

IN THE MATTER OF: *The Paramedics Act*, S.S. 2007, c. P-0.1, and Mark Ollinger

NOTICE OF FORMAL COMPLAINT

TO: Mark Ollinger
[REDACTED]
Nipawin, Saskatchewan
S0E 1E0

WHEREAS:

At all times material to the charges hereinafter set out, you were on the Register as an EMT-P, registry number 35-4469, and were a member of the Saskatchewan College of Paramedics (SCoP);

The Professional Conduct Committee of SCoP hereby recommends that the Discipline Committee hear and determine the following charge, that:

Charge Number 1

You, Mark Ollinger, are alleged to be guilty of professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act*, in that:

While a member of the Professional Conduct Committee, you did divulge to a member who was the subject of a complaint that a complaint against him had been received and you divulged the substance of the complaint, contrary to your obligation to keep confidential matters being dealt with by the Professional Conduct Committee.

Particulars of the professional incompetence and professional misconduct are as follows:

1. The Member was appointed to the Professional Conduct Committee (PCC) in October 2008 and on October 11, 2008, the Member signed an Oath of Office and Confidentiality Agreement which, at paragraph 4, stated “keep confidential all information that I learn about registrants, personnel (staff and volunteers), and any other matters unless specifically asked to release such information;”;
2. The regulatory bylaws set out the required conduct, sets out the requirements of the members of the PCC as follows:

8(1)(g) The professional conduct committee shall:
(...)
(iv) hold in confidence all documentation and information received;
(...)

3. An anonymous complaint, dated April 10, 2009, was filed with the PCC against a member (█). The said complaint came before the PCC for consideration. The Member disclosed that he knew █ well. A discussion ensued about whether it was necessary for the Member to declare a conflict of interest. Such a conflict of interest was declared and in keeping with procedure, the Member stepped down from the PCC when the case of █ was to be discussed. However, shortly thereafter, the Member resigned from the PCC;
4. The PCC determined that the complaint was within its jurisdiction and not frivolous, and that it warranted further investigation. As a result, █ was sent a letter dated May 19, 2009, advising of the complaint and asking for his response;
5. The complaint against █ proceeded to a discipline hearing on September 29 and 30, 2010. During the said hearing, █, the member who was the subject of discipline, testified on September 30, 2010, that the Member had communicated with him in the spring of 2009 prior to the letter of May 19, 2009, to the effect that there was a complaint filed against him and he divulged the substance of the complaint. █ testified that after March 28 and 29, 2009, he was “tipped off” about the complaint by Mark Ollinger, a member of the Professional Conduct Committee. The Member had called him one day before █ called █ on May 12, 2009, at 8:00 p.m. Mark Ollinger divulged to █ that an anonymous complaint had been received against him in relation to the ITLS course he had taught and that there was an allegation about some “penis” comments and something about a “nazi” and some sexist comments;
6. The relevant portions of the Code of Professional conduct of SCoP are as follow ;

Principles of Ethical Behavior for All Members

(...)

2. Honour the profession.

(...)

5. Remember that integrity and professional ability should be the member’s best advertisement.

6. Disclose any conflict of interest whether that is personal or financial.

7. Respect the confidentiality of issues.

Responsibilities to the Profession

All members must:

(...)

2. behave in a way beyond reproach and report any incompetent, illegal or unethical conduct by colleagues or other health care personnel to the appropriate authorities;

3. conduct and present oneself in such a manner so as to encourage and merit the respect of the public for members of the profession;

4. avoid impugning the reputation of any colleague;

5. recognize that self-regulation of the profession is a privilege and that each practitioner has a continuing responsibility to merit the retention of this privilege;

6. assume responsibility for personal and professional development;

7. never use the member's profession, knowledge or skills for unethical gain;
(...)
 9. observe the rules of professional conduct set out in the "Code" in the spirit, as well as in the letter;
(...).
7. Mark Ollinger was a member of the PCC from October 12, 2008, to September 8, 2009;
 8. Mark Ollinger received an email of a notice of meeting of the PCC sent April 30, 2009, including the agenda of the meeting of May 6, 2009, and a copy of the anonymous complaint. The email was clearly marked "Confidential". The attachments to the email included the fax cover sheet and three pages of the complaint against [REDACTED] as well as the letter to ITLS Saskatchewan about the complaint;
 9. The Minutes of the PCC meeting of May 6, 2009, confirm that Mark Ollinger was aware of the contents of the complaint and commented on the complaint before declaring a conflict of interest due to a friendship with [REDACTED] and leaving the meeting. Mark Ollinger did not attend any further PCC meetings regarding that particular complaint;
 10. Mark Ollinger sent an email on September 8, 2009, resigning from the PCC;
 11. At the meeting of May 6, 2009, after the departure of Ollinger from the conference call, the PCC decided not to share the actual complaint with [REDACTED] at that time in order to ensure he did not determine the identity of the complainant from the details provided in the written complaint.

NOW THEREFORE TAKE NOTICE that the Discipline Committee will hear the charges and such evidence as may be tendered with respect to them starting at 10:00 a.m in the forenoon on the 19th day, of September, 2011, at the West Harvest Inn (Solarium Room) in Regina, Saskatchewan.

AND FURTHER TAKE NOTICE THAT at the said time and place you have the right to be present with counsel and a support person.

AND FURTHER TAKE NOTICE THAT, in default of you attending at the said time and place, the Discipline Committee may, on proof of service of this Notice on you and/or your legal counsel, proceed with the hearing of said charges, and the evidence with respect to them.

AND FURTHER TAKE NOTICE THAT, if the Discipline Committee finds you guilty of professional incompetence and/or misconduct, the Committee may order one or more of the following pursuant to section 31 of *The Paramedics Act*:

Disciplinary powers

31(1) Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

(a) an order that the member be expelled from the college and that the member's name be struck from the register;

(b) an order that the member's licence be suspended for a specified period;

(c) an order that the member's licence be suspended pending the satisfaction and completion of any conditions specified in the order;

(d) an order that the member may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) obtain medical or other treatment or counselling or both;

(e) an order reprimanding the member;

(f) any other order that the discipline committee considers just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

(a) that the member pay to the college, within a fixed period:

(i) a fine in a specified amount not exceeding \$5,000; and

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and

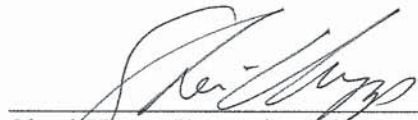
(b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member's licence be suspended.

(3) The executive director shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) Where a member is expelled from the college or a member's licence is suspended, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

(5) The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

DATED at Regina, Saskatchewan, this 24th day of June, 2011.



Sheri Hupp, Executive Director
Saskatchewan College of Paramedics