

**ARNPEI Professional Conduct Review Committee
Formal Inquiry Panel Decision
Complaint # 2017- 009
Re: Member Christine MacIsaac Registration no. 00577**

Introduction

This report is prepared pursuant to section 32 of the *Registered Nurses Act, R.S.P.E.I. 1988, c.R-8.1*.

The Formal Inquiry Panel of the Professional Conduct Review Committee of the Association of Registered Nurses of Prince Edward Island (“ARNPEI”) (hereafter, “the Panel”) conducted a formal inquiry hearing, in Charlottetown, P.E.I. on February 5, 2018 to hear a complaint dated August 7, 2017 against Registered Nurse Christine MacIsaac, registration number 005777. The purpose of this formal inquiry is explained in subsection 30(4) of the *Registered Nurses Act*, which states:

- 30(4) After considering the evidence presented at a hearing, the Review Committee shall determine whether
- (a) the complaint should be dismissed; or
 - (b) the respondent suffered or suffers from incapacity or is guilty of professional misconduct, conduct unbecoming the profession, incompetence, incapability or lack of fitness to practice, as the case may be.

In the case of Christine MacIsaac, as indicated in the Notice of Formal Hearing, professional misconduct has been alleged. Members of the Panel attending the formal hearing were: Mary MacSwain (chair), Colleen Bannon (member), Melissa Panton (member) and Craig McDowall (public member).

The respondent, Christine MacIsaac RN, and the complainant, [REDACTED] [REDACTED] RN, were present at the Formal Hearing.

Also, Mr. Doug Drysdale, legal counsel and advisor for the Committee, and Mr. Tom Keeler, solicitor appointed to adduce evidence for the Association of Registered Nurses of Prince Edward Island (ARNPEI) were in attendance; as well, a representative from the Office of the Future recorded the formal hearing audio.

The Formal Inquiry Panel was brought together to determine whether Christine McIsaac is guilty of any matters alleged in the complaint, and if so, to decide on an appropriate Penalty, and to report the outcome to the Council of ARNPEI, the complainant and the respondent.

The hearing on February 5, 2018, focused on an Agreed Statement of Facts and a Joint Recommendation on penalty as the member admitted guilt to the conduct which had been alleged against her.

The Notice of Formal Hearing included the following allegations against nurse Christine MacIsaac RN, Registration number 005777:

1. That between May 1, 2017 and July 19, 2017 , while the Member was employed as a registered nurse at Andrews of Summerside Nursing Home, she diverted several doses of Ativan, an anxiety medication, for her own use on three occasions.
2. That when confronted regarding the diversion of medication on July 18th and 19th, the Member was not immediately truthful regarding the circumstances surrounding the diversion of medication.

The notice asserted that this contravenes the *Registered Nurses Act, Supra* in the following way:

(A) Professional misconduct contrary to subsection 30(4) of the *Registered Nurses Act, Supra*, as defined in paragraphs 1(t)(iii)(B) of the Act;

Relevant provisions of the Code of Ethics and the Standards for Nursing Practice were annexed to the Notice of Formal Hearing for the purpose of paragraph 1(t)(iii)(B) of the *Registered Nurses Act*. Breaches of the Code of Ethics and the Standards are professional misconduct by definition.

Evidence and Findings of the Formal Hearing

Tom Keeler presented a copy of an Agreed Statement of Facts to the chair and committee members. The Agreed Statement of Facts was signed by both Mr Keeler and Christine McIsaac and dated February 5, 2018.

In the Agreed Statement of Facts, Christine Maclsaac admitted to the allegations and admitted that her conduct amounted to professional misconduct as defined in the *Registered Nurses Act*. A copy of the Agreed Statement of Facts is annexed to this Decision, as Schedule A.

Decision of the Committee related to the Agreed Statement of Facts

After a short recess, the Panel decided to formally accept the Agreed Statement of Facts and to find Christine Mclsaac guilty of professional misconduct in relation to the two charges which had been brought against her, contrary to subsection 30(4) of the *Registered Nurses Act*. No further evidence or testimony of witnesses was required. The decision on the penalty (below) is based on the facts stated in the Agreed Statement of Facts.

Joint Recommendation on Penalty

Tom Keeler presented a copy of a Joint Recommendation on Penalty to the chair and committee members. The Joint Recommendation on Penalty was signed by both Mr Keeler and Christine Maclsaac and dated February 5, 2018.

The Panel took a short recess to review the Joint Recommendations on Penalty. Following the Panel's recess, Mr Keeler made a brief submission reviewing the mitigating factors as outlined in the Agreed Statement of Facts. Mr Keeler pointed out that Christine Maclsaac has admitted guilt, is taking responsibility for her actions, has expressed that she is remorseful and is actively attending addiction counseling and rehabilitation programming.

The Complainant, [REDACTED] and the Member, Christine Maclsaac declined making further submission to the Panel. A Panel member referenced the Joint Recommendation on Penalty 3(c) and questioned Christine Maclsaac regarding her current involvement in an addiction treatment program and she disclosed that for the past three weeks she has been in an active addiction treatment program for alcohol and marijuana addiction. She further disclosed that she attends Alcoholics Anonymous

(AA) meetings daily, has a counselor through the program and sees her family physician, [REDACTED] at least monthly.

The Chair of the Committee expressed thanks to all who were present and that the Committee would consider the Joint Recommendations on Penalty in making a decision and that the decision will be delivered in writing to ARNPEI Council, Christine MacIsaac, and the Complainant, [REDACTED]

The hearing adjourned to allow the Panel to reach its decision.

Decision of the Panel regarding Penalty

Following the adjournment of the hearing, the Panel met to review and consider the Joint Recommendation on Penalty for Christine MacIsaac's two incidents of professional misconduct, as described in the Agreed Statement of Facts.

The Panel considered the evidence that Christine MacIsaac had diverted medications from her work on July 2, 2017, for her own use. She was not truthful initially about this diversion when questioned by her supervisor. She lied and then changed the lie, until her supervisor pressed her for the truth. However, the Panel has decided not to penalize the member for the other two times she admitted to diverting medications, because there is insufficient information with respect to what happened then.

Ms. MacIsaac acted in her own self-interest and not on behalf of her patients as a registered nurse is required to do. Diversion of medication is dishonest conduct, and Ms. MacIsaac was dishonest when she was caught, at first. Fortunately, she corrected this error within a relatively short amount of time and told the truth, and we have taken this into account. However, her actions were contrary to well established rules and ethical principles, and we cannot condone this type of conduct.

The panel noted the mitigating factors outlined in the Agreed Statement of Facts as well as the fact that Ms MacIsaac has made progress in accepting responsibility and being accountable for her actions, as well as the fact that she has pursued a rehabilitation program and is attending addiction

counseling sessions in an effort to ensure continued wellness and fitness to practice as a registered nurse in the future.

The Committee Panel reviewed the joint recommendations on penalty as presented, considered the nature and gravity of the proven allegations, and the impact of the incident on other individuals (patients, employer, co-workers) and decided to make some changes to the recommended penalty to bring it closer in line to what the Panel believes is appropriate. These revisions have been incorporated into this decision, and the penalty is as follows:

1. Christine MacIsaac's license to practice as a Registered Nurse shall be suspended for a period of thirty (30) days beginning on the date this decision is delivered to her;
2. Following completion of the thirty day suspension as outlined above, Christine MacIsaac shall have the following conditions attached to her nursing license for a twelve (12) month period:
 - a. Ms MacIsaac may not practice as a registered nurse in any position where she will be required to handle or have access to benzodiazepines, narcotics, opiates, anxiolytics, or any mood or mind altering medications;
 - b. Notwithstanding (a) above, Ms MacIsaac may practice as a registered nurse in any other capacity, provided that her prospective employer first provide written confirmation to ARNPEI that Ms MacIsaac will not have access to any medications referenced in condition (a) above. It will be Christine MacIsaac's obligation to obtain the written confirmation from the employer and provide it to ARNPEI.
3. Following completion of the thirty day suspension, Christine MacIsaac shall have the following conditions attached to her nursing license for a twenty four (24) month period. (To clarify, the conditions will be in place at the same time as the conditions described in paragraph 2, and for a further twelve months)

a(i) abstain from all mood or mind altering substances including alcohol, illicit or street drugs, including cannabis, and any prescription

medications not prescribed to her by a licensed health provider (either her own primary care provider or any other).

(ii) Ms. Maclsaac must disclose her addiction history to any health care provider prior to accepting a prescription for any medication.

(iii) As part of this requirement, Ms Maclsaac must advise this Panel immediately following receipt of this decision of the identity of her primary care provider and provide a written open consent for ARNPEI to make random inquires to that primary care provider with respect to her addiction issues and treatment;

b. provide a copy of this Decision in this matter and any related written decision from this Panel or ARNPEI to any employer who offers employment to Ms. Maclsaac, and verify in writing to ARNPEI that this has been done, within one week of providing the copies.

c. Provide a short written report monthly from her addiction counselor to this Panel to confirm that Ms Maclsaac is actively participating in addiction treatment. The first monthly report will be due at ARNPEI office twenty eight days following the date this decision is delivered is delivered to Christine Maclsaac, and then every thirty days after that during the twenty four months.

d. select a health care provider acceptable to ARNPEI to conduct random urine drug tests monthly, and submit to such random tests monthly, and to cause the test results to be provided to ARNPEI. The tests shall be initiated by the health care provider on no more than 24 hour notice to Ms Maclsaac and shall be at her own expense;

e. report any relapse to ARNPEI and stop practicing as a RN immediately and refrain from practicing until authorized to do so by ARNPEI;

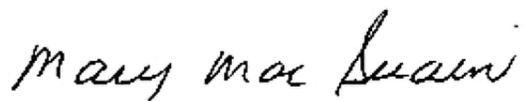
f. Failure to comply with the above conditions will result in suspension of her license.

4. These conditions as listed in 3 (a) - (f) inclusive shall be attached to Christine Maclsaac's license until they are removed, in whole or in part, by ARNPEI. Provided Ms. Maclsaac meets the above conditions for twenty four months from the date of this penalty, with negative urine drug testing

results and no relapse in addiction, she may apply to this Panel of the PCR Committee for removal of these conditions on her nursing license. Ms Maclsaac may not apply to the current PCR Committee for removal of these conditions until at least 24 months have passed from the date this decision is delivered to Christine Maclsaac.

5. Christine Maclsaac shall pay a fine in the amount of \$2000.00. At Ms Maclsaac's option, this payment may be made in ten consecutive monthly installments of \$200.00, which payments shall commence on the first day of the month immediately following Ms. Maclsaac's hiring as a Registered Nurse or April 1, 2019, whichever is earlier.

Respectfully submitted at Charlottetown, Prince Edward Island this 3rd of April, 2018.



Mary MacSwain

Mary MacSwain, Chair of the Formal Inquiry Panel