

**CENSURE: IC2626 AND IC2785  
DR. NICOLE CATHERINE AGNEW**

On July 6, 2016 in accordance with Section 47(1)(c) of *The Medical Act*, the Investigation Committee censured Dr. Agnew as a record of its disapproval of the deficiencies in her conduct. Censure creates a disciplinary record which may be considered in the future by the Investigation Committee or an Inquiry Panel when determining the action to be taken following an investigation or hearing.

**I. PREAMBLE**

An undertaking given by a member of the College to the College is a solemn and express promise by the member. By the undertaking, the member takes upon himself or herself a commitment to the College to adhere to the terms of the undertaking. The College expects any member who signs an undertaking to fully comply with the terms of that undertaking.

Physicians are required to be candid in their interactions with the College and with the faculty members in the Postgraduate Medical Education office of the Faculty of Health Sciences, College of Medicine who have responsibility for residents in their residency training programs.

**II. THE RELEVANT FACTS ARE:**

The Committee assessed the facts as follows:

1. On or about June 19, 2014, Dr. Agnew signed an undertaking to the College respecting a health issue.
2. On or about February 26, 2015 Dr. Agnew breached her undertaking while not practicing medicine.
3. The breach was relevant to Dr. Agnew's ability to practice medicine safely and should have led her to self-report to the College and to the Associate Dean of Postgraduate Medical Education at the Faculty of Health Sciences, College of Medicine, with whom she was discussing return to her residency training program.
4. Dr. Agnew's breach of the undertaking was not immediately detected. On March 30, 2015 Dr. Agnew was presented with evidence of the breach by one of her caregivers, and on March 30, 2015 the matter was reported to the College by that caregiver.
5. In the interim between the breach and March 30, 2015, Dr. Agnew met with two of her caregivers and, during the course of those meetings she lied about whether she was compliant with her undertaking.
6. In the interim between the breach and March 30, 2015, Dr. Agnew pursued her re-entry to residency without disclosure to the Associate Dean of Postgraduate Medical Education and Dr. Agnew attempted to obtain licensure from the College without self-reporting to the College.
7. When confronted by the College, Dr. Agnew attempted to assign responsibility to others rather than accepting responsibility for her actions.

8. In an April 2, 2015 letter to the College and in a June 8, 2015 interview with the College, Dr. Agnew:
  - (a) admitted that she breached a term of her undertaking to the College; and
  - (b) explained her personal circumstances at the time of the breach.
9. On or about October 16, 2015, Dr. Agnew signed a new undertaking to the College with respect to her health issue.
10. On or about October 20, 2015, Dr. Agnew returned to her residency training program, pursuant to the terms of the October 16, 2015 undertaking and pursuant to terms of an undertaking Dr. Agnew provided to the University of Manitoba, College of Medicine and to the Winnipeg Regional Health Authority.
11. On or about December 7, 2015, Dr. Agnew breached her undertaking to the College.
12. On or about December 10, 2015, Dr. Agnew agreed to cease to practice medicine and not to return to practice without the express written approval of the College.
13. Dr. Agnew has admitted her breach of her October 16, 2015 undertaking to the College.
14. In a January 28, 2016 letter and in a February 23, 2016 interview with the College, Dr. Agnew explained her personal circumstances at the time of the breach.

**III. ON THESE FACTS, THE INVESTIGATION COMMITTEE RECORDS ITS DISAPPROVAL OF DR. AGNEW'S CONDUCT, IN PARTICULAR HER BREACHES OF HER UNDERTAKINGS TO THE COLLEGE AND HER LACK OF CANDOUR IN DEALING WITH THE COLLEGE AND THE ASSOCIATE DEAN OF POSTGRADUATE MEDICAL EDUCATION, FACULTY OF HEALTH SCIENCES, COLLEGE OF MEDICINE.**

In addition to appearing before the Investigation Chair, Dr. Agnew paid the costs of the investigation in the amount of \$6,795.00.