



College of Respiratory  
Therapists of Ontario

Ordre des thérapeutes  
respiratoires de l'Ontario

# DISCIPLINE COMMITTEE

Jocelyn Hurst

**REFERRAL DATE:** 27-August-2024

**HEARING DATES:** TBD

**DETAILS:** It is alleged that the member committed professional misconduct, in that the member contravened the standards of practice of the profession and engaged in disgraceful, dishonourable or unprofessional conduct by:

- Failing to successfully complete a specified continuing education or remediation program ("SCERP") relating to ethics and professionalism known as the "Professional Problem Based Ethics" program ("PROBE"), as ordered by the ICRC on or around March 16, 2021.
- Failing to comply with an Acknowledgment and Undertaking entered into with the College on or around October 9, 2022.

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

B E T W E E N :

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO

- and -

JOCELYN HURST

**NOTICE OF HEARING**

**THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE** of the College of Respiratory Therapists of Ontario (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”). The statement of specified allegations is attached to this Notice of Hearing. A panel of the Discipline Committee (the “Panel”) will hold a hearing under the authority of sections 38 to 56 of the Code for the purposes of deciding whether the allegations are true.

**THE HEARING WILL BE HELD** before the Panel on a date and time to be set by the Discipline Committee. You will be provided with notice of the location or format of the hearing in advance.

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

**SUBSECTION 51(2) OF THE CODE PROVIDES THAT** if the Panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.

3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the Panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Code.
7. If the Panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

**PURSUANT TO SECTION 53.1 OF THE CODE**, in an appropriate case, if the Panel finds that you committed an act of professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. The College's legal costs and expenses.
2. The College's costs and expenses incurred in investigating the matter.
3. The College's costs and expenses incurred in conducting the hearing.

**YOU ARE ENTITLED** to disclosure of the evidence against you in accordance with subsection 42(1) of the Code. You, or your representative, may contact the lawyer for the College. Her name and contact information is:

**Alexandra Matushenko**  
 Steinecke Maciura LeBlanc  
 Barristers & Solicitors  
 401 Bay Street  
 Suite 2308  
 Toronto, ON M5H 2Y4  
 Telephone: (416) 583-2548  
 Facsimile: (416) 593-7867  
 Email: [amatushenko@sml-law.com](mailto:amatushenko@sml-law.com)

**YOU MUST ALSO MAKE** disclosure in accordance with section 42.1 of the 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.

**YOU ALSO HAVE** disclosure obligations under the College's Discipline Committee Rules which provides, in part, that each party shall deliver to every other party, in advance of the hearing, copies of all documents and things the party intends to produce or enter as evidence at the hearing.

**JOCELYN HURST****ALLEGATIONS****The Member**

1. At the material times, Jocelyn Hurst (the “Member”) was a duly registered member of the College of Respiratory Therapists of Ontario (the “College”).

**Background**

2. On or around March 16, 2021, a panel of the Inquiries, Complaints and Reports Committee (“ICRC”) of the College ordered the Member to, among other things, successfully complete a specified continuing education or remediation program (“SCERP”) relating to ethics and professionalism known as the “Professional Problem Based Ethics” program (“PROBE”). The Member was required to achieve a grade of at least a “conditional pass”, and if the Member did not attain a conditional pass, she was required to repeat the program at every consecutive offering until at least a conditional pass was achieved.
3. The ICRC also ordered that the Member enter into an Acknowledgment and Undertaking with the College to do the following, among other things:
  - a. Direct the Member’s supervisor to conduct performance appraisals every six (6) months;
  - b. Ensure that the Member’s supervisor provides a summary of the performance appraisals to the College every six (6) months;
  - c. Attend counselling at a minimum of one (1) appointment per month; and
  - d. Ensure that the Member’s counsellor provides the College summary reports every six (6) months.
4. The Member signed an Acknowledgement and Undertaking on or around August 19, 2021.
5. On or around October 9, 2022, the Member signed a new Acknowledgement and Undertaking which replaced the August 19, 2021 Acknowledgment and Undertaking (the “2022 Undertaking”). Among other things, the Member undertook to do the following in the 2022 Undertaking:
  - a. Attend counselling at a minimum of two (2) appointments a month, for a period of two (2) years;
  - b. Ensure that the counsellor who facilitates the Member’s counselling provides the College summary reports every six (6) months confirming that the Member is attending counselling and provides a status of her counselling;
  - c. Notify the Member’s workplace supervisor that she is bound by the 2022 Undertaking;

- d. Provide the College with the contact information of the Member's supervisor, and have her supervisor conduct a performance appraisal every six (6) months with a specific focus on the Member's conduct; and
- e. Ensure that her supervisor provides a summary of the performance appraisals to the College within seven (7) days of conducting each performance appraisal.

#### **Failure to Comply with an Order of the ICRC**

- 6. It is alleged that the Member did not complete the SCERP as ordered by the ICRC. Specifically, it is alleged that:
  - a. The Member attempted the PROBE course but did not achieve a grade of at least a "conditional pass"; and/or
  - b. The Member did not repeat the offering of the PROBE course until she obtained a grade of at least a conditional pass.

#### **Failure to Comply with the 2022 Undertaking**

- 7. It is alleged that the Member failed to comply with the 2022 Undertaking as follows:
  - a. The Member did not attend counselling at a minimum of two (2) appointments a month for a period of two (2) years; and/or
  - b. The Member did not ensure that the counsellor who facilitated her counselling provided the College summary reports every six (6) months confirming that the Member was attending counselling and providing a status of her counselling; and/or
  - c. The Member did not notify her supervisor or supervisors that she was bound by the 2022 Undertaking; and/or
  - d. The Member did not have her supervisor or supervisors conduct a performance appraisal every six (6) months with a specific focus on her conduct and if it has been perceived as offensive, intimidating, harassing, inappropriate, or in any way could reasonably be seen to be a breach of the College standard regarding professional relationships; and/or
  - e. The Member did not ensure that her supervisor or supervisors provided a summary of the performance appraisals to the College within seven (7) days of conducting each performance appraisal.

#### **Professional Misconduct Alleged**

- 8. It is alleged that the conduct described above constitutes professional misconduct pursuant to Clause 51(1)(c) of the Health Professions Procedural Code being Schedule 2 to the *Regulated Health Professions Act, 1991* and as defined in one or more of the following paragraphs of Ontario Regulation 753/93 made under the *Respiratory Therapy Act, 1991*:
  - a. Paragraph 26 (Failing to comply with an order of a panel of the Complaints Committee, Discipline Committee, Fitness to Practise Committee or Quality Assurance Committee); and/or

- b. Paragraph 27 (Failing to carry out an undertaking given to the College or an agreement entered into with the College); and/or
- c. Paragraph 29 (Engaging in conduct or performing an act, relevant to the practice of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional)

DISCIPLINE COMMITTEE OF  
THE COLLEGE OF RESPIRATORY THERAPISTS  
OF ONTARIO

**NOTICE OF HEARING**

**STEINECKE MACIURA LEBLANC**

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Suite 2308  
Toronto, ON M5H 2Y4

**Alexandra Matushenko, LSO No.: 65361E**

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Lawyers for the College of  
Respiratory Therapists of Ontario