

**DISCIPLINE COMMITTEE OF THE
NURSES ASSOCIATION OF NEW BRUNSWICK**

B E T W E E N :

NURSES ASSOCIATION OF NEW BRUNSWICK

Complainant

- and -

ANDRÉ BOUDREAU
Registration number 022593

Respondent

DECISION and ORDER

Hearing Date: August 12, 2025

Decision Date: August 21, 2025

1. This matter came on for hearing before a panel of the Discipline Committee of the Nurses Association of New Brunswick (NANB) on August 12, 2025. The matter proceeded by way of video-conference hearing.
2. At the outset of the hearing, the panel was advised that Mr. Boudreau would not be in attendance, however, he had notice of the hearing, and he was represented by counsel throughout.

Overview

3. On January 24, 2024, NANB received an email (the “Complaint”) from a licensed psychologist saying that his client reported to him that she was the victim of inappropriate sexual conduct by Mr. Boudreau, at a community mental health center in New Brunswick, which Mr. Boudreau was assigned to the client’s case.
4. On June 21, 2024, Mr. Boudreau entered into an Acknowledgement and Undertaking with NANB in which he acknowledged receipt of the allegations against him and undertook to cease practising as a nurse under the Discipline Committee finally disposed of the matter.
5. Mr. Boudreau received the Notice of Hearing, dated July 15, 2025, wherein he was alleged to have committed acts of professional misconduct as provided by subsections 28.1(1) and (2) of the *Nurses Act*, in that he sexually abused a patient from in or about 2018 to in or about 2020. It is also alleged that Mr. Boudreau’s conduct amounted to a digression from established or recognized professional standards or rules of practice of the profession.

Agreed Facts and Admissions

6. The evidence at the hearing proceeded by way of agreement. The parties tendered an Agreed Statement of Facts (Book of Exhibits #1, pages 3-5)
7. The panel was advised that the parties agreed that the following facts may be accepted as true by the Discipline Committee:
 - a. Mr. Boudreau has been a Registered Nurse in New Brunswick since 1996.
 - b. At all material times related to the Complaint, Mr. Boudreau worked as a mental health nurse at a mental health center in New Brunswick.
 - c. From in or about 2018 to in or about 2020, Mr. Boudreau provided mental health counselling services to an adult female patient (the "Patient").
 - d. In or about 2018, the Patient sought mental health assistance from the mental health center and she was assigned to Mr. Boudreau.
 - e. During the first few sessions of counselling with Mr. Boudreau, the Patient shared many personal details, including particulars regarding her relationship struggles with her then-boyfriend.
 - f. After fewer than ten counselling sessions, Mr. Boudreau exchanged personal Facebook messages with the Patient which were outside of the nurse-client relationship and were unrelated to the Patient's care.
 - g. Mr. Boudreau's personal communications with the Patient progressed to include text messages as well as Facebook messages.
 - h. The Patient broke up with her boyfriend in the fall of 2018. She informed Mr. Boudreau of the breakup and told him that she had found a new apartment. While the Patient was moving into her apartment with the help of her parents, Mr. Boudreau attended at her apartment.
 - i. Following a brief reconciliation with her ex-boyfriend, the Patient moved to a different apartment in or about 2019. Mr. Boudreau visited the Patient's new apartment many times and between approximately March and July 2019, Mr. Boudreau and the Patient engaged in sexual relations, including sexual intercourse and touching of a sexual nature.
 - j. Mr. Boudreau and the Patient's final sexual encounter occurred in or about July 2019. Mr. Boudreau texted the Patient and asked to talk to her. Mr. Boudreau picked the Patient up and drove to a dirt road, where they discussed that their sexual encounters would have to stop.
 - k. The touching, behaviour, and remarks described above were not of a clinical nature appropriate to the service provided.

- I. This matter was reported to NANB by the Patient's current psychologist.

Decision and Reasons

8. Based on Mr. Boudreau's admissions as set out in the Agreed Statement of Facts, the panel is satisfied that he engaged in professional misconduct as alleged. In particular, the panel finds that the agreed facts establish on a balance of probabilities that Mr. Boudreau sexually abused the Patient and engaged in other professional misconduct as a result.
9. At subsection 28.1(2) of the *Nurses Act*, sexual abuse is defined to include:
 - a. sexual intercourse or other forms of physical sexual relations between the member and the patient;
 - b. touching, of a sexual nature, of the patient by the member; or
 - c. behaviour or remarks of a sexual nature by the member towards the patient.
10. Mr. Boudreau admitted that he engaged in sexual intercourse and touching of a sexual nature with the Patient, and he admitted that his touching of the Patient and his behaviour and remarks towards the Patient were not of a clinical nature appropriate to the service provided.
11. Further, the panel finds that Mr. Boudreau's actions constitute professional misconduct and violations of the NANB *Standards for the Therapeutic Nurse-Client Relationship*, as they were called at the material times.
12. The *Nurses Act* broadly defines professional misconduct as "a digression from established or recognized professional standards or rules of practice of the profession and includes the acts or omissions referred to in subsection 28.1(1) and 28.2(1)".
13. In engaging in a personal and sexual relationship with the Patient, Mr. Boudreau clearly digressed from and failed to meet the NANB *Standards for the Therapeutic Nurse-Client Relationship*. He admitted to exchanging personal Facebook and text messages with the Patient; to attending at her home while she was moving and on many other occasions; and to engaging in a sexual relationship with the Patient. This conduct was a clear departure from Mr. Boudreau's obligations as a nurse. He failed to identify or report a conflict of interest which could impact the nurse-client relationship, and he failed to remove himself from the Patient's care when a conflict of interest arose, as required by the Standards.
14. Further, the panel is satisfied that Mr. Boudreau's personal communications with and sexual conduct towards the Patient demonstrate that Mr. Boudreau failed to recognize when the boundaries of the therapeutic nurse-client relationship were compromised. His conduct demonstrated a clear failure to recognize his obligations under the Standards.
15. Mr. Boudreau conduct resulted in a serious digression from Standard 1.10, 2.9, 2.10, 3, 3.6, 3.7, 3.10, 3.11, 4.4, 4.5, 4.6, as set out in the Standards for the Therapeutic Nurse-Client Relationship. In addition, we are satisfied that Mr. Boudreau's personal and sexual relationship with the Patient violated Part I, section D, item 7 of the *Canadian Nurses Association Code of Ethics for Registered Nurses*, 2017 edition.

Joint Submission on Penalty and Costs

16. Once it made findings against Mr. Boudreau, the panel was advised that the parties had prepared a Joint Submission on Order and Costs ("Joint Submission"), which sought the following by way of order:
 - a. Mr. Boudreau to attend for a reprimand by the Discipline Committee on a date to be set by the Registrar.
 - b. The Registrar is directed to immediately revoke Mr. Boudreau's Certificate of Registration.
 - c. Mr. Boudreau may not apply for reinstatement of his registration for thirty (30) years from the date of the Discipline Committee's Order.
 - d. Mr. Boudreau shall pay to NANB costs in the amount of \$1,000.00 within sixty (60) days of the date of the Discipline Committee's Order.
 - e. The Registrar is directed to cause notice of the Discipline Committee's Decision and Order to be published on the NANB website. The notice shall include Mr. Boudreau's name and registration number.

17. NANB argued that the panel should accept the parties' Joint Submission for the following reasons:
 - a. The Joint Submission is in the public interest: The Supreme Court of Canada has set out the test for decision-makers when considering a Joint Submission in *R. v. Anthony-Cook*, 2016 SCC 43. In that case, the Court stated that a joint submission should not be rejected lightly and should only be rejected where the submission is "so unhinged from the circumstances of the offence" and where to accept the submission would bring the administration of justice into disrepute and otherwise be contrary to the public interest. Here, having found Mr. Boudreau to have engaged in sexual abuse and other professional misconduct, the Joint Submission is not so unhinged from the circumstances of the offence and is in the public interest.
 - b. The Joint Submission satisfied the principles of deterrence and public protection: The Joint Submission, which includes revocation and the prohibition from seeking reinstatement for thirty (30) years, provides for general deterrence, as these elements of the submission send a clear message to the nursing profession that this type of conduct will not be tolerated. Further, the revocation and reprimand will serve as specific deterrence for Mr. Boudreau, and the revocation will ensure that that public is protected. Mr. Boudreau will no longer be able to practise nursing, something he has not done since voluntarily entering into an Acknowledgement and Undertaking with NANB on June 21, 2024.
 - c. The Aggravating and Mitigating Factors Support the Joint Submission: NANB acknowledges that Mr. Boudreau's acceptance of the facts and his admissions in this case have dispelled the need for a full hearing and as such are mitigating factors. However, the seriousness and ongoing nature of the misconduct is a significant aggravating factor, as is Mr. Boudreau's failure to make any expression of regret or remorse for his conduct.

- d. The Joint Submission is fair and proportionate and aligns with similar cases: NANB submits that the seriousness of Mr. Boudreau's conduct, together with the Patient's experience and perception of the impact of Mr. Boudreau's conduct on her life (as set out in her victim impact statement), warrant a proportionally serious outcome to serve the principles of public protection. The Joint Submission is also aligned with orders imposed by Discipline Committees in other cases, including: *New Brunswick Association of Social Workers v. Jones* (Discipline Committee, 2024); *College of Nurses of Ontario v. Laroa*, 2023 CanLII 113745; and *College of Nurses of Ontario v. Araujo*, 2021 CanLII 152827.
- e. The proposed time limit for application for reinstatement is reasonable and permissible: Section 11.08 of the NANB By-laws provides that the Discipline Committee may specify a period of time before which a former registrant may not apply for reinstatement following a revocation of registration. The proposed time as set out in the Joint Submission (30-years) protects the public, considers the seriousness of Mr. Boudreau's misconduct, and is proportionate in all the circumstances.

Decision and Reasons for Penalty and Costs

- 18. Having carefully considered the Joint Submission and NANB's submissions, the panel is satisfied that the proposed order is appropriate and reasonable in the circumstances.
- 19. Therefore, the panel makes the following order:
 - a. Mr. Boudreau is ordered to attend for a reprimand by the Discipline Committee on a date to be set by the Registrar.
 - b. The Registrar is directed to immediately revoke Mr. Boudreau's Certificate of Registration.
 - c. Mr. Boudreau may not apply for reinstatement of his registration for thirty (30) years from the date of the Discipline Committee's Order.
 - d. Mr. Boudreau is ordered to pay to NANB costs in the amount of \$1,000.00 within sixty (60) days of the date of the Discipline Committee's Order.
 - e. The Registrar is directed to cause notice of the Discipline Committee's Decision and Order to be published on the NANB website. The notice shall include Mr. Boudreau's name and registration number.
- 20. The Panel is satisfied that the terms contained in the Joint Submission are reasonable, proportionate, and will maintain public confidence in NANB and the discipline process.
- 21. Mr. Boudreau's conduct was egregious. He violated the nurse-patient relationship. He engaged in sexual abuse of a patient, for a prolonged period and digressed from the Standards.
- 22. The panel's order, which is consistent with the Joint Submission, is fair and reasonable. The revocation of Mr. Boudreau's certificate of registration, coupled with the 30-year prohibition from

seeking reinstatement will protect the public and act as a significant deterrent to others in the profession.

Dated this 21st day of August 2025.

Original signed by

Luc Drisdelle, RN, Chairperson

Original signed by

Cindy Vienneau, RN, Nurse Member

Original signed by

Claire Goldie, RN, Nurse Member

Original signed by

Dorina St-Onge, Public Member