

INVESTIGATION COMMITTEE
of the
COLLEGE OF REGISTERED NURSES OF SASKATCHEWAN

-and-

Joseph Vu
Saskatchewan RN #0045842
[REDACTED], SASKATCHEWAN

DECISION

of the

DISCIPLINE COMMITTEE

of the

COLLEGE OF REGISTERED NURSES OF SASKATCHEWAN

Legal Counsel for the Investigation Committee:
Legal Counsel for Joseph Vu
Legal Counsel for the Discipline Committee:
Chairperson for the Discipline Committee:

Christa Weber
Elizabeth Ulmer
Brittnee Holliday
Michell Jesse, RN

Date of Penalty Hearing: **June 18, 2024**

Location: *Via Videoconference*
College of Registered Nurses of Saskatchewan
1-3710 Eastgate Drive
Regina, Saskatchewan
S4Z 1A5

Date of Penalty Decision: July 10, 2024

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 #0045842, Joseph Vu (“Mr. Vu”), on June 18, 2024. The Discipline Committee is established pursuant to section 30 of *The Registered Nurses Act, 1988* (the “Act”).
2. The charge against Mr. Vu is outlined in a Notice of Hearing dated May 7, 2024. There is one charge of professional misconduct and that charge is as follows:

Charges & Particulars

1. You have committed an act of professional misconduct as per sections 26(1) and 26(2)(l) and (q) of *The Registered Nurses Act, 1988*, in that, on or around December 5, 2022, while subject to a Licensure Agreement with the CRNS executed March 17, 2021, you:

- (a) **altered a letter dated July 15, 2022, authored by the CRNS Registrar, Cheryl Hamilton, which outlined the new conditions of, and the reason for, your (revised) Licensure Agreement with the CRNS; and,**
- (b) **provided the altered letter to a prospective employer.**

II. RELEVANT LEGISLATION

3. The Notice of Hearing alleges that Mr. Vu is guilty of professional misconduct contrary to section 26(1) and 26(2)(l) and (q) of the Act and those provisions provide:

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

4. It is also alleged that provisions of *The SRNA Bylaws (2022)*, the *Code of Ethics for Registered Nurses (2017)*, *SRNA Registered Nurse Practice Standards (2019)*, and *SRNA Registered Nurse Entry-Level Competencies (2019)* were breached. These are set out in the Notice of Hearing and Appendix “A” to this Decision.

III. HEARING

5. When the discipline hearing began on June 18, 2024, neither counsel for the Investigation Committee nor counsel for Joseph Vu raised any objection regarding the composition of the Discipline Committee.

6. At the outset of the hearing, counsel for the Investigation Committee tendered a binder described as “Document Package for Filing with Discipline Committee”. The binder consisted of an Agreed Statement of Facts and a series of documents relevant to the Agreed Statement of Facts, Joint Submission Regarding Proposed Penalty, a Costs Breakdown, and case law supporting the position on penalty that was being advanced by agreement of the parties. The following were marked as Exhibits:

Exhibit P1 A: Agreed Statement of Facts

Exhibit P1 B: Joint Submission as to Penalty and Costs

Exhibit P1 C: Costs Breakdown

7. Counsel for Mr. Vu also provided, in advance of the hearing, two letters of reference. Counsel for the Investigation Committee had no objection to the letters of reference being submitted as exhibits, and therefore, the letters of reference were marked as Exhibit D1.

8. Paragraphs 20 and 21 of the Agreed Statement of Facts state:

- 20. Mr. Vu admits to the conduct as contained in the charges in the Notice of Hearing, specifically that on or around December 5, 2022, while subject to a Licensure Agreement with the CRNS executed March 17, 2021, he:**
- (c) altered a letter dated July 15, 2022, authored by the CRNS Registrar, Cheryl Hamilton, which outlined the new conditions of, and the reason for, the (revised) Licensure Agreement with the CRNS; and,**
 - (d) provided the altered letter to a prospective employer.**
- 21. Mr. Vu admits that his conduct on or around December 5th, 2022, constitutes professional misconduct as defined in section 26(1) and 26(2)(1) and (q) of *The Registered Nurses Act, 1988*, and contravenes the provisions of the SRNA Bylaws, Code of Ethics for Registered Nurses, and SRNA Registered Nurse Practice Standards, Registered Nurse Entry-Level Competencies as outlined in Appendix A of the Notice of Hearing of Complaint dated May 7, 2024.**
9. Mr. Vu's counsel confirmed his guilty plea to the charges set out in the Notice of Hearing.

IV. FACTS

10. Mr. Vu, of [REDACTED], Saskatchewan, is a registered nurse and practicing member of the CRNS.
11. Mr. Vu completed his Bachelor of Nursing Degree from the University of Saskatchewan on May 10, 2018 and held a graduate nurse license from May 25, 2018 to September 24, 2018 and practiced at the [REDACTED]. Mr. Vu wrote and passed his National Council Licensure Exam (NCLEX-RN) on February 4, 2021, on his fourth attempt. Mr. Vu first applied for licensure as a practicing registered nurse with the CRNS on March 2, 2021.
12. Due to the passage of time from the completion of Mr. Vu's nursing education and the passing of the NCLEX exam, Mr. Vu executed a Licensure Agreement with the CRNS on March 17, 2021 which placed certain conditions and restrictions on his license. Section 5.2 of the Licensure Agreement permitted the Registrar to add additional conditions and/or restrictions to the applicant's license if the conditions and restrictions in the Licensure Agreement were not met satisfactorily.

13. On July 7, 2021, Mr. Vu commenced work at [REDACTED]. On December 14, 2021, Mr. Vu had further conditions added to his Licensure Agreement based on a mid-November unfavorable performance review received on November 24, 2021, from his manager at the [REDACTED]. His performance led to his probationary period being terminated. A letter dated December 14, 2021, from Cheryl Hamilton, CRNS Registrar, outlined additional conditions to his Licensure Agreement.

14. Mr. Vu obtained employment at the [REDACTED], [REDACTED], in or around January of 2022. On or about June 4, 2022, the CRNS received an unfavorable performance review from his manager. Mr. Vu was terminated from his position on June 27, 2022 for concerns which ultimately became the basis of another complaint to the CRNS Professional Conduct Committee and have resulted in Mr. Vu being subject to an Undertaking to address concerns of professional incompetence.

15. On July 15, 2022, Mr. Vu was sent a letter from Cheryl Hamilton, CRNS Registrar, advising of the unfavorable performance review and outlining additional conditions that had been added to his Licensure Agreement. This letter was referred to by the CRNS Monitor as the Revised Licensure Agreement and e-mailed in PDF format to Mr. Vu by Donna Cooke on July 15, 2022.

16. At the time of the complaint, Mr. Vu was not employed as a registered nurse but was seeking employment as such.

17. Mr. Vu's registration with CRNS was in good standing from November 6, 2023, when his Licensure Agreement was closed, until March 26, 2024, when his license was encumbered again after the decision of the Investigation Committee to impose a Caution and Undertaking as a resolution to unrelated practice concerns.

18. On December 22, 2022, the CRNS Professional Conduct Committee received a written complaint from Donna Cooke, RN, Nursing Advisor with the CRNS and CRNS Monitor,

alleging professional misconduct on the part of Mr. Vu due to him apparently altering the revised CRNS Licensure Agreement he was subject to and providing it to a potential employer.

19. The complaint was investigated by the CRNS Investigation Committee pursuant to section 28(1) of the Act and at the conclusion of its investigation, the Investigation Committee recommended that the Discipline Committee hear and determine the complaint pursuant to section 28(3)(a). The formal complaint is set out in the Notice of Hearing dated May 7, 2024.

20. The original Licensure Agreement signed March 18, 2021 included the following provisions:

5.2 Should the conditions and restrictions not be met satisfactorily, the Registrar may add additional conditions and/or restrictions to the applicant's license.

6.2 For so long as the Licensure Agreement remains in effect, the applicant shall disclose and provide a copy of this Licensure Agreement, to prospective and existing employers. In the event that the applicant seeks a change in employment, the applicant shall notify the prospective employer upon employment application of the Licensure Agreement.

21. The letters of December 14, 2021, and July 15, 2022, added conditions to the Licensure Agreement (per section 5.2 of the original Licensure Agreement) and expressly stated, "The remaining terms in your Licensure Agreement remain the same." The letters supplemented and did not replace the original Licensure Agreement signed March 18, 2021.

22. After interviewing for a RN position with [REDACTED] and being provided a Letter of Offer, on December 5, 2022, Mr. Vu advised [REDACTED] of his Licensure Agreement with the CRNS via e-mail and attached a PDF document titled, "Revised Licensure Agreement". [REDACTED] reached out to Donna Cooke at the CRNS with questions about the Licensure Agreement and forwarded the Licensure Agreement Mr. Vu had sent them to Donna Cooke via e-mail.

23. Mr. Vu did not provide the original Licensure Agreement of March 18, 2021. The altered Licensure Agreement letter dated July 15, 2022 provided by Mr. Vu to [REDACTED] was altered in both format and content. Specifically, the notable differences were as follows:

- (a) The introductory paragraph was removed which stated:

In follow up to the unfavorable performance review received June 1, 2022, from your manager [REDACTED] at the [REDACTED], [REDACTED], the following conditions have been added to the Licensure Agreement signed March 18, 2021.

- (b) The remaining formatting of the letter was adjusted.

24. Donna Cooke, CRNS Monitor, confronted Mr. Vu about changing the letter and he advised that he did not know how it happened. The altered letter was e-mailed to Mr. Vu and he again denied changing the letter. Donna Cooke was concerned about Mr. Vu's deceitfulness and lack of accountability, insight, and critical thinking. Donna Cooke did not believe Mr. Vu would come forward if there was an error or if something went wrong during his practice. Donna Cooke was also concerned about patient safety.

25. On February 2, 2023, Mr. Vu provided a response to the complaint that also denied any wrongdoing.

26. In his interview with the Investigator on November 13, 2023, Mr. Vu originally stated that he had somehow accidentally edited the document. He said had several Word documents open at the same time, and accidentally erased some of the letter's content. When confronted about the PDF format to Word format, Mr. Vu did not know how that occurred. Mr. Vu's excuses were highly implausible. Mr. Vu ultimately admitted that he edited it and stated he had made a mistake and altered the Licensure Agreement even though he knew he should not do so. Mr. Vu further admitted that he then sent the altered Licensure Agreement to [REDACTED].

27. The Agreed Statement of Facts contains a number of paragraphs under the heading "Evidence Relevant to Penalty Considerations". It is important to set out several of those facts:

- (a) Mr. Vu struggled to successfully complete the National Council Licensure Exam. He felt significant embarrassment and stigma regarding these difficulties. He accepted the provisions of the Licensure Agreement imposed by the CRNS.

- (b) Mr. Vu experienced difficulties in his role under the Licensing Agreement, and was subject to additional restrictions and supervision as a result. Mr. Vu acknowledged that he struggled with the constant assessment he was subject to.
- (c) Mr. Vu acknowledged that he made several errors in judgment with respect to procedure, specifically his role with the [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] relationship with his supervisor and co-workers. He received an unfavorable review and was let go.
- (d) Mr. Vu was unable to find employment due to unfavorable reviews he received from his employment at the [REDACTED] and because prospective employers were not willing to accommodate the requirement for supervision under the Licensure Agreement
- (e) Mr. Vu received an offer of employment from [REDACTED] in December 2022. In an act of desperation to gain employment, he removed the introductory paragraph of his Licensure Agreement, but in no way altered the practice restrictions. He submitted the letter to [REDACTED].
- (f) Mr. Vu was contacted by Donna Cooke and asked to respond to the questions about the removed portion of the Licensing Agreement. He denied making the alterations.
- (g) Mr. Vu regrets his actions and has acknowledged that it was a serious error in judgment. Mr. Vu recognizes that his actions are inexcusable and suggests they are not reflective of his dedication to the nursing profession. Mr. Vu explains that he was terrified of his inability to find employment and acted out of desperation.

28. Mr. Vu is currently working at [REDACTED] [REDACTED] where he commenced employment in March 2023.

29. The Licensure Agreement was closed on November 6, 2023 by the CRNS after receiving a commitment from Mr. Vu's supervisor at the time to continue to work with him and have him pursue additional education.

30. At the recommendation of Donna Cooke, Mr. Vu took the "Critical Thinking in Nursing" course through John Collins which he completed on February 9, 2023.

31. Through the course of his current employment, he has taken the following additional education and training:

- (a) Chest Trauma: Assessment and Interventions – September 20, 2023
- (b) Physical Assessment A: The Patient's History – September 28, 2023
- (c) Physical Assessment B: Cardiorespiratory Exam – September 29, 2023
- (d) 2023/2024 Continuing Ed Fall NURS 1681-4 Venipuncture Specialty Practice – December 15, 2023
- (e) Pressure Injury Insights A: Assessment and Risk Evaluation – January 19, 2024
- (f) Skin and Wound Care – January 18, 2024
- (g) Code Blue: Role of the Acute Care Nurse – January 21, 2024
- (h) Shock and Sepsis A: Foundations and Compensatory Mechanisms – January 24, 2024
- (i) ARDS and Critically Ill Patient – January 23, 2024
- (j) Approaches to Sexually Transmitted Infections – January 30, 2024
- (k) Palliative Care for Front-Line Workers in Indigenous Communities Workshop – February 12-13, 2024
- (l) H.E.A.L. Comprehensive Wound Assessment, Biofilm, Case Studies, Product Review – February 16, 2024
- (m) Nursing 225: Health Assessment (a component of Additional Authorized Practice Curriculum)

32. At the time of the hearing, Mr. Vu was completing a course through John Collins titled “Professionalism in Nursing” as well as an IPAC-Infectious Disease/Prevention course as required by his Undertaking with the CRNS.

33. The Discipline Committee finds that the Agreed Statement of Facts and supporting documentation substantiates the charges and the Discipline Committee accepts Mr. Vu’s guilty pleas to the charges.

V. PROPOSED SANCTION

34. Having found that the charges are sustained and the guilty pleas accepted, the next task for the Discipline Committee is the imposition of an appropriate sanction under section 31 of the Act.

35. The Discipline Committee was presented with a Joint Submission as to Penalty and Costs (the “Joint Submission”) (Exhibit P2 B), which broadly consisted of the following:

- (a) A suspension for seven days;
- (b) Completion of a specific course on Medical Ethics and Professionalism;
- (c) To appear before the Discipline Committee to be reprimanded;
- (d) Ensure that the Registrar is provided with updated contact information; and,
- (e) Payment of costs in the amount of \$3,000 by June 30, 2025.

36. Mr. Vu and the Investigation Committee agreed to the seven day suspension and suggested it would be effective the date of the Order. Counsel for Mr. Vu advised that Mr. Vu was able to start the suspension as soon as June 19, 2024 and that arrangements were in place with Mr. Vu’s employer regarding the same.

37. Before addressing the issue of the start date, it is appropriate for the Discipline Committee to address the proposed length of the suspension and the additional proposed sanctions. The Investigation Committee referenced the following similar cases:

- (a) In *Alberta College of Physicians and Surgeons v Dr. Ng*, 2019, the physician received a three month suspension following the fabrication of a document.
- (b) In *College of Nurses of Ontario v Clutario*, 2008, the nurse received a 30 day suspension after altering an employment letter.
- (c) In *SRNA v Ryan*, 2016, the nurse received a 30 day suspension after submitting 6 fraudulent illness notes to her employer.
- (d) In *SRNA v Wilson*, 2022, a nurse received a 60 day suspension for defrauding the nurse union over \$20,000.

38. By way of summary, the Investigation Committee argued that suspensions are appropriate for situations where there has been deceit and dishonesty in professional regulatory matters and that the suspension would meet the requirements of specific and general deterrence. In referencing the above cases, which notably had suspensions of a greater length, counsel for the Investigation Committee stated that Mr. Vu's conduct was limited to a single instance of alteration and that there had been no financial gain. It was noted that the recommended ethics course was relatively expensive and would meet the need for remediation, particularly Mr. Vu's lack of insight immediately before and at the start of the investigation process. Further, counsel for the Investigation Committee noted that an in-person reprimand would emphasize the seriousness of the deceitful conduct.

39. In commenting on the agreed upon costs, it was noted that the amount and timeline took into account Mr. Vu's personal circumstances, financial capacity, the expense of the ethics course, and the financial consequences of the seven day suspension. Counsel for the Investigation

Committee pointed to Mr. Vu's ultimate admission and cooperation in this matter and the general principle that costs are not intended to be punitive nor a full indemnification of all the costs associated with an investigation and discipline hearing.

40. Mr. Vu's counsel advised that Mr. Vu's employment over the year leading up to the hearing had been transformative as he had obtained stable work in a supportive environment with appropriate supervision. It was noted that Mr. Vu had ultimately cooperated with the investigation and that he took full responsibility and accountability for his actions.

41. Mr. Vu also addressed the Discipline Committee directly, advising that he had committed an act of desperation in altering the Licensure Agreement and he fully regrets that decision. Mr. Vu noted that he was motivated to obtain education to improve competencies and boost his confidence.

42. Applying the appropriate sentencing principles, including principles regarding joint submissions, the Discipline Committee finds that the seven day suspension which has been jointly proposed is reasonable, in the public interest, and within the range of appropriate dispositions. The Discipline Committee further accepts the additional sanctions of the Joint Submission, including the PBI Medical Ethics and Professionalism course, verbal reprimand, and payment of costs in the amount of \$3,000.00 by June 30, 2025.

43. On June 19, 2024, the Discipline Committee issued an Order endorsing the Joint Submission. As to the start date of the seven day suspension, the Discipline Committee ordered that the suspension would be effective June 20, 2024. The purpose in issuing an Order promptly was to provide certainty for Mr. Vu and the [REDACTED] as to the suspension and prior arrangements that had been made to serve such suspension.

VI. ORDER

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”), Joseph Vu shall be suspended from the College of Registered Nurses of Saskatchewan for a period of seven days, effective June 20, 2024.
2. Pursuant to section 31(1)(c) of the Act, Mr. Vu may continue to practice under the condition that he successfully completes the PBI Education course on Medical Ethics and Professionalism (ME-15) on or before December 31, 2024, the full cost to be borne by him, and provides proof of completion to the Registrar or designate.
3. Pursuant to section 31(d) of the Act, Mr. Vu shall appear before the Discipline Committee, or panel thereof, at a date and time to be determined, to be reprimanded.
4. Mr. Vu shall ensure that the Registrar is provided with updated and current telephone, address and e-mail information on an ongoing basis for so long as he is subject to any continuing conditions of the discipline Order.
5. Pursuant to section 31(2)(a)(ii) of the Act, Mr. Vu shall pay costs of the investigation and hearing process fixed in the amount of \$3,000.00.

6. The costs shall be paid on or before June 30, 2025. Pursuant to section 31(2)(b) of the Act, failure to pay the fine and costs within the time set by the Discipline Committee shall result in the immediate suspension of Mr. Vu's license until payment is made in full.

July 15 _____, 2024

Michell A. Jesse RN

Michell Jesse, Chairperson
On behalf of Members of the Discipline Committee
Anne KoKesch, RN, Writer
Christine Barlow, RN
Leah Currie, Public Representative
Russ Marchuk, Public Representative

Pursuant to section 31(2)(a)(ii) of the *Act*, a copy of this decision shall be sent to Mr. Vu.

A copy of this decision shall be forwarded to:

- (a) The editor of the CRNS news bulletin and the administrator for the CRNS website;
- (b) All Canadian Registrars of registered nurses;
- (c) College of Licensed Practical Nurses of Saskatchewan;
- (d) Registered Psychiatric Nurses Association of Saskatchewan;
- (e) The College of Physicians and Surgeons of Saskatchewan;
- (f) Any other jurisdictions or other stakeholders as may be seen as appropriate by the Registrar.

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

PROVISIONS OF LEGISLATION, BYLAWS, CODE OF ETHICS, PRACTICE STANDARDS & COMPETENCIES CONTRAVENED:

The Registered Nurses Act, 1988

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:

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

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

The SRNA Bylaws (2022)

Bylaw IV Section 2: Practicing Membership

(3) Practicing membership carries obligations including but not limited to the following:

(a) to adhere to the Canadian Nurses Association *Code of Ethics for Registered Nurses* adopted at bylaw XIV;

(b) to adhere to the nursing practice standards and entry-level competencies for the practice of registered nursing adopted at bylaw XV;

Code of Ethics for Registered Nurses (2017)

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 Registered Nurse Practice Standards (2019)

Standard 1: Professional Responsibility and Accountability

The registered nurse is responsible for practicing safely, competently and ethically, and is accountable to the client, public, employer and profession.

The registered nurse upholds this standard by:

1. Being accountable and accepting responsibility for their own actions and decisions.

Standard 3: Ethical Practice

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

The registered nurse upholds this standard by:

26. Practicing in accordance with the current *CNA Code of Ethics for Registered Nurses*.

Standard 4: Service to the Public

The registered nurse demonstrates leadership in quality and ethical nursing practice, delivery of health care services and establishing professional relationships.

The registered nurse upholds this standard by:

35. Demonstrating professional presence and modelling professional behaviour.

Standard 5: Self-Regulation

The registered nurse demonstrates an accountability to regulate themselves in accordance with their legislated scope of practice.

The registered nurse upholds this standard by:

49. Practicing in accordance with *The Registered Nurses Act, 1988*, other current relevant legislation, bylaws, scope of practice, standards, entry-level competencies, guidelines and employer policies.

51. Recognizing and addressing professional practice, legal or ethical violations by themselves or others in a timely and appropriate manner.

SRNA Registered Nurse Entry-Level Competencies (2019)**2. Professional**

Registered nurses are professionals who are committed to the health and well-being of clients. Registered nurses uphold the profession's practice standards and ethics and are accountable to the public and the profession. Registered nurses demonstrate accountability, accepts responsibility and seeks assistance as necessary for decisions and actions within the legislated scope of practice.

2.2 Demonstrates a professional presence, and confidence, honesty, integrity and respect in all interactions.

Professional presence is the demonstration of respect, confidence, integrity, optimism, passion and empathy in accordance with professional standards, guidelines and codes of ethics. It includes a nurse's verbal and nonverbal communications and the ability to articulate a positive role and professional image, including the use of full name and title. The demonstration of professional presence leads to trusting relationships with clients, families, communities and other health care team members. (College of Nurses of Nova Scotia, 2018, p.2)