



College of Respiratory
Therapists of Ontario

Ordre des thérapeutes
respiratoires de l'Ontario

DISCIPLINE COMMITTEE

Derek Mickle

REFERRAL DATE: January 12, 2024

HEARING DATES: September 30, 2025 at 9:30 am

DETAILS: It is alleged that the member committed professional misconduct in or about November 2021 and January, August and September 2022, in that the member contravened the standards of practice of the profession and engaged in disgraceful, dishonourable or unprofessional conduct by:

- using vulgar and disrespectful language towards colleagues on three occasions;
- using vulgar and disrespectful language when referring to a patient, while speaking with a colleague;
- using vulgar and disrespectful language when referring to a member of the hospital security team.

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO**

B E T W E E N :

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO

- and -

DEREK MICKLE

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Respiratory Therapists of Ontario (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”). The statement of specified allegations is attached to this Notice of Hearing. A panel of the Discipline Committee (the “Panel”) will hold a hearing under the authority of sections 38 to 56 of the Code for the purposes of deciding whether the allegations are true.

THE HEARING WILL BE HELD before the Panel on a date and time to be set by the Discipline Committee. You will be provided with notice of the location or format of the hearing in advance.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

SUBSECTION 51(2) OF THE CODE PROVIDES THAT if the Panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of

time.

3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the Panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Code.
7. If the Panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

PURSUANT TO SECTION 53.1 OF THE CODE, in an appropriate case, if the Panel finds that you committed an act of professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. The College's legal costs and expenses.
2. The College's costs and expenses incurred in investigating the matter.
3. The College's costs and expenses incurred in conducting the hearing.

YOU ARE ENTITLED to disclosure of the evidence against you in accordance with subsection 42(1) of the Code. You, or your representative, may contact the lawyer for the College. Her name and contact information is:

Anastasia-Maria Hountalas
Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street
Suite 2308
Toronto, ON M5H 2Y4
Telephone: (416) 644-4781
Facsimile: (416) 593-7867
Email: ahountalas@sml-law.com

YOU MUST ALSO MAKE disclosure in accordance with section 42.1 of the Code, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's

written report or, if there is no written report, a written summary of the evidence.

YOU ALSO HAVE disclosure obligations under the College's Discipline Committee Rules which provides, in part, that each party shall deliver to every other party, in advance of the hearing, copies of all documents and things the party intends to produce or enter as evidence at the hearing.

DEREK MICKLE ALLEGATIONS

The Member

1. At the material times, Derek Mickle (the “Member”) was a duly registered member of the College of Respiratory Therapists of Ontario practising at the Collingwood General and Marine Hospital (the “Hospital”).
2. As a result of a discipline hearing into his failure to comply with an ICRC order related to allegations that he engaged in inappropriate and unprofessional behaviour towards colleagues at a different facility, the Member was required to, and did, complete the PROBE ethics and boundaries course in 2014.

Unprofessional Communication with Colleagues

3. It is alleged that on or about November 23, 2021, the Member used vulgar and disrespectful language in an electronic message exchange with a colleague who was his former partner (Colleague #1) after she had been in the part of the Hospital where the Member’s current partner worked as a nurse. The Member called Colleague #1 a “cunt” and a “whiny little bitch”; said “You want work to be awkward you got it”; and told her to “Stay out of my dept when I work. I don’t wanna see your ugly fucking face”.
4. It is alleged that on or about January 6, 2022, the Member used vulgar and disrespectful language when he referred to a patient as a “fat fuck” while speaking with another colleague (“Colleague #2”). In the same interaction with Colleague #2 the Member made a comment along the lines of: “The fucking nurse could easily have done it” and/or said to Colleague #2 “go cry about it” and/or “what are you going to do about it?”, which Colleague #2 found to be threatening.
5. It is alleged that in or about the week of September 7, 2022, Colleague #2 asked the Member via text message if he would switch a shift with her. The Member did not respond to the message and another colleague told Colleague #2 that the Member was upset with her. On or about September 15, 2022, Colleague #2 approached the Member telling him that she had heard he was upset and that she wanted to resolve whatever issue he had with her. The Member responded by saying something like: “Don’t worry about what others are saying. It’s none of your business” and/or “You made your bed when you had me suspended, and now you have to lie in it.”
6. It is further alleged that on or about August 8, 2022, and/or September 4, 2022, the Member referred to a member of the Hospital’s security team as a “fuckin’ clown”.

Professional Misconduct Alleged

7. It is alleged that the conduct described above constitutes professional misconduct pursuant to Clause 51(1)(c) of the Health Professions Procedural Code being Schedule 2 to the *Regulated Health Professions Act, 1991* and as defined in one or more of the following paragraphs of Ontario Regulation 753/93 made under the *Respiratory Therapy Act, 1991*:

- a. Paragraph 29 (Engaging in conduct or performing an act, relevant to the practice of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional)

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- and -

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DISCIPLINE COMMITTEE OF
THE COLLEGE OF RESPIRATORY THERAPISTS
OF ONTARIO

NOTICE OF HEARING

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Lawyers for the College of
Respiratory Therapists of Ontario