

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO**

BETWEEN:

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO

- and -

JOSEE JENKINS

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Respiratory Therapists of Ontario has referred specified allegations against Josee Jenkins to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A discipline panel will convene at the offices of Victory Verbatim located at 222 Bay St., Suite 900, Toronto, ON, at **9:30 a.m. on a date to be set by the Registrar**, for the purposes of conducting the discipline hearing.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders pursuant to section 51(2) of the *Health Professions Procedural Code*:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the solicitor for the College, Julie Maciura, in this matter:

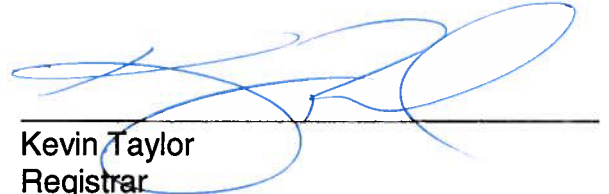
Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street, Suite 2308
Toronto, ON M5H 2Y4

Telephone: (416) 234-0123
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Date: FEB. 12 / 2015



Kevin Taylor
Registrar
College of Respiratory Therapists of
Ontario

TO: 

STATEMENT OF ALLEGATIONS

1. Josee Jenkins ("Ms. Jenkins") is a registered Practical Respiratory Therapist in Ontario holding a certificate of registration in the Limited class.
2. Ms. Jenkins is employed at West Park Healthcare Centre in Toronto, Ontario.

Breach of Undertaking and Breach of Terms, Conditions and Limitations

3. Ms. Jenkins was first registered with the College of Respiratory Therapists of Ontario (the "College") in 1994.
4. Since 1994, there have been terms, conditions and limitations ("TCLs") on Ms. Jenkins' certificate of registration restricting the controlled acts (i.e., the prescribed procedures below the dermis) that she may perform.
5. In or about October 2003, Ms. Jenkins signed an undertaking with the College in which she undertook:
 - a. To provide a written apology to the College for having previously performed controlled acts contrary to the TCLs on her certificate and for having used a term or title she was not authorized to use;
 - b. To comply at all times with the TCLs on her certificate of registration; and
 - c. To advise her current employer(s) of the TCLs on her certificate of registration.
6. That undertaking is still in force.
7. In or about February 2007, Ms. Jenkins requested that the Registration Committee of the College vary the TCLs on her certificate of registration. The decision of the Registration Committee of the College (confirmed to Ms. Jenkins by way of a letter dated February 28, 2007) was that Ms. Jenkins was still not permitted to perform "added or advanced prescribed procedures below the dermis", with the proviso that the Registration Committee would be willing to vary the TCLs to allow her to perform

venipuncture as long as Ms. Jenkins first submitted to the Registrar proof, acceptable to the Registrar, of competence in venipuncture. In the interim, Ms. Jenkins would be permitted to perform venipuncture under supervision, in order to attain the required competence.

8. It is alleged that, since February 2007, Ms. Jenkins has never submitted to the Registrar proof, acceptable to the Registrar, of competence in venipuncture nor has she ever requested a variation of any of the TCLs on her certificate of registration.
9. It is further alleged that since 2007, Ms. Jenkins has performed venous cannulation (i.e., IV insertions) at West Park Healthcare Centre in contravention of the TCLs on her certificate of registration.
10. It is alleged that the conduct described above constitutes professional misconduct pursuant to the following paragraphs of section 1 of Regulation 753/93 under the *Respiratory Therapy Act, 1991*: paragraph 1 (contravening a term, condition or limitation); and/or paragraph 2 (contravening a standard of practice of the profession); and/or paragraph 24 (contravening the regulations under the *Respiratory Therapy Act, 1991*, namely the Registration Regulation and Prescribed Procedures Regulation); and/or paragraph 27 (failing to carry out an undertaking given to the College); and/or paragraph 29 (disgraceful, dishonourable or unprofessional conduct).

Providing False or Misleading Information to the College

11. It is alleged that since 2007, Ms. Jenkins provided false or misleading information to the College by failing to state on her annual College renewal forms that she performed venous cannulation (i.e., IV insertions) at her place of employment, despite having performed venous cannulation.
12. It is alleged that the conduct described above constitutes professional misconduct pursuant to the following paragraphs of section 1 of Regulation 753/93 under the *Respiratory Therapy Act, 1991*: paragraph 2

(contravening a standard of practice of the profession); and/or paragraph 16 (falsifying a record relating to the member's practice); and/or paragraph 18 (signing or issuing, in the member's professional capacity, a document that the member knows contains a false or misleading statement); and/or paragraph 29 (disgraceful, dishonourable or unprofessional conduct).

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent separately.
2. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
3. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

DISCIPLINE COMMITTEE OF THE
COLLEGE OF RESPIRATORY THERAPISTS
OF ONTARIO

NOTICE OF HEARING

STEINECKE MACIURA LEBLANC

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Julie Maciura

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Solicitors for the College of Respiratory
Therapists of Ontario