

STATEMENT OF ALLEGATIONS

CINDY MCCARTHY

Registration Number 023452

IT IS ALLEGED THAT:

1. At all material times, Cindy McCarthy, (“**Ms. McCarthy**”), was duly registered with the Nurses Association of New Brunswick (“**NANB**”) as a Nurse Practitioner.
2. From in or around December 2019 to in or around January 2020, Ms. McCarthy committed acts of professional misconduct as defined in subsection 2(1) of the **Nurses Act** in that, while employed as a Nurse Practitioner at the [] (the “**Health Center**”), she digressed from established or recognized professional standards or rules of practice of the profession, including but not limited to the NANB **Standards of Practice for Registered Nurses**, the NANB **Standards for the Therapeutic Nurse-Client Relationship** (as they were then called), the NANB **Standards for the Practice of Primary Health Care Nurse Practitioners** (as they were then called), and the Canadian Nurses Association’s 2017 **Code of Ethics for Registered Nurses** in one or more of the following ways:
 - a. Ms. McCarthy used her position of power as a Nurse Practitioner at the Health Center to directly or indirectly influence her primary care clients at the Health Center to advance her own personal Reiki business.
 - b. Ms. McCarthy discussed her private Reiki practice with one or more clients while at work at the Health Center and engaged her Health Center clients in her private Reiki business.
 - c. Ms. McCarthy advertised and held a 2-day Reiki class at her home on January 25 and 26, 2020 and charged a fee of \$550 per person. Five of Ms. McCarthy’s Health Center clients attended the private Reiki class at her home and paid the fee.
 - d. Ms. McCarthy communicated with clients outside the therapeutic nurse-client relationship when such communications were not required as part of the healthcare plan, contrary to standard 1.10 of the NANB **Standards for the Therapeutic Nurse-Client Relationship**.
 - e. Ms. McCarthy failed to disclose her financial or personal interests that may create a conflict of interest which could impact the nurse-client relationship with her Health Center clients, as required by standard 2.9 of the NANB **Standards for the Therapeutic Nurse-Client Relationship**.
 - f. Ms. McCarthy failed to assess the need to remove herself from care when a conflict of interest had been identified, as required by standard 2.10 of the NANB **Standards for the Therapeutic Nurse-Client Relationship**, or failed to remove herself from care despite assessing such a need.

- g. Ms. McCarthy failed to recognize and address situations that placed her in a conflict of interest and failed to take steps to avoid such situations, as required by standard 1.15 of the NANB ***Standards for the Practice of Primary Health Care Nurse Practitioners***.
- h. Ms. McCarthy failed to identify and address a conflict of interest and failed to resolve the conflict in the interest of the needs and concerns of persons receiving care, as required by section G, item 8 of the Canadian Nurses Association's 2017 ***Code of Ethics for Registered Nurses***.
- i. Ms. McCarthy failed to recognize when the boundaries of the therapeutic nurse-client relationship were at risk of being compromised, as required by standard 3.6 of the NANB ***Standards for the Therapeutic Nurse-Client Relationship***, or she violated those boundaries despite recognizing the risk.
- j. Ms. McCarthy failed to determine whether a particular activity or behaviour was appropriate within the context of a therapeutic nurse-client relationship, as required by standard 3.7 of the NANB ***Standards for the Therapeutic Nurse-Client Relationship***, or she acted despite recognizing that engaging her Health Center clients in her private Reiki business was inappropriate within the context of a therapeutic nurse-client relationship.
- k. Ms. McCarthy engaged in financial transactions with clients unrelated to the provision of care and services, contrary to standard 3.9 of the NANB ***Standards for the Therapeutic Nurse-Client Relationship***.
- l. Ms. McCarthy failed to ensure that the nurse-client relationship and nursing strategies were developed for the purpose of promoting the health and well-being of the client and not to meet the need of the nurse, as required by standard 3.10 of the NANB ***Standards for the Therapeutic Nurse-Client Relationship***.
- m. Ms. McCarthy failed to recognize that there may be an increased need for vigilance in maintaining boundaries in certain practice settings (including community health) and when providing nursing care to friends and acquaintances, as required by standard 3.11 of the NANB ***Standards for the Therapeutic Nurse-Client Relationship***, or she acted despite recognizing such an increased need for vigilance.
- n. Ms. McCarthy engaged in activities that could result in her own monetary, personal, or other material benefit or could result in monetary loss for the client, contrary to standard 4.7 of the NANB ***Standards for the Therapeutic Nurse-Client Relationship***.
- o. Ms. McCarthy's financial interactions with her Health Center clients related to her private Reiki business constitute financial abuse as defined under the NANB ***Standards for the Therapeutic Nurse-Client Relationship***, as her interactions constituted actions taken with or without the informed consent of the clients that resulted in monetary gain or profit to the nurse, or in monetary loss for the clients.

- p. Ms. McCarthy failed to engage in evidence-informed practice by critically appraising and applying relevant research, best practice guidelines and theory, and failed to use credible research findings and apply evidence-informed practices, as required by standard 1.4 of the NANB ***Standards for the Practice of Primary Health Care Nurse Practitioners*** and standard 2.6 of the NANB ***Standards of Practice for Registered Nurses***.
- q. Ms. McCarthy failed to exercise reasonable judgment as required by standard 2.5 of the NANB ***Standards of Practice for Registered Nurses***.
- r. Ms. McCarthy failed to demonstrate a professional presence and model professional behaviour as required by standard 3.1 of the NANB ***Standards of Practice for Registered Nurses***.
- s. Ms. McCarthy failed to maintain appropriate professional boundaries, to ensure that her relationships with her Health Center clients were always for the clients' benefit, and she entered into a financial relationship with clients under her care, contrary to section D, item 7 of the Canadian Nurses Association's 2017 ***Code of Ethics for Registered Nurses***.