

COLLEGE OF REGISTERED PSYCHIATRIC NURSES OF MANITOBA

IN THE MATTER OF: The Registered Psychiatric Nurses Act,

AND IN THE MATTER OF: Della Mansoff, a member of the College of Registered Psychiatric Nurses of Manitoba

RESOLUTION AND ORDER OF DISCIPLINE COMMITTEE PANEL

Members of the Discipline Committee Panel:

Margaret Synyshyn, RPN, Committee Chair
Alexandria Taylor, RPN
Gil Johnston, Public Representative

Counsel for CRPNM: Jeff Hirsh
Counsel for the Discipline Panel: David Skwark
Counsel for the member: Mark Toews

Member: Della Mansoff was present via teleconference video from Brandon, Manitoba

WHEREAS Della Mansoff, a member of the College of Registered Psychiatric Nurses of Manitoba (the "CRPNM") was charged that in or about March, 2019 she had engaged in professional misconduct, conduct unbecoming a member or contravening *The Registered Psychiatric Nurses Act* (the "Act"), the *Registered Psychiatric Nurses Regulation* (the "Regulation"), the *Standards of Psychiatric Nursing Practice* (the "Standards"), CRPNM's by-laws or the CRPNM's *Code of Ethics* (the "Code"), by:

1. converting proprietary information stored on a computer hard drive or drives, and/or in paper form belonging to her employer contrary to sections 3 and 5 of the Standards, or sections 7, 10, 12, 14 and 17 of the Code; and
2. deleting or destroying some of all of the property belonging to her employer contrary to sections 3 and 5 of the Standards, or sections 7, 10, 12, 14 and 17 of the Code;

AND WHEREAS Della Mansoff was duly served with the Notice of Hearing dated October 25, 2019 pursuant to the Act for a hearing before this Panel of the Discipline Committee of CRPNM on December 4, 2019;

AND WHEREAS on November 27, 2019 Della Mansoff provided her written consent for the commencement of a hearing on a date subsequent to that contemplated by section 34(2) of the Act;

AND WHEREAS the hearing of the Discipline Panel of the CRPNM was then adjourned to September 9, 2020 with notice of that adjournment being duly served on Della Mansoff;

AND WHEREAS Della Mansoff, through her counsel, consented to the Amended Notice of Hearing on September 9, 2020;

AND WHEREAS Della Mansoff pled guilty to the two charges in the Amended Notice of Hearing and submissions were heard from counsel for CRPNM and counsel for Della Mansoff concerning the appropriate discipline to be imposed;

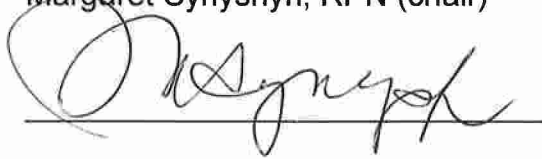
NOW THEREFORE BE IT HEREBY RESOLVED AND ORDERED THAT:

1. Della Mansoff is guilty of professional misconduct for the reasons set forth in the Reasons for Decision of the Discipline Panel dated October 14, 2020, which are attached as Appendix "A";
2. Della Mansoff shall be suspended from the practice of psychiatric nursing, pursuant to section 43(1)(b) of *The Registered Psychiatric Nurses Act*, for a period of one month (30 days) commencing November 1, 2020;
3. Della Mansoff shall pay the College a fine of \$1000.00, forthwith, pursuant to section 44(1)(b) of *The Registered Psychiatric Nurses Act*;

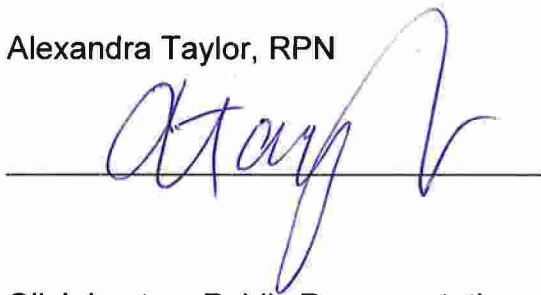
4. Della Mansoff shall pay the College \$5,000.00 as a contribution to its costs, pursuant to section 44(1)(b) of *The Registered Psychiatric Nurses Act*, forthwith, or within a time to be agreed upon by the Registrar of the CRPNM.

October 15, 2020.

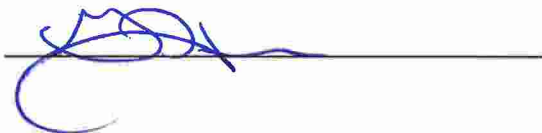
Margaret Synyshyn, RPN (chair)



Alexandra Taylor, RPN



Gil Johnston, Public Representative



APPENDIX "A"

COLLEGE OF REGISTERED PSYCHIATRIC NURSES OF MANITOBA

IN THE MATTER OF: The Registered Psychiatric Nurses Act,

AND IN THE MATTER OF: Della Mansoff, a member of the College of
Registered Psychiatric Nurses of Manitoba ("CRPNM")

REASONS OF THE DISCIPLINE COMMITTEE PANEL

Members of the CRPNM Discipline Panel:

Margaret Synyshyn, RPN, Chair
Alexandra Taylor, RPN
Gil Johnston, Public Representative

Counsel for the CRPNM: Jeff Hirsh
Counsel for the Discipline Panel: David Skwark
Counsel for the member: Mark Toews

The member, Della Mansoff, attended via video conference link from Brandon, Manitoba

REASONS

The hearing of the CRPNM Discipline Panel was held on September 9, 2020 at the offices of the CRPNM, 1854 Portage Avenue in Winnipeg.

The charges against Ms. Mansoff are found in the amended Notice of Hearing dated October 25, 2019, a copy of which is attached as Appendix "A" to these Reasons.

Ms. Mansoff pled guilty to the two charges against her, and therefore the hearing was to determine the appropriate consequences for her actions. The Discipline Panel was provided a Statement of Agreed Facts and it heard submissions from counsel for the College and counsel for Ms. Mansoff regarding those facts and the appropriate disposition as a result. The circumstances giving rise to the charges follow.

As outlined in the Statement of Agreed Facts, Ms. Mansoff was the Director of the Dakota Oyate Lodge (the "Lodge") having commence her employment with the Lodge in 2018. Her responsibilities included overseeing the overall operations of the Lodge, reporting to one of its Councillors and to the Chief in Council. She was responsible for developing, updating and managing the policies and procedures for the Lodge, including assembling the package that enabled the Lodge to meet Provincial Standard for Provincial funding. She was also responsible for the building, staffing, management, budget, hiring and firing for the Lodge. Ms. Mansoff had access to the Lodge's desktop computer which stores policies and procedures and folders relating to the daily functioning of the Lodge.

On March 1, 2019 the Lodge gave Ms. Mansoff notice that her contract of employment would not be renewed and that she would be terminated effective March 31, 2019. As a result, she took a USB stick with information that belonged to the Lodge and that contained a master copy of the Lodge's policies and procedures. On March 28, 2019 Ms. Mansoff deleted files belonging to the Lodge from its computer and erased the deleted items from the deleted items folders in that computer. Ms. Mansoff does not know the extent of the files erased but acknowledges that the files were the property of the Lodge. The Lodge has been unable to determine exactly what was deleted but at a minimum, as agreed by Ms. Mansoff, it includes the Nurses Policies and Procedure Manual, information to support Provincial standards required to be met, folders relating to the daily functioning of the Lodge and payroll information. Ms. Mansoff returned the USB stick to the Lodge, but it did not contain all the information that was on the computer.

Mr. Hirsch submitted that the appropriate disposition would be a one-month suspension, a \$5,000.00 fine and the payment of \$7,000.00 as a contribution to the College's costs of investigation and prosecution of the charges. He advised that the actual costs incurred by the College will exceed \$24,000.00. Mr. Toews submitted that a suspension was excessive and that the appropriate disposition would be a fine, although he did not suggest an amount, and costs of between \$2,000.00 and \$3,000.00.

In short, the College's position is that while Ms. Mansoff admits what she did was petty, it is more than that; that Ms. Mansoff preferred her own interests to the interests of the Lodge and its patients; that she intended to do the Lodge harm; and that her actions were inconsistent with her obligations as an RPN generally and in her positions as Director specifically. Ms. Mansoff accepts full responsibility for what she did but says that her actions are on the lower end of the severity scale; that no patients were harmed; that she did not use the information she took for her own purposes; that there was no confidential information on the USB stick; that this was a victimless wrongdoing; that it created an annoyance; and that it is not easy to maintain professionalism when one is harmed or terminated.

Counsel's submissions were taken into consideration as well as the fact that Ms. Mansoff had no history of disciplinary action with the College, took responsibility for her actions and pled guilty to all charges. The Discipline Panel also took into consideration that by pleading guilty to all charges a full disciplinary hearing requiring witnesses and testimony was not necessary.

The applicable Standards of Psychiatric Nursing to this matter are:

1. Standard 3. Professional Responsibility and Accountability.

Under this standard an RPN is expected to practice in accordance with all relevant legislation and regulation including the Standards of Psychiatric Nursing Practice and to be accountable for safe, competent and ethical psychiatric nursing practice. Specifically, this standard states that the psychiatric nurse "Uses technology, electronic communication and social media responsibly and professionally".

2. Standard 5. Professional Ethical Practice.

Under this standard the RPN understands, upholds and incorporates the profession's Code of Ethics into their professional practice. It is expected that the RPN practices with honesty, integrity and respect, demonstrating the ethics, standards, principles, guidelines and values of the profession.

The Panel finds Ms. Mansoff guilty of professional misconduct. By her actions, specifically taking computer information that was the property of her employer and deleting files from the computer, Ms. Mansoff breached Standard 3. She did not demonstrate honesty, integrity and respect for her employer or its property. As Ms. Mansoff was in a position of leadership in the organization (Director), an expectation to exhibit a high standard of behaviour with respect to her duties would be essential. As an RPN in a position of leadership there would be the added responsibility of acting as a role model for the organization's employees as well as being a positive reflection of the profession. Through her behaviour Ms. Mansoff did not show leadership, positive role modeling or a positive reflection of the profession. Although Ms. Mansoff would have been understandably upset by having her employment terminated it did not justify her voluntary actions which she knew would disadvantage her employer and possibly have implications for its ability to provide service to residents in its care.

Ms. Mansoff's actions were also contrary to Standard 5 and the Code of Ethics. Specifically, Ms. Mansoff violated the following: Safe, competent, and ethical practice to ensure the protection of the public.

The Code of Ethics states that an RPN must:

- Ensure that one neither initiates nor participates in any practice that is considered harmful to the welfare of others. By her actions, Ms. Mansoff created hardship for her employer and may have risked its ability to provide service to those residents in its care.
- Conduct one's self in a manner that reflects honesty, integrity, reliability, impartiality, and diligence. Ms. Mansoff was dishonest, lacked integrity and reliability specifically when she removed property belonging to her employer and deleted files that were required for the operation of the organization.
- Use processes of self-reflection to recognize one's own limitations and use professional judgement when accepting responsibilities. Ms. Mansoff did not exercise sound professional judgement when she took her employer's property and when she deleted files. Her self-reflection occurred after the fact. This is especially concerning as Ms. Mansoff was in a position of responsibility and leadership in the organization.
- Accept responsibility and accountability for one's own actions taking all necessary steps to prevent or minimize harm. Although Ms. Mansoff did plead guilty to all charges, her lack of responsibility, accountability and poor judgement were apparent as evidenced by her actions. Her actions disadvantaged her employer and may have compromised its ability to provide care to those residents that it was responsible for.
- Practice according to provincial and federal statutes/acts/regulation/by-laws and the Standards of Psychiatric Nursing Practice. As stated, Ms. Mansoff violated Standards of Practice for Psychiatric Nurses as well as the Code of Ethics by her actions. She disadvantaged her employer and may have put its ability to provide care to residents in its facility at risk. Her behaviour reflects poorly on her practice as well as on the profession of psychiatric nursing.

DECISION

The College has a duty to govern its members in a manner that serves and protects the public interest. When deciding an appropriate disciplinary disposition, the Panel is mindful that it must address the public interest, the profession at large (general deterrence) and the specific member.

Having considered the facts and the submissions of counsel for the College and counsel for Ms. Mansoff the Panel is of the view that a one month (30 day) suspension is warranted, together with a fine of \$1,000.00 and an order of costs in favour of the College of \$5,000.00.

As the Director of the Lodge, Ms. Mansoff's employer was undoubtedly confident in her skills, judgment and ability to perform in a position involving trust and substantial authority. Although Ms. Mansoff was served the notice that her position was being terminated, as a professional, she was obliged to fulfill her responsibilities even under such circumstances. Even she described her actions as petty and serving her need to punish her employer as she felt it did not value her contributions to the organization. The College's counsel referred the Panel to case law on matters of professional misconduct involving tampering with client record – Ontario (College of Physicians and Surgeons) v. Remillard – in which a 3 months suspension was imposed. In the Remillard case the computer information was restored. In Ms. Mansoff's case there was a degree of restoration of data, but not all data was able to be retrieved and the Lodge, at present, is not sure what may still be missing. As no client information was involved the Panel is of the view that a shorter suspension is adequate.

The Panel feels that a fine is also appropriate. Counsel for the College suggested a \$5,000.00 fine. Counsel for Ms. Mansoff agreed that a fine was appropriate but did not suggest an amount. The Panel is of the view that \$1,000.00 is an appropriate fine in order to act as a deterrent of this type of behaviour by an RPN, which behaviour is not to be condoned or minimized.

Finally, the Panel decided that an award of costs of \$5,000.00 is appropriate. Counsel for the College advised the Panel that the actual costs of this prosecution were approximately \$24,000.00. He sought an award of costs of \$7,000.00. Counsel for Ms. Mansoff agreed that costs were appropriate but suggested an amount of \$2,000.00 to \$3,000.00. Taking into consideration that Ms. Mansoff pled guilty to the charges, took responsibility for her actions and saved the additional time and expense of a full hearing the Panel is of the view that \$5,000.00 is an appropriate award of costs.

Accordingly, the Panel orders that:

1. Ms. Mansoff will be suspended from the practice of psychiatric nursing for one month (30 days) commencing November 1, 2020.
2. Ms. Mansoff shall pay the College a fine of \$1,000.00, forthwith.

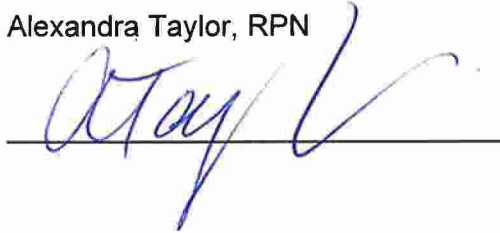
3. Ms. Mansoff shall pay the College \$5,000.00 as a contribution to its costs, forthwith, or within a time to be agreed upon by the Registrar of the College.

October 15, 2020.

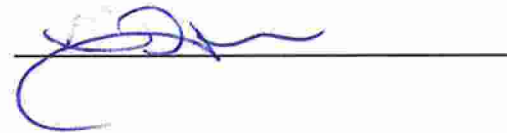
Margaret Synyshyn, RPN (chair)

A handwritten signature in blue ink, appearing to read 'M Synyshyn', written over a horizontal line.

Alexandra Taylor, RPN

A handwritten signature in blue ink, appearing to read 'A Taylor', written over a horizontal line.

Gil Johnston, Public Representative

A handwritten signature in blue ink, appearing to read 'Gil Johnston', written over a horizontal line.