

BETWEEN:

COLLEGE OF NURSES OF ONTARIO

- and -

**MARK SONDY
REGISTRATION NO. 9612664**

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 practising as a Registered Nurse at Vector Health Clinics, you sexually abused a patient, and in particular:
 - a. between about August 2019 and March 2021, you engaged in a personal and sexual relationship with Patient A, including residing with Patient A, having physical sexual relations with Patient A including sexual intercourse, engaging in touching of a sexual nature of Patient A, and/or engaging in behaviour or remarks of a sexual nature with Patient A;
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 you contravened a standard of practice of the profession or failed to meet a standard of practice of the profession, and in particular:
 - a. between about August 2019 and March 2021, while practising as a Registered Nurse at Vector Health Clinics, you engaged in a personal and/or sexual relationship with Patient A, including:
 - i. sharing personal information about yourself with Patient A without a clinical purpose;
 - ii. having personal phone calls and text message exchanges with Patient A;
 - iii. residing with Patient A;
 - iv. becoming engaged to be married to Patient A;
 - v. taking photos of Patient A without a clinical purpose; and/or

- vi. having physical sexual relations with Patient A including sexual intercourse;
- b. between about August 2019 and March 2021, while practising as a Registered Nurse at Vector Health Clinics, you abused Patient A verbally, physically, and/or emotionally, including:
- i. on or about March 30, 2021, you assaulted Patient A;
 - ii. between about August 2019 and March 2021 you threatened to reveal personal health information about Patient A if she reported your conduct to authorities;
 - iii. between about August 2019 and March 2021 you threatened to kill Patient A;
 - iv. between about August 2019 and March 2021 you sought to exert control over Patient A's phone and/or her social media and/or messaging activity; and/or
 - v. between about August 2019 and March 2021 you took photos and/or videos of Patient A without Patient A's consent;
- c. in and between about October 2021 and December 2021, while practising as a Registered Nurse at Royal Victoria Regional Health Centre in Barrie, Ontario, you behaved unprofessionally in the workplace and/or sexually harassed co-workers, including [Co-worker A], [Co-worker B], and [Co-worker C], and including by engaging in the following conduct:
- i. inappropriately touching [Co-worker A] and/or [Co-worker B] on the shoulders and/or arms;
 - ii. repeatedly entering [Co-worker A's] and/or [Co-worker B's] close, personal space;
 - iii. asking [Co-worker A] if she liked older men with grey hair and pointing at your hair;
 - iv. telling [Co-worker A] that she was "a naughty girl" or something to that effect;
 - v. offering [Co-worker A] money and asking if she was nineteen;
 - vi. showing [Co-worker A], [Co-worker B], and/or other co-workers graphic video footage on your phone, related to a violent encounter in a personal relationship;

- vii. asking [Co-worker C] to come over to him to be weighed;
 - viii. speaking to [Co-worker C] about the following or things to a similar effect: transsexual men with “nice asses” being “doable,” surgeons “snorting cocaine and banging prostitutes” and/or telling the co-worker that she is “the full package”; and/or
 - ix. asking [Co-worker C] if she was comfortable with their “little adult conversation” or something to that effect.
- d. on or around the night of March 29 to 30, 2021, while practising as a Registered Nurse at Extendicare Bayview in Toronto (the “Facility”), you left the Facility before the end of your shift and did not return, without adequately informing other staff at the Facility, and/or without making adequate provision for the continuity of care to be provided to patients;
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 defined in subsection 1(5) of *Ontario Regulation 799/93*, in that while practising as a Registered Nurse at Extendicare Bayview in Toronto (the “Facility”), you discontinued professional services that were needed without the patient requesting the discontinuation, alternative or replacement service being arranged, or the patient being given a reasonable opportunity to arrange alternative or replacement services, and in particular, on or around the night of March 29 to 30, 2021, you left the Facility before the end of your shift and did not return, without adequately informing other staff at the Facility, and/or without making adequate provision for the continuity of care to be provided to patients;
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(7) of *Ontario Regulation 799/93*, in that while practising as a Registered Nurse at Vector Health Clinics, you abused a patient verbally, physically, or emotionally, and in particular:
- a. on or about March 30, 2021, you assaulted Patient A;
 - b. between about August 2019 and March 2021 you threatened to reveal personal health information about Patient A if she reported your conduct to authorities;
 - c. between about August 2019 and March 2021 you threatened to kill Patient A;

- d. between about August 2019 and March 2021 you sought to exert control over Patient A's phone and/or her social media and/or messaging activity; and/or
 - e. between about August 2019 and March 2021 you took photos and/or videos of Patient A without Patient A's consent;
5. 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*, in that 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, and in particular:
- a. between about August 2019 and March 2021, while practising as a Registered Nurse at Vector Health Clinics, you engaged in a personal and/or sexual relationship with Patient A, including:
 - i. sharing personal information about yourself with Patient A without a clinical purpose;
 - ii. having personal phone calls and text message exchanges with Patient A;
 - iii. residing with Patient A;
 - iv. becoming engaged to be married to Patient A;
 - v. taking photos of Patient A without a clinical purpose; and/or
 - vi. having physical sexual relations with Patient A including sexual intercourse;
 - b. between about August 2019 and March 2021, while practising as a Registered Nurse at Vector Health Clinics, you abused Patient A verbally, physically, and/or emotionally, including:
 - i. on or about March 30, 2021, you assaulted Patient A;
 - ii. between about August 2019 and March 2021 you threatened to reveal personal health information about Patient A if she reported your conduct to authorities;
 - iii. between about August 2019 and March 2021 you threatened to kill Patient A;

- iv. between about August 2019 and March 2021 you sought to exert control over Patient A's phone and/or her social media and/or messaging activity; and/or
 - v. between about August 2019 and March 2021 you took photos and/or videos of Patient A without Patient A's consent;
- c. in and between about October 2021 and December 2021, while practising as a Registered Nurse at Royal Victoria Regional Health Centre in Barrie, Ontario, you behaved unprofessionally in the workplace and/or sexually harassed co-workers, including [Co-worker A], [Co-worker B], and [Co-worker C], and including by engaging in the following conduct:
- i. inappropriately touching [Co-worker A] and/or [Co-worker B] on the shoulders and/or arms;
 - ii. repeatedly entering [Co-worker A's] and/or [Co-worker B's] close, personal space;
 - iii. asking [Co-worker A] if she liked older men with grey hair and pointing at your hair;
 - iv. telling [Co-worker A] that she was "a naughty girl" or something to that effect;
 - v. offering [Co-worker A] money and asking if she was nineteen;
 - vi. showing [Co-worker A], [Co-worker B], and/or other co-workers graphic video footage on your phone, related to a violent encounter in a personal relationship;
 - vii. asking [Co-worker C] to come over to him to be weighed;
 - viii. speaking to [Co-worker C] about the following or things to a similar effect: transsexual men with "nice asses" being "doable," surgeons "snorting cocaine and banging prostitutes" and/or telling the co-worker that she is "the full package"; and/or
 - ix. asking [Co-worker C] if she was comfortable with their "little adult conversation" or something to that effect.
- d. on or around the night of March 29 to 30, 2021, while practising as a Registered Nurse at Extendicare Bayview in Toronto (the "Facility"), you left the Facility before the end of your shift and did not return, without adequately informing other staff at the Facility, and/or without making adequate provision for the continuity of care to be provided to patients.

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 **a date to be determined**, 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.