

**IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*, BEING CHAPTER H-7
OF THE REVISED STATUTES OF ALBERTA, 2000**

**AND IN THE MATTER OF A TRIBUNAL HEARING REGARDING THE CONDUCT OF JILLIAN
HAAGENSON, REGULATED MEMBERS OF THE ALBERTA COLLEGE OF PARAMEDICS**

**DECISION OF THE HEARING TRIBUNAL OF THE
ALBERTA COLLEGE OF PARAMEDICS – FILE #19-80**

The hearing of the Hearing Tribunal was held on April 10, 2024, via videoconference.

Present were:

The members of the Hearing Tribunal of the Alberta College of Paramedics (the “College”):

T. Cranston, Chair, Regulated Member;
A. Wright, Regulated Member;
D. Jossa, Public Member; and
T. Engen, Public Member.

Also present were:

J. Kirk, Complaints Director for the College;
T. Maxston, Legal Counsel for the Complaints Director;

A. Costigan, Independent Legal Counsel for the Hearing Tribunal;
M. Connell, Hearings Director for the College; and
J. Norris, Court Reporter.

Opening of the Hearing

1. The hearing opened and all participants present introduced themselves for the record. The court reporter, who was also online, recorded the hearing.

Preliminary Issue

2. Ms. Haagenenson was not in attendance at the hearing. Mr. Maxston made an application under section 79(6) of the *Health Professions Act* (“HPA”) to proceed in the member’s absence.

3. Mr. Maxston outlined the authority to proceed with a hearing in the absence of an investigated member. Section 79(6) of the HPA states that,

Despite Section 72(1), if the investigated person does not appear at a hearing and there is proof that the investigated person has been given a notice to attend, the hearing

tribunal may (a) proceed with the hearing in the absence of the investigated person and (b) act or decide on the matter being heard in the absence of the investigated person.

4. Further, section 120(3) of the HPA details how service of a notice to attend can be effected,

If a document or notice is required to be given under Part 4 by a complaints director, [...] hearings director, hearing tribunal, or College, [...] the document or notice is sufficiently given if it is given by personal service to the person or sent to the person by certified or registered mail at that person's address as shown on the register or record of the registrar.

5. Mr. Maxston submitted that section 120(3) should not be read restrictively to say that service can only be effected by way of personal service or registered mail. Sufficient service can include other methods such as email, which is one method used to communicate with Ms. Haagenson.

6. Mr. Maxston then referred to two documents in the Exhibit Book. The first document was the Letter from the College to Ms. Haagenson sent by email and registered mail enclosing a Notice to Attend and Produce. This letter is addressed to Ms. Haagenson, and the enclosed Notice to Attend and Produce contains the charges at issue in this hearing. Importantly, the letter and enclosed Notice to Attend and Produce are dated December 14th, 2023.

7. The second document is the Admission of Unprofessional Conduct signed by Ms. Haagenson. The preamble of this document states that,

Further to the Notice of Hearing Tribunal Hearing, Notice to attend and Notice to Produce, dated December 14th, 2024, (hereinafter known as the "Notice of Hearing"), which I acknowledge was served upon me, I, Jillian Haagenson. [emphasis added]

8. In paragraph 6 of the Admission of Unprofessional Conduct, Ms. Haagenson confirmed she consents to the hearing proceeding in her absence and without her participation.

9. Based on the above, Mr. Maxston submitted that Ms. Haagenson was given notice of the hearing, as required under the HPA and the hearing can proceed in her absence under section 79(6) of the HPA.

10. After a brief caucus, the Hearing Tribunal ordered that the hearing proceed in the absence of Ms. Haagenson. The Hearing Tribunal finds Ms. Haagenson was sufficiently given notice of this hearing under section 120(3) of the HPA. In the Admission of Unprofessional Conduct, Ms. Haagenson consented to the hearing proceeding in her absence and without her participation.

Evidence And Documents Before the Hearing Tribunal

11. Mr. Maxston advised, on behalf of the Complaints Director, that there were no objections to the members of the Hearing Tribunal and no objections of a preliminary or jurisdictional nature.

12. The Hearing Tribunal notes that Ms. Haagenon was provided with copies of the below exhibits in advance of the hearing and had no objections to them. The following documents were marked as Exhibits:

- Exhibit 1: Letter dated December 14, 2023, regarding Service of Notice to Attend & Produce, and Notice to Attend & Produce (the "Notice of Hearing") dated December 14, 2023;
- Exhibit 2: Admission of Unprofessional Conduct, signed January 30, 2024;
- Exhibit 3: Agreed Statement of Facts with Appendices 1-2, signed January 30, 2024; and
- Exhibit 4: Joint Submission regarding Penalties, signed January 30, 2024.

Notice to Attend and Produce

13. The allegations against Ms. Haagenon were as follows:

1. On or about January 20, 2023 you were convicted of an offence pursuant to section 171.1(1)(B) of the Criminal Code of Canada as follows:

Between September 13, 2019 and November 11, 2019, both dates inclusive, at or near Redland, Alberta did transmit, make available, distribute or sell sexually explicit material to [minor 1] and [minor 2], who were, or who the accused believed were, under the age of 16 years, for the purpose of facilitating the commission of an offence under section 151 or 152, subsection 160(3) or 173(2) or section 271, 272, 273 or 280 with respect to that person contrary to section 171.1(1)(B) of the Criminal Code.

All of which constitutes unprofessional conduct pursuant to section 1(1)pp(ii) and (xii) of the Health Professions Act of Alberta and/or constitutes a breach of section 3.3 and/or 4.3 of the Alberta College of Paramedics Code of Ethics.

2. On or about January 20, 2023 you were convicted of an offence pursuant to section 152 of the Criminal Code of Canada as follows:

Between September 13, 2019 and November 11, 2019, both dates inclusive at or near Redland, Alberta, did for a sexual purpose, unlawfully invite, counsel, or incite [minor 1] a person under the age of sixteen years to touch directly or indirectly with a part of the body or with an object, the body of Jillian Haagenon, [R.], [N.] and [P.Z.] contrary to section 152 of the Criminal Code.

All of which constitutes unprofessional conduct pursuant to section 1(1)(pp)(ii) and (xii) of the Health Professions Act of Alberta and/or constitutes a breach of section 3.3 and/or 4.3 of the Alberta College of Paramedics Code of Ethics.

3. On or about January 20, 2023 you were convicted of an indictable offence pursuant to section 162.1(1) of the Criminal Code of Canada as follows:

Between September 13, 2019 and November 11, 2019, both dates inclusive at or near Redland, Alberta, did knowingly publish, distribute, transmit, sell, make available or advertise an intimate image of [minor 1] knowing that [minor 1] did not give their consent to that conduct, or being reckless as to whether or not [minor 1] gave their consent to that conduct, contrary to section 162.1(1) of the Criminal Code.

All of which constitutes unprofessional conduct pursuant to section 1(1)(pp)(ii) and (xii) of the Health Professions Act of Alberta and/or constitutes a breach of section 3.3 and/or 4.3 of the Alberta College of Paramedics Code of Ethics.

Submissions of the Complaints Director

14. Mr. Maxston advised that there were three charges of unprofessional conduct against Ms. Haagenon in the Notice to Attend and Produce dated December 14, 2023 (Exhibit 1).

15. He reviewed each of the charges in turn for the Hearing Tribunal. Each of the charges relate to Ms. Haagenon having been convicted of criminal offences under the Criminal Code of Canada, with different facts underlying each conviction from September to November of 2019.

16. He submitted that the onus is on the Complaints Director to prove the facts that relate to the charges and to prove that those facts constitute unprofessional conduct on a balance of probabilities.

17. Mr. Maxston noted that an Admission of Unprofessional Conduct had been provided as well as an Agreed Statement of Facts, in which the parties have reached an agreement on the evidence and facts which give rise to and support the charges in the Notice to Attend and Produce.

18. Mr. Maxston referred to section 1(1)(pp) of the HPA which defines "unprofessional conduct." He specifically referred to the following relevant subsections:

(pp) “unprofessional conduct” means one or more of the following, whether or not it is disgraceful or dishonourable:

- (ii) contravention of this Act, a code of ethics or standards of practice;
[...]
- (xii) conduct that harms the integrity of the regulated profession.

19. Mr. Maxston also referred to specific parts of the College of Paramedics Code of Ethics being section 3.3 (Maintain Good Character) and 4.3 (Enhance the Profession).

20. Mr. Maxston then reviewed the Agreed Statement of Facts, which provides in summary, that:

1. At all material times, Ms. Haagenon was a regulated member of the College. On October 1, 2020, Ms. Haagenon’s practice permit with the College expired and was not renewed. On October 1, 2020, Ms. Haagenon’s registration with the College was cancelled.
2. On November 29, 2019, the Complaints Director received a written complaint regarding the actions of Ms. Haagenon. The complaint indicated that Ms. Haagenon’s actions which formed the subject of the complaint had been provided by the complainant to the Calgary Police Service (“CPS”) and the CPS Child Abuse Unit.
3. The Complaints Director determined that an investigation of Ms. Haagenon’s actions as potential unprofessional conduct should be commenced. On December 16, 2019, the Complaints Director appointed an internal College investigator to investigate the complaint. During the course of the investigation, the original investigator retired from his employment with the College. The Complaints Director then became the investigator for this matter.
4. On or about September of 2022, Ms. Haagenon advised the Complaints Director that certain aspects of the complaint were being referred to the Criminal Courts. As a result, Ms. Haagenon and the Complaints Director signed a “Stand-Still Agreement” dated September 13, 2022 (the “Stand-Still Agreement”) which indicated that all discipline steps under Part 4 of the HPA --- including completion of the investigation --- would be held in abeyance until the Criminal Court proceedings and any subsequent court orders had been completed.
5. On or about November 20, 2023, the Complaints Director relied on the Stand-Still Agreement to resume the HPA Part 4 proceedings regarding Ms. Haagenon. The investigation regarding Ms. Haagenon resumed and a written Investigation Report

dated March 2, 2023 was completed. This matter was then referred to a hearing by the Complaints Director.

6. On or about January 20, 2023 Ms. Haagenson was convicted of three indictable offences for conduct that occurred between September 13, 2019 and November 11, 2019.
21. The appendices to the Agreed Statement of Facts included: the Stand-Still Agreement dated September 13, 2022 and copies of the Certificates of Conviction.
22. Mr. Maxston directed the Hearing Tribunal to Ms. Haagenson's Admission of Unprofessional Conduct, in which she admitted that she is guilty of unprofessional conduct.
23. In conclusion, Mr. Maxston urged the Hearing Tribunal to find that all the charges are proven and that Ms. Haagenson's proven conduct amounts to unprofessional conduct.

Question from the Hearing Tribunal

24. After a brief caucus, the Hearing Tribunal asked Mr. Maxston if he could provide a copy of the College's Code of Ethics that was in effect during the time of these events (September to November 2019). Mr. Maxton provided the Hearing Tribunal with the Code of Ethics in place between February and November 2019 (the "Previous Code of Ethics"). He clarified for the Hearing Tribunal that:

- a. All three charges in the Notice of Hearing referenced a breach of section 3.3. (Maintain Good Character) and 4.3 (Enhance the Profession) of the December 2019 Code of Ethics (the "Current Code of Ethics") when it ought to have referenced the Previous Code of Ethics.
- b. Given that, the similar provision for Section 3.3 in the Current Code of Ethics is Section 3.4 in the Previous Code of Ethics. In other words, Section 3.3 should reference section 3.4, which states: Maintaining good character and reputation.
- c. In reviewing the Previous Code of Ethics, the "Responsibility to the Profession" heading, which is used to encapsulate Section 4.3 in the Current Code of Ethics is located at Section 2 of the Previous Code of Ethics. It does not appear that there is identical wording to that Section 4.3. However, in reviewing the Previous Code of Ethics section 2 caption "Responsibility to the Profession," it appears that a number of these Section 2 headings can be adopted into the Current Code of Ethics section 4.3. He suggested that in addition to an overall review of the Code of Ethics, that the Hearing Tribunal consider the bullet points located in Section 2.

Decision of the Hearing Tribunal on the Issue of Unprofessional Conduct

25. The Hearing Tribunal adjourned to consider the submissions and to review the Agreed Statement of Facts and the Admission of Unprofessional Conduct. The Hearing Tribunal found that the three charges against Ms. Haagenson were proven on a balance of probabilities and amounted to serious and egregious unprofessional conduct.

Reasons for Findings of Unprofessional Conduct

26. The Hearing Tribunal finds that Ms. Haagenson's admissions in Exhibit 2, paragraph 2 and the copies of the Certificates of Conviction support findings of serious and egregious unprofessional conduct for all three charges.

27. The Hearing Tribunal finds that Charge 1 has been proven, on a balance of probabilities, based on Ms. Haagenson's admission and the Certificate of Conviction, dated January 20, 2023, where she was convicted of an indictable offence pursuant to section 171.1(1)(B) of the Criminal Code. The Hearing Tribunal finds this indictable offence is identical to Charge 1 in the Notice to Attend and Notice to Produce.

28. The Hearing Tribunal finds that Charge 2 has been proven, on a balance of probabilities, based on Ms. Haagenson's admission and the Certificate of Conviction, dated January 20, 2023, where she was convicted of an indictable offence pursuant to section 152 of the Criminal Code. The Hearing Tribunal finds this indictable offence is identical to Charge 2 in the Notice to Attend and Notice to Produce.

29. The Hearing Tribunal finds that Charge 3 has been proven, on a balance of probabilities, based on Ms. Haagenson's admission and the Certificate of Conviction, dated January 20, 2023, where she was convicted of an indictable offence pursuant to section 162.1(1) of the Criminal Code. The Hearing Tribunal finds this indictable offence is identical to Charge 3 in the Notice to Attend and Notice to Produce.

30. Having found all three charges factually proven, the Hearing Tribunal went on to consider whether the conduct constitutes unprofessional conduct as defined by the HPA. The Hearing Tribunal finds that it amounts to serious and egregious unprofessional conduct under HPA section 1(1)(pp):

1. (ii) – contravention of this Act, a code of ethics or standards of practice, and
2. (xii) – conduct that harms the integrity of the regulated profession.

31. Further, the Hearing Tribunal finds the proven conduct also breached section 3.4 of the Previous Code of Ethics, where paramedics have a responsibility to:

3. Responsibility to Self

Paramedics maintain high standards of professional integrity by:

[...]

3.4 Maintaining good character and reputation.

32. The Hearing Tribunal, however, does not find Ms. Haagenson's conduct breached section 4.3 (Enhance the Profession) in the Current Code of Ethics, as there is no similar or equivalent provision satisfactory to the Hearing Tribunal in the Previous Code of Ethics which was the Code of Ethics in effect at the time of this conduct.

33. Notwithstanding that, Ms. Haagenson's dishonourable, unethical and egregious conduct clearly violates section 3.4 of the Code of Ethics and is clearly conduct that harms the integrity of the paramedicine profession. This is especially so given that the victims were minors, under 16 years of age, and vulnerable. Paramedics hold positions of trust and responsibility in our communities. Paramedics who breach that trust by engaging in conduct such as Ms. Haagenson's will harm the integrity of the paramedicine profession in the eyes of the public.

34. The Hearing Tribunal noted that Ms. Haagenson's conduct breached the Criminal Code of Canada, which is a statute applicable to paramedics and the breach of which constitutes unprofessional conduct, particularly in this case.

The Joint Submission regarding Penalties

35. Mr. Maxston submitted that section 82(1) of the HPA gives the Hearing Tribunal authority to impose sanctions, and he described the types of sanction orders that the Hearing Tribunal could make.

36. Mr. Maxston specifically addressed section 82(1)(h) which gives the Hearing Tribunal authority to cancel the registration and practice permit of the member. He noted that cancellation does not necessarily mean permanent cancellation. With recent amendments to the HPA, subsections 45.1(1) and (2) specify that a person whose practice permit and registration have been cancelled by the order of a hearing tribunal can apply for reinstatement not earlier than three years after the date of the cancellation.

37. He submitted that the Hearing Tribunal is not obligated to accept the parties' joint submission on penalty and retains the jurisdiction to determine what sanctions are appropriate.

38. Mr. Maxston referred the Hearing Tribunal to the case of *R v Anthony-Cook*, 2016 SCC 43, in which the Supreme Court of Canada held that joint submissions should be treated with deference and should only be rejected where the administration of justice is brought into disrepute. He indicated that *Anthony-Cook* is applicable to professional discipline proceedings.

39. Next, Mr. Maxston reviewed the parties' proposed joint submission (Exhibit 4) and noted that the charges relate to Ms. Haagenson's conduct in her private life and not in her capacity as a paramedic; however, case law clearly establishes that a regulated member or, in this case, a former regulated member of the College can be disciplined for conduct that occurs

outside of the provision of professional duties. He referred to the case of *Erdmann v Institute of Chartered Accountants of Alberta*, 2013 ABCA 147, which addressed this issue.

40. He submitted that the nature and seriousness of the Criminal Code convictions adversely affect the public's confidence in the paramedicine profession and is inconsistent with the ethical and professional obligations of Ms. Haagenon as a regulated health care professional.

41. The joint submission sets out what the parties submit are fair and appropriate penalties. The joint submission proposed the following orders:

1. Permanent cancellation of Ms. Haagenon's registration.
2. Publication of the Hearing Tribunal decision with Ms. Haagenon's name on the College's website for a period of ten years from the date of the Hearing Tribunal's written decision.

42. Mr. Maxston referred the Hearing Tribunal to the 12 factors that can be considered by a hearing tribunal when determining appropriate penalty orders, which include both aggravating and mitigating circumstances.

Decision of the Hearing Tribunal on Penalty

43. The hearing adjourned so the Hearing Tribunal could further consider the Joint Submission regarding Penalties. When the hearing resumed, the Chair communicated that the Hearing Tribunal accepted the joint submission on penalty and ordered the penalties proposed.

Reasons for Decision on Penalty

44. The Hearing Tribunal carefully considered the joint submission on penalty and the law on joint submissions. It recognized that it owed deference to the parties and should not deviate from the proposal unless the joint submission would bring the College's discipline process into disrepute.

45. The Hearing Tribunal recognized it had the discretion to determine the appropriate sanctions in this case. The Hearing Tribunal considered that given Ms. Haagenon's egregious unprofessional conduct, if cancellation was not ordered, the public would lose confidence in the regulation of the paramedicine profession and the integrity of the profession would be undermined.

46. The Hearing Tribunal finds the proposed orders are fair and appropriate given that the criminal convictions involving Ms. Haagenon were serious and reflected egregious behaviour, including actions involving minors. The Criminal Code convictions are public. Her conduct was a breach of trust and authority over the minors. Regulated members need to have a high degree

of trust in the community. Ms. Haagenson's conduct was grossly beyond how the public should expect a paramedic to act in the community and harmful to that trust. The Hearing Tribunal concluded that cancellation and publication of the decision on a named basis for ten years is necessary to protect the public. Cancellation is not disproportionate.

47. Noting that Ms. Haagenson's practice permit with the College has already been cancelled, she cooperated in achieving a consent hearing and her undertaking to not apply to reinstate her registration with the College, the Hearing Tribunal accepts the submissions of the parties that no costs or fines be ordered against Ms. Haagenson.

Orders

48. The Hearing Tribunal orders the following penalties:

1. Permanent cancellation of Ms. Haagenson's registration.
2. Publication of the Hearing Tribunal decision with Ms. Haagenson's name on the College's website for a period of ten years from the date of the Hearing Tribunal's written decision.

For the Hearing Tribunal of the Alberta College of Paramedics



Tim Cranston, Chair

Dated May 8TH, 2024