DECISION NO. 2012-HPA-097(b)

In the matter of an application under section 50.6 of the Health Professions Act, R.S.B.C. 1996, c. 183, as amended, (the “Act”) for review of a complaint disposition made by an inquiry committee

BETWEEN: The Complainant \hspace{1cm} COMPLAINANT

AND: The College of Registered Psychiatric Nurses of BC \hspace{1cm} COLLEGE

AND: A Registered Psychiatric Nurse \hspace{1cm} REGISTRANT

BEFORE: David A. Hobbs, Panel Chair \hspace{1cm} REVIEW BOARD

DATE: Conducted by way of written submissions concluding on February 6, 2013

APPEARING: For the Complainant: Self-represented

For the College: Kyong-ae Kim, Registrar

For the Registrant: Self-represented

DECISION ON APPLICATION FOR REVIEW

I INTRODUCTION

[1] The Complainant seeks review of a decision of the Inquiry Committee to take no further action on his complaint that the Registrant, by omission in an inmate observation report to clarify the non physical nature of threats reported, acted unprofessionally.

II BACKGROUND

[2] The College received a complaint from the Complainant regarding the Registrant on January 17, 2012. The Registrant had interviewed the Complainant as an inmate. Following the interview the Registrant wrote an observation report that stated the Complainant was engaging in threatening behaviour. The Complainant filed a complaint stating the Registrant had written misleading and defamatory statements in her report that constituted unprofessional and unethical behaviour. The Registrant referred to a witness to the interview and another employee at the facility who clarified that the Complainant had not made threats of physical harm but, only threats to sue his parole officer.
[3] The facility employee who reviewed the report prepared by the Registrant noted that the nature of the threats made was not specified in the report. The witness clarified the nature of the threats were not of a physical harm nature.

[4] The Inquiry Committee of the College considered the complaint on February 23, 2012. The Inquiry Committee had before it the Complainant's letter of complaint and an email from the Registrant denying the allegation submitted to the College by the Complainant.

[5] The Inquiry Committee found that the Registrant's report met professional practice standards, although it may have not been as complete as the Complainant would have wanted. The Inquiry Committee noted the Registrant denied any ulterior motive to get the Complainant transferred to a higher security facility and there was no way of proving such a motive. The Inquiry Committee noted that, while not fulsome, the notes in the report were not false. The Inquiry Committee concluded under s.33(6)(a) of the Act that no further action was required as the conduct in issue did not fall below the applicable practice standards.

III DISCUSSION AND ANALYSIS

[6] The role of the Review Board on an application under s.50(6) of the Act is to consider whether the investigation was adequate and the disposition reasonable.

[7] No written submissions were provided to the Review Board by the Complainant, College or Registrant, notwithstanding time lines for exchange of written submissions were established in the letter from the Review Board to the parties dated December 6, 2012.

[8] The Inquiry Committee had before it the complaint and the Registrant’s response of denial. The subject matter of the complaint was not that the Registrant had written a false report; rather, the Complainant alleged in the complaint that the Registrant should have said more to avoid any misunderstanding as to the nature of the threats being made. The Inquiry Committee understood the nature of the complaint and decided the Registrant’s report met professional standards. Further, no ulterior motive could be proven; it was in any event denied by the Registrant. In my view the investigation was adequate and the disposition reasonable in that in the circumstances the disposition fell within the range of rational, acceptable outcomes.

IV CONCLUSION

[9] I confirm the disposition of the Inquiry Committee. I have reviewed and considered the complaint, Record and correspondence to the parties from the Review Board dated December 6, 2012 though not referred to in their entirety herein.

“David A. Hobbs”

David A. Hobbs, Panel Chair
Health Professions Review Board

March 20, 2013