did because they had "inferior positions" or "less education" than Ms. Lord. There was no evidence in support of those assertions. The Panel also finds no evidence in support of the assertion that those witnesses were influenced by or subject to harassment from Mr. Andrie or Ms. Erikson. The Panel notes that Ms. Welsh is no longer working at Fraser Health,

made positive statements about Ms. Lord's nursing, and testified that she did not like Mr. Andrie.

46. The Panel finds the preponderance of probabilities is that Ms. Lord made comments with words to the effect of: "I'm going to kick him in the nuts", "I'm going to show him who is boss", "He doesn't know what the fuck he is doing", "I want to cut his nuts off and stuff them down this throat", "I want to cut his nuts off and strangle him with them", "I am going to take him to the union and he wouldn't know what hit him", "I want to cut his dick off", "I want to kill him", and "I want to put a pillow over his face." Ms. Lord made those comments about Mr. Andrie and to her colleagues.
47. The Panel finds these comments are aggressive and threatening.
48. The Panel finds these comments to be contrary to the following standards:

Ethical Practice

7 Promotes and maintains respectful communication in all professional interactions.

8 Treats colleagues, students and other health care workers in a respectful manner.

Professional Responsibility and Accountability

1 Is accountable and takes responsibility for own nursing actions and professional conduct.

***Allegation 4***

49. The Panel does not find that the College has proven to the requisite standard that between September 2016 and March 2017, Ms. Lord engaged in aggressive and threatening behaviour towards her supervisor.
50. This allegation pertains to conduct by Ms. Lord towards Mr. Andrie as opposed to statements made by her about Mr. Andrie, which is dealt with in Allegation 3. The conduct at issue primarily took place at the Kardex meetings. Specifically, that Ms. Lord wore sunglasses and a hat, that she stood behind Mr. Andrie, and was on her cell phone.



51. Mr. Andrie gave evidence that Ms. Lord wore “crazy sunglasses and a hat”. When asked to clarify what he meant by “crazy”, his response was vague. He was not able to describe the appearance of the sunglasses or why the sunglasses and hat were “crazy”. He also testified that Ms. Lord stood behind him during Kardex meetings and was on her phone. Unlike Ms. Lord’s threatening and aggressive comments in Allegation 3, which clearly significantly troubled Mr. Andrie, the Panel did not find any indication that Mr. Andrie felt Ms. Lord’s behaviour in Kardex meetings was threatening or aggressive. He did not take this behaviour up with his manager in the same manner as he did with Ms. Lord’s statements, and he appeared to find Ms. Lord’s behaviour as silly or immature as opposed to threatening and aggressive.
52. Ms. Welsh also testified that Ms. Lord stood behind Mr. Andrie during Kardex meetings, wore sunglasses and a hat. She said Ms. Lord wore the sunglasses because she did not like Mr. Andrie. Ms. Welsh could not describe the hat.
53. Ms. Poston testified that Ms. Lord wore rose-coloured sunglasses to aggravate Mr. Andrie.
54. Ms. Lord testified she wore blue coloured sunglasses and stood behind Mr. Andrie to get out of Mr. Andrie’s sight line. During the investigation, she stated she wore the sunglasses due to migraines. Ms. Lord testified she only wore a hat in winter. She denied standing behind Mr. Andrie on the basis that it was “impossible” to stand there.
55. The Panel finds the preponderance of probabilities is that Ms. Lord did wear sunglasses and a hat to Kardex meetings, stood behind Mr. Andrie and was on her cell phone; however, the evidence as to the nature of that conduct is weak. There is a conflict as to whether the sunglasses were rose-coloured, blue-coloured, or “crazy” in some other manner. There is no evidence about the appearance of the hat, other than Ms. Lord’s testimony that she may have worn a touque in the winter. The evidence other than Ms. Lord’s is consistent that she stood behind Mr. Andrie and spoke on her phone during Kardex meetings; however, there are little details about that behaviour.

56. The Panel does not accept Ms. Lord's explanation that she wore the sunglasses to remove herself from Mr. Andrie's line of sight. The Panel finds that Ms. Lord wore sunglasses, a hat, stood behind Mr. Andrie, and was on her cell phone during Kardex meetings in order to try to provoke Mr. Andrie. Nevertheless, the Panel does not find that this conduct amounts to engaging in "aggressive and threatening behaviour" towards her supervisor. Accordingly, this allegation is dismissed.

***Allegation 5***

57. The Panel finds that the College has proven to the requisite standard that between September 2016 and March 2017, Ms. Lord met with, or was otherwise in communication with, clients outside of working hours, contrary to one or more College standards.
58. This allegation primarily relates to Ms. Lord's interactions with BD while she was on paid leave of absence pending the outcome of the investigation.
59. Mr. Andrie testified regarding the events on March 29, 2017 in which Ms. Tremblay received a voicemail from Ms. Lord stating that she had been in contact with BD, he was not doing well and the Riverstone Team should reach out to him. Mr. Andrie identified his email of that date summarizing a telephone call with BD in which BD confirmed that he had been in regular contact with Ms. Lord via text and that they had met in person.
60. Ms. Tremblay also testified about the voicemail message received from Ms. Lord regarding patient BD. Ms. Tremblay also testified about Ms. Sipes having told her Ms. Lord treated BD in an alley however, Ms. Tremblay was clear she had little information in that regard, and it was purely via Ms. Sipes.
61. Ms. Poston testified that Ms. Lord told her that she provided detox treatment to BD in the alley. She provided no information as to what that treatment entailed. Ms. Poston also testified that Ms. Lord was in contact with BD on her days off.
62. Ms. Welsh did not know whether BD contacted Ms. Lord outside of work. She said BD contacted Ms. Lord whenever he wanted to via text but Ms. Welsh did not know when Ms. Lord responded.

63. Ms. Erikson stated that she does not consider treatment in an alley to be problematic.
64. Ms. Lord denied giving treatment to any patients in an alley. Ms. Lord said she has never met with BD alone or in person. Ms. Lord did acknowledge BD contacted her while she was on her leave of absence. She reached out to Riverstone to advise them of that and to ask them to get in touch with him.
65. Ms. Tremblay, Ms. Welsh and Ms. Lord described Ms. Lord as having a strong therapeutic relationship with BD in which he trusted her. All of the evidence suggests that BD otherwise lacked trust in the Hospital.
66. The Panel finds that Ms. Lord met with BD and texted with BD while she not working, including during her leave of absence. While she maintained she did not meet with him in person, her letter to the FNHA from May 2017 clearly indicates otherwise. The Panel does not accept Ms. Lord's explanation that she worded the letter badly. She was otherwise precise in her choice of words and the relevant passage in her letter is not ambiguous. Ms. Lord meeting with BD in person is consistent with all of the evidence which suggests BD was only trusting of Ms. Lord and, because of his lack of trust in others, would only attend medical appointments and enter the Hospital if he was personally accompanied by Ms. Lord.
67. It is clear that Ms. Lord had a strong therapeutic relationship with BD and was the only member of the team to connect with him. While Ms. Lord should not have been in contact (via cell phone or in person) with a patient while she was not working, or in particular, while she was on leave of absence due to an investigation which involved safety issues, having received the messages she did about BD, she took the appropriate steps by passing along BD's situation to the Riverstone Team. She indicated that BD required assistance and recommended that they reach out to help him. The Panel also notes that BD's specific circumstances of being First Nations, homeless, seriously ill, and lacking trust in the Hospital are significant factors which explain Ms. Lord's conduct.
68. The Panel makes no finding about Ms. Lord having treated BD in an alley. The little evidence that exists in that regard is based upon hearsay which is refuted by Ms.

Lord's direct testimony. While hearsay evidence is admissible, the hearsay evidence is unclear about what treatment was delivered, when, and in what alley. Moreover, the program manager, Ms. Erikson sees no issues with treatment being delivered in an alley in any event.

69. The College alleges that Ms. Lord's conduct is contrary to the Boundaries in the Nurse-Client Relationship Practice Standard, the first principle which states: "The nurse – not the client – is always responsible for establishing and maintaining boundaries".
70. The Panel agrees that in texting and meeting with BD outside of work hours including while she was on a leave of absence, Ms. Lord acted contrary to the first principle of the Boundaries in the Nurse-Client Relationship Practice Standard. However, the Panel does also find that there are significant extenuating circumstances.

***Allegation 6***

71. The Panel finds that the College has proven to the requisite standard that Ms. Lord purchased and provided beer to a client diagnosed with Alcohol Dependency, failed to inform the detox team or the addiction physicians of this client's alcohol withdrawal symptoms, and failed to record the provision of beer in the client's documentation, contrary to one or more of the College's standards.
72. The central facts pertaining to this allegation are not in dispute.
73. Ms. Welsh testified that in September 2016, she drove Ms. Lord and BD to the liquor store where Ms. Lord bought BD a six pack of beer. Ms. Welsh remained in the car with BD while Ms. Lord purchased the beer. Ms. Lord then provided the beer to BD. Ms. Welsh testified that BD had an Alcohol Dependency. Ms. Welsh testified that she was unaware of the alcohol purchase having been recorded in BD's documentation. Ms. Welsh said neither she nor Ms. Lord informed the detox team about Ms. Lord purchasing beer for BD as "that would not have gone over well". Ms. Welsh did not agree with Ms. Lord's proposition on cross-examination that BD told them the detox doctor had told him not to stop drinking.

74. Ms. Lord admitted she purchased beer for BD and provided it to him. She stated that she bought the beer with BD's money. Ms. Lord admitted that she did not document the purchase or provision of beer in BD's documentation. Ms. Lord stated that the nurse in charge was informed about the beer. She did not testify that she informed the addiction physicians about the beer. Ms. Lord stated that she attempted to contact the physician in the Emergency Department about obtaining a prescription and that the physician had already left. Both Ms. Welsh and Ms. Lord stated that they attempted to convince BD to go to the Emergency Department.
75. The Panel finds that both Ms. Lord and Ms. Welsh did attempt to convince BD to go to the Emergency Department but that he refused to do so. The Panel finds that Ms. Lord purchased and provided beer to BD. The Panel finds that BD was diagnosed with Alcohol Dependency.
76. There is an absence of any clinical documentation with respect to some of Ms. Lord's assertions, including that she spoke to a nurse in charge and that BD was ordered by a physician not to stop consuming alcohol until he obtained a detox bed. Ms. Lord did not call any witnesses to provide that evidence. The Panel finds that the purchase of beer was not recorded in BD's documentation. The Panel accepts Ms. Welsh's evidence that this was because "it would not have gone over well". Given Ms. Lord's decision to purchase and provide beer for BD and that she did not record anything about the beer in BD's documentation, the Panel finds it more likely that Ms. Lord failed to inform the detox team or addictions physicians about BD's withdrawal symptoms.
77. The Panel finds this conduct is contrary to the following College standards:
  - Professional Responsibility and Accountability
  - Clinical Practice
  - 4 Takes action to promote the provision of safe, appropriate and ethical care to clients.

#### Documentation

Communication: Through documentation, nurses communicate to other health care providers their nursing assessment and diagnosis of a client's condition, the plan of care, interventions that are carried out by nurses, and the outcomes of the interventions.

#### Principles

2 When caring for clients, nurses document using a logical process (e.g. assessment, nursing diagnosis, planning, implementation and evaluation), including information or concerns reported to another health care provider and that provider's response.

### ***Allegation 7***

78. The Panel finds that the College has not proven to the requisite standard the allegation that between May 2016 and January 2017, Ms. Lord's husband drove her, and on one or more occasions Ms. Lord and clients, to health care facilities where she was working, contrary to one or more of the College's standards.
79. Ms. Tremblay testified that Ms. Lord often had her husband pick her and her co-worker (Ms. Sipes) up during the day when they were doing outreach work. She testified about a specific incident involving a client who was driven to a long house.
80. Ms. Welsh testified that on two occasions Ms. Lord had told her that her husband drove her to work events. One was to Boston Bar and the second was to a reserve.
81. Ms. Poston testified that it was a regular occurrence for Ms. Lord's husband to drive her to work events.
82. Ms. Erikson stated that Ms. Lord admitted her husband drove her to work events but stated that no confidential client information was shared.
83. Ms. Lord agreed that her husband drove her to work events on three occasions but none of those occasions involved clients being in the vehicle.
84. The Panel accepts that there is consistent hearsay evidence that Ms. Lord's husband frequently drove her to work events. This is also admitted by Ms. Lord. However, the details of those events are weak and lacking dates, client names,

and in some instances, locations, and are insufficient for the Panel to make a conclusion with respect to the central aspect of this allegation, which is that Ms. Lord's husband became privy to confidential patient information because he was either in the vehicle with the patients, or acquired that information because of conversations with co-workers in the vehicle or by virtue of his presence at the locations where he drove Ms. Lord. Accordingly, the Panel dismissed this allegation.

### **Unprofessional Conduct**

85. Section 39(1) of the HPA provides that on completion of a hearing, the Discipline committee may determine that the Respondent has committed professional misconduct or unprofessional conduct.

86. Section 26 of the HPA defines unprofessional conduct as:

"unprofessional conduct" includes professional misconduct.

"professional misconduct" includes sexual misconduct, unethical conduct, infamous conduct and conduct unbecoming a member of the health profession

87. The College submits that "unprofessional conduct" can broadly be considered conduct "which violates the ethical code or rules of a profession or such conduct which is unbecoming a member of the profession in good standing" (*Re McLellan*, CRNBC 2018 para 54).

88. The College also relies upon the definition of professional misconduct in *Pearlman v. Manitoba Law Society Judicial Committee*, [1991] 2. S.C.R. 869 as "conduct which would be reasonably regarded as disgraceful, dishonorable, or unbecoming of a member of the profession by his well respected brethren in the group – persons of integrity and good reputation amongst the membership".

89. The College submits that in this case, the conduct alleged, when taken together, represents a pattern of professional misconduct that readily meets the description in *Pearlman*.

90. In this case, the Panel finds that the conduct proven in allegations 1 and 3 represent a marked departure from the standard to be expected of registered nurse who is expected to communicate to and about her supervisor in a professional and respectful manner. The use of profanity was unbecoming a nurse, and the statements made about Mr. Andrie were aggressive and threatening. These actions would be considered to be disgraceful, dishonorable or unbecoming of a member of the nursing profession. They also created fear and stress among members of the Riverstone team.

### **Bullying and Harassment by Ms. Erikson**

91. The Panel has considered the primary position advanced by Ms. Lord in this hearing, that events at issue were driven by Ms. Erikson's long-standing dislike for Ms. Lord.
92. The Panel acknowledges that there were pre-existing workplace issues and ones that continued past Ms. Lord's departure, including Worksafe complaints. The environment may have contributed to a breakdown in communication between Ms. Lord and some of the College's witnesses. However, based upon the evidence before it, Ms. Lord has not established that her conduct was connected to Ms. Erikson's dislike of Ms. Lord and this does not provide Ms. Lord with a defence to the proven conduct. Indeed, Ms. Lord has not succeeded in establishing that Ms. Erikson does in fact dislike her. She has simply raised that assertion. The Panel does not accept that Mr. Andrie has acted as a proxy for Ms. Erikson. The overwhelming evidence was that Mr Andrie did not harass or provoke Ms. Lord or act unprofessionally towards Ms. Lord. The Panel also refuses to accept the suggestion that Ms. Welsh, Ms. Poston and Ms. Tremblay testified against Ms. Lord because they were in inferior positions and held lesser education than Ms. Lord and were therefore susceptible to influence or harassment from Mr. Andrie or Ms. Erikson.

### **Schedule for Submissions on Penalty and Costs**

93. The Panel requests that the parties provide written submissions regarding the appropriate penalty and costs.



94. The Panel requests that the parties provide the written submissions in accordance with the following schedule:
- a. Submissions must be delivered by counsel for the College to Ms. Lord and the Panel no later than September 15, 2020;
  - b. Submissions must be delivered by Ms. Lord to counsel for the College and the Panel no later than September 30, 2020; and
  - c. Reply submissions may be delivered by counsel for the College to Ms. Lord and the Panel no later than October 7, 2020.
95. Submissions for the Panel should be delivered to Susan Precious, counsel for the Panel and may be delivered electronically.

**Notice of right to appeal**

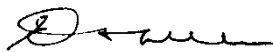
96. Ms. Lord is advised that under section 40(1) of the Act, a respondent aggrieved or adversely affected by an order of the Discipline Committee under section 39 of the Act may appeal the decision to the Supreme Court. Under section 40(2), an appeal must be commenced within 30 days after the date on which this order is delivered.

Dated: August 25, 2020



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Sheila Cessford, Chair



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Edna McLellan, RN (T)

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Stephanie Buckingham, RN (T)

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**Notice of right to appeal**

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Dated: August 25, 2020

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Sheila Cessford, Chair

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Edna McLellan, RN (T)

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Stephanie Buckingham, RN (T)