

IN THE MATTER OF *THE PARAMEDICS ACT* AND BYLAWS AND IN THE MATTER OF A COMPLAINT AGAINST GREGORY LORNE SIM

DECISION

Discipline Committee of the Saskatchewan College of Paramedics

INTRODUCTION:

The hearing by the Discipline Committee of the Saskatchewan College of Paramedics into the complaints against Gregory Lorne Sim, a member of the College, was convened at the West Harvest Inn in Regina, Saskatchewan, on March 15, 2010, being the location and the date specified in the Notice of Hearing sent to Mr. Sim and, by consent, at a few minutes before the hour designated for commencement.

Mr. Sim was present at the hearing with his union representative, Garnet Dishaw. Roger Lepage Q.C. and Lisa Renner, Student-at-Law, were present representing the Professional Conduct Committee (PCC).

EVIDENCE:

At the outset of the hearing, the Notice of Hearing and a binder of documents were filed with the Discipline Committee by consent of the parties. M. Lepage indicated that Charge 1 of the formal complaint was being withdrawn by the PCC and that Mr. Sim was pleading guilty to the remaining Charges, indicated as Charges 2 to 9, inclusive, as set out in the formal complaint attached to the Notice of Hearing. M. Lepage directed the Committee's attention to each of these charges and to the relevant documents contained in the binder and their content.

Mr. Sim confirmed that he was pleading guilty to these charges and agreed with M. Lepage's presentation of the evidence in reviewing the document binder. In summary, that evidence indicated that Mr. Sim has a drug and alcohol addiction and that during the period of approximately January to July 2009 he stole drugs from his employers with whom he was employed as a paramedic for his personal use.

Mr. Sim was sworn in and provided the Committee with a description of some of the events that led to the complaints and his actions since those events occurred in dealing with his drug and alcohol addiction, and answered questions put to him by way of cross-examination by M. Lepage. He apologized to the College, the Committee and to the profession, as well as to his family.

SUBMISSIONS OF PARTIES:

As indicated, Mr. Sim pled guilty to all eight remaining charges and agreed with the description of the facts on which those charges were based as described by M. Lepage in his submissions to the Discipline Committee. M. Lepage also submitted a proposed disposition order for the consideration of the Discipline Committee and Mr. Sim agreed with the proposal except with respect to the matter of costs. Mr. Dishaw, on Mr. Sim's behalf, noted that Mr. Sim was completely co-operative with the discipline process and that he has been unemployed since July 2009 when these events occurred. In addition, he is likely to remain unemployed for some time yet, before he is able to return to work.

DECISION:

The Discipline Committee accepts what is in effect a joint submission as to penalty in the form of the draft disposition order submitted by M. Lepage, to the extent that the parties do agree, but with the following modifications to the draft order as submitted:

- 1) As no issue with respect to Mr. Sim's competence as a paramedic was raised, performance reviews approximately every three months during the first year after he returns to work as a paramedic are not necessary.
- 2) The proposal that Mr. Sim make monthly reports on "progress in meeting the terms" of the Order this committee makes is too vague, and other elements of the Order, which will require objective reports from his addictions counsellor to be provided together with the required drug and alcohol screening, will be sufficient to indicate "progress" in the Discipline Committee's opinion.
- 3) The proposal that Mr. Sim be suspended in the case of "relapse" is too vague, and the Discipline Committee is of the opinion that it does not have jurisdiction to make an order that would effectively deprive a member of the checks and balances included in the discipline process under *The Paramedics Act* by providing for an automatic consequence to result from a possible breach of its order, since such a breach is itself defined as professional misconduct under *The Paramedics Act*.
- 4) The proposed description of the length of time that the Order would remain in effect is complex and confusing. The Committee is of the view that it could be simplified if it were stated as a specific period of time to run from the date when the member returns to work as a paramedic.
- 5) The Committee has also revised the language of the draft order in the interests of clarity and to eliminate duplication.

There is, however, one matter in respect of which the parties do not agree and that is the matter of costs. M. Lepage recommends an order for costs in the amount of \$5,000.00, based on the estimate of total costs for the investigation and hearing of this complaint being in excess of

\$16,000.00. Mr. Sim requests that the amount of costs be lower, for the reasons that he has co-operated with the discipline process, has pleaded guilty and has accepted all other suggested aspects of the disposition order and is, at present, unemployed. The Discipline Committee agrees with Mr. Sim's submissions and those made on his behalf and notes that he immediately surrendered his licence and was fully co-operative with the investigation and discipline process, pled guilty and did not take issue with any other aspect of the submissions made to the Discipline Committee by counsel on behalf of the Professional Conduct Committee.

ORDER:

On the basis of the above reasons, the Discipline Committee of the Saskatchewan College of Paramedics, having received guilty pleas to the eight charges against Gregory Lorne Sim contained in the Notice of Hearing as charges 2 to 9, finds Gregory Lorne Sim guilty of professional misconduct and hereby Orders as follows:

1. Gregory Sim is suspended from the Saskatchewan College of Paramedics (SCOP) until after the Executive Director of SCOP has received confirmation of his satisfactory completion of an in-patient treatment program for addictions directly from the head of the program, and until the following terms are met:
 - (a) prior to returning to work as a paramedic, Gregory Lorne Sim shall arrange for a written report from an addictions counsellor approved by the Executive Director of SCOP, and submitted directly to the Executive Director, confirming that he is fit to return to employment as a paramedic and outlining the details of the treatment plan he will be following; and
 - (b) prior to returning to work as a paramedic, Gregory Lorne Sim shall arrange for a written report from a physician approved by the Executive Director of SCOP, and submitted directly to the Executive Director, confirming that he is fit to return to employment as a paramedic.
2. While this Order remains in effect as described in paragraph 5, Gregory Lorne Sim shall, at his own cost:
 - (a) continue counselling and treatment for his addictions after returning to work as a paramedic in accordance with the treatment plan submitted as required by paragraph 1(a), as may be modified from time to time on the advice of the addictions counsellor;
 - (b) follow any recommendations for medical treatment after returning to work as a paramedic made by the physician described in paragraph 1(b);
 - (c) abstain from the use of any alcohol or drugs, unless prescribed by a physician who is familiar with his addictions;

(d) within one month, three months, six months and every six months thereafter, after returning to work as a paramedic, arrange for a written report from his addictions counsellor to be submitted directly to the Executive Director of SCOP concerning his compliance with his treatment plan;

(e) immediately notify the Executive Director of SCOP in writing of any change in his addictions counsellor and the reason for the change, and obtain her approval to his retaining the services of another addictions counsellor; and

(f) immediately notify the Executive Director of SCOP in writing of any change in his employment as a paramedic or any leave of absence greater than one month.

3. In order to monitor his abstinence from drugs and alcohol, Gregory Lorne Sim shall, at his own cost, arrange for and take drug and alcohol screening tests, by a company or process approved by the Executive Director of SCOP, and shall arrange for the results of those screening tests to be forwarded directly to the Executive Director of SCOP:

(a) within the 10 days prior to the day on which he returns to work as a paramedic;

(b) once per month for the first three months after he returns to work as a paramedic;

(c) once every six months after the first three months after he returns to work as a paramedic while this Order remains in effect as described in paragraph 5;

(d) within one month before date when this Order will cease to be in effect as described in paragraph 5; and

(e) at any time that the Executive Director of SCOP requests that a random test be taken while this Order remains in effect as described in paragraph 5.

4. In the event of a test result under paragraph 3 indicating that Gregory Lorne Sim has used alcohol or drugs, he shall immediately be suspended from the College until such time as the Professional Conduct Committee of SCOP files with the Executive Director a written report stating it is satisfied that Gregory Lorne Sim is safe to return to employment as a paramedic or until the matter is dealt with by the Discipline Committee at a hearing.

5. This Order remains in effect for a period of two years from the date on which Gregory Lorne Sim returns to work as a paramedic.

6. Gregory Lorne Sim shall pay the sum of \$1,000 in respect of the costs of the inquiry and hearing into his conduct and related costs, to be paid in full within three years

from the date of this Order, and, if all or any of that amount remains unpaid after that date, he shall be suspended from the College after that date and until such payment is received in full.

Date

Chair, Discipline Committee

Date

Member, Discipline Committee

Date

Member, Discipline Committee

Date

Member, Discipline Committee

Original Signed