

**THE COLLEGE OF REGISTERED PSYCHIATRIC NURSES OF MANITOBA**

**IN THE MATTER OF:** *The Regulated Health Professions Act, CCSM, c. R117*

**AND IN THE MATTER OF:** **LISA KNOPF, a registered psychiatric nurse registered with the College of Registered Psychiatric Nurses of Manitoba**

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**DECISION AND REASONS OF  
THE INQUIRY COMMITTEE PANEL  
HEARING DATE: February 15, 2024**

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**College of  
Registered Psychiatric Nurses  
of Manitoba**

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## **DECISION AND REASONS**

**Inquiry Committee Panel Members:** Alexandria Taylor, RPN-Chair  
Jennifer McKelvey, RPN  
Gil Johnston – Public Representative

### **Counsel to the Complaints**

**Investigation Committee (“CIC”):** Jeff Hirsch, K.C. and Chimwemwe Undi  
Thompson Dorfman Sweatman LLP

**Member:** Lisa Knopf

**Counsel to the Member:** Greg Bartel  
Myers LLP

**Counsel to the Panel:** William G. Haight  
Phillips Aiello

### **Introduction**

1. On Thursday, February 15, 2024, an Inquiry Committee Panel of the College of Registered Psychiatric Nurses of Manitoba (respectively, the “Panel” and the “College”) held a hearing into charges against the Member, Lisa Knopf (the “Member”). The Member appeared at the hearing with her counsel, Greg Bartel.
2. The charges against the Member are found in a Notice of Hearing dated March 28, 2023, which was marked as **Exhibit #1** at the hearing and is attached to these reasons as **Appendix “A”**.

3. At the outset of the hearing, it was established that the Notice of Hearing had been properly served and that the jurisdictional requirements set out in subsections 102(3), 116(2), 116(3), 116(4) and 120(1) of *The Regulated Health Professions Act* (the “RHPA”) have been satisfied.
4. No objections were raised regarding the composition of the Panel and the Panel proceeded with the hearing.
5. Through her legal counsel, the Member waived reading of the allegations in the Notice of Hearing and entered pleas of guilty to all six (6) charges.
6. The Member also admitted that the conduct, to which she plead guilty, constitutes professional misconduct, conduct unbecoming a member and/or has contravened the RHPA, and/or the College’s General Regulation, Man. Reg. 61/2002 (the “Regulation”), the Standards of Psychiatric Nursing Practice 2019 (the “Standards”) and the College’s Code of Ethics 2017 (the “Code”).
7. The Panel heard submissions from counsel for the Complaints Investigation Committee (the “CIC”) and the Member. The parties made a joint recommendation as to the disposition of all charges, recommending the Panel impose the following sanctions:
  - (a) a reprimand;
  - (b) a fine of \$5,000.00;
  - (c) contribution to the costs of the investigation and the hearing in the amount of \$10,000.00; and
  - (d) the Panel’s decision will be made available to the public.
8. After hearing submissions, the Panel adjourned to consider the joint recommendation, but requested that the parties remain at the hearing location. Upon concluding its consideration of the joint recommendation, the Panel called the parties back into the hearing and advised it was prepared to accept the joint recommendation with written reasons to follow. These are those reasons.

## **Facts**

9. A Statement of Agreed Facts was tendered as **Exhibit #2** at the hearing. Both the CIC and the Member relied upon the facts contained in that document. As a result, there is no dispute regarding the facts.
10. The Member graduated with a Bachelor of Science in Psychiatric Nursing in 2015. She has been a Registered Psychiatric Nurse (“RPN”) since August of 2015. Between February 2016 to October 2022, the Member was employed at Selkirk Mental Health Centre (“SMHC”). The conduct to which the Member has pled guilty, occurred during the Member’s employment at SMHC.
11. Prior to the Member’s pleas of guilty on February 15, 2024, the Member had no disciplinary history with the College. As a result of the conduct acknowledged by the Member, she were terminated from her employment with SHMC. Since November 2022, the member has been employed at a personal care home. Positive reports from individuals with whom the Member now works were tendered as **Exhibits #3 and #4** at the hearing.
12. Between November 2020 and March 2022, the Member had several dealings with the College regarding concerns about her substance use history and treatment, as well as professional conduct, judgment and ethical decision making. Agreements were entered into between the College and the Member to address these concerns.
13. On or about March 10, 2022, the Member signed an Agreement with the College which, among other things, provided that, for a period of two (2) years:
  - (a) the Member will not work more than 1.0 EFT with no night work;
  - (b) the Member will not work overtime in excess of a 1.0 EFT;
  - (c) the Member will ensure that her employer is aware of the conditions and the Agreement;
  - (d) the Member will abstain from alcohol;

- (e) the Member will immediately remove herself from practice if, for any reason, she is not fit for practice;
- (f) the Member will submit to random ethyl glucuronide (“EtG”) testing as follows;
  - i. in the first year, the Member will submit to twelve (12) random EtG urine tests;
  - ii. in year 2, the Member will submit to eight (8) random EtG urine tests;
- (g) the Member will comply with all requirements of the alcohol testing program for the duration of the Agreement;
- (h) the Member will make a reasonable effort to provide a current and updated work schedule to the testing provider, and to inform the test provider when she will be unavailable;
- (i) the Member will attend for testing at the test provider’s physical location, within the timeframe identified, when directed to do so.

(the “Agreement”)

14. In August 2022, the College received a complaint about the Member which resulted in an investigation, the Notice of Hearing attached as **Exhibit “A”** and the pleas entered by the Member. The investigation found, and the Member has acknowledged, the following:

**(a) Count 1**

Contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation and sections 6, 10, 12, 14, 16, 17 and 18 of the safe, competent and ethical practice provisions of the Code and the Agreement, the Member worked overtime and nightshifts at SMHC on April 13, July 11 and August 23, 2022 and worked nightshifts at SMHC on July 2, July 3 and July 4, 2022.

For the shifts of July 2, 3 and 4, 2022, the Member admitted she was in charge and she could therefore mandate who was to work nightshifts. The Member mandated that she work those nightshifts.

For the overtime shifts worked by the Member on July 11 and August 23, 2022, the Member was in charge and mandated herself to work overtime and on nightshifts.

The Member attributed these breaches to staff shortages.

**(b) Count 2**

Contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation and sections 6, 10, 12, 14, 16, 17 and 18 of the safe, competent and ethical practice provisions of the Code, the Member failed to complete and sign mandate forms at SMHC for some or all of the shifts referred to in *Count 1*.

SMHC's Overtime Policy requires the nurse in charge to complete Mandated Overtime Forms and provide her to various coordinators or managers. The Member did not complete these mandated forms when she scheduled herself to work overtime. She did not do so in order to not draw attention to the breach of the Agreement.

**(c) Count 3**

Contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation and sections 6, 10, 12, 14, 16, 17 and 18 of the safe, competent and ethical practice provisions of the Code, and subsection 15(g) of the Agreement, the Member consumed alcohol on at least two (2) occasions between July 27, 2022 and August 7, 2022. The Member consumed alcohol during this period while away on vacation.

**(d) Count 4**

Contrary to sections 3 and 5 of the Standards, subsections 4.1(2) and 4.2(1) of the Regulation and sections 6, 10, 12, 14, 16, 17 and 18 of the safe, competent and ethical practice provisions of the Code and subsection 15(g) of the Agreement, the Member failed to immediately remove herself from practice when she was unfit to practice on the August 22/23, 2022 shift at SMHC.

SMHC complained to the College that while working the overtime and nightshift on August 22/23, 2022, the Member was intoxicated or impaired. The Member denied being intoxicated or impaired and provided other explanations for the manner in which she presented during the shift. However, the Member did acknowledge that she was unfit to practice on this shift due to other health ailments. The Member acknowledges that she should have removed herself and gone home.

*(e) Count 5*

Contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation and sections 6, 10, 12, 14, 16, 17 and 18 of the safe, competent and ethical practice provisions of the Code and subsections 15(k), 15(l) and 15(m) of the Agreement, the Member failed to make a reasonable effort to inform the EtG test provider when she would be unavailable for testing in or about August and/or September of 2022. In addition, the Member failed to attend at the test provider's physical location for random alcohol testing within the required timeframe as requested by the test provider on August 24, 2022, September 12 and 13, 2022.

The Member did not respond to the test provider's requests of August 24, 2022, September 12 and 13, 2022 due to communication issues with a new cell phone. She did not attend for the testing on September 12, 2022 as she had gone to the United States for the weekend and remained there because of problems with her vehicle. The Member did not inform the test provider that she would be unavailable for testing. The Member indicated she did not believe she was required to do so as she had planned to stay in the United States only for a weekend and that the tester did not request tests on weekends. The development of motor vehicle issues resulted in the weekend stay being extended beyond that intended.

(f) **Count 6**

Contrary to sections 1, 2, 3, 4 and 5 of the Standards, subsections 4.1(2), 4.6(1) and 4.6(2) of the Regulation, the Member displayed unprofessional and/or unsafe conduct during her August 23, 2022 shift at SMHC by:

- using abusive and profane language when speaking to and/or referring to patients;
- sleeping while on duty;
- spilling medication and/or failing to administer medication to a patient as required and failing to document her error; and
- failing to complete night duties, including documentation and a shift report.

15. The facts relevant to *Count 4* are relevant to this count.

**Analysis and Decision**

16. The Panel considered the legal principles applicable to penalties imposed in professional regulatory matters including the principles enunciated in *Jaswal v. Medical Board* (Nfld.). In particular, the Panel's application of the *Jaswal* factors included:

- The Member has been a practicing RPN for almost ten (10) years.
- The misconduct acknowledged by the Member is serious.
- The Member does not have any previous convictions for professional misconduct, however the Panel notes that the charges in the Notice of Hearing arise from the third of three complaints from the Member's prior employer, SHMC. All three complaints express concerns about the Member's professional judgment and ethical decision making. The previous two complaints were disposed of by Agreements.
- The Member has pled guilty and acknowledged her conduct, thereby saving the College and others the time and expense involved with a contested hearing.



- The Member has been subject to conditions which have limited her ability to work and which required her to undergo testing at her own expense. In particular, the Member has submitted to the random screening required by the Agreement and all tests were negative. Approximately \$2,500.00 for this testing was paid by the Member.
  - Letters of Reference were provided by individuals who currently work with the Member and marked as **Exhibits #3 and #4**. The Member has been employed at a personal care home since November of 2022 and the College has not received any further complaints regarding the Member's conduct.
  - There is a need to deter the Member from engaging in similar conduct in the future. There is also a need to send a message to other RPNs that conduct of this nature will be investigated, reviewed and sanctioned. In further regard to the Member's conduct in the future, the Member provided an oral statement to the Panel advising that she has progressed forward since her termination of employment with SMHC. The Member indicated that she has been sober and has supports in place.
  - The Member's conduct needs to be addressed in order to reassure the public that unacceptable conduct will not be tolerated, and to maintain the public's confidence in the College's ability to regulate the profession.
17. The Panel gave due consideration to the aggravating and mitigating circumstances of this case. It agrees with counsel for the CIC that the conduct of the Member is serious misconduct, requiring a penalty which will maintain the public's confidence in the ability of the College to properly supervise the conduct of its members.

18. The Panel considered the law regarding joint recommendations as pronounced by the Supreme Court of Canada in *R. v. Anthony-Cook*. In particular, the Panel took note of the “undeniably high threshold” for rejecting a joint recommendation. At paragraph 34 of the *Anthony-Cook* decision, the Supreme Court noted:

“[A] joint submission should not be rejected lightly... Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.”

*R. v. Anthony-Cook*, 2016 SCC 43 at para 34

19. The Panel accepts that the reasoning applied by the Supreme Court in *R. v. Anthony-Cook* is applicable to proceedings under the RHPA.
20. The Panel is satisfied that the joint recommendation properly addresses and protects the public interest, and reassures the public that the College is working to maintain standards which ensure continued trust in registered psychiatric nurses.
21. In regard to costs, the Panel heard that the approximate cost of investigation and the hearing for the College was \$45,000.00. The costs of \$10,000.00 payable by the Member represents approximately 22% of those costs. Based on the strength of the joint recommendation, the Panel believes these costs to be appropriate for the circumstances of this case.
22. The Panel believes that the joint recommendation adequately addresses all applicable obligations of the College and therefore makes the following Order:
- (a) The Member will be reprimanded;
  - (b) The Member will pay a fine of \$5,000;

- (c) The Member will pay a contribution to the costs of the investigation and hearing in the amount of \$10,000.00; and
- (d) The Panel's decision will be made available to the public.

23. These reasons will be signed in counterpart by the Panel members and an electronic copy of this signature shall be provided to the parties.

DATED at Winnipeg, Manitoba, the 8th day of March 2024.

  
ALEXANDRIA TAYLOR, RPN-Chair

  
JENNIFER MCKELVEY, RPN – Public Representative

  
GIL JOHNSTON – Public Representative

## APPENDIX "A"

### THE COLLEGE OF REGISTERED PSYCHIATRIC NURSES OF MANITOBA

**In the matter of:** *The Regulated Health Professions Act, CCSM, c R117*

**And in the matter of:** **Lisa Knopf, a registered psychiatric nurse registered with the College of Registered Psychiatric Nurses of Manitoba**

#### NOTICE OF HEARING

Take notice that a hearing will be conducted by a panel of the Inquiry Committee of the College of Registered Psychiatric Nurses of Manitoba (the "College") at 1854 Portage Avenue, Winnipeg, Manitoba, on Thursday, May 25, 2023 at 9:30 a.m., with respect to charges formulated by the Complaints Investigation Committee of the College alleging that you, being a member of the College under the provisions of *The Regulated Health Professions Act, CCSM, c R117* (the "Act"), are guilty of professional misconduct, conduct unbecoming a member, have displayed a lack of knowledge, skill, or judgment in the practice of psychiatric nursing, or have contravened the Act, the *College of Registered Psychiatric Nurses of Manitoba General Regulation Man Reg 60/2022* (the "Regulation"), the *Standards of Psychiatric Nursing Practice 2019* (the "Standards"), the College's *Code of Ethics 2017* (the "Code"), or any of the above, in that:

1. contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation, and sections 6, 10, 12, 14, 16, 17, and 18 of the safe, competent, and ethical practice provisions of the Code, or any of them, you breached section 15(a) and/or 15(b) of your written agreement with the College dated March 10, 2022 (the "Agreement") by:
  - (a) working overtime and on night shifts at Selkirk Mental Health Centre ("SMHC") on April 13, 2022, July 11, 2022, and August 23, 2022, or any of them; and
  - (b) working night shifts at SMHC on July 2, 2022, July 3, 2022, and July 4, 2022, or any of them.
2. contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation, and sections 6, 10, 12, 14, 16, 17, and 18 of the safe, competent, and ethical practice provisions of the Code, or any of them, you failed to complete and sign mandate forms at SMHC for some or all the shifts referred to in count 1 above.
3. contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation, and sections 6, 10, 12, 14, 16, 17, and 18 of the safe, competent, and ethical practice

- provisions of the Code, or any of them, you breached section 15(g) of the Agreement by consuming alcohol on at least two occasions between July 27, 2022 and August 7, 2022.
4. contrary to sections 3 and 5 of the Standards, subsections 4.1(2) and 4.2(1) of the Regulation, and sections 6, 10, 12, 14, 16, 17, and 18 of the safe, competent, and ethical practice provisions of the Code, or any of them, you breached section 15(e) of the Agreement by failing to immediately remove yourself from practice when you were unfit to practice during your August 23, 20022 shift at SMHC.
  5. contrary to sections 3 and 5 of the Standards, subsection 4.1(2) of the Regulation, and sections 6, 10, 12, 14, 16, 17, and 18 of the safe, competent, and ethical practice provisions of the Code, or any of them, you breached section 15(k), 15(l) and/or 15(m) of the Agreement, or any of them, by:
    - (a) failing to make a reasonable effort to inform the random ethyl glucuronide (EtG) alcohol urine test provider when you were to be unavailable for testing in or about August 2022 and/or September 2022; and
    - (b) failing to attend at the test provider's physical location for random EtG alcohol testing within the required time frame as requested by the test provider on August 24, 2022, September 12, 2022, and September 13, 2022, or any of them.
  6. contrary to sections 1, 2, 3, 4, and 5 of the Standards, and subsections 4.1(2), 4.6(1), and 4.6(2) of the Regulation, or any of them, you displayed unprofessional and/or unsafe behaviour during your August 23, 2022 shift at SMHC by:
    - (a) using abusive and profane language when speaking to and/or referring to patients;
    - (b) sleeping on the floor and/or in a chair while on duty;
    - (c) spilling medication and/or failing to administer Almagel medication to a patient as required, and failing to document your error; and
    - (d) failing to complete numerous night duties including documentation of high-security patients and provide a shift report to the day nurse.

And further take notice that you are required to personally attend at the time and place set for the hearing and that you have the right to be represented by legal counsel of your choice. At the hearing, you may adduce evidence, examine and cross-examine witnesses appearing at the hearing, and make such representations as may be material to these charges. Should you fail to attend at the time and place appointed for the hearing, the Inquiry Committee may proceed with the hearing in your absence without further notice to you and may take such action as it deems fit pursuant to the Act.

And further take notice that if the Inquiry Committee finds you to be guilty of professional misconduct, conduct unbecoming a member, or having contravened the Act, the Regulation, the Standards, the Code, or any of the above, as alleged or at all, you may be liable to sanction in accordance with sections 126 and 127 of the Act, including reprimand, fine, suspension or cancellation of your certificate of registration.

DATED at Winnipeg, Manitoba this 28th day of March, 2023.

THE COLLEGE OF REGISTERED PSYCHIATRIC NURSES OF  
MANITOBA



Per: \_\_\_\_\_

Christine Prociuk, RPN, BA  
Chair, CRPNM Complaints Investigation Committee

TO: Lisa Knopf

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