



# Record of Determination

DET 25-H114

In the Matter of

Requestor MyHealth Partners Inc.

Subject Review of the facts and the amount of  
the penalty stated in the  
Notice of Violation related to the  
Administrative Monetary Penalty  
2025-AMP-03

Record of  
Determination  
Date December 4, 2025

## **RECORD OF DETERMINATION - DET 25-H114**

Requestor: MyHealth Partners Inc.

Address/Location: 301 - 45 Sheppard Avenue East  
Toronto, ON, M2N 5W9

Purpose: Review of the facts and the amount of the penalty stated in  
the Notice of Violation related to the Administrative  
Monetary Penalty 2025-AMP-03

Request received: June 9, 2025

Date of Determination: December 4, 2025

Panel of the Commission: A. Hardie, Presiding Member

Registrar: C. Salmon

Recording Secretary: C. Moreau

Senior Counsel: C. Maheux

<b>Requestor Represented By</b>	
Unni Pisharam	Senior Director
Anthony Rafiq	Radiation Safety Officer, Nuclear Medicine Technologist
Dina Sergi	CEO

<b>CNSC staff</b>	
Karen Owen-Whitred	Director General, Directorate of Nuclear Substance Regulation
Claire Pike	Director, Operations Inspection Division
Peter Larkin	Regional site supervisor, Western Regional Office, Calgary
James Jenden	Inspector, Western Regional Office

CMD 25-H114

**Determination:** MyHealth Partners Inc. committed the Violation

**Administrative Monetary Penalty Amount:** Confirmed

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## 1.0 INTRODUCTION

1. MyHealth Partners Inc. (the licensee) holds Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) nuclear substances and radiation devices licence 17320-1-28.2. This licence authorizes the licensee to possess, transfer, use, and store sealed and unsealed nuclear substances for diagnostic nuclear medicine at a number of sites across Canada. The licence is valid until November 30, 2028.
2. On January 7, 2025, the licensee, who had 14 nuclear medicine clinics in Ontario, received an amended licence which added an additional location in Calgary, Alberta. The City of Calgary is in the traditional territory of the peoples of Treaty 7, which includes the Blackfoot Confederacy, the Tsuut’ina First Nation, and the Stoney Nakoda. The City of Calgary is also home to the Métis Nation of Alberta (Districts 5 and 6).
3. On May 9, 2025, a CNSC Designated Officer issued a [Notice of Violation](#)<sup>2</sup> to the licensee for failing to comply with a regulatory requirement under the [Radiation Protection Regulations](#) (RPR).<sup>3</sup> The Designated Officer believed on reasonable grounds that the licensee failed to comply with subparagraph 4(a)(iii) of the RPR, which requires that a licensee must implement a radiation protection program that keeps the effective dose and equivalent dose received by and committed to persons as low as reasonably achievable, taking into account social and economic factors (ALARA), through control of occupational and public exposure to radiation. To promote compliance with the RPR, the Designated Officer issued an Administrative Monetary Penalty (AMP) to the licensee in the amount of \$15,820 (2025-AMP-03<sup>4</sup>).
4. On June 9, 2025, pursuant to section 65.1 of the [Nuclear Safety and Control Act](#)<sup>5</sup> (NSCA), the licensee requested a review of both the facts of the violation and the amount of the AMP.

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<sup>1</sup> The *Canadian Nuclear Safety Commission* is referred to as the “CNSC” when referring to the organization and its staff in general, and as the “Commission” when referring to the tribunal component.

<sup>2</sup> The Notice of Violation for 2025-AMP-03 is provided in Appendix A of CNSC staff’s CMD 25-H114.

<sup>3</sup> SOR/2000-203.

<sup>4</sup> Reference 1 of CNSC staff submission, CMD 25-H114.

<sup>5</sup> S.C. 1997, c. 9.

## 2.0 ISSUES

5. Pursuant to subsection 65.14(1) of the NSCA, the Commission must determine whether:
  1. MyHealth Partners Inc. committed the violation as stated in the Notice of Violation; and
  2. the amount of the penalty was determined in accordance with the *Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission)*<sup>6</sup> (AMPs Regulations).

## 3.0 RELEVANT LEGAL PROVISIONS

6. Subsection 65.1 of the NSCA provides that a person who is served with a Notice of Violation may make a request<sup>7</sup> to the Commission for a review of the amount of the penalty or the facts of the violation, or both.
7. If the Commission determines that the person who requested the review committed the violation, the person is liable to the penalty as set out in the determination.<sup>8</sup>
8. If the Commission determines that the amount of the penalty for the violation was not determined in accordance with the AMPS Regulations, the Commission corrects the amount of the penalty.<sup>9</sup>

## 4.0 COMMISSION REVIEW AND DETERMINATION

9. Pursuant to section 22 of the NSCA, the President of the Commission established Commission Member A. Hardie as a Panel of the Commission to consider the licensee's request for review. The Commission, in making its determination, considered written submissions from CNSC staff (CMD 25-H114) and the licensee<sup>10</sup> as well as oral information and submissions presented by both the licensee and CNSC staff during the virtual hearing.

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<sup>6</sup> SOR/2013-139.

<sup>7</sup> This request must be submitted within 30 days after the day on which the notice of violation is served, or within any longer period that the Commission allows.

<sup>8</sup> Subsection 65.14(4) of the NSCA.

<sup>9</sup> Subsection 65.14(3) of the NSCA.

<sup>10</sup> The licensee's request for review is provided in Appendix B of CMD 25-H114.

10. For the reasons described below, the Commission determines that **MyHealth Partners Inc. committed the violation** set out in the Notice of Violation. It further finds that the amount of the penalty for the violation was determined in accordance with the AMPs Regulations. Therefore, **MyHealth Partners Inc. is liable to the penalty of \$15,820.00**. Payment is due within 30 days of the date of this determination.

## **5.0 COMMISSION FINDINGS**

11. The licensee requested that the Commission review the facts of the violation as well as the amount of the penalty.<sup>11</sup> The Commission examined the facts of the violation as described in the Notice of Violation. The Commission also reviewed the amount of the penalty against the AMPs Regulations.

### **5.1 MyHealth Partners Inc. committed the violation**

12. In accordance with section 65.14(1) of the NSCA, the Commission considered whether MyHealth Partners Inc. committed the violation. Based on the information set out below, the Commission determines that the licensee violated subparagraph 4(a)(iii) of the RPR and that MyHealth Partners Inc. committed the violation set out in the Notice of Violation.

#### **5.1.1 Facts of the violation**

13. In accordance with section 65.15 of the NSCA, the person who issued the Notice of Violation bears the burden of proof. This means that the Designated Officer must establish, on a balance of probabilities, that MyHealth Partners Inc. committed the violation identified in the Notice of Violation.
14. In the Notice of Violation, the Designated Officer found that MyHealth Partners Inc. violated subparagraph 4(a)(iii) of the RPR. This finding was based on a CNSC inspector identifying several items of non-compliance on February 25, 2025, which demonstrated that the licensee was not effectively controlling occupational and public exposure to radiation to keep doses ALARA. The inspector's findings included:
  - workers not following procedures around the use of shielding
  - workers not wearing or incorrectly wearing dosimeters
  - personal contamination monitoring not being performed in accordance with requirements
  - improper access control of unsealed radioactive substances
  - workers without required training
  - the use of radiation detection instrumentation not verified for purpose

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<sup>11</sup> MyHealth Partners Inc. *Request for Review – 2025-AMP-03 – June 9, 2025 – Reference 2 of CMD 25-H114.*

15. CNSC staff noted that the licensee had received its licence for the Calgary location on January 7, 2025, and that the inspection took place approximately six weeks later.<sup>12</sup>
16. The Notice of Violation sets out the following facts:
  - the licensee's Nuclear Medicine Technologist (NMT) on duty handled and administered a patient dose of Technetium-99m (Tc-99m) without the use of a syringe shield, and the NMT stated that they do not use syringe shields for patient injections
  - multiple workers were wearing whole-body dosimeters mid-thigh instead of being clipped firmly to clothing between the waist and neck
  - the NMT did not wear their extremity dosimeter until directly instructed to do so by the inspector during the inspection
  - the CNSC inspector identified radioactive contamination on the NMT's clothes and neck during the inspection, using CNSC contamination monitoring instrumentation
  - the hot lab was not locked, meaning that access to this room (where nuclear substances are handled and stored) was not limited to staff trained and authorized to handle nuclear substances
  - the licensee's portable radiation detector efficiency and minimum detectable activity were calculated after an inspection notification requesting this information was sent to the licensee (on February 4, 2025); this should have been done prior to the clinic beginning any operations, as part of choosing an instrument, not after
  - five workers were noted to have been working without a documented record of radiation safety training
17. In its request for review, the licensee provided a response to some selected facts from the Notice of Violation. The licensee described the corrective actions it had taken in response to CNSC staff's inspection. The licensee also asserted that the actions observed by the CNSC inspector were the result of a worker not following licensee procedures, and not a lack of training or oversight by the licensee. In its oral presentation, a licensee representative stated that the licensee had not provided specific training to its workers and acknowledged that MyHealth Partners Inc. should have better prepared before starting operations at the Calgary location.<sup>13</sup>

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<sup>12</sup> Transcript, October 22, 2025, page 14.

<sup>13</sup> Transcript, October 22, 2025, page 6.

18. CNSC staff noted that workers are required to adhere to safety measures that are put in place by the licensee,<sup>14</sup> and that licensees are required to ensure that their workers are properly using safety equipment and properly adhering to any procedures.<sup>15</sup> A licensee representative stated that MyHealth Partners Inc. will ensure that it better prepares its workers and that the workers are following the licensee's and CNSC's requirements.<sup>16</sup>
19. The Commission enquired whether any corrective actions were put in place by the licensee before the CNSC's inspection was announced. CNSC staff reported that, the day prior to the CNSC's inspection, the licensee had performed its own inspection and put some corrective actions in place. A licensee representative confirmed the sequence of events and acknowledged that the licensee should have ensured that requirements were met with measures in place before the start of operations at the Calgary location.<sup>17</sup>
20. The Commission noted that the CNSC's inspection report mentioned multiple workers observed not following protocols whereas the licensee had submitted that it was only one worker. Asked to explain this, a licensee representative stated that while there were instances of non-compliance with at least one other worker, the majority of non-compliances were related to the single worker.<sup>18</sup>
21. Asked about worker training, a licensee representative reported that the licensee recognizes that all of the required training, such as radiation safety training, should have been completed prior to engaging in any nuclear medicine activities. The licensee representative added that the licensee had since implemented corrective measures. The licensee representative noted that the licensee provides certificates for radiation safety training and for the transport of dangerous goods training.<sup>19</sup>
22. Asked to comment on the situation, a licensee representative stated that:

*We respect and understand the CNSC's position in this matter, and we intend to do better going forward.<sup>20</sup>*

23. The Commission finds— and MyHealth Partners Inc. acknowledged— that MyHealth Partners committed the violation described in the Notice of Violation. The Commission is satisfied that the non-compliances described in the Notice of Violation constitute a violation of subparagraph 4(a)(iii) of the RPR, for failing to control occupational and public exposure to radiation. MyHealth Partners Inc. did not provide any additional information to demonstrate that it did not commit the violation.

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<sup>14</sup> Section 17 of the *General Nuclear Safety and Control Regulations*.

<sup>15</sup> Section 12 of the *General Nuclear Safety and Control Regulations*.

<sup>16</sup> Transcript, October 22, 2025, page 6-7.

<sup>17</sup> Transcript, October 22, 2025, page 14-16.

<sup>18</sup> Transcript, October 22, 2025, page 17-19.

<sup>19</sup> Transcript, October 22, 2025, page 17-19.

<sup>20</sup> Transcript, October 22, 2025, page 25.

## **5.2 The penalty amount remains \$15,820**

24. In accordance with section 65.14(1) of the NSCA, the Commission considered whether the amount of the penalty for the violation was determined in accordance with the AMPs Regulations. For the reasons set out below, the Commission finds that the amount of the penalty for the violation was determined in accordance with the AMPs Regulations. Accordingly, the penalty amount remains at \$15,820. The Commission is satisfied that the Designated Officer appropriately assessed each of the 7 determining factors in the AMPs Regulations, as discussed in section 5.2.1 of this *Record of Decision*.
25. The determining factors for the amount are set out in section 5 of the AMPs Regulations, as follows:
  5. The amount of a penalty is determined by the Commission having regard to
    - (a) the compliance history of the person who committed the violation;
    - (b) the degree of intention or negligence on the part of the person;
    - (c) the harm that resulted or could have resulted from the violation;
    - (d) whether the person derived any competitive or economic benefit from the violation;
    - (e) whether the person made reasonable efforts to mitigate or reverse the violation's effects;
    - (f) whether the person provided all reasonable assistance to the Commission; and
    - (g) whether the person brought the violation to the attention of the Commission.

### 5.2.1 Review of determining factors

26. When determining the amount of the AMP, the Designated Officer considered the factors in section 5 of the AMPs Regulations. The Designated Officer reported that the penalty amount was determined by following the calculation equation and factor values described in [CNSC REGDOC-3.5.2, Compliance and Enforcement: Administrative Monetary Penalties](#).<sup>21</sup> The ratings given by the Designated Officer for each factor are as follows:
  - 5(a) Compliance History, rating of +2 (on a scale from 0 to +5)
  - 5(b) Degree of Intention or Negligence, rating of +3 (on a scale from 0 to +5)
  - 5(c) Actual or Potential Harm, rating of +3 (on a scale from 0 to +5)
  - 5(d) Competitive or Economic Benefit, rating of +2 (on a scale from 0 to +5)
  - 5(e) Efforts to Mitigate or Reverse Effects, rating of +1 (on a scale from -2 to +3)
  - 5(f) Assistance to Commission, rating of +0 (on a scale from -2 to +3)
  - 5(g) Attention of Commission, rating of +0 (on a scale from -2 to +3)
27. In its request for review, MyHealth Partners Inc. disputed the ratings for the following 3 factors: Compliance History, Actual or Potential Harm, and Competitive or Economic Benefit. CNSC staff provided written responses to the licensee's request for review in Appendix C of CMD 25-H114. MyHealth Partners Inc. did not provide any further written response to CNSC staff's submissions regarding the penalty amount in CMD 25-H114.
28. The Commission's review will focus only on the 3 factors identified by the licensee. MyHealth Partners Inc. did not request a review of all factors, and the Commission did not find any irregularities with the assessment of the other factors.

#### Compliance History

29. Under paragraph 5(a) of the AMPs Regulations, the Designated Officer justified the rating of +2 by noting the existence of previous non-compliances related to instrumentation and the detection of and monitoring for contamination for this licensee. The licensee has been cited in previous CNSC staff inspection reports at 5 of 6 licensee locations inspected by the CNSC since the beginning of 2024.

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<sup>21</sup> REGDOC-3.5.2, *Compliance and Enforcement: Administrative Monetary Penalties*, Version 2, CNSC, August 2015.

30. In its request for review, the licensee reported the corrective actions it had put in place in response to the inspection noted in the Notice of Violation. CNSC staff responded to the licensee's submissions in Appendix C of CMD 25-H114. CNSC staff reported that closing out corrective actions was required of the licensee, and that the closure of these non-compliances was considered in the calculation of the determining factors. CNSC staff further noted that the licensee did not provide any information that would warrant changing the score, as the non-compliances were re-occurring.
31. The Commission noted the repeat non-compliances related to the detection and control of radioactive contamination across licensee sites, and asked CNSC staff to explain its process for informing licensees about the actions they need to take to meet compliance. CNSC staff responded that, for any non-compliance, CNSC staff would follow up with the licensee regarding the licensee's corrective actions to address the non-compliance. CNSC staff emphasized that the primary responsibility for safety lies with the licensee.<sup>22</sup>
32. The Commission enquired about how MyHealth Partners Inc. ensured that corrective actions were implemented across all of its locations following an inspection at one of its locations. A licensee representative responded that the first step would be email notifications to all locations, and then individual follow-up with site radiation safety officers to ensure that corrective actions were correctly applied.<sup>23</sup>
33. The Commission enquired about the reasons for the recurring non-compliances. A licensee representative responded that a reason may have been different CNSC inspectors inspecting different locations and making additional findings beyond those identified and corrected in previous inspections.<sup>24</sup>
34. The Commission asked how the licensee manages non-compliances that fall under a similar area or theme to address underlying issues. A licensee representative noted that training was one way to address issues more broadly, as well as ensuring consistency across its locations. The licensee also noted that it would follow up with the CNSC to ensure that it has fully addressed an issue.<sup>25</sup>

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<sup>22</sup> Transcript, October 22, 2025, page 8.

<sup>23</sup> Transcript, October 22, 2025, page 11.

<sup>24</sup> Transcript, October 22, 2025, page 11-12.

<sup>25</sup> Transcript, October 22, 2025, page 12-13.

35. The Commission finds that the score of +2 for factor 5(a), Compliance History, is appropriate and that the Designated Officer determined the penalty amount in accordance with the AMPs Regulations. The Commission comes to this conclusion as:

- the licensee has had repeat non-compliances related to instrumentation and the detection and monitoring for contamination in multiple CNSC inspections since 2024
- the licensee did not provide any additional information in its request for review to warrant a change in the score
- the Designated Officer accurately determined the penalty amount using the calculation equation and factor values described in REGDOC-3.5.2

Actual or Potential Harm

36. Under paragraph 5(c) of the AMPs Regulations, the Designated Officer explained the rating of +3 by stating that the potential for harm could have been greater if the contaminated employee, discovered during the inspection, had performed contamination monitoring only at the end of the day. The Designated Officer added that the potential for harm was exacerbated by other safety-significant non-compliances that the inspector found during the February 2025 inspection, including that some licensee workers were untrained in radiation safety, and the failure to secure access to the hot lab.

37. The licensee did not dispute the facts described by the Designated Officer. The licensee submitted that: it had designated 2 of the 3 identified workers as Nuclear Energy Workers; that it was improbable that the workers were untrained; and that the access to the hot lab was not in a public area, so access was limited. CNSC staff responded to the licensee's submissions in Appendix C of CMD 25-H114. CNSC staff noted that the licensee did not provide information that contested the score of +3. CNSC staff reiterated that the potential for harm occurred as a result of the violation, and that the score of +3 was assigned on that basis.

38. The Commission noted that, during the February 2025 inspection, the hot lab door was left open and was not monitored under regular supervision by authorized workers. The Commission asked about the measures in place to protect other unauthorized workers that are working in the building from accessing that hot lab door area. A licensee representative reported that the hot lab area was usually occupied by one of the authorized workers, but was not on the day of the inspection. The licensee representative added that the licensee had begun to close the door and lock it between uses following the inspection.<sup>26</sup> CNSC staff reported that corrective actions that are put in place after the findings of an inspection or the issuance of an AMP are not a factor that is taken into account in determining the value of the AMP.<sup>27</sup>

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<sup>26</sup> Transcript, October 22, 2025, page 20-21.

<sup>27</sup> Transcript, October 22, 2025, page 24.

39. The Commission finds that the score of +3 for factor 5(c), Actual or Potential Harm, is appropriate and that the Designated Officer determined the penalty amount in accordance with the AMPs Regulations. The Commission comes to this conclusion based on the following:

- the licensee's non-compliances, including contamination, lack of training, and failure to secure the hot lab, could have resulted in uncontrolled exposure to radiation
- the licensee did not provide any additional information in its request for review to warrant a change in the score
- the Designated Officer accurately determined the penalty amount using the calculation equation and factor values described in REGDOC-3.5.2

Efforts to Mitigate or Reverse Effects

40. Regarding factor 5(e), Efforts to Mitigate or Reverse Effects, the Designated Officer based the rating of +1 on the findings from the February 25, 2025, inspection indicating that the licensee only began implementing mitigating measures after being notified by the CNSC of an upcoming inspection. CNSC staff cited the following mitigating measures that were put in place after the notification of an upcoming inspection:

- identifying untrained workers
- calculating instrument efficiency
- informing nuclear energy workers of their status

41. Regarding the calculation of instrument efficiency, the licensee submitted that CNSC regulatory document REGDOC-2.7.1, *Radiation Protection*, allows the use of manufacturer's provided efficiency, and that the licensee did not calculate the efficiency because the licensee knew what the meter was capable of and that it met the licence criteria. In Appendix C of CMD 25-H114, CNSC staff reported that the licensee had failed to demonstrate that the radiation detection instrumentation available at the licensed location was selected, tested and calibrated for the intended use in accordance with Section 25 of the RPR.

42. On informing nuclear energy workers of their status, the licensee reported that it had designated 2 employees as nuclear energy workers the day before the inspection to assess their dose level. CNSC staff reported in Appendix C of CMD 25-H114 that there is no requirement for a worker to be a nuclear energy worker prior to a dose assessment, and that the licensee only began implementing mitigating measures after being notified by the CNSC of an upcoming inspection.

43. The Commission finds that the score of +1 for factor 5(e), Efforts to Mitigate or Reverse Effects, is appropriate and that the Designated Officer determined the penalty amount in accordance with the AMPs Regulations. The Commission comes to this conclusion based on the following:

- corrective actions that are put in place after the findings of an inspection or the issuance of an AMP are not a factor that is taken into account in determining the value of the AMP
- the licensee did not provide any additional information in its request for review to warrant a change in the score
- the Designated Officer accurately determined the penalty amount using the calculation equation and factor values described in REGDOC-3.5.2

44. The Commission emphasizes that licensees are expected to take prompt action to correct non-compliances and to prevent repeat non-compliances at all licensed locations. The Commission appreciates that the licensee has recognized that it must improve its performance.

## 6.0 CONCLUSION

45. The Commission has considered all the information submitted by the licensee and the Designated Officer regarding this matter.

46. Based on all the evidence, the Commission finds that the licensee committed the violation and that the Designated Officer determined the penalty in accordance with the AMPs Regulations. In accordance with subsection 65.14(4) of the NSCA, the licensee is liable to pay the administrative monetary penalty, as calculated by the Designated Officer in the Notice of Violation 2025-AMP-03 in the amount of \$15,820. Payment of the penalty is due within 30 days of the date of this determination.

47. In accordance with subsection 65.14(5) of the NSCA, this determination is final and binding, subject to judicial review under the *Federal Courts Act*.<sup>28</sup>

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Andrea Hardie  
Presiding Member  
Canadian Nuclear Safety Commission

December 4, 2025

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Date

<sup>28</sup> R.S.C., 1985, c. F-7.