

**IN THE MATTER OF *THE PARAMEDICS ACT*, S.S. 2007,
c. P-0.1, ss. 24 & 25 AND A COMPLAINT THEREUNDER**

BETWEEN:

TIM BODNARCHUK,

APPELLANT (MEMBER),

AND:

**PROFESSIONAL CONDUCT COMMITTEE
OF THE SASKATCHEWAN COLLEGE OF
PARAMEDICS,**

RESPONDENT (COMPLAINANT).

NOTICE OF APPEAL



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TAKE NOTICE THAT:

1. Tim Bodnarchuk, the above named Appellant (Member), hereby appeals to the Council of the Saskatchewan College of Paramedics (the "Council") from the decisions of the Discipline Committee finding the Appellant guilty of professional misconduct and sentencing him accordingly. The dates of the decisions are December 12, 2012, and April 10, 2013.
2. The source of the Appellant's right of appeal and Council's jurisdiction to entertain the appeal is section 36 of *The Paramedics Act*, S.S. 2007, c. P-0.1 (the "Act").
3. The appeal is taken on the following grounds:
 - a) that the Discipline Committee failed to draw inferences or the proper inferences

from the relevant facts and thereby failed to find the true facts or to find all of the facts necessary to arrive at a just and proper decision upon the evidence;

- b) that the Discipline Committee erred in its interpretation of the *Act* and the relevant authorities as same applied to the case before it;
- c) that the Discipline Committee erred by failing to apply, or properly apply, the onus of proof in establishing a breach of the *Act*;
- d) that the Discipline Committee erred by failing to consider, or properly consider, the evidence, *inter alia*:
 - i) that in addition to the CP1 (Chest Pain) and MP2 (Asthma/COPD) protocols, other protocols also applied—GP13 (Load & Go), MP14 (Nausea & Vomiting) and GP21 (Intravenous Therapy);
 - ii) that all these protocols had to be balanced and prioritized;
 - iii) that guidance could be gained from other materials and protocols, such as ACS, Part 8, A46 (Morphine), GP3 (Destination & Bypass), TP5 (Shock) and GP9 (Conflict);
 - iv) that ABCs precede a 12-lead application in protocol and are not just a basic life support layer;
 - v) that if a patient is an asthma patient, the provider is directed to MP2 to address the ABCs at the ALS level and this takes priority over chest pain as ABC is structured in sequence of necessity to treat;

- vi) that the Appellant administered O₂ for both broncho constriction and chest pain;
 - vii) that the Appellant recognized nausea and vomiting are recognized as symptoms of an Acute Coronary Syndrome and that is why he decided to override St. Paul's Hospital as a destination and transport to Royal University Hospital in preparation for possible myocardial infarction—a decision he made due to proximity and the patient's complaint of chest pain and having an cardiac history;
 - viii) that the Appellant considered and planned to perform 12-lead, but did not have time to do so, due to expending time on IV access for the chest pain and respiratory complaints the Patient was experiencing;
 - ix) that the Appellant performs 12-leads frequently as required by protocol and ACLS and fully intended to perform a 12-lead for this Patient, but simply ran out of time;
 - x) that ACLS allows for deviation from that algorithm in unique circumstances and this was just such a circumstance; and
 - xi) of core training requirements for drugs/drug therapy;
- e) the evidence regarding the charge under sections 23 and 25 of the *Act* against the Appellant did not and/or could not constitute professional misconduct under the *Act*;
- f) the Discipline Committee erred in finding that the omission of a 12-lead test

constitutes professional misconduct; and

- g) such further grounds as counsel may advise and as may appear from a transcript of the evidence and of the decisions and orders of the Discipline Committee.

4. The Appellant hereby asks:

- a) that the finding of guilt be quashed and an acquittal entered or, in the alternative, directing:

- i) a new hearing; or

- ii) further inquiries;

by the Discipline Committee;

- b) in the alternative, that the appropriate penalty be varied to that of a simple reprimand; and

- c) for such further and other relief as counsel may advise and Council may allow.

Dated at Saskatoon, Saskatchewan, on May 2, 2013.

KOSKIE-HELMS

Per: 

Solicitors for the Appellant (Member),
Tim Bodnarchuk

THIS DOCUMENT WAS DELIVERED BY:



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