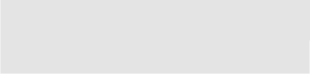


IN THE MATTER OF: *The Registered Nurses Act, 1988*, and JESSICA L. WAGNER, RN
#0045495

NOTICE OF HEARING OF COMPLAINT

TO: JESSICA L. WAGNER


A. JURISDICTION

1. At all times material to the charges hereinafter set out you were on the Register and were a member of the Saskatchewan Registered Nurses Association (SRNA);
2. At the time of the incident contained in the charges, your license from the SRNA to practice registered nursing in Saskatchewan had commenced November 6, 2017 and continues to date;
3. The Investigation Committee of the SRNA reviewed and investigated a complaint regarding your conduct and, pursuant to paragraph 28(3)(a) of *The Registered Nurses Act, 1988*, hereby recommends that the Discipline Committee hear and determine a formal complaint regarding the charges set out below.

B. CHARGES

Charge Number 1

4. You, JESSICA L. WAGNER, are alleged to be guilty of professional misconduct, as defined in section 26(1) of *The Registered Nurses Act, 1988*, regarding the following matter:
 - (a) On December 9, 2019, the Discipline Committee of the SRNA found you guilty of professional misconduct and ordered that:
 - (i) within six months from the date of the order of December 9, 2019 you provide the Registrar proof of attendance at counselling;
 - (ii) within six months you read the *Code of Ethics for Registered Nurses, 2017* and submit a 500-word essay to the Registrar outlining what you learned regarding the need to cooperate with your regulatory body; and
 - (iii) within six months you write a 500-word self-reflective essay and submit it to the Registrar regarding the SRNA *Standards and Foundation Competencies for the Practice of Registered Nurses, 2013* and explain what you have learned regarding the need to cooperate with your regulatory body.
 - (b) You have failed to abide by these three conditions that allowed you to continue to practice nursing. You filed the essays on the *Code of Ethics, 2017* and the SRNA *Standards and Foundation Competencies for the Practice of Registered Nurses, 2013*, on June 30, 2020 rather than June 9, 2020, as required by the discipline

order. As of the date of this Notice of Hearing, you have failed to file proof of attendance at counselling.

Charge Number 2

5. You, JESSICA L. WAGNER, are alleged to be guilty of professional misconduct, as defined in section 26(1) and (2) (l) (m) and (q) of *The Registered Nurses Act, 1988*, regarding the following matter:
- (a) You failed without reasonable cause to respond to the inquiries regarding allegations of professional misconduct from the Registrar and the Investigation Committee as follows:
 - (i) A letter from the Registrar dated June 15, 2020 advising you had missed the deadline of June 9, 2020 as set in the discipline order;
 - (ii) A letter from the Investigation Committee dated June 29, 2020 requesting a written response to the allegation of professional misconduct by July 20, 2020; and
 - (iii) A letter from the Investigation Committee dated October 21, 2020 stating the matter is being referred to a discipline hearing.
 - (b) This is the second time you have failed to respond to the SRNA regarding allegations of professional misconduct. Your failure to respond to the written allegation of professional misconduct and to respond to inquiries from the Association regarding this alleged professional misconduct is contrary to *The Registered Nurses Act, 1988*, subsection 26(1).

C. RELEVANT LEGISLATION AND BYLAWS

6. The above alleged professional misconduct is contrary to subsections 26(1) and (2) of *The Registered Nurses Act, 1988*, as follows:

Professional Misconduct

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 dishonourable, 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:

...

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

(m) failed without reasonable cause to respond to inquiries from the association regarding alleged professional misconduct or professional incompetence; and

...

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

7. The above alleged professional misconduct is also contrary to the *Code of Ethics for Registered Nurses, 2017*. The following nursing values and ethical responsibilities are applicable in this case:
 - (a) A. Providing Safe, Compassionate, Competent and Ethical Care: A1; and
 - (b) G. Being Accountable: G1 and G2.
8. The above alleged professional misconduct is also contrary to *The Registered Nurse Practice Standards, 2019*.
 - (a) Standard I – Professional Responsibility and Accountability: 1 and 9;
 - (b) Standard III – Ethical Practice: 26;
 - (c) Standard IV – Service to the Public: 35; and
 - (d) Standard V – Self-Regulation: 49, 51, and 53.

D. PARTICULARS

9. Particulars of the alleged professional misconduct are that:
10. On December 9, 2019, the Discipline Committee of the SRNA issued an Order, after you pleaded guilty to giving false answers to the SRNA at the time of your initial registration on November 6, 2017. You also pleaded guilty to a charge of failing without reasonable cause to respond to inquiries from the Association regarding alleged professional misconduct, regarding a complaint received by the SRNA from SALPN dated April 6, 2018.
11. On February 3, 2020 the Discipline Committee of the SRNA issued a written decision with respect to your case.
12. Within the 6 months that expired on June 9, 2020, you had failed to communicate with the Registrar of the SRNA regarding the three practice conditions contained in the Order of December 9, 2019. On June 30, 2020 you provided two essays to the SRNA however, to the date of this Notice of Hearing you have failed to file proof of attendance at counselling.
13. The letter of June 15, 2020 from the Registrar to you stated that you had failed to communicate with the Registrar with respect to the three practice conditions between the dates of December 9, 2019 and June 9, 2020 and that you had failed to file the necessary documentation as required by the Order.
14. On June 29, 2020, the Investigation Committee sent you a letter by post and by email, along with a copy of the complaint of professional misconduct, requiring that you respond in writing by July 20, 2020. You failed to respond by the deadline.
15. On June 30, 2020, you telephoned the SRNA office to say that you had received the communication of June 29, 2020. You were informed that you needed to respond in writing to the complaint of professional misconduct but you failed to do so.
16. On September 28, 2020, the Investigation Committee moved your case to a Discipline Hearing. You were advised in writing of this decision.

E. DATE, TIME AND PLACE OF HEARING

17. NOW THEREFORE TAKE NOTICE that the Discipline Committee will hear the charges and such evidence as may be tendered with respect to them starting at 9:00 am on Tuesday, the 22nd day of June, 2021 at the offices of the SRNA, 2020 Retallack Street, Regina, Saskatchewan (via Zoom), or at such other location as may be advised and from day to day thereafter until the charges have been heard.
18. TAKE NOTICE THAT at the said time and place you have the right to be present with counsel and a support person.
19. TAKE NOTICE THAT, in default of you attending at the said time and place, the Discipline Committee may, on proof of service of this Notice on you and/or your legal counsel, proceed with the hearing of said charges, and the evidence with respect to them.

F. DISCIPLINARY POWERS

20. TAKE NOTICE THAT, if the Discipline Committee finds you guilty of professional misconduct, the Committee may order one or more of the following pursuant to section 31 of *The Registered Nurses Act, 1988*:

31(1) Where the discipline committee finds a nurse guilty of professional incompetence or professional misconduct, it may:

- (a) order that the nurse be expelled from the association and that the nurse's name be struck from the register;
- (b) order that the nurse be suspended from the association for a specified period;
- (c) order that the nurse may continue to practice only under conditions specified in the order which may include, but are not restricted to, an order that the nurse:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction;
 - (iii) obtain treatment, counselling or both;
- (d) reprimand the nurse; or
- (e) make any other order that to it seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

- (a) that the nurse pay to the association within a fixed period:
 - (i) a fine in a specified amount;
 - (ii) the costs of the inquiry and hearing into the nurse's conduct and related costs, including the expenses of the investigation committee and the discipline committee; or
 - (iii) both of the things mentioned in subclauses (i) and (ii); and

(b) where a nurse fails to make payment in accordance with an order pursuant to clause (a), that the nurse be suspended from the association.

(3) The discipline committee shall send a copy of an order made pursuant to subsection (1) or (2) to the nurse who is the subject of the report and to the person, if any, who made the report.

(4) Where a nurse is expelled or suspended from the association, the registrar shall strike the name of the nurse from the register or indicate the suspension on the register, as the case may be.

G. GUILTY PLEA

21. AND FURTHER TAKE NOTICE THAT, if you decide to enter a guilty plea, you and your legal counsel must contact legal counsel for the Investigation Committee of the SRNA at the earliest opportunity in order to implement the procedure to speak to penalty.

Dated at Regina, Saskatchewan, this 30th day of March, 2021.



Cindy Smith, RN
Executive Director
Saskatchewan Registered Nurses Association