

IN THE MATTER OF: The Nova Scotia College of Nursing

- and –

IN THE MATTER OF: Vivianne Lachance, Reg. #29566

TO: Vivianne Lachance

Vivianne Lachance is hereby notified that the Professional Conduct Committee of the Nova Scotia College of Nursing will conduct a hearing pursuant to the *Nursing Act* to consider allegations of professional misconduct and/or conduct unbecoming as defined in the *Nursing Act*, RSNS 2019, c 8 (the "*Nursing Act*").

The hearing will be held at the Nova Scotia College of Nursing, Suite 300, 120 Western Parkway, Bedford, Nova Scotia, commencing at **9:30am on Wednesday, November 9, 2022** and continuing thereafter as directed by the Committee.

Vivianne Lachance's presence at the stated time of the hearing is required. She may attend with legal counsel, a union representative, or other representative of her choice at her own expense, and may present evidence or witnesses on her behalf.

TAKE NOTICE that if Vivianne Lachance does not attend this hearing, the Professional Conduct Committee may proceed in her absence and she will not be entitled to any further notice of proceedings.

Any documentary evidence to be used by the Nova Scotia College of Nursing at the hearing will be made available to Vivianne Lachance in advance of the hearing in accordance with the *Nursing Act*. Vivianne Lachance has all the rights set out in section 96 of the *Nursing Act* as well as the disclosure obligations set out in section 97 of the *Nursing Act*.

The Professional Conduct Committee will consider the following allegations:

That being registered under the *Nursing Act* at the time of the subject matter of the allegations leading to this Notice of Hearing, it is alleged that Vivianne Lachance engaged in professional misconduct by:

1. In or around June 2020, Vivianne Lachance permanently destroyed health records for 435 clients, contrary to her employer's 'Hard Copy File Management' policy.

And that being registered under the *Nursing Act* at the time of the subject matter of the allegations leading to this Notice of Hearing, it is alleged that Vivianne Lachance engaged in professional misconduct and/or conduct unbecoming the profession by:

2. Beginning in or about March 2021 through to present, Vivianne Lachance failed to co-operate with NSCN by failing to respond to NSCN communications, inquiries and requests

for information in a timely, full and substantive manner, contrary to section 45(1)(b) of the *Nursing Act* and the Responsibility and Accountability Standard of Practice. Vivianne Lachance did not respond to the following communications, inquiries and requests for information from NSCN in a timely, full and/or substantive manner:

- a. a letter dated March 8, 2021 from Darlene Mott, Director – Professional Conduct, sent via Titanfile;
 - b. an email dated March 22, 2021 from Kim Shears, Administrative Assistant;
 - c. a telephone call on March 26, 2021 from Kim Shears, Administrative Assistant;
 - d. a telephone call on March 29, 2021 from Kim Shears, Administrative Assistant;
 - e. a letter dated April 12, 2021 from Darlene Mott, Director – Professional Conduct, sent via Titanfile, email, and registered mail;
 - f. a letter dated June 1, 2021 from Darlene Mott, Director – Professional Conduct, sent via TitanFile, email, and registered mail;
 - g. a letter dated October 19, 2021 from Kimberley Pochini, Professional Conduct Consultant, sent via TitanFile, email, mail, and registered mail; and
 - h. a letter dated December 22, 2021 from Kimberley Pochini, Professional Conduct Consultant, sent via email and registered mail.
3. Beginning in or about November 2021 through to present, Vivianne Lachance failed to provide a written response to matters under investigation as directed by the Complaints Committee, contrary to section 74(1)(c) of the *Nursing Act* and the Responsibility and Accountability Standard of Practice.
 4. On or about January 10, 2022, Vivianne Lachance failed to attend an interview with respect to matters under investigation as directed by the Complaints Committee, contrary to section 74(1)(e) of the *Nursing Act* and the Responsibility and Accountability Standard of Practice.

“conduct unbecoming the profession” is defined in the *Nursing Act* to mean:

conduct in a registrant’s personal or private capacity that tends to bring discredit upon registrants or the nursing profession.

“professional misconduct” is defined in the *Nursing Act* to include:

such conduct or acts relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional, including

- (a) failing to maintain the standards of practice;

- (b) failing to adhere to any codes of ethics adopted by the College;
- (c) abusing a person verbally, physically, emotionally or sexually;
- (d) misappropriating personal property, drugs or other property belonging to a client or an employer;
- (e) inappropriately influencing a client to make or change a legal document;
- (f) abandoning a client;
- (g) neglecting to provide care to a client;
- (h) failing to exercise appropriate discretion with respect to the disclosure of confidential information;
- (j) falsifying records;
- (k) inappropriately using licensing status for personal gain;
- (l) promoting for personal gain any drug, device, treatment, procedure, product or service that is unnecessary, ineffective or unsafe;
- (m) publishing, or causing to be published, any advertisement that is false, fraudulent, deceptive or misleading;
- (n) engaging or assisting in fraud, misrepresentation, deception or concealment of a material fact when applying for or securing registration or a licence to practise or taking any examination provided for in this Act, including using fraudulently procured credentials; and
- (o) taking or using a designation or a derivation or abbreviation thereof, or describing the person's activities as "nursing" in any advertisement or publication, including business cards, websites or signage, unless the referenced activity falls within the practice of nursing;

Dated at Bedford, Nova Scotia, this 4th day of October, 2022.



Sue Smith, RN BN MAOL
Chief Executive Officer and Registrar
Nova Scotia College of Nursing