

Court of Appeal File No: _____
 Queen's Bench File No. 228 of 2014

IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

PROFESSIONAL CONDUCT COMMITTEE
 OF THE SASKATCHEWAN COLLEGE OF PARAMEDICS
 Appellant (*Respondent*)

- and -

TIM BODNARCHUK
 Respondent (*Appellant*)

NOTICE OF APPEAL

TAKE NOTICE:

1. THAT the above-named Appellant hereby appeals to the Court of Appeal from the judgment of the Honourable Mr. Justice Konkin issued on the 13th day of August, 2014.
2. THAT the whole of the judgment is being appealed.
3. THAT the source of the Appellant's right of appeal and the court's jurisdiction to entertain the appeal is: ss. 7(2)(a) of *The Court of Appeal Act, 2000*.
4. THAT the appeal is taken upon the following grounds:
 1. The Discipline Committee of the Saskatchewan College of Paramedics ("Committee") found Mr. Bodnarchuk guilty of professional misconduct under s. 23, failing to comply with s. 23, and breaching s. 25(c) of *The Paramedics Act, S.S. 2007, c. P-0.1*.
 2. Mr. Bodnarchuk appealed to the Council of the Saskatchewan College of Paramedics ("Council") pursuant to s. 36 of *The Paramedics Act*. The Committee's decision and sentence was confirmed by the reviewing Council.
 3. Mr. Bodnarchuk appealed to the Queen's Bench pursuant to s. 37 of *The Paramedics Act*. Mr. Justice Konkin found that the decision of the Council was not reasonable and ordered a re-hearing by the Committee.

- 2 -

The grounds of appeal are that the Queen's Bench Judge:

4. Made palpable and overriding errors of fact, including conclusions that:

- (i) the ABCs is an approved protocol or that it is equivalent to the CP1 protocol;
- (ii) the patient was given a nebulizer while in the ambulance at the restaurant, when the evidence was that she was given oxygen;
- (iii) Bodnarchuk could apply any protocol that he chose to apply, even if it was not a protocol, nor an approved paramedic protocol;
- (iv) Bodnarchuk had complied with the "B" portion in the ABCs while still at the restaurant;
- (v) the Committee did not state that the ABCs were not an appropriate protocol, only that CP1 was a "more" appropriate protocol;
- (vi) the Committee inappropriately concluded that Bodnarchuk was not applying the ABCs protocol appropriately;

5. Erred in law by incorrectly interpreting and applying s. 23 and 25(c) of *The Paramedics Act*;

6. Erred in law by failing to correctly apply the standard of review of reasonableness, being "whether the decision falls within a range of possible, acceptable outcomes that are defensible in respect of the facts and the law." (*Dunsmuir*);

7. Erred in law and in fact by concluding that the Committee's finding that Bodnarchuk did not apply the appropriate protocol in the circumstances could not form the basis for a breach of s. 23 and 25(c) of *The Paramedics Act*;

8. any further grounds, as counsel may advise and as allowed by this Court.

5. THAT the Appellant requests the following relief:

- (a) that the appeal be allowed;
- (b) the decision of Konkin J. be set aside and the decision of the Committee or Council be reinstated;
- (c) that costs be granted to the appellant.

6. THAT the Appellant's address for service is:

Roger J.F. Lepage
Miller Thomson LLP
600 - 2103 11th Avenue
Regina, Saskatchewan S4P 3Z8
Tel.: 306-347-8300
Fax: 306-347-8350
Email: rlepage@millerthomson.com

The lawyer in charge of the file is: Roger J.F. Lepage

7. THAT the Appellant requests that this appeal be heard at Regina.

DATED at Regina, Saskatchewan, this 12th day of September, 2014.



Roger J.F. Lepage
Lawyer for the Appellant

TO: Registrar

And to : Respondents

T.F. (Ted) Koskie

Koskie-Helms
Suite 3, 501 Gray Avenue,
Saskatoon, SK, S7N 2H8
Tel 306-242-8478
Fax 306 653-2120
firm@koskie.com