

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

**BETWEEN:**

**NURSES ASSOCIATION OF NEW BRUNSWICK (“NANB”)**

**And**

**ANDRÉ BOUDREAU  
Registration number 022593**

**NOTICE OF HEARING**

**THE COMPLAINTS COMMITTEE** of the Nurses Association of New Brunswick (“NANB”) has referred the complaint against you to the Discipline Committee of NANB. The complaint was referred in accordance with paragraph 29(9)(b) of the *Nurses Act*. The allegations relating to the complaint are outlined in this Notice of Hearing. A panel of the Discipline Committee (the “**Panel**”) will hold a hearing under the authority of section 30 of the *Nurses Act* for the purposes of deciding whether the allegations are true and whether you committed acts of professional misconduct.

**ALLEGATIONS**

**IT IS ALLEGED THAT:**

1. You committed acts of professional misconduct as provided by subsections 28.1(1) and (2) of the *Nurses Act*, in that you sexually abused a patient (“Patient A”), from in or about 2018 to in or about 2020 as follows:
  - a. You engaged in sexual intercourse or other forms of physical sexual relations with Patient A;
  - b. You engaged in touching, of a sexual nature, of Patient A; and/or
  - c. You engaged in behaviour or made remarks of a sexual nature towards Patient A.
  
2. You committed acts of professional misconduct as defined in subsection 2(1) of the *Nurses Act* in that you digressed from established or recognized professional standards or rules of practice of the profession, including but not limited to the NANB *Standards for the Therapeutic Nurse-Client Relationship*, as they were then called, and that you sexually abused a patient, from in or about 2018 to in or about 2020 as follows:

- a. You engaged in sexual intercourse or other forms of physical sexual relations with Patient A;
  - b. You engaged in touching, of a sexual nature, of Patient A;
  - c. You engaged in behaviour or made remarks of a sexual nature towards Patient A;
  - d. You failed to establish and/or maintain the appropriate boundaries of the therapeutic nurse-client relationship with Patient A by carrying on a personal relationship, romantic relationship, and/or sexual relationship with Patient A while you were assigned to Patient A's care;
  - e. You engaged in communications with Patient A outside the therapeutic nurse-client relationship;
  - f. You failed to identify or report a conflict of interest which could impact the nurse-client relationship;
  - g. You failed to remove yourself from Patient A's care when a conflict of interest arose;
  - h. You failed to recognize when the boundaries of the therapeutic nurse-client relationship were at risk of being compromised, or you violated those boundaries despite recognizing the risk;
  - i. You failed to determine whether particular activities or behaviours were appropriate within the context of a therapeutic nurse-client relationship, or you engaged in such activities or behaviours despite determining that they were inappropriate;
  - j. You failed to ensure that the nurse-client relationship was developed for the purpose of promoting the health and wellbeing of Patient A and not to meet your needs;
  - k. You failed to recognize that there was an increased need for vigilance in maintaining boundaries in a mental health practice setting, or you failed to maintain boundaries despite such increased need for vigilance;
  - l. You engaged in behaviours with Patient A and/or made remarks that may reasonably be perceived by others to be romantic, sexually suggestive, exploitive and/or sexually abusive;
  - m. You entered into a personal relationship with Patient A when a therapeutic nurse-client relationship existed, and/or when there was a predictability that Patient A's underlying healthcare needs would result in the therapeutic nurse-client relationship being re-established; and/or
  - n. You exhibited physical, verbal, and/or non-verbal behaviours toward Patient A that demonstrated disrespect for Patient A and/or were perceived by Patient A and/or others as abusive.
3. You violated section D item 7 of the Canadian Nurses Association's **Code of Ethics for Registered Nurses** in that in or about 2018-2019, you failed to maintain appropriate professional boundaries and to ensure that your relationship was always for the benefit of Patient A, and that you entered into a personal (romantic, sexual, or other) relationship with Patient A, a person receiving care.

The allegations respecting professional misconduct on your part will be heard by the Panel pursuant to subsection 30(6)(a) of the **Nurses Act** on a date to be set by the Registrar, via electronic hearing by way of videoconference, pursuant to Rule 4.03(1) of the Discipline Committee Rules of Procedure. The details for participating in the hearing will be provided to you in advance of the hearing. The hearing will be conducted in English.

At least 48 hours before the hearing is scheduled to commence, you must provide NANB with the email address where you can be reached for the hearing.

**IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPHS, THE PANEL MAY PROCEED IN YOUR ABSENCE PURSUANT TO PARAGRAPH 11.17(D) OF THE NANB BYLAWS AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.**

**PURSUANT TO SUBSECTION 30(8) OF THE *NURSES ACT***, if the Panel finds that you have committed one or more acts of professional misconduct, it may make an Order of any one or more of the following:

1. Revoking your registration;
2. Suspending your registration for a specific period of time;
3. Suspending your registration pending completion of such conditions as may be ordered by the Panel;
4. Ordering that conditions or restrictions be imposed on your registration;
5. Issuing a reprimand;
6. Imposing a fine not exceeding \$1,000; and/or
7. Making such other order as it deems just.

**PURSUANT TO SUBSECTION 41(1)(a) OF THE *NURSES ACT***, if the Panel finds that you have committed one or more acts of professional misconduct, it may make an Order requiring you to pay all or part of the following costs and expenses:

1. NANB's legal costs and expenses;
2. NANB's costs and expenses incurred in investigating the Complaint; and
3. NANB's costs and expenses incurred in conducting the hearing.

**YOU ARE ENTITLED** to disclosure of the evidence against you in accordance with Rules 7.01(2) and (3) of the Discipline and Fitness to Practice Committee Rules of Procedure. You, or your representative, may contact the lawyer for NANB. Their name and contact information is:

**Melissa M. Everett Withers  
Director of Complaints & General Counsel  
Nurses Association of New Brunswick  
165 Regent Street  
Fredericton, NB E3B 7B4**

**YOU ALSO HAVE** disclosure obligations under Rules 7.01(2) and (3) of NANB's Discipline and Fitness to Practice Committee Rules of Procedure which provide, in part, that each party shall deliver to every other party, in advance of the hearing, copies of all documents and things upon which the party intends to rely at the hearing. At least 45 days before the scheduled hearing date, you are required to disclose to NANB any document or thing upon which you intend to rely at the hearing.

Date: \_\_\_\_\_

\_\_\_\_\_  
(original to be signed by)  
Kate Sheppard, RN, MN  
Interim CEO & Registrar  
Nurses Association of New Brunswick

TO: ANDRÉ BOUDREAU  
c/o New Brunswick Nurses Union  
103 Woodside Lane  
Fredericton, NB E3C 0C5

**APPENDIX A**

1. The documents to be tendered in evidence at the hearing have been sent separately.
2. Take notice that documents that have been or will later be disclosed to you will be tendered as business documents pursuant to section 49 of the Evidence Act of New Brunswick.
3. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.