

CASE NO.

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ROBERT FOX

- and - REGISTERED NURSES ASSOCIATION
OF NOVA SCOTIA

(Appellant)

(Respondent)

CA 179201

Halifax, N.S.

BATEMAN, J.A.

[Cite as: *Registered Nurses Association of Nova Scotia v. Fox*, 2002 NSCA 141]

APPEAL HEARD:

September 27, 2002

JUDGMENT DELIVERED:

November 13, 2002

SUBJECT:

Appeal by former nurse from professional association's decision to revoke his license on account of professional misconduct.

SUMMARY:

A number of former patients as well as colleagues and co-workers lodged complaints about Mr. Fox's patient care and treatment of co-workers. The patient care concerns focused upon his work in 1998. The administrative concerns involved conduct running between 1988 and 1998. Under the provisions of the **Registered Nurses Act**, S.N.S. 1996, c. 30 s.52(1), as it was at the relevant time, the complaints were first reviewed by a Complaints Committee of the Registered Nurses Association of Nova Scotia (RNANS) which Committee could, and here, did, forward the matters to a Professional Conduct Committee for hearing. That Committee found misconduct and revoked Mr. Fox's license to practice nursing. Mr. Fox's appeal of decision(s) of the Professional Conduct Committee to the Appeal Committee of RNANS was dismissed. He now appeals from the disposition by that Committee to the Court of Appeal.

ISSUES:

The appeal was based upon several grounds, including alleged procedural and fairness violations, focusing, *inter alia*, upon the role of legal counsel to the Professional Conduct Committee and the role of a staff member in the process.

RESULT:

The appeal was without merit. The process was procedurally fair and did not violate the principles of natural justice. Neither the finding of misconduct nor the penalty imposed reflected reviewable error, applying the standard approved by this Court in **Dhawan v. College of Physicians and Surgeons (N.S.)** (1998), 168 N.S.R. (2d) 201; N.S.J. No. 170 (Q.L.). Appeal dismissed with costs to the respondent.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 24 pages.