

IN THE MATTER OF: *The Paramedics Act, 2007, Ch. P-O.* and Wayne Nogier

NOTICE OF FORMAL COMPLAINT

TO: WAYNE NOGIER
[REDACTED]
Melfort, Saskatchewan
S0E 1A0

TO: EVERT VAN OLST
Saskatoon Regional Health Authority
300, 410 – 22nd Street East
Saskatoon, Saskatchewan
S7K 5T6

WHEREAS:

At all times material to the charges hereinafter set out you were on the Register and were a member of the Saskatchewan College of Paramedics, Corp. (SCOP);

At the time of the incidents outlined in the charges below, you were a member and held a licence from the SCOP to practice the duties of an emergency medical technician-paramedic in Saskatchewan;

The Professional Conduct Committee of the SCOP made a written report recommending that the Discipline Committee hear and determine the formal complaints as follows, that:

Charge Number 1

You, Wayne Nogier, are alleged to be guilty of professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act, 2007*, in that you:

on or about March 28 and 29, 2009, while instructing an ITLS course to members, made inappropriate comments regarding the size of your penis in relation to the rest of your body, thus rendering some members uncomfortable and offending others.

Charge Number 2

You, Wayne Nogier, are alleged to be guilty of professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act, 2007*, in that you:

On or about Sunday, March 29, 2009, during the lunch period for the ITLS course you were instructing, inappropriately and without notice reached out and touched and squeezed the inside thigh of ██████████ near her crotch area while saying "if ██████████ and I were having an affair, it could be investigated". This constitutes an assault. As a participant of the ITLS course, she was highly offended and humiliated by this action.

Charge Number 3

You, Wayne Nogier, are alleged to be guilty of professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act, 2007*, in that you:

on or about March 28 and 29, 2009, while instructing an ITLS course to members, used ██████████ as the patient and while demonstrating how to move her, grabbed and squeezed her breast rather than her armpit, thus assaulting and humiliating her.

Charge Number 4

You, Wayne Nogier, are alleged to be guilty of professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act, 2007*, in that you:

On or about March 28 and 29, 2009, while instructing an ITLS course to members, stated, while discussing the issue of legally mandating members to work on days off, that the College of Paramedics was "chomping at the bit" to punish someone in order to show all members who is in charge. You referred to the College as "Nazis" who want to take your licence away. These comments are contrary to the regulatory bylaw and the Code of Professional Conduct (Honour the Profession), Responsibilities to the Profession (items 2, 3, 4, 5 and 9).

Charge Number 5

You, Wayne Nogier, are alleged to be guilty of professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act, 2007*, in that you:

on or about May 2009, after becoming aware of the anonymous complaint regarding your conduct on March 28 and 29, 2009, you repeatedly telephoned [REDACTED] asking her to confirm she had done it. You advised that the person who did it would be in serious trouble. She refused to discuss it further with you. You telephoned back, saying that you had a witness on the line with you. You were intimidating and threatening in your language and approach. You tried to bully her into going to the workplace. She hung up and was fearful you would come to her residence. This conduct constitutes bullying and intimidation, and is contrary to the Regulatory bylaw and the Code of Professional Conduct (Honour the Profession), Responsibilities to the Profession (items 2, 3, 4, 5, 6 and 9)

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 **0930** in the forenoon on **Wednesday, September 29, 2010** at the **Travelodge, 4177 Albert Street South, Regina, Saskatchewan**, and from day to day thereafter until the charge has been heard.

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, 2007*:

- (1) (a) *that you be expelled from the College and that your name be struck from the register;*
- (b) *that your licence be suspended for a specified period;*

- (c) *that your licence be suspended pending the satisfaction and completion of any conditions specified in the order;*
- (d) *that you may continue to practice, but only conditions specified in the order, which may include but are not restricted to an order that you:*
 - (i) *not do specified types of work*
 - (ii) *successfully complete specified classes or courses of instruction;*
 - (iii) *obtain medical or other treatment or counseling, or both;*
- (e) *that you be reprimanded; or*
- (f) *make any other order that the Discipline Committee considers just.*

In addition to an order made pursuant to subsection (1), the Discipline Committee may order:

- (2) (a) *that you pay to the College within a fixed period:*
 - (i) *a fine in a specified amount not exceeding \$5,000;*
 - (ii) *the costs of the investigation and hearing into your conduct and related costs, including the expenses of the Professional Conduct Committee and the Discipline Committee, and costs of legal services and witnesses;*
- (b) *where you fail to make payment in accordance with an order pursuant to clause (a) your licence may be suspended.*

DATED at Regina, Saskatchewan, this 26th day of March, 2010.



Lily A. Stonehouse, Executive Director
Saskatchewan College of Paramedics