

COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA

**IN THE MATTER OF
A HEARING UNDER *THE HEALTH PROFESSIONS ACT*,**

**AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF JASON SOUNDARA**

**DECISION OF THE HEARING TRIBUNAL
OF THE
COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**

**IN THE MATTER OF A HEARING UNDER THE *HEALTH PROFESSIONS ACT* REGARDING THE
CONDUCT OF JASON SOUNDARA, LPN #37246, WHILE A MEMBER OF THE COLLEGE OF
LICENSED PRACTICAL NURSES OF ALBERTA (“CLPNA”)**

DECISION OF THE HEARING TRIBUNAL

(1) Hearing

The hearing was conducted via videoconference on December 18, 2024, with the following individuals present:

Hearing Tribunal:

Nicole Searle, Licensed Practical Nurse (“LPN”) Chairperson
Kelly Annesty, LPN
Kate Freeman, Public Member
Sarita Dighe-Bramwell, Public Member

Staff:

Tracy Zimmer, Legal Counsel for the Complaints Director, CLPNA
Susan Blatz, Complaints Director, CLPNA
Sanah Sidhu, Director of Professional Conduct, CLPNA

Investigated Member:

Jason Soundara, LPN (“Mr. Soundara” or “Investigated Member”)
Sarah Levine, Legal Counsel for the Investigated Member

(2) Preliminary Matters

The hearing was open to the public.

There were no objections to the members of the Hearing Tribunal hearing the matter, and no Hearing Tribunal member identified a conflict. There were no objections to the jurisdiction of the Hearing Tribunal.

The Hearing was conducted by way of an Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and a Joint Submission on Penalty.

(3) Background

Mr. Soundara was an LPN within the meaning of the Act at all material times, and more particularly, was registered with CLPNA as an LPN at the time of the complaint. Mr. Soundara was initially licensed as an LPN in Alberta in 2014.

The College of Licensed Practical Nurses of Alberta (“CLPNA”) received a written complaint dated May 15, 2024 (“Complaint 1”), from Leanne Gugenheimer, Site Administrator (the “Complainant”) with Covenant Care – Saint Thomas (“Facility 1”) in Edmonton, Alberta, pursuant to s. 57 of the *Health Professions Act* (the “Act”). Complaint 1 advised that Mr. Jason Soundara, LPN, was terminated after it was discovered that the Vulnerable Sector Police Information Check Certificate he provided on or about May 25, 2022, as a condition of his employment with Facility 1, was not authentic.

By letter dated May 24, 2024, the former Complaints Director of the CLPNA, Sanah Sidhu, provided Mr. Soundara with notice of Complaint 1 and that, in accordance with s. 20(1) of the Act, she was delegating her authority to Susan Blatz, former Complaints Officer and Investigator and now current Complaints Director (the “Complaints Director”) to handle and conduct an investigation into Complaint 1.

On May 23, 2024, Mr. Soundara stated to the Complaints Director that he was not currently employed as an LPN with any other employer. However, during the investigation of Complaint 1 it was discovered that Mr. Soundara was working as a full-time LPN at Edmonton O-Day’s Primary Care Network (“Facility 2”) in Edmonton, Alberta. As the Complaints Director had reasonable grounds to believe Mr. Soundara engaged in unprofessional conduct when he failed to co-operate with an investigator by providing false information, on June 7, 2024, the Complaints Director initiated a complaint against Mr. Soundara, pursuant to s. 56 of the Act (“Complaint 2”) and advised Mr. Soundara that Complaint 2 would also be subject of an investigation.

On July 16, 2024, the Complaints Director concluded the investigation into both complaints.

The Complaints Director determined there was sufficient evidence that the matter should be referred to the Hearings Director in accordance with s. 66(3)(a) of the Act. Mr. Soundara received notice that the matter was referred to a hearing as well as a copy of the Statement of Allegations and the Investigation Report on September 9, 2024.

Subsequently, an Amended Statement of Allegations was provided to Mr. Soundara.

A Notice of Hearing, Notice to Attend and Notice to Produce was served on Mr. Soundara under cover of letter dated October 28, 2024.

(4) Allegations

The Allegations in the Amended Statement of Allegations (the “Allegations”) are:

“It is alleged that **JASON SOUNDARA, LPN**, while practicing as a Licensed Practical Nurse engaged in unprofessional conduct by:

1. On or about May 25, 2022, submitted a falsified Vulnerable Sector Police Information Check Certificate to his then employer, Covenant Care – Saint Thomas;
2. On or about January 2023, submitted a falsified Vulnerable Sector Police Information Check Certificate to his employer, Edmonton O-Day'min Primary Care Network; and
3. On or about May 23, 2024, failed to co-operate with an investigator of CLPNA by providing false information about his current employment status, indicating that he was not employed when, at the relevant time, he was employed as an LPN at Edmonton O-Day'min Primary Care Network.

It is further alleged that this conduct constitutes “unprofessional conduct” as defined in s.1(1)(pp)(ii), (vii)(B) and (xii) of the *Health Professions Act*, RSA 2000 c H-7 (the “HPA”) and in particular this conduct breaches one or more of the following:

1. Standards of Practice for Licensed Practical Nurses in Canada (2013), Standard 1: Professional Accountability and Responsibility, Indicators 1.1, 1.5, 1.9, and 1.10;
2. Standards of Practice for Licensed Practical Nurses in Canada (2013), Standard 3: Service to the Public and Self-Regulation, Indicators 3.5 and 3.6;
3. Standards of Practice for Licensed Practical Nurses in Canada (2013), Standard 4: Ethical Practice, Indicators 4.10;
4. Standards of Practice for Licensed Practical Nurses in Canada (2020), Standard 1: Professional Accountability and Responsibility, Indicators 1.1, 1.5, 1.8, and 1.9;
5. Standards of Practice for Licensed Practical Nurses in Canada (2020), Standard 3: Protection of the Public through Self-Regulation, Indicators 3.4 and 3.5;
6. Standards of Practice for Licensed Practical Nurses in Canada (2020), Standard 4: Professional and Ethical Practice, Indicator 4.6;
7. Code of Ethics for Licensed Practical Nurses in Canada, Principle 1: Responsibility to the Public, Indicator 1.1;
8. Code of Ethics for Licensed Practical Nurses in Canada, Principle 3: Responsibility to the Profession, Indicators 3.1 and 3.4;
9. Code of Ethics for Licensed Practical Nurses in Canada, Principle 5: Responsibility to Self, Indicators 5.1 and 5.3.”

(5) Admission of Unprofessional Conduct

Section 70 of the Act permits an investigated member to make an admission of unprofessional conduct. An admission under s. 70 of the Act must be acceptable in whole or in part to the Hearing Tribunal.

Mr. Soundara acknowledged unprofessional conduct to all the allegations as evidenced by his signature on the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and verbally admitted unprofessional conduct to all the allegations set out in the Statement of Allegations during the hearing.

Legal Counsel for the Complaints Director submitted, where there is an admission of unprofessional conduct, the Hearing Tribunal should accept the admission absent exceptional circumstances.

(6) Exhibits

The following exhibits were entered at the hearing:

- Exhibit #1: Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct
- Exhibit #2: Joint Submission on Penalty

(7) Evidence

The evidence was adduced by way of Agreed Statement of Facts, and no witnesses were called to give *viva voce* testimony. The Hearing Tribunal accepts the evidence set out in the Agreed Statement of Facts which was admitted as Exhibit #1.

(8) Decision of the Hearing Tribunal and Reasons

The Hearing Tribunal is aware it is faced with a two-part task in considering whether a regulated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make factual findings as to whether the alleged conduct occurred. If the alleged conduct occurred, it must then proceed to determine whether that conduct rises to the threshold of unprofessional conduct in the circumstances.

The Hearing Tribunal has reviewed the documents included in Exhibit #1 and finds as facts the events as set out in the Agreed Statement of Facts.

The Hearing Tribunal also accepts Mr. Soundara's admission of unprofessional conduct as set out in the Agreed Statement of Facts as described above. Based on the evidence and submissions before it, the Hearing Tribunal did not identify exceptional circumstances that would justify not accepting the admission of unprofessional conduct from Mr. Soundara.

Allegation 1

Mr. Soundara admitted that on or about May 25, 2022, he submitted a falsified Vulnerable Sector Police Information Check Certificate to his then employer, Covenant Care – Saint Thomas.

Mr. Soundara was hired as an LPN with Facility 1 in May 2022. As a condition of employment, Mr. Soundara was required to provide a Vulnerable Sector Police Information Check Certificate. The document provided by Mr. Soundara, dated May 25, 2022, cited “No information to Disclose”.

In April 2024, the Complainant learned Mr. Soundara had previously been criminally charged. Mr. Soundara did not disclose this information when hired by Facility 1 and it did not appear on the Vulnerable Sector Police Information Check Certificate he provided.

On April 8, 2024, an Officer of the Edmonton Police Service (“EPS”) confirmed that Mr. Soundara’s Vulnerable Sector Police Information Check Certificate dated May 25, 2022 was not a certified true copy and was not produced by the EPS.

On June 7, 2024, Mr. Soundara verbally admitted to the Complaints Director that he forged the May 25, 2022 Vulnerable Sector Police Information Check Certificate in order to secure employment, given he had been unsuccessful in previous attempts with the criminal conviction against him.

The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- i. Contravention of the Act, a code of ethics or standards of practice;
- ii. Failure or refusal to comply with a request of or co-operate with an investigator, and
- xii. Conduct that harms the integrity of the regulated profession.

The Hearing Tribunal finds that the conduct admitted to in Allegation 1 amounts to unprofessional conduct. Mr. Soundara did not disclose his criminal conviction to his employer and the document he provided to the employer was fraudulent. This was proven by way of admittance by the member and by the investigation that was performed by EPS which confirmed the document was not a true document from the EPS and in fact fraudulent. In failing to advise his employers of his true criminal record or to provide an accurate criminal record, Mr. Soundara showed a lack of judgement. Self-regulated professionals must be entrusted to be forthright with employers on such matters. They hold positions where they undertake significant responsibilities, and failing to disclose an honest criminal record is a breach of trust. It demonstrates lack of understanding of the requirements of a regulated professional.

Mr. Soundara did not abide by the CLPNA Code of Ethics or the CLPNA Standards of Practice as acknowledged by Mr. Soundara. The Hearing Tribunal finds the conduct breached by the same provisions of the CLPNA Code of Ethics and the CLPNA Standards of practice as set out below and that such breaches are sufficiently serious to constitute unprofessional conduct for the reasons which are also set out below.

Mr. Soundara's conduct harms the integrity of the regulated profession in that Mr. Soundara did not act in a manner which would be expected of another LPN in the same situation. LPNs are expected to be honest, accountable and are responsible for ethical decision-making.

Any member of the public, properly informed as to this conduct, would reasonably question the integrity of the profession. Not only is the conduct serious, but the repeated pattern of purposeful conduct and deliberate omissions by Mr. Soundara are a marked departure from what the public would expect from an LPN.

The conduct breached the following principles and standards set out in CLPNA's Code of Ethics ("CLPNA Code of Ethics" and CLPNA's Standards of Practice for Licensed Practical Nurses in Canada ("CLPNA Standards of Practice")):

Mr. Soundara acknowledges that his conduct contravened the following from the CLPNA Code of Ethics:

- a. Principle 1: Responsibility to the Public – LPNs, as self-regulating professionals, commit to provide safe, effective, compassionate, and ethical care to members of the public.
 - 1.1 Maintain standards of practice, professional competence and conduct.
- b. Principle 3: Responsibility to the Profession – LPNs have a commitment to their profession and foster the respect and trust of their clients, health care colleagues and the public. Principle 3 specifically provides that LPNs.
 - 3.1 Maintain the standards of the profession and conduct themselves in a manner that upholds the integrity of the profession.
 - 3.4 Promote workplace practices and policies that facilitate professional practice in accordance with the principles, standards, laws and regulations under which they are accountable.
- c. Principle 5: Responsibility to Self – LPNs recognize and function within the personal and professional competence and value system. Principle 5 specifically provides that LPNs.
 - 5.1 Demonstrate honesty, integrity and trustworthiness in all interactions.
 - 5.3 Accept responsibility for knowing and acting consistently with the principles, practice standards, laws and regulations under which they are accountable.

Mr. Soundara acknowledges that his conduct contravened the following CLPNA Standards of Practice:

- a. Standard 1(2013): Professional Accountability and Responsibility – LPNs are accountable and responsible for their practice and conduct to meet the standards of the profession and legislative requirements. Standard 1 specifically provides that LPNs:

- 1.1 Practice to their full range of competence within applicable legislation, regulations, by-laws and employer policies.
 - 1.5 Identify and report any circumstances that potentially impede professional, ethical or legal practice.
 - 1.9 Practice in a manner consistent with ethical values and obligations of the Code of Ethics for Licensed Practical Nurses.
 - 1.10 Maintain documentation and reporting according to established legislation, regulations, laws, and employer policies.
- b. Standard 3(2013): Protection of the public through self-regulation – Licensed Practical Nurses collaborate with clients and other members of the healthcare team to provide safe care and improve health outcomes.
- 3.5 Provide relevant and timely information to clients and co-workers.
 - 3.6 Demonstrate an understanding of self-regulation by following the standards of practice, the code of ethics and other regulatory requirements.
- c. Standard 4 (2013): Professional and Ethical Practice – Licensed Practical Nurses adhere to the ethical values and responsibilities described in the Canadian Council for Practical Nurse Regulators (CCPNR) Code of Ethics.
- 4.10 Practice with honesty and integrity to maintain the values and reputation of the profession.
- d. Standard 1 (2020): Professional Accountability and Responsibility.
- 1.1 Practice within applicable legislation, regulations, by-laws, and employer policies.
 - 1.5 Have a duty to report any circumstances that potentially and/or impede professional, ethical, or legal practice.
 - 1.8 Are accountable and responsible for their own practice, conduct, and ethical decision-making.
 - 1.9 Document and report according to established legislation, regulations, laws, and employer policies.
- e. Standard 3 (2020): Protection of the Public through Self-Regulation.
- 3.4 Provide relevant, timely, and accurate information to clients and healthcare team.
 - 3.5 Understand and accept the responsibility of self-regulation by following the standards of practice, the code of ethics, and other regulatory requirements.

- f. Standard 4 (2020): Professional and Ethical Practice.
 - o 4.6 Demonstrate practice that upholds the integrity of the profession.

The Hearing Tribunal finds that Mr. Soundara's conduct constituted a breach of the CLPNA Code of Ethics and CLPNA Standards of Practice. The reasons provided here service all the findings relating to breaches of the Code of Ethics and the Standards of Practice.

In providing a falsified document to his potential employer, Mr. Soundara was deliberately dishonest. This does not reflect integrity in Mr. Soundara nor of the profession he represents. This deceptive act discloses that Mr. Soundara did not understand the privilege and responsibility of self-regulation. His actions warrant distrust of him which is directly contrary to the underlying purpose of regulated professions. These breaches of the CLPNA Code of Ethics and CLPNA Standards of Practice are serious and rise to the level of unprofessional conduct.

Allegation 2

Mr. Soundara admitted that on or about January 2023, he submitted a falsified Vulnerable Sector Police Information Check Certificate to his employer, Edmonton O-Day'min Primary Care Network.

On June 7, 2024, Facility 2 confirmed that Mr. Soundara was hired as a full-time LPN in January 2023 and had not disclosed his criminal conviction.

As a condition of employment, Mr. Soundara had provided Facility 2 with a Vulnerable Sector Police Information Check Certificate. The document provided by Mr. Soundara, dated November 25, 2022 stated "No information to Disclose".

On June 10, 2024, EPS confirmed that Mr. Soundara's Vulnerable Sector Police Information Check Certificate dated November 25, 2022 was fraudulent.

Mr. Soundara did not disclose his criminal conviction to his employer and the document he provided to the employer was fraudulent. This was proven by way of his admission and by the investigation that was performed by EPS which confirmed the document was not a true document from the EPS and was fraudulent.

The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- i. Contravention of the Act, a code of ethics or standards of practice;
- ii. Failure or refusal to comply with a request of or co-operate with an investigator, and
- xii. Conduct that harms the integrity of the regulated profession.

This conduct is substantially similar to that in Allegation 1 and, as such, the Hearing Tribunal's reasons for finding that the conduct rises to the level of unprofessional conduct are the same.

Allegation 3

Mr. Soundara admitted that on or about May 23, 2024, he failed to co-operate with an investigator of CLPNA by providing false information about his current employment status, indicating that he was not employed when, at the relevant time, he was employed as an LPN at Edmonton O-Day'min Primary Care Network.

On May 23, 2024, during a telephone interview regarding Complaint 1, Mr. Soundara advised the Complaints Director that he was currently not employed as an LPN.

On June 7, 2024, the Complaints Director learned from the CLPNA's Registration Department that Mr. Soundara had claimed hours at Facility 2 in 2023. The Complaints Director contacted Facility 2 which confirmed Mr. Soundara was currently employed with Facility 2 and had been since January 2023.

On June 7, 2024, Mr. Soundara verbally admitted to providing false information to the Complaints Director with respect to him not being employed anywhere else and thereby failed to comply with a request and co-operate with the investigator.

In a letter dated July 17, 2024, Mr. Soundara admitted to:

- 1) providing a forged criminal record check to Facility 1;
- 2) providing a forged criminal record check to Facility 2; and
- 3) failing to disclose that he was employed as an LPN at Facility 2 to the Complaints Director.

The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- i. Contravention of the Act, a code of ethics or standards of practice;
- ii. Failure or refusal to comply with a request of or co-operate with an investigator, and
- xii. Conduct that harms the integrity of the regulated profession.

Mr. Soundara was dishonest with the CLPNA investigator and was untruthful in his answers when asked if he was currently employed as an LPN. Mr. Soundara did not initially cooperate honestly with the investigation and told the investigator a lie.

Mr. Soundara's failure to disclose his concurrent employment to the Complaints Director demonstrates a lack of transparency and cooperation with regulatory authorities and is a refusal to comply with the request of an investigator. Such behavior compromises the regulatory body's ability to ensure that professional standards are maintained. It also illustrates a deficiency in understanding of the importance of accountability in upholding the integrity of the profession.

Mr. Soundara's actions contravened the Code of Ethics and Standards of Practice for Licensed Practical Nurses, which require honesty, integrity, and full disclosure. The provision of false information to the Complaints Director is a clear breach of these professional obligations. This conduct erodes the ethical foundation of the profession and demonstrates a blatant disregard for the Act and the regulatory framework governing LPNs. His actions reflect poorly on the profession as a whole and erodes the trust placed on the profession as a whole.

Mr. Soundara's actions directly harm the integrity of the regulated profession. The failure to cooperate with the investigation tarnishes the reputation of the LPN profession and raises concerns about its ability to self-regulate effectively. Such conduct jeopardizes the public's trust in the profession and diminishes the credibility of all its members, impacting their ability to serve the public responsibly.

The admitted conduct of Mr. Soundara meets the definitions of unprofessional conduct as outlined in s. 1(1)(pp) of the Act. His actions demonstrate a lack of knowledge, skill, and judgment, as well as a failure to uphold the ethical and legal obligations expected of an LPN.

The Hearing Tribunal finds that the conduct admitted to in Allegation 3 breached the CLPNA Code of Ethics and the CLPNA Standards of Practice and that such breaches are sufficiently serious to constitute unprofessional conduct.

Mr. Soundara did not abide by the CLPNA Code of Ethics or the CLPNA standards of Practice. The Hearing Tribunal finds the conduct breached the same provisions of the CLPNA Code of Ethics and the CLPNA Standards of Practice as set out above and that such breaches are sufficiently serious to constitute unprofessional conduct for the same reasons given above.

(9) Joint Submission on Penalty

The Complaints Director and Mr. Soundara jointly proposed to the Hearing Tribunal a Joint Submission on Penalty, which was entered as Exhibit #3. The Joint Submission on Penalty proposed the following sanctions to the Hearing Tribunal for consideration:

1. The Hearing Tribunal's written decision (the "Decision") shall serve as a reprimand.
2. Mr. Soundara shall pay a fine of \$1,000 within **12 months** of service of the Decision.
3. Mr. Soundara shall pay 25% of the costs of the investigation and hearing to a maximum of \$2,000, to be paid over **24 months** of service of the Decision.
 - a) A letter advising of the final costs will be forwarded when final costs have been confirmed.
4. Mr. Soundara shall read and reflect on how the following CLPNA documents will impact their nursing practice. These documents are available on CLPNA's website and will be provided.

Mr. Soundara shall provide a signed written declaration to the Complaints Director, within **30 days** of service of the Decision, attesting that they have reviewed the documents:

- (a) Code of Ethics for Licensed Practical Nurses in Canada;
- (b) Standards of Practice for Licensed Practical Nurses in Canada (2020); and
- (c) CLPNA Practice Policy: Professional Responsibility & Accountability.
(collectively, the “Educational Readings”)

If such documents become unavailable, they may be substituted by equivalent documents approved in advance in writing by the Complaints Director.

5. Mr. Soundara shall complete the following remedial education, at his own cost, and shall provide the Complaints Director with documentation confirming successful completion within **6 months** of the service of the Decision:

- a) LPN Code of Ethics Learning Module available online at www.learningnurse.org
- b) IPHE201 - Professionalism and Ethics for Healthcare Professionals offered online by NAIT.

If such course(s) become unavailable, an equivalent course(s) may be substituted where approved in advance in writing by the Complaints Director.

6. The sanctions set out above at paragraphs 2-5 will appear as conditions on Mr. Soundara’s practice permit and the Public Registry subject to the following:
- a) The requirement to pay the fine and costs, will appear as “Conduct Cost/Fines” on Mr. Soundara’s practice permit and the Public Registry until all fines and costs have been paid as set out above at paragraphs 2 and 3.
 - b) The requirement to complete the remedial education outlined at paragraphs 4 and 5 will appear as “CLPNA Monitoring Orders (Conduct)”, on Mr. Soundara’s practice permit and the Public Registry until the following have been satisfactorily completed:
 - i. Educational Readings;
 - ii. LPN Code of Ethics Learning Module; and
 - iii. IPHE201 - Professionalism and Ethics for Healthcare Professionals.

7. The conditions on Mr. Soundara’s practice permit and on the Public Registry will be removed upon completion of each of the requirements set out above at paragraphs 2-5.
8. Mr. Soundara shall provide the CLPNA with his contact information, including home mailing address, home and cellular telephone numbers, current e-mail address and current employment information, and keep his contact information current with the CLPNA on an ongoing basis.

9. Should Mr. Soundara be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Complaints Director.
10. Should Mr. Soundara fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Complaints Director may do any or all of the following:
 - (a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;
 - (b) Treat Mr. Soundara's non-compliance as information for a complaint under s. 56 of the *Health Professions Act*; or
 - (c) In the case of non-payment of the costs described in paragraph 3 above, suspend Mr. Soundara's practice permit until such costs are paid in full or the Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Director.

Legal Counsel for the Complaints Director submitted the primary purpose of orders from the Hearing Tribunal is to protect the public. The Hearing Tribunal is aware that s. 82 of the Act sets out the available orders the Hearing Tribunal is able to make if unprofessional conduct is found.

The Hearing Tribunal is aware, while the parties have agreed on a joint submission as to penalty, the Hearing Tribunal is not bound by that submission. Nonetheless, as the decision-maker, the Hearing Tribunal should give deference to a joint submission unless the proposed sanction is unfit, unreasonable or contrary to public interest. Joint submissions make for a better process and engage the member in considering the outcome. A rejection of a carefully crafted agreement would undermine the goal of fostering cooperation through joint submissions and may significantly impair the ability of the Complaints Director to enter into such agreements. If the Hearing Tribunal had concerns with the proposed sanctions, the proper process is to notify the parties, articulate the reasons for concern, and give the parties an opportunity to address the concerns through further submissions to the Hearing Tribunal.

The Hearing Tribunal therefore carefully considered the Joint Submission on Penalty proposed by Mr. Soundara and the Complaints Director.

(10) Decision on Penalty and Conclusions of the Hearing Tribunal

The Hearing Tribunal recognizes its orders with respect to penalty must be fair, reasonable and proportionate, taking into account the facts of this case.

The orders imposed by the Hearing Tribunal must protect the public from the type of conduct that Mr. Soundara engaged in. In making its decision on penalty, the Hearing Tribunal considered

a number of factors identified in *Jaswal v Newfoundland Medical Board* [1986] NJ No 50 (NLSC-TD), specifically the following:

- The nature and gravity of the proven allegations
- The age and experience of the investigated member
- The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions
- The age and mental condition of the victim, if any
- The number of times the offending conduct was proven to have occurred
- The role of the investigated member in acknowledging what occurred
- Whether the investigated member has already suffered other serious financial or other penalties as a result of the allegations having been made
- The impact of the incident(s) on the victim, and/or
- The presence or absence of any mitigating circumstances
- The need to promote specific and general deterrence and, thereby to protect the public and ensure the safe and proper practice
- The need to maintain the public's confidence in the integrity of the profession
- The range of sentence in other similar cases

The nature and gravity of the proven allegations: This was not an aggravating factor. Mr. Soundara forged his criminal record out of fear.

The age and experience of the investigated member: Mr. Soundara has been an LPN since 2013, and this type of conduct cannot be excused. The errors here were not a result of experience or inexperience of being an LPN, instead they were based upon his bad judgement. Age and experience of the investigated member was not a factor as the amount of experience would not have changed the decision of what Mr. Soundara did.

The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions: The Hearing Tribunal was made aware of a previous disciplinary hearing with the CLPNA that was dealt with in 2018. This hearing was in relation to conduct underlying a criminal charge. This is an aggravating factor. No specific details were given to the Hearing Tribunal regarding either matter.

The age and mental condition of the victim, if any: The Hearing Tribunal was not made aware of any information in respect of impacts to any client.

The number of times the offending conduct was proven to have occurred: This hearing relates to three occasions when Mr. Soundara was purposefully dishonest.

The role of the investigated member in acknowledging what occurred: Mr. Soundara has acknowledged the lack of professional conduct and since the hearing investigation was underway Mr. Soundara has been cooperating with the CLPNA Complaints Officer.

Whether the investigated member has already suffered other serious financial or other penalties as a result of the allegations having been made: The Hearing Tribunal was not made aware of anything further regarding the member suffering other financial penalties.

The impact of the incident(s) on the victim: Mr. Soundara's conduct had no direct consequences on the direct care he provided as an LPN. There is no evidence this has impacted any patients under Mr. Soundara's care.

The presence or absence of any mitigating circumstances: Mr. Soundara indicated he forged his criminal record out of fear of having his criminal offense show up on his criminal record check and that it would affect his job security. Mr. Soundara acknowledged he acted out of fear and poor judgement.

The need to promote specific and general deterrence and, thereby to protect the public and ensure the safe and proper practice: There is a need to impose a sanction that deters Mr. Soundara from repeating this conduct as well as a sanction that would deter other LPNs from engaging in similar conduct. The sanctions that are ordered should send a message to both Mr. Soundara as well as other LPNs to state that this type of conduct will not be tolerated by the CLPNA. The CLPNA deals with the actions of its members when they engage in unprofessional conduct. The CLPNA will deal with any breaches in the CLPNA Code of Ethics and CLPNA Standards of Practice in a way that reflects the seriousness of the conduct and for the purpose of protecting the public.

The need to maintain the public's confidence in the integrity of the profession: The CLPNA deals with the actions of its members when they engage in unprofessional conduct. The CLPNA will deal with any breaches of the CLPNA Code of Ethics and the CLPNA Standards of Practice in a way that reflects the seriousness of the conduct and for the purpose of protecting the public.

The range of sentence in other similar cases: The Hearing Tribunal was referred to two similar decisions with employees being dishonest with their employer. The sanctions in these decisions were similar and in line to what is proposed here.

It is important to the profession of LPNs to maintain the Code of Ethics and Standards of Practice, and in doing so to promote specific and general deterrence and, thereby, to protect the public. The Hearing Tribunal has considered this in the deliberation of this matter and again considered the seriousness of the Investigated Member's actions. The penalties ordered in this case are intended, in part, to demonstrate to the profession and the public that actions and unprofessional conduct such as this is not tolerated and it is intended that these orders will, in part, act as a deterrent to others.

After considering the proposed orders for penalty, the Hearing Tribunal finds the Joint Submission on Penalty is appropriate, reasonable and serves the public interest and therefore accepts the parties' proposed penalties.

(11) Orders of the Hearing Tribunal

The Hearing Tribunal is authorized under s. 82(1) of the Act to make orders in response to findings of unprofessional conduct. The Hearing Tribunal makes the following orders pursuant to s. 82 of the Act:

1. The Hearing Tribunal's written decision (the "Decision") shall serve as a reprimand.
2. Mr. Soundara shall pay a fine of \$1,000 within **12 months** of service of the Decision.
3. Mr. Soundara shall pay 25% of the costs of the investigation and hearing to a maximum of \$2,000, to be paid over **24 months** of service of the Decision.
 - a) A letter advising of the final costs will be forwarded when final costs have been confirmed.
4. Mr. Soundara shall read and reflect on how the following CLPNA documents will impact their nursing practice. These documents are available on CLPNA's website and will be provided. Mr. Soundara shall provide a signed written declaration to the Complaints Director, within **30 days** of service of the Decision, attesting that they have reviewed the documents:
 - (a) Code of Ethics for Licensed Practical Nurses in Canada;
 - (b) Standards of Practice for Licensed Practical Nurses in Canada (2020); and
 - (c) CLPNA Practice Policy: Professional Responsibility & Accountability.(collectively, the "Educational Readings")

If such documents become unavailable, they may be substituted by equivalent documents approved in advance in writing by the Complaints Director.

5. Mr. Soundara shall complete the following remedial education, at his own cost, and shall provide the Complaints Director with documentation confirming successful completion within **6 months** of the service of the Decision:
 - a) LPN Code of Ethics Learning Module available online at www.learningnurse.org
 - b) IPHE201 - Professionalism and Ethics for Healthcare Professionals offered online by NAIT.

If such course(s) become unavailable, an equivalent course(s) may be substituted where approved in advance in writing by the Complaints Director.

6. The sanctions set out above at paragraphs 2-5 will appear as conditions on Mr. Soundara's practice permit and the Public Registry subject to the following:

- a) The requirement to pay the fine and costs, will appear as “Conduct Cost/Fines” on Mr. Soundara’s practice permit and the Public Registry until all fines and costs have been paid as set out above at paragraphs 2 and 3.
 - b) The requirement to complete the remedial education outlined at paragraphs 4 and 5 will appear as “CLPNA Monitoring Orders (Conduct)”, on Mr. Soundara’s practice permit and the Public Registry until the following have been satisfactorily completed:
 - i. Educational Readings;
 - ii. LPN Code of Ethics Learning Module; and
 - iii. IPHE201 - Professionalism and Ethics for Healthcare Professionals.
7. The conditions on Mr. Soundara’s practice permit and on the Public Registry will be removed upon completion of each of the requirements set out above at paragraphs 2-5.
8. Mr. Soundara shall provide the CLPNA with his contact information, including home mailing address, home and cellular telephone numbers, current e-mail address and current employment information, and keep his contact information current with the CLPNA on an ongoing basis.
9. Should Mr. Soundara be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Complaints Director.
10. Should Mr. Soundara fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Complaints Director may do any or all of the following:
- (a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;
 - (b) Treat Mr. Soundara’s non-compliance as information for a complaint under s. 56 of the *Health Professions Act*; or
 - (c) In the case of non-payment of the costs described in paragraph 3 above, suspend Mr. Soundara’s practice permit until such costs are paid in full or the Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Director.

The Hearing Tribunal believes these orders adequately balances the factors referred to in Section 10 above and are consistent with the overarching mandate of the Hearing Tribunal, which is to ensure that the public is protected.

Under Part 4, s. 87(1)(a),(b) and 87(2) of the Act, the Investigated Member has the right to appeal:

“87(1) An investigated person or the complaints director, on behalf of the college, may commence an appeal to the council of the decision of the hearing tribunal by a written notice of appeal that

(a) identifies the appealed decision, and

(b) states the reasons for the appeal.

(2) A notice of appeal must be given to the hearings director within 30 days after the date on which the decision of the hearing tribunal is given to the investigated person.”

DATED THE 26th DAY OF FEBRUARY 2025 IN THE CITY OF EDMONTON.

THE COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA

A handwritten signature in black ink that reads "Nicole Searle". The signature is written in a cursive, flowing style.

Nicole Searle, LPN
Chair, Hearing Tribunal