

**ARNPEI Professional Conduct Review Committee Formal
Inquiry Panel Decision**

Complaint # 2017-003

Re: Victoria Rosenbach, Reg # 004256

A Formal Inquiry Panel of the Professional Conduct Review Committee of the Association of Registered Nurses of Prince Edward Island (the "Panel") conducted a hearing in Charlottetown, Prince Edward Island on the 26th day of June, 2018 to consider a complaint dated January 25th, 2017 against Registered Nurse Victoria Rosenbach (formerly Victoria Dulisse), registration number 004256. The hearing followed a meeting of the Investigation Panel of the PCR Committee which was held on November 6th, 2017, which resulted in the Panel's decision to proceed to a formal inquiry.

The purpose of the Formal Inquiry was to determine whether Victoria Rosenbach engaged in professional misconduct as defined in subsection 1(t) of the Registered Nurses Act and/or conduct unbecoming the profession of nursing, both contrary to subsection 30 (4) of the Act, on the dates of June 29, 2016 and August 25, 2016. The Panel also had the task of deciding on an appropriate penalty, if warranted. A notice of formal hearing was the basis of the hearing and it alleged:

1. On June 29, 2016, while you were employed as a Registered Nurse at PEI Atlantic Baptist Home (PEI ABH), you administered 5 milligrams of morphine via subcutaneous catheter to a resident of PEI ABH without an order from a medical practitioner, and that by doing so you failed to follow relevant clinical standards applicable to end-of-life care.
2. On August 25, 2016, while you were employed as a Registered Nurse at PEI ABH, you refused to accept the transfer of a resident of PEI ABH back from the Queen Elizabeth Hospital ("QEH") after the resident was transferred to the Emergency Department of the QEH for investigation of abdominal distention.

Members of the Panel included: Trevor Cudmore (Chair), Lynn Drake (Member), Jill MacKinnon (Member), and Gerry Macphee (Public Representative). Also in attendance were Complainant Karen Buell, Respondent Victoria Rosenbach, (Rosenbach's daughter Aysha Dulisse also attended for support for the Respondent), Adducer Tom Keeler, and Doug Drysdale legal counsel and advisor for the Panel. A representative (Christine Macdougall) from the Office of the Future recorded the formal hearing.

Process

The findings of the Formal Inquiry panel were based on an Agreed Statement of Facts presented by Tom Keeler and signed by Victoria Rosenbach. The Panel found Victoria Rosenbach guilty of allegation 1 dated June 29, 2016. The finding is based on Victoria Rosenbach's admission of guilt, and supporting information contained in the Agreed Statement. With relation to allegation 2 dated August 25, 2016, the Panel found that the Agreed Statement of Facts lacked enough information to make a finding of guilt and this was put back to the adducer to provide further information prior to making a formal decision. It was agreed by Tom Keeler and Victoria Rosenbach that the Panel would proceed with a decision related to allegation number 1 and allegation 2 would be tabled for review at a future date, should the adducer decide to present further evidence.

In relation to allegation 1, Victoria Rosenbach was found guilty of professional misconduct and conduct unbecoming the profession of nursing. It was determined that she contravened the following standards of nursing: 1 (1.1 and 1.7), 4 (4.2, 4.4, 4.5, 4.6). With respect to penalty, the Panel found that the severity of the offence was of high significance because Victoria Rosenbach failed to follow orders as written and worked outside her nursing license by administering medications without a physician's order. This conduct was aggravated because the respondent did not portray a high level of accountability for her actions, although we acknowledge that she did sign the Agreed Statement of Facts.

At the time of the morphine incident, the respondent sought to place blame on others as well as deflect to orders that were used previously with other clients but were not ordered for the client she was presently caring for. It is also relevant that Victoria Rosenbach has been nursing for 24 years and has worked in several areas within the nursing discipline. Her lack of accountability and due diligence related to administering a medication without a physician's order is of the utmost concern for patient safety under her care. This is a second conviction for Victoria Rosenbach related to a medication error and practicing beyond her scope, which calls for a more serious penalty. The Panel was also concerned about the vulnerability of the population that she is caring for within Long Term Care and the corresponding need for a heightened judgement, competent care and leadership ability.

The parties did not present a joint recommendation on penalty. Tom Keeler provided a written document containing his recommendation, and Victoria Rosenbach made submissions on what she felt was appropriate. The Panel considered both submissions and decided that the following penalty should be imposed in the circumstances of this case:

1. Victoria Rosenbach shall pay a fine of \$1250 payable on or before October 31, 2018, or on a monthly payment plan of \$100 per month, beginning October 1, 2018.
2. Victoria Rosenbach shall pay to the Association of Registered Nurses of PEI (now College of Registered Nurses of PEI) the amount of \$1250 in respect of the expenses associated with the investigation and adjudication of the complaint. Payment shall commence on or before October 31, 2018, or on a monthly payment plan of \$100 per month, beginning October 1, 2018.
3. Victoria Rosenbach shall comply with yearly continuing competency audits coordinated by the Coordinator of Regulatory Services at ARNPEI (now CRNPEI), that are focussed on continuing competence specifically related to standards of practice 1, standard 4 and standard 6 for the next three years, beginning in the year 2019.
4. Victoria Rosenbach's license to practice nursing shall be suspended for a period of 30 days from the date that this decision is delivered to Victoria Rosenbach.
5. Victoria Rosenbach must inform all current and future employers of the following conditions that are being placed on her license.
6. Victoria Rosenbach shall have the following conditions placed on her nursing license, effective immediately:
 - a. Within six months of the date of this decision, Victoria Rosenbach shall complete refresher training with a Nursing Expert ("Expert"), of her own choosing and at her own expense. To comply, Ms. Rosenbach is required to ensure that:
 - i. The Expert has expertise in nursing regulation and has been approved by the ARNPEI (now CRNPEI) Coordinator of Regulatory Services to provide refresher training;
 - ii. The Expert has been provided with a copy of:

- This Decision;
The Notice of Formal Hearing; and
The Agreed Statement of facts pertaining to Allegation 1
- iii. She has reviewed the ARNPEI (now CRNPEI) Standards of Practice and the CNA Code of Ethics (2017), and at least seven days before meeting with the Expert has provided the Expert with a short-written statement of at least five hundred (500) words describing how the incident in Allegation 1 could have been handled differently by Ms. Rosenbach.
 - iv. The subject of the sessions with the Expert will include
 1. Any acts or omissions committed by Victoria Rosenbach as identified in the decision, including any misconduct or violations of the ARNPEI (now CRNPEI) Standards of Practice or the Code of Ethics (2017);
 2. The potential consequences of the misconduct to Victoria Rosenbach's clients, colleagues, profession and self;
 3. Strategies for preventing the misconduct from reoccurring;
 4. Refresher training, as determined by the expert; and
 5. The development of a learning plan in collaboration with the Expert.
 - v. Within thirty days of the completion of the final session with the Expert, Victoria Rosenbach shall confirm that the Expert has forwarded a report to the ARNPEI (now CRNPEI) Coordinator of Regulatory Services, in which the Expert has confirmed:
 1. The dates of any completed sessions;
 2. That Victoria Rosenbach reviewed the ARNPEI Standards of Practice and the Code of Ethics (2017) prior to meeting with the Expert;
 3. That the Expert reviewed or confirmed appropriate review of the required document and subjects with Victoria Rosenbach;
 4. The successful completion of any required learning plan; and
 5. The Expert's independent assessment of Victoria Rosenbach's insight into her behaviour.

Failure to comply with any of the above conditions will be cause for immediate and further license suspension.

Respectfully Submitted,

Dated this 31st_day of August 2018, at Charlottetown, PEI.



Trevor Cudmore, Chair of the Formal Inquiry Panel
Professional Conduct Review Committee

