

BETWEEN:

COLLEGE OF NURSES OF ONTARIO

- and -

**BETHANY SCOTT
REGISTRATION NO. 15085024**

NOTICE OF HEARING

IT IS ALLEGED THAT:

1. 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, and defined in subsection 1(37) of *Ontario Regulation 799/93*, in that, while registered with the College of Nurses of Ontario (“CNO”) as a Registered Nurse, 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, in that:
 - a. between on or about October 19, 2015 and November 15, 2015, you phoned a former co-worker, [Co-worker A], repeatedly and/or made harassing and/or threatening comments to her;
 - b. between on or about October 9, 2015 and October 15, 2015, you phoned and sent text messages to a co-worker/manager, [Co-worker B], repeatedly and/or made harassing and/or threatening comments to her;
 - c. on or about October 2015, you told representative(s) of your former employer, Maple Manor Nursing Home, that you intended to report that Maple Manor Nursing Home had engaged in fraud, for the purpose of obtaining a financial settlement;
 - d. on or about March 2016 to July 2016, you slapped and/or threatened [Individual A] with a knife;
 - e. on or about March 2016 to July 2016, you stole [Individual A’s] insulin pump and/or charged [Individual A] money to retrieve his belongings from your residence;
 - f. in respect of a psychoeducational assessment report (“report”) dated August 7, 2015 and prepared by [a Physician] regarding [Individual A],

- i. on or about March 2016 to July 2016, you obtained and took a copy of the report, without [Individual A's] consent;
 - ii. on or about March 2016 to July 2016, you discussed the contents of the report with [Individual A's] mother, without [Individual A's] consent;
 - iii. on or about July 27, 2016, you faxed a copy of the report to [Individual A's] health providers, without his consent;
 - iv. on or about July 27, 2016, you impersonated a health professional, [a Physician], when you faxed a copy of the report and included commentary about the report to [Individual A's] health providers; and/or
 - v. on or about July 27, 2016, you made derogatory and inappropriate comments in a fax sent to [Individual A's] health providers; and/or
- g. on or about October 24, 2018, you authored and sent an email to [Individual A's] health provider which you represented as being authored by [Individual A];
- h. on or about January 8, 2020, you submitted an employment application and a resume to Assistance Services Group, A Sykes Company ("ASG") that contained false information about your employment history and clinical experience, and omitted relevant information about your employment history;
- i. between on or about March 10, 2020 to May 13, 2020, you accessed the AGS email accounts of seven of your co-workers/former co-workers, approximately 139 times, without their knowledge or consent and without authorization;
- j. on or about April 21, 2020, you accessed ASG's systems and listened telehealth calls involving approximately eight patients, without authorization and/or accessed the personal health information of these patients without a clinical purpose for doing so and/or without authorization;
- k. on or about May 13, 2020, you falsely represented that you were an investigator employed by CNO in a call with a AGS employee and/or you did so for the purpose of obtaining information about a former co-worker;
- l. on or about May 14 and 15, 2020, you accessed ASG's systems and listened telehealth calls involving approximately nine patients without authorization and/or accessed the personal health information of these

patients without a clinical purpose for doing so and/or without authorization;

- m. on or about May 14 and 15, 2020, you made an audio recording of a telehealth call while accessing ASG's systems without authorization and/or you sent the audio recording of this telehealth call to AGS by voicemail;
- n. on or about May 20 and 21, 2020, you called ASG's telehealth line on approximately three occasions for purposes other than to obtain medical advice and/or reported medical concerns that you were not experiencing;
- o. on or about May 21, 2020, you called a ASG co-worker, [Co-worker C] using the spoofed phone number of a second co-worker, [Co-worker D], and impersonated a female in distress;
- p. between on or about May 21, 2020 and July 27, 2020, you contacted former ASG co-workers by phone, text and voicemail repeatedly in a harassing and/or threatening manner and/or made harassing and/or threatening comments to your co-workers; and/or
- q. you failed to report to CNO that you were criminally charged with the following offences:
 - i. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit assault on [Individual B], contrary to Section 266 of the *Criminal Code*;
 - ii. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit assault on [Individual C], contrary to Section 266 of the *Criminal Code*;
 - iii. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit assault on [Individual D], contrary to Section 266 of the *Criminal Code*;
 - iv. on or about the 17th day of June, 2016, at the City of Brantford in the said region you without lawful excuse did enter the dwelling house of [Individual E] in Brantford, with intent to commit an indictable offence therein, contrary to Section 349(1) of the *Criminal Code*;
 - v. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit mischief by wilfully urinating, without legal justification or excuse and without colour of right, on property, to wit: the floor of Brantford General Hospital, the value of which did not exceed five thousand dollars, contrary to Section 430(4) of the *Criminal Code*;

- vi. between the 21st day of December in the year 2018 and the 22nd day of December in the year 2018, at the City of Brantford in the said Region, you did with intent to mislead, unlawfully caused a police officer, to enter upon an investigation by reporting false bomb threats, thereby committing public mischief, contrary to Section 140(1)(c) of the *Criminal Code*;
 - vii. between the 21st day of December in the year 2018 and the 22nd day of December in the year 2018 at the City of Brantford in the said Region, did, without lawful excuse and with intent to harass the Brantford General Hospital by making repeated telephone calls, to wit approximately three hundred phone calls to the Brantford General Hospital, contrary to Section 372(3) of the *Criminal Code*;
 - viii. on or about the 28th day of March in the year 2020 at the Town of Tillsonburg in the said Region, knowing that [Co-worker B] is harassed or being reckless as to whether [Co-worker B] is harassed, you did without lawful authority repeatedly communicate with [Co-worker B], either directly or indirectly thereby causing [Co-worker B] to reasonably, in all circumstances, fear for her safety contrary to Section 264(2)(b) of the *Criminal Code*;
 - ix. between the 28th day of March in the year 2020 and the 29th day of March in the year 2020, at the Town of Tillsonburg in the said Region, you did commit public mischief in that with intent to mislead she caused a peace officer for the Ontario Provincial Police to enter upon an investigation by reporting that the offence of assault had been committed when it had not been committed contrary to Section 140(1)(c) of the *Criminal Code*; and/or
 - x. on or about the 29th day of March in the year 2020 at the Town of Tillsonburg in the said Region, knowing that victim is harassed or being reckless as to whether victim is harassed did without lawful authority repeatedly communicate with victim, either directly or indirectly thereby causing victim to reasonably, in all circumstances, fear for her safety contrary to Section 264(2)(b) of the *Criminal Code*; and/or;
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, and defined in subsection 1(15) of *Ontario Regulation 799/93*, in that, while registered with the College of Nurses of Ontario as a

Registered Nurse, you signed or issued, in your professional capacity, a document that you knew or ought to have known contained a false or misleading statement, in that

- a. you submitted an employment application and a resume to Assistance Services Group, A Sykes Company that contained false information about your employment history and clinical experience, and omitted relevant information about your employment history; and/or
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, and defined in subsection 1(18) of *Ontario Regulation 799/93*, in that, while registered with the College of Nurses of Ontario (“CNO”) as a Registered Nurse, you contravened a term, condition or limitation on your certificate of registration, imposed pursuant to s. 1.5(1)1.(ii) of *Ontario Regulation 275/94*, in that you failed to report charges relating to any offence to the Executive Director of CNO, and in particular, that you were charged with the following offences:
- a. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit assault on [Individual B], contrary to Section 266 of the *Criminal Code*;
 - b. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit assault on [Individual C], contrary to Section 266 of the *Criminal Code*;
 - c. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit assault on [Individual D], contrary to Section 266 of the *Criminal Code*;
 - d. on or about the 17th day of June, 2016, at the City of Brantford in the said region you without lawful excuse did enter the dwelling house of [Individual E] in Brantford, with intent to commit an indictable offence therein, contrary to Section 349(1) of the *Criminal Code*;
 - e. on or about the 17th day of June, 2016, at the City of Brantford in the said region you did commit mischief by wilfully urinating, without legal justification or excuse and without colour of right, on property, to wit: the floor of Brantford General Hospital, the value of which did not exceed five thousand dollars, contrary to Section 430(4) of the *Criminal Code*;
 - f. between the 21st day of December in the year 2018 and the 22nd day of December in the year 2018, at the City of Brantford in the said Region, you did with intent to mislead, unlawfully caused a police officer, to enter

upon an investigation by reporting false bomb threats, thereby committing public mischief, contrary to Section 140(1)(c) of the *Criminal Code*;

- g. between the 21st day of December in the year 2018 and the 22nd day of December in the year 2018 at the City of Brantford in the said Region, did, without lawful excuse and with intent to harass the Brantford General Hospital by making repeated telephone calls, to wit approximately three hundred phone calls to the Brantford General Hospital, contrary to Section 372(3) of the *Criminal Code*;
- h. on or about the 28th day of March in the year 2020 at the Town of Tillsonburg in the said Region, knowing that [Co-worker B] is harassed or being reckless as to whether [Co-worker B] is harassed, you did without lawful authority repeatedly communicate with [Co-worker B], either directly or indirectly thereby causing [Co-worker B]. to reasonably, in all circumstances, fear for her safety contrary to Section 264(2)(b) of the *Criminal Code*;
- i. between the 28th day of March in the year 2020 and the 29th day of March in the year 2020, at the Town of Tillsonburg in the said Region, you did commit public mischief in that with intent to mislead she caused a peace officer for the Ontario Provincial Police to enter upon an investigation by reporting that the offence of assault had been committed when it had not been committed contrary to Section 140(1)(c) of the *Criminal Code*; and/or
- j. on or about the 29th day of March in the year 2020 at the Town of Tillsonburg in the said Region, knowing that victim is harassed or being reckless as to whether victim is harassed did without lawful authority repeatedly communicate with victim, either directly or indirectly thereby causing victim to reasonably, in all circumstances, fear for her safety contrary to Section 264(2)(b) of the *Criminal Code*.

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 **March 4-7, 18, 22 and 26-28, 2024 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.

CNO intends to introduce as business records, under section 35 of the *Evidence Act*, any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, and where applicable, CNO intends to introduce as business records medical and hospital charts.