

COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA

**IN THE MATTER OF
A HEARING UNDER *THE HEALTH PROFESSIONS ACT*,**

**AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF LARRY LEDUC**

**DECISION OF THE HEARING TRIBUNAL
OF THE
COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**

**IN THE MATTER OF A HEARING UNDER THE *HEALTH PROFESSIONS ACT* REGARDING THE
CONDUCT OF LARRY LEDUC, LPN #27243, WHILE A MEMBER OF THE COLLEGE OF LICENSED
PRACTICAL NURSES OF ALBERTA**

DECISION OF THE HEARING TRIBUNAL

(1) Hearing

The hearing was conducted at the offices of the Alberta Dental Association & College in Edmonton, Alberta on May 17, 2019 with the following individuals present:

Hearing Tribunal:

James Lees, Public Member, Chairperson
Verna Ruskowsky, Licensed Practical Nurse (“LPN”)
Johanne Rousseau-Chicoine, LPN

Staff:

Colleen Wetter, Acting Complaints Director for the College of Licensed Practical Nurses of Alberta (“CLPNA”)
Jason Kully, Legal Counsel for the Complaints Director, CLPNA

Investigated Member:

Larry Leduc, LPN (“Mr. Leduc” or “the member”)
David Lardner, Legal Counsel for the member
Ben Zorn, AUPE Representative for the member

Court Reporter:

Sharon Hayes, CSR(A)

(2) Preliminary Matters

The hearing was open to the public.

There were no objections to the members of the Hearing Tribunal hearing this matter, and no Hearing Tribunal member identified a conflict. There were no objections to the composition or the jurisdiction of the Hearing Tribunal.

The Hearing was conducted by way of an Agreed Statement of Facts and a Joint Submission on Penalty.

(3) Background

Larry Leduc was an LPN within the meaning of the *Health Professions Act* (“HPA”) at all material times, and more particularly, was registered with CLPNA as an LPN at the time of the complaint, when Larry Leduc was working as a Unit Manager at the Royal Alexandra Hospital (the “Hospital”). Mr. Leduc was initially licensed as an LPN in Alberta on January 1, 2004. Mr. Leduc commenced his position as Unit Manager in the Medical Device Reprocessing Department at the Hospital on September 9, 2016 and resigned effective September 1, 2017.

On September 14, 2017, the CLPNA received a complaint (the “Complaint”) from Ms. Catherine Williamson, Edmonton Zone Medical Device Reprocessing Lead, care of Dennis Holliday, HR Business Partnerships, Alberta Health Services, pursuant to s. 57 of the HPA. The Complaint stated Mr. Leduc, LPN, had resigned from his employment at the Hospital on September 1, 2017 in the face of an active investigation into alleged workplace harassment and/or disrespectful and bullying behaviour while employed as a Unit Manager at the Hospital.

As a result of a conflict of interest, Sandy Davis, Complaints Director for the CLPNA, delegated her authority and powers under Part 4 of the Act to Colleen Wetter, Director-Professional Conduct/Complaints Department, Alberta Dental Association & College, (the “Acting Complaints Director”) pursuant to s. 20 of the HPA. Ms. Davis provided notice of the Complaint and the delegation to the Acting Complaints Director to Mr. Leduc by letter dated September 29, 2017.

In accordance with s. 55(2)(d) of the HPA, the Acting Complaints Director conducted an investigation into the Complaint.

On November 21, 2018, the Acting Complaints Director concluded the investigation.

The Acting Complaints Director determined there was sufficient evidence that the matter should be referred to the Hearings Director in accordance with s. 66(3)(a) of the HPA. Mr. Leduc received notice the matter was referred to a hearing on February 19, 2019.

A Statement of Allegations was served upon Mr. Leduc by letter dated April 12, 2019.

Following the issuance of the Statement of Allegations, Allegation 3(b) was amended from May 1, 2017 to March 1, 2017 and a Revised Statement of Allegations was prepared.

(4) Allegations

The Allegations in the Revised Statement of Allegations are:

“It is alleged that Larry Leduc, LPN, while practising as a Licensed Practical Nurse, engaged in unprofessional conduct by:

1. Between September 2016 and March 2017, while acting as the Unit Manager, failed to act in a respectful and collaborative manner towards his coworkers, particulars of which include one or more of the following on one or more occasions:
 - a. Addressed coworkers in a dismissive and disrespectful manner;
 - b. Infringed on the personal space of coworkers;
 - c. Suggested to coworkers that there would be negative consequences if anyone reported his behavior to management;
 - d. Focused on insignificant details and made recurring complaints regarding the work of coworkers;
 - e. Interfered in the work of coworkers by holding unnecessary and unwanted meetings; and
 - f. Criticized and undermined the confidence of coworkers.
2. Sometime between November and December 2016, engaged in inappropriate interactions with coworker DC, by calling out for DC, whistling and making puckering sounds as though he was calling a dog.
3. Engaged in inappropriate interactions with coworker DC, by sneaking up on and scaring DC on or about:
 - a. January 2017; and
 - b. March 1, 2017.”

Counsel for Larry Leduc waived reading the Revised Statement of Allegations into the record during the hearing on May 17, 2019. During the hearing, it was identified that the three allegations contained in the Revised Statement of Allegations were misnumbered as 1, 1, 2 and it was agreed during the hearing that the allegations be renumbered for the purposes of referring to them as Allegation 1, Allegation 2 and Allegation 3.

(5) Admission of Unprofessional Conduct

Section 70 of the HPA permits a member to make an admission of unprofessional conduct. An admission under section 70 of the HPA must be acceptable in whole or in part to the Hearing Tribunal.

Larry Leduc acknowledged unprofessional conduct to all the allegations in the Revised Statement of Allegations as evidenced by his signature on the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and Mr. Leduc verbally admitted the allegations set out in the Revised Statement of Allegations during the hearing on May 17, 2019.

Jason Kully submitted that where there is an admission of unprofessional conduct, the Hearing Tribunal should accept the admission.

(6) Exhibits

The following exhibits were entered at the hearing:

- Exhibit #1: Revised Statement of Allegations
- Exhibit #2: Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct
- Exhibit #3: Joint Submission on Penalty

(7) Evidence

The evidence was adduced by way of Agreed Statement of Facts, and no witnesses were called to give *viva voce* testimony. The Hearing Tribunal accepts the evidence set out in the Agreed Statement of Facts and Admission of Unprofessional Conduct which was admitted as Exhibit #2 during the Hearing Tribunal.

(8) Decision of the Hearing Tribunal and Reasons

The Hearing Tribunal is faced with a two part task in considering whether a regulated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make factual findings as to whether the alleged conduct occurred. If the alleged conduct occurred, it must then proceed to determine whether that conduct rises to the threshold of unprofessional conduct in the circumstances.

Factual Findings

The Hearing Tribunal has reviewed the documents included in Exhibit #2, and finds as facts the events as set out in the Agreed Statement of Facts. These were not contested during the hearing. Mr. Leduc has admitted to all three of the allegations made against him.

The Hearing Tribunal accepts Larry Leduc's admission of unprofessional conduct as set out in the Agreed Statement of Facts as described in Exhibit #2. Upon review of the evidence and submissions before it, the Hearing Tribunal did not identify exceptional or other circumstances that would justify not accepting the admission of unprofessional conduct from Larry Leduc. During the Hearing, Mr. Leduc verbally confirmed his admission to unprofessional conduct as set out in the Agreed Statement of Facts.

Allegation 1: Larry Leduc admitted between September 2016 and March 2017, while acting as the Unit Manager, he failed to act in a respectful and collaborative manner towards his coworkers, particulars of which include one or more of the following on one or more occasions:

- a) Addressed coworkers in a dismissive and disrespectful manner;
- b) Infringed on the personal space of coworkers;
- c) Suggested to coworkers that there would be negative consequences if anyone reported his behavior to management;
- d) Focused on insignificant details and made recurring complaints regarding the work of coworkers;
- e) Interfered in the work of coworkers by holding unnecessary and unwanted meetings; and
- f) Criticized and undermined the confidence of coworkers.

The Hearing Tribunal reviewed the Agreed Statement of Facts (Exhibit #2) which included a number of statements describing Mr. Leduc's behavior and interactions with coworkers and staff on numerous occasions in paragraphs 15-20 inclusive. Examples of these statements which reflect Mr. Leduc's conduct include:

- Routinely walking away from JG in the middle of a conversation, and responding by saying, "whatever" in a dismissive manner and rolling his eyes;
- Infringing on DC's personal space by leaning on her desk and hovering over her while she was seated at her desk, and sitting in a position that blocked DC's exit from her desk, which made DC uncomfortable;
- Sending many emails, calls and instant messages to DC requesting that she come and see him. DC was uncomfortable and did not want to be alone with Mr. Leduc;
- In January 2017 Mr. Leduc made a statement to DC saying, "I'll test you once and if you throw me under the bus you'll see a different person", which DC felt was a threat;
- Repeatedly sending documents back to the authors for unnecessary and/or minor revisions to formatting, fonts and spelling and not following established protocol for the use of abbreviations in documents; challenging the culture of the Standard Operating Procedures;
- Holding unnecessary and impromptu meetings on irrelevant topics with BB, DC and JG often totaling 2-3 hours per day. Mr. Leduc received feedback from CW advising his coworkers did not want these excessive meetings because they were not productive, interfered with their work and prevented other work from being completed; however, Mr. Leduc continued to hold unnecessary and unwanted meetings;

- Criticizing and undermining the confidence of his coworkers through his actions as described above.

The Hearing Tribunal accepts the information presented in the Agreed Statements of Fact as proven, as Mr. Leduc has admitted to these behaviors and there is no evidence to mitigate or contradict these statements. Allegation 1 against Larry Leduc is found by the Hearing Tribunal to be proven.

Allegation 2: Larry Leduc admitted sometime between November and December 2016, he engaged in inappropriate interactions with coworker DC, by calling out for DC, whistling and making puckering sounds as though he was calling a dog.

The Hearing Tribunal reviewed the Agreed Statement of Facts (Exhibit #2) which included a number of statements describing Mr. Leduc's behavior and interactions with coworker DC in paragraphs 21-25 inclusive. Following a Departmental roll call with about 30 staff present including Mr. Leduc and DC, Mr. Leduc started to walk away, then turned back and called out for DC. After calling out for DC saying, "[Name removed], where are you?", Mr. Leduc whistled and made puckering sounds as though he was calling a dog. Several of the staff witnessed this interaction and heard Mr. Leduc's comments. DC stated she was embarrassed and found this conduct to be demeaning and disrespectful.

The Hearing Tribunal accepts the information presented in the Agreed Statements of Fact as proven, as Mr. Leduc has admitted to these behaviors and there is no evidence to mitigate or contradict these statements. Allegation 2 against Larry Leduc is found by the Hearing Tribunal to be proven.

Allegation 3: Larry Leduc admitted he engaged in inappropriate interactions with coworker DC, by sneaking up on and scaring DC on or about:

- a. January 2017; and
- b. March 1, 2017.

The Hearing Tribunal reviewed the Agreed Statement of Facts (Exhibit #2) which included a number of statements describing Mr. Leduc's behavior and interactions on two occasions with coworker DC in paragraphs 26-31 inclusive. On one occasion in January 2017, Mr. Leduc snuck up behind DC's back and stated, "What's going on" in an attempt to scare her, leaving DC scared and surprised. Similarly on March 1, 2017 Mr. Leduc again snuck up behind DC's back and said, "What's going on". Once again, DC was scared and surprised at Mr. Leduc's actions, and laughed nervously. Mr. Leduc laughed and stated, "That's the second time now." Mr. Leduc did not apologize to DC for his actions on either occasion.

The Hearing Tribunal accepts the information presented in the Agreed Statements of Fact as proven, as Mr. Leduc has admitted to these behaviors and there is no evidence to mitigate or

contradict these statements. Allegation 3 against Larry Leduc is found by the Hearing Tribunal to be proven.

Code of Ethics and Standards of Practice

The Hearing Tribunal finds that the conduct of Larry Leduc breached the following principles and standards set out in the Code of Ethics for Licensed Practical Nurses in Canada (“Code of Ethics”) and the Standards of Practice for Licensed Practical Nurses in Canada (“Standards of Practice”), specifically the following provisions in the Code of Ethics and the Standards of Practice:

A. Code of Ethics:

a) Principle 3: Responsibility to the Profession – LPNs have a commitment to their profession and foster the respect and trust of their clients, health care colleagues and the public. Principle 3 specifically provides that LPNs:

- 3.1 Maintain the standards of the profession and conduct themselves in a manner that upholds the integrity of the profession.
- 3.3 Practise in a manner that is consistent with the privilege and responsibility of self-regulation.
- 3.4 Promote workplace practices and policies that facilitate professional practice in accordance with the principles, standards, laws and regulations under which they are accountable.

b) Principle 4: Responsibility to the Profession – LPNs develop and maintain positive, collaborative relationships with nursing colleagues and other health professionals. Principle 4 specifically provides that LPNs:

- 4.2 Collaborate with colleagues in a cooperative, constructive and respectful manner with the primary goal of providing safe, competent, ethical and appropriate care to individuals, families and communities.
- 4.4 Acknowledge colleagues’ roles and their unique contribution to the inter-professional team.
- 4.5 Respect the expertise of colleagues and share own expertise and knowledge.

c) Principle 5: Responsibility to self – LPNs recognize and function within their personal and professional competence and value systems. Principle 5 specifically provides that LPNs:

- 5.1 Demonstrate honesty, integrity and trustworthiness in all interactions.

- 5.3 Accept responsibility for knowing and acting consistently with the principles, practice standards, laws and regulations under which they are accountable.

The Hearing Tribunal finds that Larry Leduc breached Principles 3, 4, and 5 of the CLPNA Code of Ethics between September 2016 and March 2017 by failing to conduct himself in the workplace in a manner that is consistent with these Principles.

He failed to act in a respectful and collaborative manner towards co-workers, and engaged in inappropriate interactions with co-worker DC as described in the Agreed Statement of Facts (Exhibit #2). His conduct did not facilitate professional practice, rather it undermined it on his unit. He failed to collaborate with colleagues in a cooperative, constructive and respectful manner through his inappropriate behavior and through his communications with staff on the unit. His admitted conduct as described in allegation 1, and his disrespectful interactions with colleagues described in allegations 2 and 3 demonstrate to the Hearing Tribunal that Mr. Leduc failed to conduct himself in a manner that upholds the integrity of his profession. The Hearing Tribunal finds that through his conduct, Mr. Leduc failed to uphold Principles 3, 4, and 5 of the CLPNA Code of Ethics.

B. Standards of Practice:

a) Standard 3: Service to the Public and Self-Regulation – LPNs practice nursing in collaboration with clients and other members of the health care team to provide and improve health care services in the best interests of the public. Standard 3 specifically provides that LPNs:

- 3.3 Support and contribute to an environment that promotes and supports safe, effective and ethical practice.
- 3.6 Demonstrate an understanding of self-regulation by following the standards of practice, the code of ethics and other regulatory requirements.

b) Standard 4: Ethical Practice – LPNs uphold, promote and adhere to the values and beliefs as described in the Canadian Council for Practical Nurse Regulators (CCPNR) Code of Ethics. Standard 4 specifically provides that LPNs:

- 4.1 Practice in a manner consistent with ethical values and obligations of the Code of Ethics for LPNs.
- 4.7 Communicate in a respectful, timely, open and honest manner.
- 4.8 Collaborate with colleagues to promote safe, competent and ethical practice.
- 4.9 Support and contribute to healthy and positive practice environments.

The Hearing Tribunal found that Larry Leduc's actions failed to support and contribute to an environment of safe, effective and ethical practice. The Hearing Tribunal noted his admission to his conduct in allegation 1, which describes unethical and disrespectful behaviors by Larry Leduc when interacting with his staff. His communications with staff, in particular with DC, were not respectful, and did not contribute to a healthy and positive practice environment. The Hearing Tribunal finds that Larry Leduc's conduct fails to meet Standards 3 and 4 of the CLPNA Standards of Practice.

Unprofessional Conduct

The Hearing Tribunal has considered and accepted Mr. Leduc's admission to unprofessional conduct. The Hearing Tribunal finds that the conduct admitted to by Larry Leduc in allegations 1, 2 and 3 rises to the standard set out for unprofessional conduct as defined in s. 1(1)(pp) of the HPA.

In particular, the Hearing Tribunal considered Larry Leduc's conduct in relation to the following definitions of unprofessional conduct from the HPA:

- a) Contravention of the Act [the HPA], a code of ethics or standards of practice; and
- b) Conduct that harms the integrity of the regulated profession.

The contraventions of the Code of Ethics and Standards of Practice are as set out above. In addition to this, the Hearing Tribunal has concluded that the conduct of Mr. Leduc described in this decision harms the integrity of the regulated profession of LPNs. Mr. Leduc was registered as an LPN and was working among other health care professionals when he engaged in the disrespectful and inappropriate conduct admitted to in his hearing. The public's expectation of LPNs, expressed in the Code of Ethics and Standards of Practice, is that LPNs will establish and maintain a respectful, safe and collaborative work environment. By failing to live up to that expectation, the Hearing Tribunal finds that Mr. Leduc's conduct harmed the integrity of the regulation profession, thereby constituting unprofessional conduct.

(9) Joint Submission on Penalty

The Acting Complaints Director and Larry Leduc made a joint submission with respect to penalty, which was entered as Exhibit #3. The parties jointly submitted the following proposal to the Hearing Tribunal for consideration:

1. The Hearing Tribunal's written decision (the "Decision") shall serve as a reprimand.
2. Mr. Leduc shall pay 25% of the costs of the hearing to a maximum of \$3500, subject to the following:
 - (a) Costs will be paid in equal monthly installments over a period of 18 months, or over such other period of time as agreed to by the Acting Complaints Director; and

- (b) Mr. Leduc shall pay \$500.00 to the CLPNA within three (3) months of service of the Decision.
3. Mr. Leduc shall read the following CLPNA documents located on the CLPNA website at www.clpna.com under the “Governance” tab, and provide a written reflection, between 1,500 and 3,000 words, to the Acting Complaints Director; within thirty (30) days of service of the Decision demonstrating insight into the workplace issues that occurred and on how he will incorporate the following readings to avoid these issues in the future:
- a. Code of Ethics for Licensed Practical Nurses in Canada;
 - b. Standards of Practice for Licensed Practical Nurses in Canada;
 - c. CLPNA Practice Policy: Professional Responsibility & Accountability;
 - d. CLPNA Practice Guideline: Addressing Co-Worker Abuse in the Workplace;
 - e. CLPNA Competency Profile D1: Effective Communication;
 - f. CLPNA Competency Profile D2: Collaborative Team Practice;
 - g. CLPNA Competency Profile D7: Conflict Management;
 - h. CLPNA Competency Profile W4: Professional Ethics;
 - i. CLPNA Competency Profile W5: Accountability and Responsibility;
 - j. CLPNA Competency Profile W6: Professional Boundaries;
 - k. CLPNA Competency Profile X1: Informal Leadership;
 - l. CLPNA Competency Profile X2: Formal Leadership; and
 - m. CLPNA Competency Profile X3: Manager/Administrator.

If such documents become unavailable, they may be substituted by equivalent documents approved in advance in writing by the Acting Complaints Director.

4. Mr. Leduc shall attend counseling for dealing with workplace challenges, including workplace conflict, workplace anger, working with female co-workers, managing co-workers, work-life balance, and work related stress. The terms of the counseling are:
- (a) The counselor must be a professional counselor who is a Psychologist, a Registered Nurse, or an individual familiar with workplace challenges, whose CV has been approved in advance by the Acting Complaints Director (the “Counselor”).

- (b) The Counselor shall be provided a copy of the Decision to assist the Counselor in determining what workplace challenges should be addressed.
 - (c) The Counselor shall see Mr. Leduc for at least a total of six (6) hours.
 - (d) Within three (3) months of service of the Decision, the Counselor shall provide a letter directly to the Acting Complaints Director stating:
 - a. The Counselor has reviewed the Decision;
 - b. The Counselor has seen Mr. Leduc for at least six (6) hours; and
 - c. The Counselor is satisfied that Mr. Leduc has addressed workplace challenges in his sessions with the Counselor.
 - (e) Mr. Leduc shall be responsible for all costs of the counseling.
5. Mr. Leduc shall provide the CLPNA with his current contact information, including his home mailing address, home and cellular telephone numbers, current e-mail address and his current employment information. Mr. Leduc will keep his contact information current with the CLPNA on an ongoing basis.
6. Should Mr. Leduc be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Acting Complaints Director.
7. Should Mr. Leduc fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Acting Complaints Director may take any or all of the following actions:
- (a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;
 - (b) Treat Mr. Leduc's non-compliance as information under s. 56 of the *Health Professions Act*; or
 - (c) In the case of non-payment of the costs described in paragraph 2 above, suspend Mr. Leduc's practice permit until such costs are paid in full or the Acting Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Acting Complaints Director.

Jason Kully submitted the primary purpose of orders from the Hearing Tribunal is to protect the public.

The Hearing Tribunal is aware that while the parties have agreed on a joint submission as to penalty, the Hearing Tribunal is not bound by that submission. Nonetheless, as the decision-maker, the Hearing Tribunal should defer to a joint submission unless the proposed penalty is

unfit, unreasonable or contrary to public interest. Joint submissions make for a better process and engage the member in considering the outcome. A rejection of a carefully crafted agreement would undermine the goal of fostering cooperation through joint submissions, and may significantly impair the future ability of the Complaints Director to enter into such agreements. If the Hearing Tribunal had concerns with the proposed sanctions, the proper process is to notify the parties, articulate the reasons for concern, and give the parties an opportunity to address the concerns.

(10) Decision on Penalty and Conclusions of the Hearing Tribunal

The Hearing Tribunal recognizes its orders with respect to penalty must be fair, reasonable and proportionate, taking into account the facts of this case, and most importantly, protect the public.

The proposed penalties would protect the public from the type of conduct that Larry Leduc has engaged in. In making its decision on penalty, the Hearing Tribunal considered a number of factors identified in *Jaswal v Newfoundland Medical Board* [1986] NJ No 50 (NLSC-TD), specifically the following:

- **The nature and gravity of the proven allegations** – The CLPNA noted Mr. Leduc’s conduct breaches the Code of Conduct and the Standards of Practice and reflects poorly on the profession, however the Hearing Tribunal believes that the conduct was not intentional or malicious, but rather it reflected his lack of awareness of the impact on his coworkers.
- **The age and experience of the investigated member** – Mr. Leduc has been a member of CLPNA since 2004, and should have known better.
- **The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions** – There are no prior complaints or convictions noted.
- **The age and mental condition of the victim, if any** – Several of Mr. Leduc’s coworkers were subject to his unprofessional conduct; no patients were directly impacted.
- **The number of times the offending conduct was proven to have occurred** – There were multiple incidents over a lengthy period of time.
- **The role of the investigated member in acknowledging what occurred** – It is important to note that Mr. Leduc acknowledged what had occurred, admitted to the allegations, and demonstrated cooperation and self-reflection during the complaint, investigation and hearing process. He has shown insight into his conduct, a willingness to take responsibility, and has already begun counseling.
- **Whether the investigated member has already suffered other serious financial or other penalties as a result of the allegations having been made** – Mr. Leduc resigned his position at the Hospital.
- **The impact of the incident(s) on the victim**– One coworker (DC) reported she was embarrassed, found Mr. Leduc’s conduct demeaning, and was scared by his actions.

- **The presence or absence of any mitigating circumstances** – None other than those described above.
- **The need to promote specific and general deterrence and, thereby to protect the public and ensure the safe and proper practice** – The sanctions agreed to are intended to deter Mr. Leduc from repeating such conduct in the future – they are significant, and reflect a financial penalty as well as an educational component. The extent of the sanctions imposed on Mr. Leduc should serve as a deterrent to other CLPNA members with respect to their future conduct.
- **The need to maintain the public’s confidence in the integrity of the profession** – The Hearing Tribunal decision and sanctions imposed on Mr. Leduc are meant to maintain the public’s confidence in the profession, and reflect how seriously CLPNA accepts the responsibility of self-regulation under the HPA.
- **The range of sentence in other similar cases** – No specific cases were presented for consideration by the Hearing Tribunal.

It is important to the profession of LPNs to maintain the Code of Ethics and Standards of Practice, and in doing so to promote specific and general deterrence and, thereby, to protect the public. The Hearing Tribunal has considered this in the deliberation of this matter, and again considered the seriousness of the member’s actions. The penalties ordered in this case are intended, in part, to demonstrate to the profession and the public that actions and unprofessional conduct such as this is not tolerated and it is intended that these orders will, in part, act as a deterrent to others.

After considering the proposed orders for penalty, the Hearing Tribunal finds the Joint Submission on Penalty is appropriate, reasonable and serves the public interest and therefore accepts the parties’ proposed penalties.

(11) Orders of the Hearing Tribunal

The Hearing Tribunal is authorized under s. 82(1) of the HPA to make orders in response to findings of unprofessional conduct. The Hearing Tribunal makes the following orders pursuant to s. 82 of the HPA:

1. The Hearing Tribunal’s written decision (the “Decision”) shall serve as a reprimand.
2. Mr. Leduc shall pay 25% of the costs of the hearing to a maximum of \$3500, subject to the following:
 - (a) Costs will be paid in equal monthly installments over a period of 18 months, or over such other period of time as agreed to by the Acting Complaints Director; and

- (b) Mr. Leduc shall pay \$500.00 to the CLPNA within three (3) months of service of the Decision.
3. Mr. Leduc shall read the following CLPNA documents located on the CLPNA website at www.clpna.com under the “Governance” tab, and provide a written reflection, between 1,500 and 3,000 words, to the Acting Complaints Director; within thirty (30) days of service of the Decision demonstrating insight into the workplace issues that occurred and on how he will incorporate the following readings to avoid these issues in the future:
- a. Code of Ethics for Licensed Practical Nurses in Canada;
 - b. Standards of Practice for Licensed Practical Nurses in Canada;
 - c. CLPNA Practice Policy: Professional Responsibility & Accountability;
 - d. CLPNA Practice Guideline: Addressing Co-Worker Abuse in the Workplace;
 - e. CLPNA Competency Profile D1: Effective Communication;
 - f. CLPNA Competency Profile D2: Collaborative Team Practice;
 - g. CLPNA Competency Profile D7: Conflict Management;
 - h. CLPNA Competency Profile W4: Professional Ethics;
 - i. CLPNA Competency Profile W5: Accountability and Responsibility;
 - j. CLPNA Competency Profile W6: Professional Boundaries;
 - k. CLPNA Competency Profile X1: Informal Leadership;
 - l. CLPNA Competency Profile X2: Formal Leadership; and
 - m. CLPNA Competency Profile X3: Manager/Administrator.

If such documents become unavailable, they may be substituted by equivalent documents approved in advance in writing by the Acting Complaints Director.

4. Mr. Leduc shall attend counseling for dealing with workplace challenges, including workplace conflict, workplace anger, working with female co-workers, managing co-workers, work-life balance, and work related stress. The terms of the counseling are:
- (a) The counselor must be a professional counselor who is a Psychologist, a Registered Nurse, or an individual familiar with workplace challenges, whose CV has been approved in advance by the Acting Complaints Director (the “Counselor”).

- (b) The Counselor shall be provided a copy of the Decision to assist the Counselor in determining what workplace challenges should be addressed.
 - (c) The Counselor shall see Mr. Leduc for at least a total of six (6) hours.
 - (d) Within three (3) months of service of the Decision, the Counselor shall provide a letter directly to the Acting Complaints Director stating:
 - a. The Counselor has reviewed the Decision;
 - b. The Counselor has seen Mr. Leduc for at least six (6) hours; and
 - c. The Counselor is satisfied that Mr. Leduc has addressed workplace challenges in his sessions with the Counselor.
 - (e) Mr. Leduc shall be responsible for all costs of the counseling.
5. Mr. Leduc shall provide the CLPNA with his current contact information, including his home mailing address, home and cellular telephone numbers, current e-mail address and his current employment information. Mr. Leduc will keep his contact information current with the CLPNA on an ongoing basis.
6. Should Mr. Leduc be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Acting Complaints Director.
7. Should Mr. Leduc fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Acting Complaints Director may do any or all of the following:
- (d) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;
 - (e) Treat Mr. Leduc's non-compliance as information under s. 56 of the *Health Professions Act*; or
 - (f) In the case of non-payment of the costs described in paragraph 2 above, suspend Mr. Leduc's practice permit until such costs are paid in full or the Acting Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Acting Complaints Director.

The Hearing Tribunal believes these orders adequately balance the factors referred to in section 10 above, and are consistent with the overarching mandate of the Hearing Tribunal, which is to ensure that the public is protected.

Under Part 4, sections 87(1)(a),(b) and 87(2) of the HPA, the investigated member has the right to appeal:

“87(1) An investigated person or the complaints director, on behalf of the college, may commence an appeal to the council of the decision of the hearing tribunal by a written notice of appeal that

- (a) identifies the appealed decision, and
- (b) states the reasons for the appeal.

(2) A notice of appeal must be given to the hearings director within 30 days after the date on which the decision of the hearing tribunal is given to the investigated person.”

DATED THE 3RD DAY OF JULY, 2019 IN THE CITY OF EDMONTON, ALBERTA.

THE COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA



James Lees, Public Member
Chair, Hearing Tribunal