

BETWEEN:

COLLEGE OF NURSES OF ONTARIO

- and -

**PETER ANTWI MENSAH
REGISTRATION NO. 0117309**

NOTICE OF HEARING

IT IS ALLEGED THAT:

1. You have committed an act of professional misconduct as provided by subsection 51(1)(b.1) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, in that, while employed as a Registered Nurse at [the Facility] in [], Ontario, you sexually abused [Patient A] in or about 2013-2018, including the following incidents:
 - (a) exposing your genitals to the patient;
 - (b) sexual touching of the patient;
 - (c) kissing and/or hugging the patient;
 - (d) attempting to touch and/or touching the patient's breasts and/or genitals;
 - (e) attempting to have the patient touch and/or touching your genitals;
 - (f) inviting the patient to have sexual contact with you;
 - (g) engaging in sexual intercourse and/or oral-genital contact with the patient;
 - (h) threatening to disclose to the patient's husband that she was flirting with you in order to maintain her silence regarding your conduct; and/or
 - (i) engaging in an exchange of one or more text messages of a sexual nature.
2. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(1) of *Ontario Regulation 799/93*, in that, while employed as a Registered Nurse at [the

Facility], you contravened a standard of practice of the profession or failed to meet the standards of practice of the profession with respect to the following incidents:

- (a) in or about 2013-2018, you sexually abused [Patient A] with respect to the following conduct:
 - i. exposing your genitals to the patient;
 - ii. sexual touching of the patient;
 - iii. kissing and/or hugging the patient;
 - iv. attempting to touch and/or touching the patient's breasts and/or genitals;
 - v. attempting to have the patient touch and/or touching your genitals;
 - vi. inviting the patient to have sexual contact with you;
 - vii. engaging in sexual intercourse and/or oral-genital contact with the patient; and/or
 - viii. threatening to disclose to the patient's husband that she was flirting with you in order to maintain her silence regarding your conduct;
- (b) in or about March 3, 2018 and March 17, 2018, you failed to maintain the boundaries of the nurse-patient relationship with [Patient A] by engaging in an exchange of one or more text messages of a personal and/or sexual nature;
- (c) on or about August 5, 2019, you failed to conduct an appropriate assessment of [Patient B] with respect to obtaining a patient history, assessing the patient's blood glucose level, contacting the physician regarding the patient's urinalysis, and/or clearly documenting the patient's name and/or your own signature in the health records; and/or
- (d) on or about August 7, 2019, you engaged in inappropriate communications with [Nurse A] by:
 - i. denying that you had provided care to [Patient B] on or about August 5, 2019; and/or

- ii. raising your voice unprofessionally to [Nurse A], while discussing the care [Patient B] had or had not received.
- 3. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and sub-section 1(7) of *Ontario Regulation 799/93* in that, while employed as a Registered Nurse at [the Facility], you abused a patient verbally, physically or emotionally with respect to the following incidents:
 - (a) in or about 2013-2018, you sexually abused [Patient A] with respect to the following conduct:
 - i. exposing your genitals to the patient;
 - ii. sexual touching of the patient;
 - iii. kissing and/or hugging the patient;
 - iv. attempting to touch and/or touching the patient's breasts and/or genitals;
 - v. attempting to have the patient touch and/or touching your genitals;
 - vi. inviting the patient to have sexual contact with you;
 - vii. engaging in sexual intercourse and/or oral-genital contact with the patient; and/or
 - viii. threatening to disclose to the patient's husband that she was flirting with you in order to maintain her silence regarding your conduct;
 - (b) in or about March 3, 2018 and March 17, 2018, you failed to maintain the boundaries of the nurse-patient relationship with [Patient A] by engaging in an exchange of one or more text messages of a personal and/or sexual nature.
- 4. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(37) of *Ontario Regulation 799/93*, while employed as a Registered Nurse at [the Facility], you engaged in conduct or performed an act, relevant to the practice of nursing,

that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, with respect to the following incidents:

(a) in or about 2013-2018, you sexually abused [Patient A] with respect to the following conduct:

- i. exposing your genitals to the patient;
- ii. sexual touching of the patient;
- iii. kissing and/or hugging the patient;
- iv. attempting to touch and/or touching the patient's breasts and/or genitals;
- v. attempting to have the patient touch and/or touching your genitals;
- vi. inviting the patient to have sexual contact with you;
- vii. engaging in sexual intercourse and/or oral-genital contact with the patient; and/or
- viii. threatening to disclose to the patient's husband that she was flirting with you in order to maintain her silence regarding your conduct;

(b) in or about March 3, 2018 and March 17, 2018, you failed to maintain the boundaries of the nurse-patient relationship with [Patient A] by engaging in an exchange of one or more text messages of a personal and/or sexual nature;

(c) on or about August 5, 2019, you failed to conduct an appropriate assessment of [Patient B] with respect to obtaining a patient history, assessing the patient's blood glucose level, contacting the physician regarding the patient's urinalysis, and/or clearly documenting the patient's name and/or his own signature in the health records; and/or

(d) on or about August 7, 2019, you engaged in inappropriate communications with [Nurse A] by:

- i. denying that you had provided care to [Patient B] on or about August 5, 2019; and/or

- ii. raising your voice unprofessionally to [Nurse A], while discussing the care [Patient B] had or had not received.

The allegations respecting professional misconduct on your part will be heard by a panel of the Discipline Committee of the College of Nurses of Ontario (“CNO”), pursuant to the *Nursing Act, 1991*, S.O. 1991, c.32, as amended, and subsection 38(1) of the *Health Professions Procedural Code*, on **October 13-15 and November 10-11, 2021 at 0930 hours or as soon after that time as the hearing can be commenced**, via electronic hearing by way of teleconference or videoconference.

The details for participating in the electronic hearing will be provided to you by a Hearings Administrator. If you have not heard from a Hearings Administrator at least 48 hours in advance of the hearing, you should contact the Hearings Administration Team at: Admin-Business.Support-Hearings@cnomail.org to obtain the details for participating in the electronic hearing.

If you believe that holding an electronic hearing rather than an oral hearing is likely to cause you significant prejudice, please communicate in writing the basis for asserting such prejudice to the Hearings Administration Team at the email address listed above. To ensure the claim of prejudice can be considered by the Discipline Committee, any such concerns should be communicated to the Hearings Administration Team as soon as possible, and no later than 21 days in advance of the hearing.

Take notice that at least 48 hours before the electronic hearing is scheduled to commence, you must provide notice to the Hearings Administration Team, at the email address listed above, of the telephone number and email address where you can be reached for the electronic hearing.

If you fail to participate in the electronic hearing in person or by representative, the panel of the Discipline Committee may proceed in your absence and you are thereafter not entitled to any further notice of the proceedings.

Where the panel of the Discipline Committee finds a member has committed an act of professional misconduct, it may make an Order doing any one or more of the following:

1. directing the Registrar to revoke the member's certificate of registration;
2. directing the Registrar to suspend the member's certificate of registration for a specified period of time;
3. directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time;

4. requiring the member to appear before the panel to be reprimanded;
5. requiring the member to pay a fine of not more than \$35,000.00 to the Minister of Finance;
6. requiring the member to reimburse CNO for funding provided for a program of therapy and counselling for a person if the act of professional misconduct was the sexual abuse of that person; and
7. requiring the member to post security acceptable to CNO to guarantee the payment of any amounts the member may be required to reimburse CNO for a program of therapy and counselling for a person who was sexually abused by the member.

Furthermore, the panel may suspend the effect of its Order for a specified period of time and on specified conditions and where it makes an Order under paragraph 2 or 3 above, it may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed by the Order on the member's certificate of registration.

Where a panel of the Discipline Committee finds a member has committed an act of professional misconduct, it may make an Order requiring the member to pay all or part of the following costs and expenses:

1. CNO's legal costs and expenses;
2. CNO's costs and expenses incurred in investigating the matter; and
3. CNO's costs and expenses incurred in conducting the hearing.