

Annette Smith-Lyons - #20046928

On June 17th, 2008, the Discipline and Fitness to Practise Committee met to consider a complaint referred to it by the Complaints Committee regarding a member reported for attending work in an intoxicated state. During her shift, co-workers observed unusual behaviours by the member and found her sleeping on the unit. Several colleagues also reported seeing a liquor container in the member's bag.

The member failed to acknowledge receipt of the notice of hearing sent to her by registered mail and the letter was returned to the Association. The committee explained that subsection 84(2) of the Act states that a notice shall be sufficiently given if sent by prepaid registered mail or certified mail to the last address of that member as reported to the Registrar. In addition, section 40 of the Act is clear that a hearing may proceed in the absence of a member. The committee was of the opinion that proper notice was given to the member even though the notice of the hearing was not acknowledged by the member.

After considering the evidence, the committee found the member guilty of professional misconduct in accordance with section 53 of the Act. The member had appeared before the committee on August 31st, 2007, in similar circumstances, and was placed on a two year probationary period. At the previous hearing, the committee reserved the right to reconsider the matter if further problems occurred. In view of these considerations, the committee decided to revoke the member's certificate of registration in accordance with paragraph 56(2)(f) of the Act.

Prior to applying for reinstatement of her registration in accordance with section 68 of the Act, the committee imposed several conditions. First, a period of two years must have elapsed from the date of the hearing prior to application for reinstatement. Second, the member was required to provide to the Registrar a letter from a medical doctor attesting to her mental and physical capability of returning to work. Finally, the member was required to pay to the Association the costs of the hearing in accordance with paragraphs 57(1)(a),(b), and (c) of the Act.