

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF NURSES OF ONTARIO**

PANEL:

Michael Hogard, RPN	Chairperson
Grace Fox, NP	Member
Lina Kiskunas, RN	Member
Mary MacMillan-Gilkinson	Public Member
Chuck Williams	Public Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>EMILY LAWRENCE</u> for
)	College of Nurses of Ontario
- and -)	
)	
SUSAN E. MUZYLOWSKY)	<u>NO REPRESENTATION</u> for
Reg. No. HC03182)	Susan E. Muzylowsky
)	
)	
)	
)	
)	Heard: <u>May 16, 2016</u>

DECISION AND REASONS

This matter came on for hearing before a panel (“the Panel”) of the Discipline Committee on May 16, 2016, at the College of Nurses of Ontario (“the College”) at Toronto.

The Panel ordered a publication ban following a motion brought by College Counsel, pursuant to s. 45(3) of the *Health Professions Procedural Code of the Nursing Act, 1991*. The order bans the publication and broadcasting of the identities of the clients referred to in this hearing or any information that could disclose the clients’ identities, including any reference to client names contained in the allegations in the Notice of Hearing and in any exhibits filed with the Panel. The Panel concluded that the desirability of avoiding public disclosure of those matters in the interest of any person affected outweighed the desirability of adhering to the principle that hearings be open to the public.

Upon receiving further submissions from the College and from media representatives, the Panel determined that the ban does not cover the name of the facility where the events occurred, as the clients’ identities could be reasonably protected without prohibiting the public disclosure of the name of the facility.

The Allegations

The allegations against Susan E. Muzylowsky (the “Member”) as stated in the Notice of Hearing dated April 1, 2016, are as follows.

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, as amended, and defined in subsection 1(1) of *Ontario Regulation 799/93*, in that, while working as a registered practical nurse at [the Facility], you contravened a standard of practice of the profession or failed to meet a standard of practice of the profession in that:
 - a. you made inappropriate and demeaning comments to your clients in that:
 1. in or about July, 2014, you stated to [Client A.] “oh she's just playing with [genitalia] like you like it []” or words to that effect regarding your colleague’s provision of toileting care to [Client A.];
 2. on or about July 28, 2014, you stated to [Client B.] "Roll over fatty [Client B.] you have a dirty [genitalia]. Eh fatty [Client B.], you have a dirty [genitalia] tonight don't ya" or words to that effect;
 3. on or about July 29, 2014, you called [Client B.] "poopy pants [Client B.]" or words to that effect in her presence;
 4. on or about May 14, 2014, you stated to [Client B.] “lemme see that [genitalia] [Client B.], some are prettier than others" or words to that effect, in reference to [the Client’s] genitalia;
 5. in or about June or July 2014, you asked [Client B.] if [the Client] was "looking for a piece of ass" or words to that effect;
 6. on one or more occasions in or about June to August 2014, you stated to or within earshot of your [] clients, [Client C.], [Client D.] and [Client E.], and to one or more of your colleagues, that [Client C.], [Client D.], and/or [Client E.] were masturbating and/or suggested that the colleagues assist the client to masturbate;
 7. on or about August 3, 2014, you stated to [Client F.] "Oh [Client F.] you're full of shit [Client F.]. When you do a job you do a good one don't you! You're one shitty [person] tonight aren't you!" or words to that effect while changing [Client F.]’s brief;
 8. in or about June and July 2014, you stated to [Client G.] "come on [] that big bum going" or words to that effect;

9. in or about June or July 2014, you stated to [Client H.] "God [], how did your [spouse] ever []? It's like []" or words to that effect, while changing [the Client's] brief;
10. on more than one occasion, in reference to [Client H.]'s stuffed cat, you stated to [Client H.], "Oh [Client H.], where'd your pussy go? There's that damn pussy" or words to that effect;
11. in or about August 2014, you stated to [Client I.] "Oh [Client I.]! Are you swimming or floating tonight?" when assessing the Client's incontinence;
12. on or about August 2, 2014, you stated to [Client J.] "You keep having falls looking for [people] under the bed eh [Client J.]?" or words to that effect;
13. in or about June 2014, you stated to [Client K.] "[Client K.] row your boat, I have your [contraceptives] here for when your [partner] comes later" or words to that effect;
14. in or about June to August 2014, you stated to [Client E.] "Oh []! Stinky kisses! Pee yew" or words to that effect, in reference to [Client E.] passing gas;
15. on or about July 19, 2014, you stated to [Client D.] "You disgust me! What a pig! Crap everywhere. Look at this room. You need to get in bed and stay there" or words to that effect;
16. on or about August 4, 2014, you confronted [Client D.] regarding your medication administration on August 3, 2014, and/or you suggested that [Client D.]'s memory was questionable and [the Client's] recollection was inaccurate, and/or that [Client D.] should get [their] "story straight" or words to that effect;
17. on or about August 4, 2014, you stated to [Client L.] "Come on [] get that big bum into bed!" or words to that effect;
18. in or about May to August 2014, you stated to [Client M.] "Oh []! I think you have a dirty bum []!" or words to that effect;
19. in or about 2014, on one or more occasions, you stated to [Client N.] "You haven't seen rough yet. I'll give you something to cry about! Quit being a sissy" or words to that effect, when [Client N.] requested gentle care; and/or
20. in or about 2014, on one or more occasions, you stated to [Client O.] "Oh []. Looks like we've been busy playing again. Get those hands outta the gold mine []" or words to that effect, when changing [Client O.]'s brief; and/or

- b. you made inappropriate and demeaning comments about your clients to your colleagues in that:
 - 1. on or about July 21, 2014, while speaking to a colleague, you called your client, [Client P.], a “whiner” in response to [Client P.]’s complaint of pain;
 - 2. in or about June or July 2014, you directed your colleagues to stop assisting the client with activities of daily living because [the Client] was “spoiled”;
 - 3. on or about July 30, 2014, you made inappropriate and demeaning comments about your client, [Client Q.], to a colleague, in that you referred to [the Client] as a "pig";
 - 4. in or about January or February 2014, you told your colleague that you intended to give your client, [Client R.], regular strength Tylenol to see how much of [the Client’s] pain was real and/or that [Client R.]’s pain was “all in [their] head” or words to that effect; and/or
 - 5. in or about June and July 2014, on more than one occasion, you referred to your clients as “children” in that you stated to colleagues "let's go make sure all the children are in bed" or words to that effect; and/or

- c. you failed to provide appropriate and timely care to clients in that:
 - 1. on one or more occasions in or about June to July 2014, you failed to give your client, [Client S.], a suppository as ordered and instead inserted your finger into [Client S.]’s rectum, without a suppository and/or stated to your colleague that you believed the Client did not require a daily suppository as ordered;
 - 2. in or about June and July 2014, you ignored the requests of [Client F.] for pain medication;
 - 3. on or about August 3, 2014, you refused to provide [Client D.] with medication as ordered at 0300 when [Client D.] requested it at 0230 without a therapeutic rationale for the refusal;
 - 4. in or about January or February 2014, you refused to give [Client R.] Tylenol 3 as prescribed when [Client R.] requested the medication; and/or
 - 5. in or about August 2014, you inserted pain medication into the sore side of the mouth of [Client I.] and/or you stated "it doesn't make a difference what side I put it in, if you're in that much pain you'll take it" or words to that effect; and/or

- d. in or about April to July 2014, on three occasions, you rolled your client, [Client P.], in a rough manner during care, causing [the Client] pain;
 - e. in or about April to July 2014, on three occasions, you failed to identify yourself when requested to do so by your client, [Client P.];
 - f. in or about June and July 2014, on more than one occasion, you turned off the televisions of your clients, [Client L.] and [Client N.], contrary to their requests;
 - g. in or about 2014, on one or more occasions, you failed to maintain appropriate nurse/client boundaries with your clients in that:
 1. you called clients "mama" and "papa";
 2. you told clients "I love you",
 3. you hugged and/or kissed clients; and/or
 4. you touched or spanked the buttocks of your clients, including [Client B.], [Client G.], [Client E.], [Client I], [Client L.], and/or [Client M.]; and/or
 - h. in or about 2014, on one or more occasions, you failed to establish and maintain collegial relationships with your colleagues in that:
 1. you called colleagues "little shit", "douche bag", "lazy" and "useless";
 2. you suggested that your colleagues should assist clients to masturbate;
 3. you directed co-workers not to change soiled soaker pads in order to see if the next shift would do so; and/or
 4. you hovered behind colleagues while they worked.
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(7) of *Ontario Regulation 799/93*, in that, while working as a registered nurse [at the Facility] you abused a client, verbally, physically or emotionally, in that:
- a. you made inappropriate and demeaning comments to your clients in that:
 1. in or about July, 2014, you stated to [Client A.] "oh she's just playing with [genitalia] like you like it []" or words to that effect regarding your colleague's provision of toileting care to [Client A.];
 2. on or about July 28, 2014, you stated to [Client B.] "Roll over fatty [Client B.] you have a dirty [genitalia]. Eh fatty [Client B.], you have a dirty [genitalia] tonight don't ya" or words to that effect;

3. on or about July 29, 2014, you called [Client B.] "poopy pants [Client B.]" or words to that effect in [the Client's] presence;
 4. on or about May 14, 2014, you stated to [Client B.] "lemme see that [genitalia] [Client B.], some are prettier than others" or words to that effect, in reference to [the Client's] genitalia; and/or
 5. in or about June or July 2014, you asked [Client B.] if [the Client] was "looking for a piece of ass" or words to that effect;
 6. on one or more occasions in or about June to August 2014, you stated to or within earshot of your [] clients, [Client C.], [Client D.] and [Client E.], and to one or more of your colleagues, that [Client C.], [Client D.] and/or [Client E.] were masturbating and/or suggested that the colleagues assist the Client to masturbate;
 7. on or about August 3, 2014, you stated to [Client F.] "Oh [Client F.] you're full of shit [Client F.]. When you do a job you do a good one don't you! You're one shitty [person] tonight aren't you!" or words to that effect while changing [Client F.]'s brief;
 8. in or about June or July 2014, you stated to [Client H.]"God [], how did your [spouse] ever []? It's like []" or words to that effect, while changing [the Client's] brief;
 9. in or about June 2014, you stated to [Client K.] "[Client K.] row your boat, I have your [contraceptives] here for when your [partner] comes later" or words to that effect;
 10. on or about July 19, 2014, you stated to [Client D.] "You disgust me! What a pig! Crap everywhere. Look at this room. You need to get in bed and stay there" or words to that effect;
 11. on or about August 4, 2014, you confronted [Client D.] regarding your medication administration on August 3, 2014, and/or you suggested that [Client D.]'s memory was questionable and [the Client's] recollection was inaccurate, and/or that [Client D.] should get [their] "story straight" or words to that effect; and/or
 12. in or about 2014, on one or more occasions, you stated to [Client N.] "You haven't seen rough yet. I'll give you something to cry about! Quit being a sissy" or words to that effect, when [Client N.] requested gentle care; and/or
- b. in or about April to July 2014, on three occasions, you rolled your client, [Client P.], in a rough manner during care, causing [the Client] pain; and/or

- c. in or about August 2014, you inserted pain medication into the sore side of the mouth of your client, [Client I.], and/or you stated "it doesn't make a difference what side I put it in, if you're in that much pain you'll take it" or words to that effect; and/or
3. 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 in that, while working as a registered nurse [at the Facility], you sexually abused a client, as follows:
 - a. you engaged in behaviour and/or made remarks of a sexual nature to clients in that:
 1. in or about July, 2014, you stated to [Client A.] "oh she's just playing with [genitalia] like you like it []" or words to that effect regarding your colleague's provision of toileting care to [Client A.];
 2. on or about July 28, 2014, you stated to [Client B.] "Roll over fatty [Client B.] you have a dirty [genitalia]. Eh fatty [Client B.], you have a dirty [genitalia] tonight don't ya" or words to that effect;
 3. on or about May 14, 2014, you stated to [Client B.] "lemme see that [genitalia] [Client B.], some are prettier than others" or words to that effect, in reference to [the Client's] genitalia;
 4. in or about June or July 2014, you asked [Client B.] if [the Client] was "looking for a piece of ass" or words to that effect;
 5. on one or more occasions in or about June to August 2014, you stated to or within earshot of your [] clients, [Client C.], [Client D.] and [Client E.], and to one or more of your colleagues, that [Client C.], [Client D.] and/or [Client E.] were masturbating and/or suggested that the colleagues assist the Client to masturbate;
 6. in or about June or July 2014, you stated to [Client H.] "God [], how did your [spouse] ever []? It's like []" or words to that effect, while changing [the Client's] brief;
 7. on more than one occasion, in reference to [Client H.]'s stuffed cat, you stated to [Client H.], "Oh [Client H.], where'd your pussy go? There's that damn pussy" or words to that effect;
 8. on or about August 2, 2014, you stated to [Client J.] "You keep having falls looking for [people] under the bed eh [Client J.]?" or words to that effect; and/or

9. in or about June 2014, you stated to [Client K.] "[Client K.] row your boat, I have your [contraceptives] here for when your [partner] comes later" or words to that effect; and/or
- b. you engaged in touching of a sexual nature of clients in that
 1. you hugged and/or kissed your clients; and/or
 2. you touched or spanked the buttocks of your clients, including [Client B.], [Client G.], [Client E.], [Client I.], [Client L.], and/or [Client M.]; and/or
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(14) of *Ontario Regulation 799/93*, in that, while working as a registered nurse [at the Facility], you falsified a record relating to your practice in that:
 - a. on one or more occasions in or about June to July 2014, you charted that you gave your client, [Client S.], a suppository as ordered when you failed to do so and instead inserted your finger into [Client S.]'s rectum, without a suppository; and/or
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, while working 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 of the profession as disgraceful, dishonourable or unprofessional, in particular:
 - a. you made inappropriate and demeaning comments to your clients in that:
 1. on or about July 29, 2014, you called [Client B.] "poopy pants [Client B.]" or words to that effect in [the Client's] presence;
 2. on or about August 3, 2014, you stated to [Client F.] "Oh [Client F.] you're full of shit [Client F.]. When you do a job you do a good one don't you! You're one shitty [person] tonight aren't you!" or words to that effect while changing [Client F.]'s brief;
 3. in or about June and July 2014, you stated to [Client G.] "come on [] get that big bum going" or words to that effect;
 4. in or about August 2014, you stated to [Client I.] "Oh []! Are you swimming or floating tonight?" when assessing the Client's incontinence;

5. in or about June to August 2014, you stated to [Client E.] "Oh []! Stinky kisses! Pee yew" or words to that effect, in reference to [Client E.] passing gas;
 6. on or about July 19, 2014, you stated to [Client D.] "You disgust me! What a pig! Crap everywhere. Look at this room. You need to get in bed and stay there" or words to that effect;
 7. on or about August 4, 2014, you confronted [Client D.] regarding your medication administration on August 3, 2014, and/or you suggested that [Client D.]'s memory was questionable and [the Client's] recollection was inaccurate, and/or that [Client D.] should get [their] "story straight" or words to that effect;
 8. on or about August 4, 2014, you stated to [Client L.] "Come on [] get that big bum into bed!" or words to that effect;
 9. in or about May to August 2014, you stated to [Client M.]. "Oh []! I think you have a dirty bum []!" or words to that effect;
 10. in or about 2014, on one or more occasions, you stated to [Client N.] "You haven't seen rough yet. I'll give you something to cry about! Quit being a sissy" or words to that effect, when [Client N.] requested gentle care; and/or
 11. in or about 2014, on one or more occasions, you stated to [Client O.] "Oh []. Looks like we've been busy playing again. Get those hands outta the gold mine []" or words to that effect, when changing [Client O.]'s brief; and/or
- b. you made inappropriate and demeaning comments and/or comments of a sexual nature to your clients in that:
1. in or about July, 2014, you stated to [Client A.] "oh she's just playing with [genitalia] like you like it []" or words to that effect regarding your colleague's provision of toileting care to [Client A.];
 2. on or about July 28, 2014, you stated to [Client B.] "Roll over fatty Patty you have a dirty snatch. Eh fatty Patty, you have a dirty snatch tonight don't ya" or words to that effect;
 3. on or about May 14, 2014, you stated to [Client B.] "lemme see that [genitalia] [Client B.], some are prettier than others" or words to that effect, in reference to [the Client's] genitalia;
 4. in or about June or July 2014, you asked [Client B.] if [the Client] was "looking for a piece of ass" or words to that effect;

5. on one or more occasions in or about June to August 2014, you stated to or within earshot of your [] clients, [Client C.], [Client D.] and [Client E.], and to one or more of your colleagues, that [Client C.], [Client D.] and/or [Client E.] were masturbating and/or suggested that the colleagues assist the Client to masturbate;
 6. in or about June or July 2014, you stated to [Client H.]"God [], how did your [spouse] ever []? It's like []" or words to that effect, while changing [the Client's] brief;
 7. on more than one occasion, in reference to [Client H.]'s stuffed cat, you stated to [Client H.], "Oh [Client H.], where'd your pussy go? There's that damn pussy" or words to that effect;
 8. on or about August 2, 2014, you stated to [Client J.] "You keep having falls looking for [people] under the bed eh [Client J.]?" or words to that effect; and/or
 9. in or about June 2014, you stated to [Client K.] "[Client K.] row your boat, I have your [contraceptives] here for when your [partner] comes later" or words to that effect; and/or
- c. you made inappropriate and demeaning comments about your clients to your colleagues in that:
1. on or about July 21, 2014, while speaking to a colleague, you called your client, [Client P.], a "whiner" in response to [Client P.]'s complaint of pain;
 2. in or about June or July 2014, you directed your colleagues to stop assisting the Client with activities of daily living because [the Client] was "spoiled";
 3. on or about July 30, 2014, you made inappropriate and demeaning comments about your client, [Client Q.], to a colleague, in that you referred to [the Client] as a "pig";
 4. in or about January or February 2014, you told your colleague that you intended to give your client, [Client R.], regular strength Tylenol to see how much of [the Client's] pain was real and/or that [Client R.]'s pain was "all in [the Client's] head" or words to that effect; and/or
 5. in or about June and July 2014, on more than one occasion, you referred to your clients as "children" in that you stated to colleagues "let's go make sure all the children are in bed" or words to that effect; and/or
- d. you failed to provide appropriate and timely care to clients in that:

1. on one or more occasions in or about June to July 2014, you failed to give your client, [Client S.], a suppository as ordered and instead inserted your finger into [Client S.]’s rectum, without a suppository and/or stated to your colleague that you believed the Client did not require a daily suppository as ordered;
 2. in or about June and July 2014, you ignored the requests of [Client F.] for pain medication;
 3. on or about August 3, 2014, you refused to provide [Client D.] with medication as ordered at 0300 when [Client D.] requested it at 0230 without a therapeutic rationale for the refusal;
 4. in or about January or February 2014, you refused to give [Client R.] Tylenol 3 as prescribed when [Client R.] requested the medication; and/or
 5. in or about August 2014, you inserted pain medication into the sore side of the mouth of [Client I.] and/or you stated "it doesn't make a difference what side I put it in, if you're in that much pain you'll take it" or words to that effect; and/or
- e. in or about April to July 2014, on three occasions, you rolled your client, [Client P.], in a rough manner during care, causing her pain;
- f. in or about April to July 2014, on three occasions, you failed to identify yourself when requested to do so by your client, [Client P.];
- g. in or about June and July 2014, on more than one occasion, you turned off the televisions of your clients, [Client L.] and [Client N.], contrary to their requests;
- h. in or about 2014, on one or more occasions, you failed to maintain appropriate nurse/client boundaries with your clients in that:
1. you called clients "mama" and "papa";
 2. you told clients "I love you",
 3. you hugged and/or kissed clients; and/or
 4. you touched or spanked the buttocks of your clients, including [Client B.], [Client G.], [Client E.], [Client I.], [Client L.], and/or [Client M.];
- i. in or about 2014, on one or more occasions, you engaged in touching of a sexual nature of your clients in that:
1. you hugged and/or kissed clients; and/or

2. you touched or spanked the buttocks of your clients, including [Client B.], [Client G.], [Client E.], [Client I.], [Client L.], and/or [Client M.]; and/or
- j. in or about 2014, on one or more occasions, you failed to establish and maintain collegial relationships with your colleagues in that:
1. you called colleagues "little shit", "douche bag", "lazy" and "useless";
 2. you suggested that your colleagues should assist clients to masturbate;
 3. you directed co-workers not to change soiled soaker pads in order to see if the next shift would do so; and/or
 4. you hovered behind colleagues while they worked.

Member's Plea

The Member admitted the allegations set out in the following paragraphs in the Notice of Hearing numbered as follows:

- 1(a)1 through 20; 1(b)1 through 5; 1(c)1 through 5; 1(d); 1(e); 1(f); 1(g)1 through 4; 1(h)1 through 4;
- 2 (a)1 through 12; 2(b); 2(c);
- 3(a)1 through 9; 3(b)1 and 2;
- 4(a); and
- 5(a)1 through 11; 5(b)1 through 9; 5(c)1 through 5; 5(d)1 through 5; 5 (e); 5(f); 5(g); 5(h)1 through 4; 5(i)1 and 2; 5(j)1 through 4.

The Panel received a written plea inquiry which was signed by the Member. The Panel also conducted an oral plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

Agreed Statement of Facts

Counsel for the College advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts which provided as follows.

THE FORMER MEMBER

1. Susan E. Muzylowsky ("Ms Muzylowsky") obtained a certificate in nursing [].

2. Ms Muzylowsky registered with the College of Nurses of Ontario (the “College”) as a Registered Practical Nurse (“RPN”) in January 1983. She resigned from the College effective as of December 27, 2015.
3. Ms Muzylowsky was employed as a full-time RPN at [the Facility] from October 2008 to September 2014, when she was terminated for the incidents described below.

THE FACILITY

4. The Facility is located in [] Ontario. []
5. Ms Muzylowsky was employed as a full-time RPN on night shifts. She worked with other nursing staff and Personal Care Providers, providing regular nursing care to the residents.

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Inappropriate and Demeaning Comments to Clients

6. In 2014, Ms Muzylowsky made a number of inappropriate and demeaning comments to or in the presence of clients of the Facility, on one or more occasions, including the following:
 - a. to [Client A.], “oh she’s just playing with [genitalia] like you like it []”, while a colleague provided toileting care to [Client A.]
 - b. to [Client B.]
 - i. “Roll over fatty [Client B.] you have a dirty [genitalia]. Eh fatty [Client B.], you have a dirty [genitalia] tonight don’t ya”
 - ii. “poopy pants [Client B.]”
 - iii. “lemme see that [genitalia] [Client B.], some are prettier than others” (in reference to [Client B.]’s genitalia)
 - iv. asking [Client B.] if she was “looking for a piece of ass”
 - c. to, or within earshot of [] clients, [Client C.], [Client D.] and [Client E.] and to one or more colleagues, that [Client C.], [Client D.] and/or [Client E.] were masturbating, or suggesting that the colleagues assist the Client to masturbate
 - d. to [Client F.], “Oh [Client F.] you’re full of shit [Client F.]. When you do a job you do a good one don’t you! You’re one shitty [person] tonight aren’t you!” while changing [Client F.]’s brief

- e. to [Client G.], “come on [] get that big bum going”
- f. to [Client H.], “God [], how did your [spouse] ever []? It’s like []”, while changing [Client H.]’s brief
- g. in reference to [Client H.]’s stuffed cat, “Oh [Client H.], where’d your pussy go? There’s that damn pussy”
- h. to [Client I.], “Oh []! Are you swimming or floating tonight?” when assessing [Client I.]’s incontinence;
- i. to [Client J.], “you keep having falls looking for [] under the bed eh [Client J.]?”
- j. to [Client K.], “[Client K.] row your boat, I have your [contraceptives] here for when your [partner] comes later”
- k. to [Client E.], “Oh []! Stinky kisses! Pee yew” in reference to [Client E.] passing gas
- l. to [Client D.],
 - i. “You disgust me! What a pig! Crap everywhere. Look at this room. You need to get in bed and stay there”
 - ii. Suggesting to [Client D.] that [the Client’s] memory was questionable, [the Client’s] recollection inaccurate and/or that [Client D.] should get [their] “story straight” because [Client D.] had complained about her refusal to provide [the Client] [their] Parkinson’s medication when [the Client] had requested it
- m. to [Client L.], “Come on [] get that big bum into bed!”
- n. to [Client M.], “Oh []! I think you have a dirty bum []!”
- o. to [Client N.], “You haven’t seen rough yet. I’ll give you something to cry about! Quit being a sissy”, when [Client N.] requested gentle care
- p. to [Client O.], “Oh []. Looks like we’ve been busy playing again. Get those hands outta the gold mine []”, when changing [Client O.]’s brief

Inappropriate and Demeaning Comments about Clients to Colleagues

- 7. Between January and July 2014, Ms Muzylowsky made a number of inappropriate and demeaning comments about the clients of the Facility to colleagues on one or more occasions, including the following:
 - a. calling [Client P.] a “whiner” in response to [Client P.]’s complaint of pain

- b. directing colleagues to stop assisting a client with activities of daily living because she was “spoiled”
- c. referring to [Client Q.] as a “pig”
- d. telling colleagues that she intended to give her client, [Client R.], regular strength Tylenol to see how much of his pain was real and/or that [Client R.]’s pain was “all in his head”
- e. referring to clients as “children” and stating to colleagues, “let’s go make sure all the children are in bed”

Failing to Provide Appropriate and Timely Care to Clients

- 8. Between January and August 2014, Ms Muzylowsky failed to provide appropriate and timely care to clients, on one or more occasions. In particular, she:
 - a. failed to give her client, [Client S.], a suppository as ordered and instead, inserted her finger into [Client S.]’s rectum, without a suppository and/or stated to her colleague that she believed that [Client S.] did not require a daily suppository as ordered. Ms Muzylowsky charted that the suppository was given to [Client S.]
 - b. ignored the requests of [Client F.] for pain medication after she suggested to the doctor to discontinue a nightly order for Tylenol
 - c. refused to provide [Client D.] with his Parkinson’s medication as ordered at 0300 when [Client D.] requested it at 0230, without a therapeutic rationale for the refusal
 - d. refused to give [Client R.] Tylenol 3 as prescribed when [Client R.] requested the medication
 - e. inserted pain medication into the sore side of [Client I.]’s mouth (who had cheek/mouth pain), stating, “it doesn’t make a difference what side I put it in, if you’re in that much pain, you’ll take it”

Other Incidents of Improper Care or Conduct towards Clients

Clients [Client L.] and [Client N.]

- 9. In or about June and July 2014, on more than one occasion, Ms Muzylowsky turned off the televisions of her clients [Client L.] and [Client N.], contrary to their requests.

Client [Client P.]

10. [Client P.] was a 92-year-old client. Her care plan included assessing for pain medication prior to repositioning [the Client] and it was well-known that staff had to be gentle with [the Client].
11. On three occasions, between April and July 2014, Ms Muzylowsky rolled [Client P.] in a rough manner during care, causing [the Client] pain.
12. [Client P.], who was visually impaired, would ask who it was that touching [the Client]. Ms Muzylowsky did not identify herself because she was concerned that [Client P.] would tell [the Client's] [child] about the rough care [the Client] received.

Inappropriate Comments and Touching of Several Clients

13. In 2014, on one or more occasions, Ms Muzylowsky would call clients “mama” and “papa”, told clients, “I love you”, and hugged and/or kissed clients.
14. In 2014, on one or more occasions, Ms Muzylowsky also touched or spanked the buttocks of the following clients: [Client B.], [Client G.], [Client E.], [Client I.], [Client L.] and/or [Client M.].

Inappropriate Comments and Conduct towards Colleagues

15. Ms Muzylowsky called her colleagues, “little shit”, “douche bag”, “lazy” and “useless”. She further directed colleagues not to change soiled soaker pads to see if the next shift would do so. She also hovered behind colleagues while they worked.
16. Ms Muzylowsky's colleagues were scared and intimidated by her. She did not maintain collegial relationships and did not demonstrate any respect for her colleagues' roles, expertise and contribution.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

17. Ms Muzylowsky acknowledges that the following College Standards of Practice were in place at the time of the incidents and reflect the standards expected of a nurse at that time:
 - a. *Therapeutic Nurse Client Relationship* (attached as Appendix “A”);
 - b. *Ethics* (attached as Appendix “B”) and
 - c. *Professional Standards, Revised 2002* (attached as Appendix “C”).
18. Ms Muzylowsky admits that she breached the above standards of practice of the profession by engaging in the conduct described in paragraphs 6 to 16 above.
19. Ms Muzylowsky admits that she abused clients verbally and emotionally when she made the inappropriate and demeaning comments as described in paragraphs 6(a)-(d), (f), (j), (l) and (o), and that she abused clients physically when she rolled [Client

- P.] in a rough manner as described in paragraph 11, and when she inserted pain medication into the sore side of [Client I.]’s mouth as described in paragraph 8(e).
20. Ms Muzylowsky admits that she sexually abused clients when she engaged in behaviour and/or made remarks of a sexual nature to clients, as set out in paragraphs 6(a)-(c), (f), (g), (i), (j), and when she hugged and/or kissed clients and/or touched or spanked the buttocks of clients as described in paragraph 14.
 21. Ms Muzylowsky admits that she falsified a record relating to her practice when she charted that she gave [Client S.] a suppository, but instead, inserted her finger into [Client S.]’s rectum as described in paragraph 8(a).
 22. The Member admits that she committed the acts of professional misconduct as alleged in the following paragraphs of the Notice of Hearing:
 - 1(a), (b), (c), (d), (e), (f), (g), (h);
 - 2(a), (b), (c);
 - 3(a), (b);
 - 4(a); and
 - 5(a), (b), (c), (d), (e), (f), (g), (h), (i) and (j), in that the conduct was disgraceful, dishonourable and unprofessional.

Decision

The Panel considered the Agreed Statement of Facts and finds that the facts support a finding of professional misconduct and, in particular, finds that the Member committed acts of professional misconduct as alleged in paragraphs:

- 1(a)1 through 20; 1(b)1 through 5; 1(c)1 through 5; 1(d); 1(e); 1(f); 1(g)1 through 4; 1(h)1 through 4;
- 2 (a)1 through 12; 2(b); 2(c);
- 3(a)1 through 9; 3(b)1 and 2;
- 4(a); and
- 5(a)1 through 11; 5(b)1 through 9; 5(c)1 through 5; 5(d)1 through 5; 5 (e); 5(f); 5(g); 5(h)1 through 4; 5(i)1 and 2; 5(j)1 through 4.

The Member made a number of inappropriate and demeaning comments to clients, inappropriate and demeaning comments about clients to colleagues, and failed to provide appropriate and timely care to clients. This conduct breached the *Therapeutic Nurse Client Relationship* standard,

the *Ethics* standard, and the *Professional Standards, Revised 2002* of the College's published standards of practice. The conduct was abusive and some of it constituted sexual abuse of clients. The conduct included the falsification of a record.

As to Allegation #5 in the Notice of Hearing, the Panel found the conduct was disgraceful, dishonourable and unprofessional as it showed a serious disregard for the Member's professional obligations and had elements of emotional, physical, verbal and sexual abuse.

Reasons for Decision

The panel found that the conduct in the Agreed Statement of Facts and Notice of Hearing to be deplorable and showed a blatant disregard for the morals and ethics of the profession.

Allegation #1(a) in the Notice of Hearing is supported by paragraphs 1 through and including 16 in the Agreed Statement of Facts.

Allegation #1(b) in the Notice of Hearing is supported by paragraphs 7(a) through and including 7(e) in the Agreed Statement of Facts.

Allegation #1(c) in the Notice of Hearing is supported by paragraphs 8(a) through and including 8(e) in the Agreed Statement of Facts.

Allegation #1(d) in the Notice of Hearing is supported by paragraph 11 in the Agreed Statement of Facts.

Allegation #1(e) in the Notice of Hearing is supported by paragraph 12 in the Agreed Statement of Facts.

Allegation #1(f) in the Notice of Hearing is supported by paragraphs 9 in the Agreed Statement of Facts.

Allegation #1(g) in the Notice of Hearing is supported by paragraphs 13 and 14 in the Agreed Statement of Facts.

Allegation #1(h) in the Notice of Hearing is supported by paragraphs 15 and 16 in the Agreed Statement of Facts.

Allegation #2(a) in the Notice of Hearing is supported by paragraphs 6 (a), (b), (c), (d), (f), (j), (l), and (o), in the Agreed Statement of Facts.

Allegation #2(b) in the Notice of Hearing is supported by paragraph 11 in the Agreed Statement of Facts.

Allegation #2(c) in the Notice of Hearing is supported by paragraph 8(e) in the Agreed Statement of Facts.

Allegation #3(a) in the Notice of Hearing is supported by paragraphs 6 (a), (b), (c), (d), (f), (j), and paragraph 20 in the Agreed Statement of Facts.

Allegation #3(b) in the Notice of Hearing is supported by paragraphs 13, 14 and 20 in the Agreed Statement of Facts.

Allegation #4 in the Notice of Hearing is supported by paragraph 8(a) in the Agreed Statement of Facts.

Allegation #5 in the Notice of Hearing is supported by paragraphs 6, 7, 8, 9, 11, 12, 14, 15, 19 and 20 in the Agreed Statement of Facts.

Penalty

Counsel for the College advised the Panel that a Joint Submission as to Order had been agreed upon. The Joint Submission as to Order provides as follows:

1. Requiring the Member to appear before the Panel to be reprimanded within three months of the date that this Order becomes final.

Penalty Submissions

The Member resigned from the College on December 27, 2015. The College and the Member signed a legal undertaking stating that the Member will not pursue any employment in nursing in the future. The undertaking will protect the public as it ensures the Member's resignation is permanent. Without the undertaking, the emotional, verbal and physical abuse, as well as the seriousness of the numerous findings and the violations of the standards of practice would have required a very lengthy suspension or revocation of the Member's registration.

College Counsel submitted that a recent Ontario Divisional Court decision stated that panels may make findings of misconduct and impose penalties on resigned members.

Penalty Decision

The Panel accepts the Joint Submission as to Order and accordingly orders:

1. The Member is required to appear before the Panel to be reprimanded within three months of the date that this Order becomes final.

Reasons for Penalty Decision

The Panel found the conduct to be disrespectful, demeaning and repulsive and not within the moral and ethical boundaries of the profession. The Member showed a blatant disregard for the supportive, therapeutic role of a nurse.

The Panel concluded that the proposed penalty is reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty, has accepted responsibility for her actions and has elected to not ever return to practice. A reprimand satisfies the obligation of specific deterrence in this case.

Decision and Reasons
Re: Susan E. Muzylowsky
Reg. #: HC03182

The Panel found that a permanent resignation, in the legal form of an undertaking, is the ultimate in public protection. There is general deterrence to the membership through the publication of the findings of this Panel, demonstrating that such conduct will not be tolerated and that resignation is not a way to avoid one's professional obligations.

I, Michael Hogard, RPN, sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below:

Chairperson

Date

Panel members:

Grace Fox, NP

Lina Kiskunas, RN

Mary MacMillan-Gilkinson, Public Member

Chuck Williams, Public Member