

IN THE MATTER OF *THE PARAMEDICS ACT AND BYLAWS*

-AND-

**IN THE MATTER OF A COMPLAINT DATED AUGUST 5, 2024,
AGAINST RYLEY KOSMENKO, A MEMBER OF THE
SASKATCHEWAN COLLEGE OF PARAMEDICS**

DECISION

Saskatchewan College of Paramedics

DISCIPLINE COMMITTEE

Discipline Committee Members:

Joel Gritzfeld, MPA, BA Public Representative, Chair

Jim Bandola, Primary Care Paramedic (PCP)

Rachel Tyler, Advanced Care Paramedic (ACP)

Jesse Dunsing, Advanced Care Paramedic (ACP)

Mary-Lou Deck, Public Representative

Faith Baron, Stevenson Hood Thornton Beaubier LLP, counsel for the Discipline Committee

Appearing for the Professional Conduct Committee: Merrilee Rasmussen, Rasmussen & Co.

Appearing for the Member: Toni A. Perrault, McKercher LLP

A. INTRODUCTION

1. The Saskatchewan College of Paramedics (the "College") received a complaint regarding the conduct of Ryley Kosmenko (the "Member"). The Professional Conduct Committee ("PCC") investigated the complaint and submitted its findings and recommendations to the Discipline Committee. The hearing to determine the formal complaint was held on January 13, 2025, via Zoom.

2. The hearing was attended by the Discipline Committee, counsel for the PCC and the Member, and representatives from the College.

3. Prior to the hearing, the PCC and the Member had agreed to an Agreed Statement of Facts and a Joint Submission on Penalty, which were presented to the Discipline Committee for consideration.

B. BACKGROUND

4. The Member has been a registered paramedic with the College since May 6, 2014, and has been registered as an Advanced Care Paramedic (ACP) since December 10, 2021.

5. On August 6, 2023, the Member entered into a Consensual Complaint Resolution Agreement ("CCRA") following a previous complaint. The CCRA included restrictions prohibiting the Member from possessing, transporting, or administering narcotics or controlled substances, among other things, until February 8, 2026.

6. The College received a complaint on August 5, 2024, alleging that the Member had breached the CCRA. An investigation proceeded and a Formal Complaint was referred to the Discipline Committee for a hearing. The Formal Complaint alleged that the Member was guilty of professional incompetence or professional misconduct contrary to sections 24 and 25 of *The Paramedics Act* in that on August 4, 2024, he breached the CCRA because the agreement prohibits him from possessing, transporting, and administering any narcotic or other controlled substance and, when dispatched by the La Ronge ambulance service to the community clinic at Stanley Mission First Nation on August 4, 2024, the Member did, contrary to that agreement:

- a) accept narcotic medications from another paramedic working at the clinic and possessed them on his person; and
- b) administer a medication that he acknowledges was a narcotic to a patient while at the community clinic.

7. The Member's license was suspended on September 3, 2024, as an interim measure. On December 20, 2024, the suspension was replaced with conditions allowing restricted practice until the resolution of the complaint.

C. THE HEARING

8. At the hearing on January 13, 2025, the Agreed Statement of Facts and Joint Submission as to Penalty was submitted to the Discipline Committee for consideration. In those submissions, the Member pleaded guilty to professional misconduct. The Member and the PCC agreed that the Member was not guilty of professional incompetence. In support of the proposed penalty, counsel for the PCC noted that the Member's license had been suspended for over three months and then reinstated with conditions that were still in

place. Counsel for the Member indicated that the suspension was significant and that the Member had not yet returned to work.

9. Following the hearing, the Discipline Committee met *in camera* to consider the Agreed Statement of Facts and Joint Submission as to Penalty.

10. The Discipline Committee raised concerns regarding the sufficiency of the factual background provided in the Agreed Statement of Facts. Specifically, it was noted that there was a significant amount of narcotics handled by the Member and the statement did not address how the rest of the narcotics were disposed of after administration. As well, there was a concern that the circumstances did not appear to have put the Member in a difficult situation in terms of his ability to comply with the CCRA restrictions he was under. He appears to have had multiple opportunities to communicate that he was not permitted to possess, transport, or administer the controlled substances to the other paramedics on the scene. It also did not appear that the Member accepted and administered the controlled substances due to circumstances where the violation of the restrictions he was under could be viewed as understandable or perhaps even excusable. Since this was not the first time the Member's conduct had been complained about, the Discipline Committee had serious concerns that the Joint Submission as to Penalty was too lenient and that it might undermine public confidence in the regulatory process.

11. The Discipline Committee also desired a better understanding of the expiry date of the CCRA undertakings versus the conditions of the proposed penalty.

12. Citing guidance from *R v Anthony-Cook*, 2016 SCC 43, the Discipline Committee determined that they could not accept the Joint Submission as to Penalty without having their concerns addressed. A request for further submissions was outlined in a formal letter issued by the Committee Chair on January 20, 2025, which highlighted the need for clarification on the evidentiary aspects of the case and an expansion of background that led to the proposed penalty.

13. Counsel promptly complied with the request, submitting an Amended Agreed Statement of Facts and Joint Submission as to Penalty on February 11, 2025, which is attached to this decision at **Appendix A**. Counsel also submitted a Joint Written Submission to the Discipline Committee wherein they jointly urged the Discipline Committee to accept the Joint Submission as to Penalty.

14. The changes to the Agreed Statement of Facts included:

- a) Confirmation that the Member has not been working since the initial suspension in September 2024.
- b) Clarification that the Member did not deliberately deceive the other paramedics on the scene.
- c) Additional details on the disposal of the remaining narcotics, which was witnessed by the Member's partner.
- d) Confirmation that the Member completed drug testing following the incident and passed all drug tests, and that he continues to attend counselling regularly.
- e) An explanation that the Member intended to self-report but did not do so because a complaint had already been made the day after the incident occurred.
- f) Confirmation that the Member expressed remorse during the investigation.
- g) A description of the Member's general good conduct at work and that he has his supervisor's support.
- h) An explanation of the security measures with respect to storage of narcotics.

15. In their Joint Written Submission, counsel emphasized the following:

- a) The undertakings listed in the CCRA will expire on February 8, 2026, and do not require extension because they were agreed upon following a previous issue that is not the subject of the current complaint.
- b) Joint submissions are vitally important to the efficient operation of the justice system and benefit not only the accused but also victims, witnesses, and counsel.
- c) Joint submissions should not be rejected lightly: the proposed order must be so markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of professional regulation.
- d) If a full hearing is necessary, counsel expects significant evidentiary issues.

- e) The Member has cooperated, accepted responsibility, and expressed remorse.
- f) The Member has the support of his employer and his supervisor.
- g) Security measures over storage of narcotics are in place for the protection of the public.
- h) The penalty includes a restriction against the Member possessing, transporting, and administering narcotics for an additional 14 months after the expiry of the CCRA. It also requires clear communication of the restrictions to other health care professionals, daily audits, and monthly reports.
- i) The interim suspension was a major factor in reaching the Joint Submission. The Member has not been working since August 5, 2024, which has had a significant financial impact on him.
- j) The terms of the Joint Submission were carefully negotiated and reflect a reasonable outcome.

16. Upon reviewing the expanded submissions, the Discipline Committee met again and was satisfied that the concerns it had initially raised were sufficiently addressed. The additional details provided a better understanding of the circumstances surrounding the Member's conduct, the handling of medications, and the rationale behind the agreed-upon penalty.

17. As a result, the Discipline Committee determined that it was appropriate to accept the guilty plea as contained in the Amended Agreed Statement of Facts and accept the Joint Submission as to Penalty.

18. The Chair of the Discipline Committee communicated the decision to counsel for the PCC and the Member on February 18, 2025, and indicated that the time-bound aspects of the order would begin as of the date of the decision, being February 18, 2025. These written reasons and the formal order would follow.

D. ORDER

18. The Discipline Committee therefore orders that:

- a) The Member is reprimanded;
- b) The Member shall pay a fine of \$2,500 within 24 months of the date of the decision.
- c) The Member must satisfactorily complete the following courses, at his own expense, within 24 months of the date of the decision:
 - i. PROBE Ethics and Boundaries course with an Unconditional Pass; and
 - ii. Saskatchewan Polytechnic Advanced Care Paramedic PHARM103 course.
- d) The Member is prohibited from possessing, transporting, and administering any narcotic or other controlled substance until April 1, 2027 and, during that period of time, the Member shall:
 - i. upon arrival at a call, or by radio or phone prior to his arrival, verbally advise the paramedics or other healthcare professional(s) that are involved in the care of a patient, or that are transferring care of the patient, if any, that he is prohibited from possessing, transporting, and administering any narcotics or other controlled substances; and
 - ii. although the Member can assume that if there are multiple healthcare professionals involved in the care of a patient throughout a call his initial advisement of his restrictions has been communicated to all members of the healthcare team, if another healthcare professional makes comments or inquires or takes or fails to take actions that suggest they are unaware of his restrictions, the Member shall immediately and expressly advise the healthcare professional that he is prohibited from possessing, transporting, and administering any narcotics or other controlled substances;
- e) The Member must arrange with his employer(s) for the completion of PCR audits daily and the provision of a monthly report to the College for a period of two years commencing on the date of the decision;

- f) The Member must pay costs to the College in the amount of \$4,000 within 24 months of the date of the decision;
- g) The Member must continue to comply with the outstanding provisions of the Consensual Complaint Resolution Agreement dated August 6, 2023;
- h) The Member must provide a copy of the Discipline Committee's order to his employer(s); and
- i) The conditions imposed by the Executive Director on December 20, 2024, are removed.

19. The Discipline Committee thanks the parties for its efforts to bring this matter to a satisfactory conclusion.

DATED at Moose Jaw, Saskatchewan, this 10th day of March, 2025.



Joel Gritzfeld, Chair

Saskatchewan College of Paramedics Discipline Committee