

**IN THE MATTER OF *THE REGISTERED PSYCHIATRIC NURSES ACT*
AND REGULATORY BYLAWS AND A COMPLAINT AGAINST
KATIE JORGENSEN, A MEMBER OF THE ASSOCIATION**

DECISION AND ORDER

Registered Psychiatric Nurses Association of Saskatchewan

DISCIPLINE COMMITTEE

Discipline Committee Members:

Theresa Girardin, RPN, Chair
Carol Hipfner, RPN
Bruce Reimer, RPN
Jennifer Hennig, RPN
Michael Lummerding, Public Representative

Darcia Schirr, Q.C., appearing on behalf of the Professional Conduct Committee
Katie Jorgensen, appearing on her on behalf
Amanda Quayle, Q.C. legal counsel for the Discipline Committee

INTRODUCTION

[1] A discipline hearing was held on November 24, 2020 by videoconference to hear and determine complaints concerning Katie Jorgensen dated October 20, 2020, as required by *The Registered Psychiatric Nurses Act*, SS 1993, c R-13.1 [the “Act”].

[2] At all times material to the complaints against her, Katie Jorgensen was a member of the Registered Psychiatric Nurses Association of Saskatchewan, licensed to practice in the Province of Saskatchewan subject to the Act and the Regulatory Bylaws of the Association.

THE COMPLAINT

[3] Legal counsel for the Professional Conduct Committee filed an Affidavit of Service of a process served who affirmed that Ms. Jorgensen was personally served on October 24, 2020 with a copy of the Notice of Discipline Hearing dated October 20, 2020. Appendix A to the Notice of Discipline Hearing dated October 20, 2020 sets out the particulars of the allegations of professional misconduct against Ms. Jorgensen as follows:

1. While you were employed at the [REDACTED] in [REDACTED], Saskatchewan and between the period August 2017 through to November 2017 inclusive, you:
 - (a) Diverted to yourself and misappropriated approximately 21 Fentanyl patches.
 - (b) Falsely documented the daily narcotics records by, *inter alia*:

- (i) Making multiple false entries on the narcotic count sheets when transferring counts between shifts.
 - (ii) Documenting that a resident's patch had fallen off and a new patch needed to be re-applied which was false and incorrect.
 - (iii) Further to 1(b)(ii), you made an entry on the daily narcotics record but you did not make a corresponding entry on the resident's medication administration record or in the nursing notes.
 - (iv) Documenting that a Fentanyl patch had been "opened in error" and therefore had to be wasted which was false and incorrect.
2. On November 4, 2017 and while you were off duty, you attended at [REDACTED], accessed the locked narcotic cupboard and removed and diverted to yourself one 25 mcg Fentanyl patch and one 12 mg Fentanyl patch.
 3. Further to charge 2, when a co-worker questioned your presence in the medication room, you advised that you were accessing the narcotics cupboard to place a cash donation in a collection envelope for another coworker which was false and incorrect.

[4] The allegations are said to constitute professional misconduct contrary to the provisions of section 28 of the Act, Regulatory Bylaw XIII, s. 1(f), (i), (l), (n) and (q), and Regulatory Bylaw XIV, s. 1(1), (2) and (3)(g), and s. 2(1)(c) and (1)(d).

EVIDENCE

[5] At the outset of the hearing, the following Agreed Statement of Facts with documents was filed with the Discipline Committee [the information referenced in the "Tabs" is not included]:

1. Katie Jorgensen resides in the City of Lloydminster in the Province of Alberta. At the times material to these proceedings, Ms. Jorgensen was employed at a facility called [REDACTED] which at that time was under the authority of Prairie North Health Region. [REDACTED] is located in [REDACTED], Saskatchewan.
2. Katie Jorgensen first registered with the Registered Psychiatric Nurses Association (RPNAS) on March 6, 2017. Ms. Jorgensen's surname is now Luckwell.
3. On November 29, 2017, RPNAS received a complaint letter dated November 27, 2017 from [REDACTED], the facility manager at [REDACTED].
4. Upon receipt of his letter, the Professional Conduct Committee began an investigation. The investigation has resulted in the charges set out in Appendix A to the Notice of Discipline Hearing dated October 20, 2020.
5. Katie Jorgensen admits the allegations described in Appendix A and admits that her conduct constitutes professional misconduct as that term is defined in *The Registered Psychiatric Nurses Act* (the Act) and is a breach of the Regulatory Bylaws as particularized in Appendix A to the Notice of Discipline Hearing.

Background to the Charges

6. On November 21, 2017, the RPNAS received an email from Katie Jorgensen which was sent to the general email address for the RPNAS. Attached at **Tab A** is the email.
7. Upon receipt of this email, Candace Alston who was then the Registrar, contacted [REDACTED] and she was advised that Katie Jorgensen was on leave pending an internal investigation. Ms. Alston was further advised that [REDACTED] would be submitting a complaint to the RPNAS.
8. On November 29, 2017, the RPNAS received a fax letter dated November 27, 2017 from [REDACTED].
9. As required under the Regulatory Bylaws, the Professional Conduct Committee provided Ms. Jorgensen with a copy of [REDACTED] complaint letter and sought Ms. Jorgensen's written response. The RPNAS received correspondence from Ms. Jorgensen's legal counsel, Marcus Davies. Mr. Davies and legal counsel for the Professional Conduct Committee, Darcia Schirr, Q.C., communicated with the end result that Ms. Jorgensen signed a Voluntary Undertaking and Agreement of Non-Practice. Attached at **Tab B** is the Voluntary Undertaking dated January 3, 2018.
10. Ms. Jorgensen has not held a license to practice nursing since January 2018.
11. Ms. Jorgensen remains subject to investigation and discipline by the Professional Conduct Committee and the Discipline Committee respectively given the following provisions of the Act:

22.1 In sections 22.2 to 37 "member" includes a former member.

22.2 (1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the professional conduct committee, pursuant to subsection 24(1), is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

Fact Underling the Charges

12. [REDACTED] is a long-term care facility located in [REDACTED], Saskatchewan.
13. Ms. Jorgensen began her employment at [REDACTED] on March 8, 2017 as a casual and temporary part time nurse. At that time, [REDACTED], was the facility manager although she was on a medical leave until August 2017.
14. [REDACTED] returned to the facility in August 2017. Upon her return, [REDACTED] began receiving complaints and concerns from other healthcare staff regarding Katie Jorgensen. In particular, staff advised that Ms. Jorgensen could frequently not be located during her night shifts, that she failed to complete MDS documentation and that she was frequently calling in sick. On November 3, 2017 [REDACTED] was contacted at home by a nurse who advised that

- fentanyl patches were missing and could not be accounted for.
15. [REDACTED] began an investigation which concluded on November 24, 2017. Upon conclusion of the investigation, [REDACTED] submitted a complaint to the RPNAS. Attached at **Tab C** is Ms. Anderson's complaint letter.
 16. [REDACTED] was interviewed by two members of the Professional Conduct Committee on April 20, 2018. Attached at **Tab D** is the summary of [REDACTED] interview.
 17. As indicated in [REDACTED] letter of November 27, Ms. Jorgenson was placed on unpaid suspension pending completion of the investigation. Upon the completion of the employer's investigation, Ms. Jorgenson's employment with [REDACTED] was terminated on February 26, 2018.
 18. In addition to interviewing [REDACTED], the Professional Conduct Committee, through its legal counsel, obtained documentation from Labour Relations consultant for the Prairie North Health Region to substantiate the allegations that Ms. Jorgenson had falsified documentation. The Health Region provided all of the records along with a summary prepared by [REDACTED]. Attached at **Tab E** is letter dated December 4, 2019 from [REDACTED] to Darcia Schirr, Q.C. along with a three-page summary prepared by [REDACTED].
 19. If called to testify and explain her actions, Ms. Jorgenson's explanation would be the same as the written response she provided to the RPNAS on February 14, 2018. Attached at **Tab F** is Ms. Jorgenson's letter dated February 14, 2018.
 20. As indicated in Ms. Jorgenson's letter on February 14, 2018, she attended at the Thorpe Recovery Centre in 2016. Attached at **Tab G** is the Discharge Summary from Thorpe.
 21. Following her discharge from Thorpe, Ms. Jorgenson participated in counselling at Lloydminster Mental Health and Addictions Services in Lloydminster, Saskatchewan. Attached at **Tab H** is letter dated November 10, 2020 from Addictions Services.

Previous Discipline History

22. Katie Jorgenson has not been the subject of past complaints or discipline proceedings by the RPNAS.

[6] Ms. Schirr and Ms. Jorgenson executed the Agreed Statement of Facts to demonstrate their agreement to the same.

[7] In addition to admitting the allegations described in Appendix A to the Notice of Discipline Hearing dated October 20, 2020 and acknowledging her conduct constitutes professional misconduct under the Act in the Agreed Statement of Facts, Ms. Jorgenson submitted a guilty plea and acknowledged her conduct amounts to professional misconduct under the Act at the hearing.

DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

[8] Upon consideration of the evidence and given the admission of guilt by Ms. Jorgensen, the Discipline Committee is satisfied that Ms. Jorgensen is guilty of professional misconduct as defined in the Act.

[9] Legal counsel for the Professional Conduct Committee submitted a penalty proposal, which is attached as *Appendix A* to this Decision and Order.

[10] At the hearing legal counsel for the Professional Conduct Committee suggested an amendment to the written penalty proposal, namely that in the event Ms. Jorgensen meets the conditions proposed for reinstatement of her license to practice nursing, the practice condition relating to providing reports from treating physicians and/or addictions counsellors if requested by the Registrar be increased from two years to three years (paragraph 3(a) of *Appendix A*). This increase is to make paragraph 3(a) of the proposed penalty correspond with the proposed three-year restriction on Ms. Jorgensen that requires her to work in nursing environments with no direct access to narcotics or other controlled substances (paragraph 3(b) of *Appendix A*).

[11] Also at the hearing legal counsel for the Professional Conduct Committee submitted that the Discipline Committee may wish to consider granting Ms. Jorgensen the right to apply to the Discipline Committee to vary or remove one or more of the proposed practice conditions two years following any reinstatement of her license.

[12] Ms. Jorgensen made no contrary submissions to the penalty submissions made by legal counsel for the Professional Conduct Committee and indicated that she agreed with the penalty proposed.

[13] In considering an appropriate penalty to be imposed, the Discipline Committee acknowledges the following factors set out in the case of *Camgoz v College of Physicians and Surgeons of Saskatchewan*, (1993) 114 Sask R 161, as relevant to the imposition of disciplinary sanctions:

- The nature and gravity of the proven allegations;
- The age of the offending member;
- The age of the offended patient;
- Evidence of the frequency of the commission of the particular acts of misconduct within particularly, and without generally, the province;
- The presence or absence of mitigating circumstances, if any;
- The presence or absence of aggravating circumstances, if any;
- Specific deterrence;

- General deterrence;
- Previous record, if any, for the same, or similar misconduct;
- The length of time that has elapsed between the dates of any previous misconduct and conviction thereon; and the member's conduct since that time;
- The need to maintain the public's confidence in the integrity of the Association's ability to properly supervise the professional misconduct of its members;
- Ensuring that the penalty imposed is not inconsistent with penalties previously imposed in this jurisdiction, particularly, and in other jurisdictions in general, for the same, or similar acts of misconduct.

[14] The Discipline Committee acknowledges that any penalty ordered should protect the public and enhance public confidence in the ability of the RPNAS to regulate its members. This is achieved through a penalty that not only maintains the public's confidence but also addresses specific and general deterrence.

[15] The Discipline Committee concludes that generally, the penalty submissions of the Professional Conduct Committee are reasonable and in the public interest. Ms. Jorgensen has cooperated with the RPNAS and, by agreeing to the Agreed Statement of Facts, has accepted responsibility for her acts of professional misconduct. The specific restrictions placed on Ms. Jorgensen's ability to practice along with the requirement to provide this decision to future employers will serve as protection of the public, as well as a specific and a general deterrent to other members of the profession. The requirement for drug testing with addictions counselling will serve as an opportunity for rehabilitation. Further, Ms. Jorgensen voluntarily gave up her license to practice in 2017 and actively sought treatment to address her addiction challenges.

[16] In respect of costs, legal counsel for the Professional Conduct Committee filed an estimate of the actual and anticipated costs incurred by the RPNAS to investigate and prosecute the complaint, which total \$14,030.

[17] The Professional Conduct Committee proposed that Ms. Jorgensen pay \$5,000 towards the costs incurred by the RPNAS, and that Ms. Jorgensen be given until January 2, 2024 to pay those costs.

[18] The Discipline Committee is of the view that given the actual and anticipated costs incurred by the RPNAS, an appropriate costs order is \$6,000 payable by January 2, 2024. This costs order is not intended to be of a punitive nature to Ms. Jorgensen, but to fairly take into account the costs incurred by the RPNAS in the matter. In making this costs order the Discipline Committee did consider other costs that have been or will be incurred by Ms. Jorgensen as a consequence of this Decision and Order, as well as the fact that Ms. Jorgensen has not received employment income as a registered psychiatric nurse since January, 2018.

[19] Accordingly, the Discipline Committee hereby orders:

1. Pursuant to section 27(1)(e) of the Act, Katie Jorgensen shall be reprimanded.
2. Pursuant to section 27(1)(c) of the Act, Katie Jorgensen shall be suspended and remain suspended until such time as the following conditions are met:
 - (a) Ms. Jorgensen shall produce a report to the Registrar from her treating physician outlining her treatment for substance abuse, her compliance with treatment and providing an opinion regarding her ability to safely practice nursing. The costs of any such report shall be borne by Ms. Jorgensen.
 - (b) Ms. Jorgensen shall produce a report to the Registrar from an addictions counsellor outlining her treatment for substance abuse, her compliance with treatment and providing an opinion regarding her ability to safely practice nursing. The costs of any such report shall be borne by Ms. Jorgensen.
 - (c) Ms. Jorgensen shall provide three consecutive months of monitored drug screen test results showing negative results. The costs of any and all drug screens shall be borne by Ms. Jorgensen.
 - (d) Ms. Jorgensen shall complete an ethics course acceptable to the Registrar. The costs of the course shall be borne by Ms. Jorgensen.
 - (e) Ms. Jorgensen shall provide a self-reflective essay to the Registrar outlining her plan to maintain recovery and her use and access to the supports available to her.
3. Pursuant to section 27(1)(d) of the Act, and in the event that Ms. Jorgensen meets the conditions set out above and is reinstated, her license to practice nursing shall be subject to the following conditions:
 - (a) For a period of three years, Ms. Jorgensen shall, if requested by the Registrar, provide reports from her treating physician and/or addictions counsellor regarding her condition, treatment, treatment compliance and ability to safely practice nursing. The costs of any such reports shall be borne by Ms. Jorgensen.
 - (b) For a period of three years, Ms. Jorgensen shall only work in nursing environments where she has no direct access to narcotics, benzodiazepines, opiates and controlled substances.
 - (c) For so long as Ms. Jorgensen holds a practicing license, she shall immediately advise the Registrar if she is the subject of any discipline sanctions taken by her nursing employer.

- (d) For a period of five years, Ms. Jorgensen shall advise the Registrar if she changes her nursing employer and do so within seven days of the date of the change.
- (e) For a period of five years, Ms. Jorgensen shall provide monitored random drug screens to the Registrar as the Registrar may request. The costs of any drug screens shall be borne by Ms. Jorgensen.
4. Two years after any reinstatement of Ms. Jorgensen's license to practice nursing, Ms. Jorgensen may apply to the Discipline Committee to vary or remove one or more of the practice conditions set out in paragraph 3 above, by giving 14 days' written notice to legal counsel for the Discipline Committee and legal counsel for the Professional Conduct Committee.
5. Pursuant to section 27(1)(f) of the Act, Ms. Jorgensen shall provide a written copy of the decision of the Discipline Committee to her nursing employer for a period of three years from the decision.
6. Pursuant to section 27(2)(a)(ii) of the Act, Ms. Jorgensen shall pay costs of the investigation and hearing, which costs shall be fixed in the amount of \$6,000.00. The costs shall be paid on or before January 2, 2024. Failing payment, Ms. Jorgensen's license to practice, if any, shall be suspended until payment is made.
7. Pursuant to section 27(3) of the Act, a copy of the Discipline Committee Decision and Order shall be provided to [REDACTED], Saskatchewan Health Authority Lloydminster, Saskatchewan.
8. A copy of the Discipline Committee Decision and Order shall be published on the RPNAS website. Further, the Registrar shall provide a copy of the Decision and Order to the registered psychiatric nursing regulators in Canada.

[20] In conclusion, the Discipline Committee recognizes the regulatory mandate of the professional association as crucial in the protection of the public from unsafe psychiatric nursing practice. Registered Psychiatric Nurses are individually responsible for ensuring that their practice adheres to the Bylaws of the RPNAS and the governing legislation.

Dated at Regina, Saskatchewan this 2nd day of December, 2020.

THERESA GIRADIN, RPN
CHAIR, RPNAS DISCIPLINE COMMITTEE

APPENDIX

**IN THE MATTER OF THE DISCIPLINE HEARING BY A DISCIPLINE COMMITTEE,
ESTABLISHED PURSUANT TO *THE REGISTERED PSYCHIATRIC NURSES ACT* AND
BYLAWS TO INQUIRE INTO THE CONDUCT OF KATIE JORGENSEN**

PENALTY SUBMISSION

1. Pursuant to section 27(1)(e) of The Registered Psychiatric Nurses Act (the "*Act*"). Katie Jorgensen shall be reprimanded.
2. Pursuant to section 27(1)(c) of the Act, Katie Jorgensen shall be suspended and remain suspended **until** such time as the following conditions are met:
 - (a) Ms. Jorgensen shall produce a report to the Registrar from her treating physician outlining her treatment for substance abuse, her compliance with treatment and providing an opinion regarding her ability to safely practice nursing. The costs of any such report shall be borne by Ms. Jorgensen.
 - (b) Ms. Jorgensen shall produce a report to the Registrar from an addictions counsellor outlining her treatment for substance abuse, her compliance with treatment and providing an opinion regarding her ability to safely practice nursing. The costs of any such report shall be borne by Ms. Jorgensen.
 - (c) Ms. Jorgensen shall provide three consecutive months of monitored drug screen test results showing negative results. The costs of any and all drug screens shall be borne by Ms. Jorgensen.
 - (d) Ms. Jorgensen shall complete an ethics course acceptable to the Registrar. The costs of the course shall be borne by Ms. Jorgensen.
 - (e) Ms. Jorgensen shall provide a self-reflective essay to the Registrar outlining her plan to maintain recovery and her use and access to the supports available to her.
3. Pursuant to section 27(1)(d) of the Act, and in the event that Ms. Jorgensen meets the conditions set out above and is reinstated, her license to practice nursing shall be subject to the following conditions:

- (a) For a period of two years, Ms. Jorgensen shall, if requested by the Registrar, provide reports from her treating physician and/or addictions counsellor regarding her condition, treatment, treatment compliance and ability to safely practice nursing. The costs of any such reports shall be borne by Ms. Jorgensen.
 - (b) For a period of three years, Ms. Jorgensen shall only work in nursing environments where she has no direct access to narcotics, benzodiazepines, opiates and controlled substances.
 - (c) For so long as Ms. Jorgensen holds a practicing license, she shall immediately advise the Registrar if she is the subject of any discipline sanctions taken by her nursing employer.
 - (d) For a period of five years, Ms. Jorgensen shall advise the Registrar if she changes her nursing employer and do so within seven days of the date of the change.
 - (e) For a period of five years, Ms. Jorgensen shall provide monitored random drug screens to the Registrar as the Registrar may request. The costs of any drug screens shall be borne by Ms. Jorgensen.
4. Pursuant to section 27(1)(f) of the Act, Ms. Jorgensen shall provide a written copy of the decision of the Discipline Committee to her nursing employer for a period of three years from the date of the decision.
 5. Pursuant to section 27(2)(a)(ii) of the Act, Ms. Jorgensen shall pay the costs of the investigation and hearing which costs shall be fixed in the amount of \$5,000.00. The costs shall be paid on or before January 2, 2024. Failing payment, Ms. Jorgensen's license to practice, if any, shall be suspended until payment is made.
 6. Pursuant to section 27(3) of the Act, a copy of the Discipline Committee decision shall be provided to [REDACTED], Saskatchewan Health Authority Lloydminster, Saskatchewan.
 7. A copy of the Discipline Committee order and decision shall be published on the RPNAS website. Further, the Registrar shall provide a copy of the decision to registered psychiatric nursing regulators in Canada.

RIGHT OF APPEAL

According to Section 32 of *The Registered Psychiatric Nurses Act, SS 1993, c R-13.1*:

32	(1)	A member who has been found guilty by the discipline committee pursuant to section 26 or who has been expelled pursuant to section 29 may appeal the decision or any Order of the discipline committee within 30 days of the decision or Order to the council by serving the executive director with a copy of the notice of appeal.
	1.	An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).
	2.	On receipt of a notice of appeal, the executive director shall file with the council a true copy of:
		<ul style="list-style-type: none"> a. the formal complaint and notice served pursuant to subsection 26(1) or the report of the professional conduct committee pursuant to section 29; b. the transcript of the evidence presented to the discipline committee; and c. the decision and Order of the discipline committee.
	3.	The appellant or the appellant's solicitor or agent may obtain from the executive director a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.
	4.	In hearing an appeal, the council shall:
		<ul style="list-style-type: none"> a. dismiss the appeal; b. quash the finding of guilty; c. direct a new hearing or further inquiries by the discipline committee; d. vary the Order of the discipline committee; or e. substitute its own decision for the decision of the discipline committee; and f. may make any Order as to costs that the council considers appropriate.
	5.	A decision of the majority of the council pursuant to subsection (5) is a decision of the council.