

**ARNPEI Professional Conduct Review Committee  
Formal Inquiry Panel Decision  
Complaint # 2016-003  
Re: Mary Parkman, Member Registration no. 003412**

**Introduction**

This report is prepared pursuant to section 32 of the *Registered Nurses Act, R.S.P.E.I. 1988, c.R-8.1*.

The Formal Inquiry Panel of the Professional Conduct Review Committee of the Association of Registered Nurses of Prince Edward Island ("ARNPEI") (hereafter, "the panel") conducted a formal inquiry hearing, in Charlottetown, P.E.I. on September 21, 2017 to hear a complaint dated July 27, 2016 against Registered Nurse Mary Parkman, registration number 003412. The purpose of this formal inquiry is explained in subsection 30 (4) of the *Registered Nurses Act*, which states:

- 30(4) After considering the evidence presented at a hearing, the Review Committee shall determine whether
- (a) the complaint should be dismissed; or
  - (b) the respondent suffered or suffers from incapacity or is guilty of professional misconduct, conduct unbecoming the profession, incompetence, incapability or lack of fitness to practice, as the case may be.

In the case of Mary Parkman, as indicated in the Notice of Formal Hearing, professional misconduct and conduct unbecoming the practice of nursing have been alleged. Members of the Panel attending the formal hearing were: Mary MacSwain (chair), Susan Clory (member), Tara Roche (member) and Lisa Pyke (public member).

The respondent, Mary Parkman RN, and the complainants, Mary Harris RN, Mike MacDonald, RN and Melanie Walsh RN were present at the Formal Hearing. Melanie Walsh left the meeting part way through due to a prior commitment.

Also, Mr. Doug Drysdale, legal counsel and advisor for the committee, as well as Mr. Tom Keeler, solicitor appointed to adduce evidence for the Association of Registered Nurses of Prince Edward Island (ARNPEI). were

in attendance as well as a representative from the Office of the Future recorded the formal hearing audio.

The Formal Inquiry Panel was brought together to determine whether Mary Parkman is guilty of any matters alleged in the complaint, and if so, to decide on an appropriate penalty, and to report the outcome to the Council of ARNPEI, the complainants and the respondent.

The hearing on September 21, 2017, focused on an Agreed Statement of Facts and on an appropriate penalty to be imposed in the circumstances. An Agreed Statement of Facts was presented as the member admitted guilt to the conduct which had been alleged against her.

The Notice of Formal Hearing included the following allegations against nurse, Mary Parkman RN, Registration number 003412:

1. That between July 1, 2014 and June 21, 2016, while the member was employed as a registered nurse in the Post- Anesthesia Care Unit at the Queen Elizabeth Hospital ("the Facility"), she stole a quantity of narcotics from the Facility:
  - (a) The Member took narcotics from the Facility for her own use by indicating that it had been given to patients, when it had not been;
  - (b) The Member took narcotic medication from the Facility for her own use when the member indicated that it had been wasted; and
  - (c) On about June 21, 2016, the member was found to be in possession of nine (9) vials of narcotics, which had been taken by the Member from the Facility for her own use.

2. That between July 1, 2014 and June 21, 2016, Ms Parkman intentionally recorded and entered inaccurate information relating to the administration of narcotics, in order to facilitate her theft of narcotics, and therefore manipulated, falsified and concealed records relating to the provision of health services.

The notice asserted that this contravenes the *Registered Nurses Act, Supra* in one or both of the following ways:

(A) Professional misconduct contrary to subsection 30(4) of the *Registered Nurses Act, Supra*, as defined in paragraphs 1(t)(iii)(B) of the Act;

(B) Conduct unbecoming the practice of nursing contrary to subsection 30(4) of the *Registered Nurses Act, Supra*.

Relevant provisions of the Code of Ethics and the Standards for Nursing Practice were annexed to the Notice of Formal Hearing for the purpose of paragraph 1(t)(iii)(B) of the *Registered Nurses Act, Supra* referred to in the allegations 1 and 2 above. A copy of the Notice of Formal Hearing, together with the relevant provisions of the Code of Ethics and the Standards for Nursing Practice, is annexed to this Decision, as Schedule A.

### **Evidence and Findings of the Formal Hearing**

Tom Keeler read an Agreed Statement of Facts into the record. Mary Parkman agreed with the document as presented and a signed copy was presented to the chair of the Panel.

In the Agreed Statement of Facts, Mary Parkman admitted to the allegations and admitted that her conduct amounted to professional misconduct as defined in the *Registered Nurses Act*, as well as conduct unbecoming the profession of nursing. A copy of the Agreed Statement of Facts is annexed to this Decision, as Schedule B.

### **Decision of the Committee related to the Agreed Statement of Facts**

After a short recess, the Panel decided to formally accept the Agreed Statement of Facts and to find Mary Parkman guilty of both professional misconduct and conduct unbecoming the profession of nursing in relation to the two charges which have been brought against her, contrary to subsection 30(4) of the *Registered Nurses Act*. No further evidence or testimony of witnesses was required.

### ***Submissions on Penalty***

Tom Keeler read a document outlining his recommendations for a Proposed Penalty into the record. A copy of this unsigned document was circulated to the chair and committee members. Mr. Keeler explained to the Panel that this document was not a Joint Recommendation on Penalty as Ms. Parkman wanted to make a submission herself to the Panel but noted that he and Ms. Parkman had discussed the penalty he was proposing. He referred to the seriousness of Ms. Parkman's actions including the number of incidents, the two year timeframe, the vulnerability of the patients, as well as her being in a position of trust. Mr. Keeler referred to ARNPEI membership being a privilege and a responsibility to protect the public and other members. In his submission, Mr. Keeler included mitigating factors that were to be considered in the Panel's decision on penalty. Mary Parkman had admitted guilt, has made significant efforts to deal with her addiction with success to date, and has letters to support the same.

Mary Parkman made a submission to the Panel. Before she did so, the chair confirmed with Ms. Parkman that she was aware that she had the right to be represented by legal counsel, but she wished to proceed without a lawyer. She stated that she is aware that what she did was wrong and she will accept the decision of the committee on penalty. She added that she is sixty years old and that Mr. Keeler's recommendation could mean that her license could be subject to conditions for four years, in which case she might not seek to relicense in the future. She also read a statement that she had prepared, which expressed her remorse and acceptance of full responsibility for her actions. She gave an update of her success with recovery to date, and said that she hopes that she can in the future somehow help others to avoid making poor choices.

The Chair of the Committee expressed thanks to all who were present and that the Committee would consider all submissions in making a decision on penalty and that the decision will be delivered in writing to ARNPEI Council, Mary Parkman, and the Complainants.

The hearing adjourned to allow the Panel to reach its decision.

### **Decision of the Panel regarding Penalty**

After considering the evidence presented, the Panel determined that Mary Parkman is guilty of the following, in relation to each of the allegations against her:

(A) Professional misconduct contrary to subsection 30(4) of the *Registered Nurses Act, Supra*, as defined in paragraphs 1(t)(iii)(A) and (B) of the *Registered Nurses Act*;

(B) Conduct unbecoming the practice of nursing contrary to subsection 30(4) of the *Registered Nurses Act, Supra*.

Professional misconduct is defined in the *Act* and includes various types of wrongdoing, including the failure to comply with the Code of Ethics and the Standards for Nursing Practice. Specific relevant excerpts from these documents are attached to this report, and we rely on them, but it is obvious on a common sense level that Mary Parkman engaged in professional misconduct.

Over a period of at least two years, Mary Parkman engaged in repeated narcotic theft, repeated falsification of patient health records and pharmacy narcotic control drug registers at the Queen Elizabeth Hospital ("QEH"). During this time frame, Ms Parkman repeatedly self administered injectable narcotic medication daily while continuing to work as a registered nurse in a full time position, thus likely working in an impaired state. Ms Parkman acted in her own self-interest and not on behalf of her patients as a registered nurse is required to do. Her actions were contrary to well established rules and ethical principles, and could have posed serious risk to her patients, her coworkers and herself. The nursing profession can not condone this conduct.

As for the charges of conduct unbecoming the profession of nursing, this term is not defined in the *Registered Nurses Act*. The panel has considered that narcotic theft, manipulation of records related to provisions of nursing services, and the self administration of narcotics at work, and thus impairment, are all acts of conduct that are unbecoming to the profession of nursing as they impact negatively on the reputation of the profession, and can result in possible distrust by members of the public.

The panel noted that mitigating factors outlined in the Agreed Statement of facts indicates Mary Parkman has made significant progress in accepting responsibility for her actions, has been accountable and has pursued a rehabilitation program, attended addiction counseling sessions which are ongoing, in an effort to ensure wellness and avoid relapses in her addiction. The panel hopes the penalty described below will build on her progress.

The Committee Panel reviewed the recommendations on penalty as presented and imposed revisions which have been incorporated and the penalty will read as follows:

1. Mary Parkman shall pay a fine in the amount of \$2400.00 to ARNPEI on January 1, 2018. She may pay this amount in installments of \$200.00 per month for twelve months beginning on January 1, 2018, if she wishes, provided that the payments are made on the first day of each month.

2. Effective immediately Mary Parkman's license to practice as a registered nurse in the province of P.E.I. will be revoked for a period of one year from the date that this Decision is delivered to Mary Parkman. of this order.

3. During the one year revocation of license, and prior to making application for a new license, Mary Parkman shall comply with the following requirements:

(a) provide a short written report from her addiction counselor to this Panel every three months, beginning the first week of January 2018, and in the first week of April, July, October, 2018, to confirm that she is actively participating in addictions treatment;

(b) abstain from all mood or mind altering substances including alcohol, illicit or street drugs, including cannabis, and any prescription medications not prescribed to her by a licensed health provider who is aware of her addiction history. As part of this requirement, Ms Parkman must advise any prescriber of her addictions history and advise this Panel of the identity of any such prescriber as well as her primary care provider. She shall also provide the Panel with an open consent for ARNPEI to make random inquires to that care provider with respect to her addiction issues and treatment;

(c) in December, 2018 or thereafter, undergo an assessment by a qualified physician specializes in treatment of addiction, at her own expense, and provide a report from that specialist pertaining to her ability to practice nursing, including commentary on her insight and judgement as they relate to the provisions of safe clinical care, to this Panel;

(d) select a health care provider acceptable to ARNPEI to conduct random urine drug tests monthly, and to submit to such random tests monthly, and to cause the test results to be provided to ARNPEI. The tests shall be initiated by the health care provider on no more than 24 hour notice to Ms Parkman and shall be at her own expense;

(e) provide a signed letter to ARNPEI by December 15, 2017, confirming that she understands these requirements and will comply with them, and will notify ARNPEI immediately if exceptional circumstances arise which, from an objective point of view, prevent her from complying. by Ms. Parkman indicating her understanding and intention to comply with all the conditions outlined above, and that she will inform ARNPEI immediately if she can not comply with the conditions outlined.

4. After the completion of these requirements, and after the expiration of the one-year revocation, Mary Parkman may apply for a new license, which will be subject to the following conditions for a minimum period of twenty-four months from the date the license is issued:

(a) abstain from all mood or mind altering substances including alcohol, illicit or street drugs, including cannabis and any prescription medications not prescribed to her by a licensed health provider who is aware of her addictions history. As part of this requirement, Ms Parkman must advise any prescriber of her addictions history and advise this Panel of the identity of any such prescriber as well as her primary care provider. She shall also provide the Panel with an open consent for ARNPEI to make random inquires to that care provider with respect to her addiction issues and treatment;

(b) select a health care provider acceptable to ARNPEI to conduct random urine drug tests monthly, and to submit to such random tests monthly, and to cause the test results to be provided to ARNPEI. The tests shall be initiated by the health care provider on no more than 24 hour notice to Ms Parkman and shall be at her own expense;

(c) report any relapse to ARNPEI and stop practicing as a RN immediately and refrain from practicing until authorized to do so by ARNPEI;

(d) refrain from working in an environment wherein Ms Parkman shall handle or have access to narcotics, unless authorized by ARNPEI to do so. For the purpose of this condition, Ms Parkman may apply to ARNPEI for a determination as to whether this restriction can be lifted prior to the end of the 24 month period described above, but the restriction shall not be lifted before the expiration of the 24 months;

(e) provide a copy of this Decision in this matter and any related written decision from this Panel or ARNPEI to any employer who offers employment to Ms. Parkman, and verify in writing to ARNPEI that this has been done, within one week of providing the copies.

5. Failure to comply with the above conditions will result in suspension of her license.

These conditions as listed in 5 (a) - (e) inclusive shall be attached to Ms. Parkman's license until they are removed, in whole or in part, by ARNPEI. Provided Mary Parkman meets the above conditions for twenty four months from the date of this penalty, with negative urine drug testing results and no relapse in addiction, she may apply to this Panel of the PCR Committee for removal of these conditions on her nursing license. Ms Parkman may not apply to the current PCR Committee for removal of these conditions until at least 24 months have passed from the date of issuance of new license.

6. Until such time the above conditions are removed from her nursing license, Mary Parkman shall disclose to all employers, current or potential, the conditions that attach to her nursing license.

Respectfully submitted at Charlottetown, Prince Edward Island this 21 of  
November, 2017.

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Mary MacSwain, Chair of the Formal Inquiry Panel