

INVESTIGATION COMMITTEE  
of the  
SASKATCHEWAN REGISTERED NURSES ASSOCIATION

-and-

Mary (Lorraine) Wilson  
Saskatchewan RN #0030244  
Saskatoon, SASKATCHEWAN

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**PENALTY DECISION**

of the

**DISCIPLINE COMMITTEE**

of the

**COLLEGE OF REGISTERED NURSES OF SASKATCHEWAN**

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Legal Counsel for the Investigation Committee:	Christa Weber
Legal Counsel for First Last Nurses Names	Jay Watson
Legal Counsel for the Discipline Committee:	Brittnee Holliday
Chairperson for the Discipline Committee:	Christopher Etcheverry, RN

Date of Penalty Hearing: **May 27, 2022**

Location: *Via Videoconference*  
College of Registered Nurses of Saskatchewan  
2066 Retallack Street  
Regina, Saskatchewan  
S4T 7X5

Date of Penalty Decision: June 23, 2022

## I. INTRODUCTION

1. The Discipline Committee of the College of Registered Nurses of Saskatchewan (CRNS) convened to hear and determine a complaint of professional misconduct against Registered Nurse #0030244, Mary (Lorraine) Wilson, on May 27, 2022. The Discipline Committee is established pursuant to section 30 of *The Registered Nurses Act 1988* (“*the Act*”).
2. The charges against Mary (Lorraine) Wilson are outlined in a Notice of Hearing of Complaint dated April 6, 2022. There is one charge of professional misconduct, as follows:
  1. Between January 1st, 2015 and September 30th, 2019, while you held the elected position of Local President of the Saskatchewan Union of Nurses Local 151, you did commit the criminal offence of fraud exceeding \$5,000.00 pursuant to section 380(1)(a) of the Criminal Code of Canada by defrauding the Saskatchewan Union of Nurses Local 151 of \$21,899.60 and were convicted of this charge before a provincial court Judge on October 5, 2021. You are therefore guilty of professional misconduct as follows:
    - (1) pursuant to section 26(1) of *The Registered Nurses Act*, 1988, SS c R-12.2 SS in that you engaged in conduct that is contrary to the best interests of the public or nurses or tends to harm the standing of the profession;
    - (2) pursuant to section 26(2)(c) of *The Registered Nurses Act*, 1988, R-12.2 SS c R-12.2, by inappropriately using your nurse’s professional status for personal gain;
    - (3) pursuant to section 26(2)(l) of *The Registered Nurses Act*, 1988, R-12.2 SS c R-12.2, by failing to comply with the *Code of Ethics for Registered Nurses*;
    - (4) pursuant to section 26(2)(q) of *The Registered Nurses Act*, 1988, R-12.2 SS c R-12.2 for contravening SRNA Bylaws.
  3. The Notice alleges that Mary (Lorraine) Wilson is guilty of professional misconduct contrary to section 26 of *the Act*. The relevant provisions are as follows:

**26(1) For the purpose of this Act, professional misconduct is a question of fact but any matter, conduct or thing, whether or not disgraceful or dishonorable, that is contrary to the best interests of the public or nurses or**

**tends to harm the standing of the profession of nursing is professional misconduct within the meaning of this Act.**

**(2) Without restricting the generality of subsection (1), the discipline committee may find a nurse guilty of professional misconduct if the nurse has:**

**(c) inappropriately used the nurse’s professional status for personal gain;**

...

**(l) failed to comply with the code of ethics of the association;**

...

**(q) contravened any provision of this Act or the bylaws.**

4. The Notice also alleges that numerous provisions of the Bylaws, Code of Ethics and Standards and Foundation Competencies have been breached. Those provisions are set out in Appendix A.

## **II. HEARING**

5. When the Discipline Hearing began, neither counsel for the Investigation Committee nor counsel for Mary (Lorraine) Wilson raised any objection regarding the composition of the Discipline Committee.

6. The Investigation Committee tendered a “Book of Evidence” which was marked as Exhibit P1. The Book of Evidence included three tabs:

TAB A – Agreed Statement of Facts

TAB B – Costs

TAB C – Joint Submission on Penalty

7. The Investigation Committee also filed a “Brief of Law on Penalty”.
8. The evidence regarding the charges is set out in the Agreed Statement of Facts and was summarized by counsel for the Investigation Committee. The relevant facts are reproduced from the Agreed Statement of Facts and/or summarized as follows:

- a. Ms. Wilson was first registered as a Registered Nurse in 1986 after completing her nursing education program. She has been registered continuously with the College of Registered Nurses of Saskatchewan (“CRNS”, formerly the SRNA) since July 6, 2007.
- b. Ms. Wilson was employed as a registered nurse at a long-term care home in Saskatoon, Saskatchewan. At the time of the complaint, and during the period encompassing the allegations (January 1, 2015 to September 30, 2019), Ms. Wilson was the elected Local President for Local 151 at Parkridge Centre.
- c. Ms. Wilson executed a Licensure Agreement with the CRNS on October 11, 2021, which provided restrictions and conditions on her license.
- d. There have been no previous complaints to the CRNS (formerly the SRNA), and Ms. Wilson remained in good standing.
- e. On December 17, 2019, a written complaint was received from the [REDACTED], alleging professional misconduct and/or professional incompetence on the part of Ms. Wilson due to: her financial mismanagement of Local 151 including failure to follow SUN policy, procedure, and bylaw expectations, fraudulent signatures on cheques, inappropriate payments received by Ms. Wilson, and inappropriate submission of time to her employer for payment related to union activities.
- f. The SUN Board of Directors directed that a forensic audit be done in March of 2019. The 253-page Investigative Report identified that \$21,899.60 in SUN Provincial or Local 151 funds appeared to have been spent by Ms. Wilson in an inappropriate or questionable manner.
- g. The matter was investigated by the Saskatoon City Police and Ms. Wilson was ultimately arrested and charged with three offences under *The Criminal Code of Canada* (the “Criminal Code”).

- h. Ms. Wilson responded in writing to the complaint, however, the SRNA investigation was stayed pursuant to section 32(1) of *the Act*, pending the disposition of the criminal charges.
- i. On October 5, 2021, Ms. Wilson pled guilty to one offence, which is an indictable offence, specifically admitting that between January 1, 2015 and September 30, 2019 she did, by deceit, falsehood, or other fraudulent means, defraud SUN Local 151 of a sum of money, of a value exceeding \$5,000.00, contrary to section 380(1)(a) of the Criminal Code. Her guilty plea was accepted and a conviction was entered on the record. The Crown Prosecutor entered a stay of proceedings on the remaining two charges.
- j. Counsel jointly proposed a 12-month probation order including:
  - i. An \$1800 fine and additional surcharge of \$540;
  - ii. Statutorily required conditions; and,
  - iii. Additional conditions, including that Ms. Wilson report to a probation officer as directed, complete 40 hours of community service, and make restitution in the amount of \$20,000 to the victims.
- k. The Court also made an Order of Prohibition, prohibiting Ms. Wilson from “seeking, obtaining, or continuing any employment, or becoming or being a volunteer in any capacity, that involves having authority over the real property, money, or valuable security of another person, for a period of 5 years”.
- l. Ms. Wilson admits that her conduct between January 1, 2015 and September 30, 2019, giving rise to the criminal conviction, constitutes professional misconduct as defined in section 26 of *the Act*, as well as provisions of the SRNA Bylaws, Code of Ethics for Registered Nurses, and SRNA Standards and Foundation Competencies for the Practice of Registered Nurses, set out in Appendix A.

- m. Ms. Wilson is currently unemployed. From November 30, 2020 until March 31, 2022, Ms. Wilson was employed by the Saskatchewan Health Authority. Ms. Wilson voluntarily discontinued this employment.

### III. ANALYSIS

9. Upon consideration of the evidence, the Discipline Committee does find that Ms. Wilson's conduct amounts to professional misconduct and that the charge of professional misconduct has been proven by the Investigation Committee. The Discipline Committee accepts Ms. Wilson's admission that her conduct constitutes professional misconduct.
10. Upon request of the Discipline Committee, and as Ms. Wilson had been convicted of an indictable offence, counsel for the Investigation Committee also made submissions regarding section 33 of *the Act*. Section 33 of *the Act* states:

**33 A nurse who has been convicted of an indictable offence pursuant to the Criminal Code, the Food and Drugs Act (Canada), the Controlled Drugs and Substances Act (Canada) or the Cannabis Act (Canada), may be expelled from the association without further inquiry by resolution of the discipline committee, if that committee finds that the conduct of the nurse giving rise to the conviction makes the nurse unfit to continue to practise registered nursing.**

11. Counsel for the Investigation Committee suggested that a nexus or connection between the conduct of the nurse and the nurse's continuing fitness to practice as a nurse would be required and that a conviction was not enough to invoke section 33 of *the Act*, relying on *Knutson v Saskatchewan Registered Nurses' Association*, [1990] 6 WWR 645 [SKQB], which was appealed on other grounds:

[18] The S.R.N.A. has expelled the appellant pursuant to s. 33 of the Registered Nurses Act, 1988. On the plain reading of that section it is clear that a nurse may be expelled from the association by resolution of the discipline committee if the discipline committee finds that the conduct of the nurse giving rise to the conviction makes the nurse unfit to practise nursing. In this respect there must be a connection between the conduct of the nurse giving rise to the conviction and the fitness of the person to continue practising as a nurse. It is clear that

something more than a conviction under any of the statutes listed in s. 33 is required; there must be something in the conduct of the nurse which gave rise to the conviction that makes the person unfit to continue in the practice of nursing. In the event the S.R.N.A. should hold that the conduct of the nurse which gives rise to the conviction makes the person unfit to continue the practice of nursing, the only option available to the S.R.N.A. is to expel the nurse from the association.

[19] It is noteworthy that in the case of a nurse, a conviction alone is insufficient to expel the nurse from the association. By way of contrast, in the Legal Profession Act, R.S.S. 1978, c. L-10, as amended, s. 70, a member who has been convicted of an indictable offence punishable under the Criminal Code may without notice be struck off the roll of the society or suspended from practice by resolution of the discipline committee. There are no words of limitation in s. 70 of the Legal Profession Act as are found in s. 33 of the Registered Nurses Act, 1988.

[20] Similarly, in the Medical Profession Act, S.S. 1980-81, c. M-10.1, s. 55, the council may, on production of a duly certified copy of a conviction, either in Canada of an indictable offence, or outside Canada of an offence that would be indictable if it were committed in Canada, impose any of the penalties of the Act which could be applied to a person found by the discipline committee to be guilty of unbecoming, improper, unprofessional or discreditable conduct.

[21] What must be established under s. 33 of the Registered Nurses Act, 1988, is a connection between the conduct of the nurse, which led to the conviction under one of the statutes named therein, and the continuing fitness of the person to practise as a nurse in this province. In s. 33 the words “may be expelled from the association without further inquiry by resolution of the discipline committee” are qualified by the further limiting words which require that “that committee finds that the conduct of the nurse giving rise to the conviction makes the nurse unfit to continue to practise nursing.” This requires the production of evidence with respect to the involvement and particular conduct of the nurse in the circumstances leading to the conviction and the S.R.N.A. has the burden of proof in the disciplinary hearings. The discipline committee requires evidence to support its finding that a nurse is unfit to continue to practise nursing before the committee may exercise its discretion to expel the nurse from the association.

12. Counsel for the Investigation Committee suggested that Ms. Wilson’s conduct, although worthy of a suspension, did not suggest a lack of fitness to practice and an expulsion would not be necessary or appropriate in the circumstances. Counsel for the Investigation Committee stated that the Joint Submission as to Penalty was consistent with promoting remediation and addressing any harm caused, while considering Ms. Wilson’s long career.

13. The Joint Submission as to Penalty is lengthy. In summary, it proposes a 60-day suspension, conditions to practice, including, but not limited to, education, mental health counselling, discussions with the Registrar regarding her conduct, and prohibitions on the type of employment or volunteer work Ms. Wilson may undertake as an RN. The Joint Submission as to Penalty also includes requirements of ongoing personal counselling and reporting on such counselling, a fine, and a significant portion of the overall costs of the Investigation and Discipline proceedings.
14. Counsel for the Investigation Committee suggested the Joint Submission as to Penalty was consistent with other relevant proceedings, would ensure public trust, and specific and general deterrence. It was noted that Ms. Wilson had a long career, without complaint, and had successfully continued to practice, under conditions, until March 2022.
15. Counsel for Ms. Wilson made brief submissions, noting that Ms. Wilson had no prior complaints, issues, or criminal involvement. He emphasized that [REDACTED] and this, coupled with an addiction issue, is why Ms. Wilson ended up in the situation she was in. He noted that Ms. Wilson was cooperative throughout the criminal proceedings and the regulatory process. Counsel advised that Ms. Wilson understands her conduct caused problems for the profession and other persons, and that she expressed remorse.
16. The Discipline Committee concludes that something more than a conviction is required to invoke an expulsion under section 33 of *the Act*. There is no evidence before the Discipline Committee to suggest that Ms. Wilson is unfit to continue to practice nursing.
17. The Discipline Committee is aware of the legal principles regarding joint submissions and concludes that the Joint Submission as to Penalty, as presented, is fit, reasonable and consistent with the public interest mandate of the CRNS. The Discipline Committee finds no reason to deviate from the proposed sanction.



#### IV. ORDER

18. After hearing from counsel and considering all the material, the Discipline Committee issued an Order on May 27, 2022, endorsing the Joint Submission.
  
19. The Discipline Committee made the following Order pursuant to section 31 of *the Act*:
  1. Pursuant to section 31(1)(b) of *The Registered Nurses Act, 1988* (“*the Act*”), Mary Lorraine Wilson shall be suspended from the Saskatchewan Registered Nurses Association (operating as the College of Registered Nurses) for a period of 60 days effective the date of this Order.
  2. Pursuant to section 31(1)(c) of *the Act*, Ms. Wilson may continue to practice under the following conditions:
    - a. She shall arrange for personal counselling with a psychologist/mental health counsellor (or healthcare practitioner who provides equivalent care and has equivalent qualifications) to develop coping mechanisms and manage the stressors in her life that led her to engage in the conduct for which she was charged and convicted by the Provincial Court of Saskatchewan, and which led to her being charged and disciplined by her regulatory body. Prior to her return to the practice of registered nursing, Ms. Wilson shall have completed the initial session and must provide proof thereof to the Registrar or designate.
    - b. She shall complete the Canadian Nurses Association Code of Ethics online learning modules and provide proof of completion to the Registrar or designate prior to her return to the practice of registered nursing.
    - c. She shall meet with the Registrar or designate at a date to be arranged by the Registrar or designate, but in any event, within 4 months from the date of the Discipline Order, to discuss:
      - i. the conduct for which she was found to have committed professional misconduct;
      - ii. the potential and actual consequences of that conduct to her colleagues, her profession, herself, and the public; and,

- iii. her responsibilities as a member of a self-regulated profession.
- d. Following the completion of the period of suspension and upon her return to the practice of registered nursing, for so long as she is subject to the Order of Prohibition imposed by the Provincial Court of Saskatchewan, she:
  - i. shall not seek, obtain, or continue, any employment or volunteer opportunity as an RN in any capacity that involves her having authority over the real property, money, or valuable security of another person;
  - ii. shall obtain the written approval of the Registrar for any and all practice settings that she seeks to pursue in her capacity as an RN, whether or not the services provided by the member are, or will be, remunerated;
  - iii. shall provide a copy of this Discipline Order to existing or prospective employers;
  - iv. shall notify the Registrar prior to changing employers so long the employment is in her capacity as an RN.
- e. For a period of 12 months following her return to the practice of registered nursing, she shall continue to attend personal counselling as may be recommended by her psychologist/mental health counsellor (or healthcare practitioner who provides equivalent care and has equivalent qualifications) and provide the Registrar or designate with verbal updates, written proof of her attendance, and reports from the counsellor, upon request. Ms. Wilson shall bear the costs of both the counselling and the reports, and such counselling may continue beyond 12 months if recommended by the psychologist/mental health counsellor (or equivalent).
- f. All documents and information requested in the Discipline Order must be sent to the CRNS directly from source, marked "Personal and Confidential" to the attention of the Registrar, c/o Assistant to the Registrar, CRNS, 2066 Retallack Street, Regina, Saskatchewan, S4T 7X5.

3. Ms. Wilson shall ensure that the Registrar is provided with updated and current telephone, address and email information and on an ongoing basis for so long as she is subject to any continuing conditions or restrictions of the Discipline Order.
  4. Pursuant to section 31(2)(a)(i) of *the Act*, Ms. Wilson shall pay a fine in the amount of \$5,000.00.
  5. Pursuant to section 31(2)(a)(ii) of *the Act*, Ms. Wilson shall pay costs of the investigation and hearing process fixed in the amount of \$11,000.00.
  6. The fine and costs shall be paid on or before May 27, 2024. Failure to pay the fine and costs within the time set by the Discipline Committee shall result in the immediate suspension of Ms. Wilson's license until payment is made in full pursuant to section 31(2)(b) of *the Act*.
20. Pursuant to section 31(2)(a)(ii) of *the Act*, a copy of this decision shall be sent to Ms. Wilson and the complainant. A copy of this decision shall also be forwarded to:
- (i) The editor of the CRNS news bulletin and the administrator for the CRNS website;
  - (ii) All Canadian Registrars of registered nurses;
  - (iii) Saskatchewan Association of Licensed Practical Nurses;
  - (iv) Registered Psychiatric Nurses Association of Saskatchewan;
  - (v) The College of Physicians and Surgeons of Saskatchewan;
  - (vi) Any other jurisdictions or other stakeholders as may be seen as appropriate by the Registrar.



**June 23, 2022**

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Christopher Etcheverry, RN, Chairperson  
*On behalf of Members of the  
Discipline Committee*  
Stella Swertz, RN  
Sherstin Heino, RN  
Russ Marchuk, Public Representative, Writer

## **Right of Appeal**

Pursuant to section 34(1) of *The Registered Nurses Act, 1988*, a nurse who has been found guilty by the discipline committee or who has been expelled pursuant to section 33 may appeal the decision or any order of the discipline committee within 30 days of the decision or order to:

- (a) the council by serving the executive director with a copy of the notice of appeal; or
- (b) a judge of the court by serving the executive director with a copy of the notice of appeal and filing it with a local registrar of the court.

## Appendix A

### **SRNA BYLAWS (2014) (2016) (2017) (2018)**

BYLAW XIV, SECTION 1(1) - adoption of Code of Ethics of the Association

BYLAW XV, SECTION 1(1) - adoption of Standards and Competencies of the Association

BYLAW IV, SECTION 2(3)(a) and (b) - obligations of practicing member to adhere to Code of Ethics, Standards and Competencies.

### **SRNA BYLAWS (2019)**

BYLAW XIV, SECTION 1(1) (adoption of Code of Ethics of the Association)

BYLAW IV, SECTION 2(3)(a) (obligations of practicing member to adhere to Code of Ethics)

### **CODE OF ETHICS FOR REGISTERED NURSES (2008)**

#### **A. Providing Safe, Compassionate, Competent and Ethical Care**

Nurses provide safe, compassionate, competent and ethical care.

##### **Ethical responsibilities:**

1. Nurses have a responsibility to conduct themselves according to the ethical responsibilities outlined in this document and in practice standards in what they do and how they interact with persons receiving care as well as with families, communities, groups, populations and other members of the health-care team.
3. Nurses build trustworthy relationships as the foundation of meaningful communication, recognizing that building these relationships involves a conscious effort. Such relationships are critical to understanding people's needs and concerns.

#### **F. Promoting Justice**

Nurses uphold principles of justice by safeguarding human rights, equity and fairness and by promoting the public good.

##### **Ethical Responsibilities:**

5. Nurses support a climate of trust that sponsors openness, encourages questioning the status quo and supports those who speak out to address concerns in good faith (e.g., **whistle-blowing**).

#### **G. Being Accountable**

Nurses are accountable for their actions and answerable for their practice.

**Ethical responsibilities:**

1. Nurses, as members of a self-regulating profession, practise according to the values and responsibilities in the *Code Of Ethics for Registered Nurses* and in keeping with the professional standards, laws and regulations supporting ethical practice.
2. Nurses are honest and practise with integrity in all of their professional interactions.

**CODE OF ETHICS FOR REGISTERED NURSES (2017)** – effective September 14, 2018.

**F. Promoting Justice**

Nurses uphold principles of justice by safeguarding human rights, equity and fairness and by promoting the public good.

**Ethical Responsibilities:**

8. Nurses work collaboratively to develop a moral community. As part of this community, all nurses acknowledge their responsibility to contribute to positive and healthy practice environments. Nurses support a climate of trust that sponsors openness, encourages the act of questioning the status quo and supports those who speak out in good faith to address concerns (e.g., whistle-blowing). Nurses protect whistle-blowers who have provided reasonable grounds for their concerns.

**G. Being Accountable**

Nurses are accountable for their actions and answerable for their practice.

**Ethical responsibilities:**

1. Nurses, as members of a self-regulating profession, practise according to the values and responsibilities in the *Code* and in keeping with the professional standards, laws and regulations supporting ethical practice.
2. Nurses are honest and practise with integrity in all of their professional interactions. Nurses represent themselves clearly with respect to name, title and role.

**SRNA STANDARDS AND FOUNDATION COMPETENCIES FOR THE PRACTICE OF REGISTERED NURSES (2013)** – effective until October 30, 2019

**Standard I – Professional Responsibility and Accountability**

The registered nurse consistently demonstrates professional conduct and competence while practicing in accordance with the SRNA standards for registered nursing practice and CNA’s *Code of Ethics for Registered Nurses*. Further, the registered nurse demonstrates that the primary duty is to the client to ensure safe, competent, ethical registered nursing care.

**Foundation Competencies**

The registered nurse:

1. Is accountable and accepts responsibility for own actions and decisions.
4. Demonstrates professional presence and models professional behavior.

25. Demonstrates professional leadership by:
  - a. building relationships and trust;
  - b. creating an empowering environment;  
[...]
  - e. balancing competing values and priorities.

### **Standard III – Ethical Practice**

The registered nurse demonstrates competence in professional judgment and practice decisions by applying the principles in the current CNA *Code of Ethics for Registered Nurses*. The registered nurse engages in critical inquiry to inform clinical decision-making, establishes therapeutic, caring, and culturally safe relationships with clients and the health care team.

### **Foundation Competencies**

The registered nurse:

62. Practises in accordance with the current CNA *Code of Ethics for Registered Nurses* and the accompanying responsibility statements.
  
70. Uses an ethical and reasoned decision-making process to address situations of ethical distress and dilemmas.