

BETWEEN:

COLLEGE OF NURSES OF ONTARIO

- and -

**KEVIN MONTERO
REGISTRATION NO. IG03786**

NOTICE OF HEARING

IT IS ALLEGED THAT:

1. You have committed an act of professional misconduct as provided by subsection 51(1)(a) of the *Health Professions Procedural Code of the Nursing Act, 1991, S.O. 1991, c. 32*, as amended, in that you were found guilty of an offence relevant to your suitability to practise, as follows:
 - a. On or about January 11, 2022, you were found guilty of wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*, RSC 1985, c C-46 (the "*Criminal Code*");
 - b. On or about January 11, 2022, you were found guilty of wilfully entering falsified records into a computer rendering the computer data meaningless and useless (mischief), contrary to s. 430(5) of the *Criminal Code*;
2. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code of the Nursing Act, 1991, S.O. 1991, c. 32*, as amended, and defined in subsection 1(1) of *Ontario Regulation 799/93*, in that while practising as a Registered Practical Nurse at Garden Terrace Nursing Home in Kanata, Ontario (the "*Facility*"), you contravened a standard of practice of the profession or failed to meet a standard of practice of the profession, and in particular:
 - a. On or about May 16, 2019, you failed to administer medications that had been ordered to be administered to several of your assigned patients;
 - b. On or about May 16, 2019, you falsely documented having administered medications to several of your assigned patients, when you had not administered their medications;
 - c. On or about May 16, 2019, you disposed of unused medications for several of your assigned patients in an insecure and inappropriate manner;

3. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(14) of *Ontario Regulation 799/93*, in that while practising as a Registered Practical Nurse at Garden Terrace Nursing Home in Kanata, Ontario (the “Facility”), you falsified a record relating to your practice, and in particular, on or about May 16, 2019, you falsely documented having administered medications to several of your assigned patients, when you had not administered their medications;
4. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(18) of *Ontario Regulation 799/93*, in that while registered with the College of Nurses of Ontario (“CNO”) as a Registered Practical Nurse:
 - a. you contravened a term, condition or limitation on your certificate of registration, as provided by section 1.5(1)1.(i) of *Ontario Regulation 275/94* of the *Nursing Act, 1991*, in that you failed to report findings of guilt arising in any jurisdiction relating to any offence to CNO, as follows:
 - i. On or about January 11, 2022, you were found guilty of wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*, RSC 1985, c C-46 (the “*Criminal Code*”);
 - ii. On or about January 11, 2022, you were found guilty of wilfully entering falsified records into a computer rendering the computer data meaningless and useless (mischief), contrary to s. 430(5) of the *Criminal Code*;
 - b. you contravened a term, condition or limitation on your certificate of registration, as provided by section 1.5(1)1.(ii) of *Ontario Regulation 275/94* of the *Nursing Act, 1991*, in that you failed to report charges arising in any jurisdiction relating to any offence to CNO, as follows:
 - i. on or about September 17, 2019, in Ottawa, Ontario, you were charged with the following offences, which you did not report to CNO:

- a. wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*;
 - b. wilfully entering falsified records into a computer rendering the computer data meaningless and useless (mischief), contrary to s. 430(5) of the *Criminal Code*;
 - ii. on or about February 12, 2020, in Ottawa, Ontario, you were charged with the following offences, which you did not report to CNO:
 - a. while knowing a document to be forged, causing or attempting to cause any person to use, deal with or act on the document as if it were genuine, contrary to s. 368(1.1) of the *Criminal Code*;
 - b. twenty-six counts of wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*;
 - c. twenty-six counts of wilfully rendering property ineffective or inoperative (mischief), contrary to s. 430(1)(b) of the *Criminal Code*;
5. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(19) of *Ontario Regulation 799/93*, in that while registered with the College of Nurses of Ontario (“CNO”) as a Registered Practical Nurse:
- a. you contravened a provision of the *Nursing Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, and in particular, section 85.6.1 of the *Health Professions Procedural Code*, in that you failed to report a finding of guilt of an offence to CNO, as follows:
 - i. On or about January 11, 2022, you were found guilty of wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*, RSC 1985, c C-46 (the “*Criminal Code*”);

- ii. On or about January 11, 2022, you were found guilty of wilfully entering falsified records into a computer rendering the computer data meaningless and useless (mischief), contrary to s. 430(5) of the *Criminal Code*;
 - b. you contravened a provision of the *Nursing Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, and in particular, section 85.6.4 of the *Health Professions Procedural Code*, in that you failed to report that you were charged with an offence to CNO, as follows:
 - i. on or about September 17, 2019, in Ottawa, Ontario, you were charged with the following offences, which you did not report to CNO:
 - a. wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*;
 - b. wilfully entering falsified records into a computer rendering the computer data meaningless and useless (mischief), contrary to s. 430(5) of the *Criminal Code*;
 - ii. on or about February 12, 2020, in Ottawa, Ontario, you were charged with the following offences, which you did not report to CNO:
 - a. while knowing a document to be forged, causing or attempting to cause any person to use, deal with or act on the document as if it were genuine, contrary to s. 368(1.1) of the *Criminal Code*;
 - b. twenty-six counts of wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*;
 - c. twenty-six counts of wilfully rendering property ineffective or inoperative (mischief), contrary to s. 430(1)(b) of the *Criminal Code*;
6. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(37) of *Ontario Regulation 799/93*, in that while practising as a Registered Practical Nurse at Garden Terrace Nursing Home

in Kanata, Ontario (the “Facility”), you engaged in conduct or performed an act, relevant to the practice of nursing that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, as follows:

- a. On or about May 16, 2019, you failed to administer medications that had been ordered to be administered to several of your assigned patients;
- b. On or about May 16, 2019, you falsely documented having administered medications to several of your assigned patients, when you had not administered their medications;
- c. On or about May 16, 2019, you disposed of unused medications for several of your assigned patients in an insecure and inappropriate manner;
- d. You failed to report the following charges and/or findings of guilt to CNO as required:
 - i. on or about September 17, 2019, in Ottawa, Ontario, you were charged with the following offences, which you did not report to CNO:
 - a. wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*;
 - b. wilfully entering falsified records into a computer rendering the computer data meaningless and useless (mischief), contrary to s. 430(5) of the *Criminal Code*;
 - ii. on or about February 12, 2020, in Ottawa, Ontario, you were charged with the following offences, which you did not report to CNO:
 - a. while knowing a document to be forged, causing or attempting to cause any person to use, deal with or act on the document as if it were genuine, contrary to s. 368(1.1) of the *Criminal Code*;
 - b. twenty-six counts of wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*;

- c. twenty-six counts of wilfully rendering property ineffective or inoperative (mischief), contrary to s. 430(1)(b) of the *Criminal Code*;
- iii. On or about January 11, 2022, you were found guilty of wilfully interfering with the lawful use and enjoyment of property (mischief), contrary to s. 430(1)(d) of the *Criminal Code*, RSC 1985, c C-46 (the "*Criminal Code*");
- iv. On or about January 11, 2022, you were found guilty of wilfully entering falsified records into a computer rendering the computer data meaningless and useless (mischief), contrary to s. 430(5) of the *Criminal Code*;

The allegations respecting professional misconduct on your part will be heard by a panel of the Discipline Committee of the College of Nurses of Ontario ("CNO"), pursuant to the *Nursing Act, 1991*, S.O. 1991, c.32, as amended, and subsection 38(1) of the *Health Professions Procedural Code*, on **July 17, 2024 at 0930 hours or as soon after that time as the hearing can be commenced**, via electronic hearing by way of teleconference or videoconference.

The details for participating in the electronic hearing will be provided to you by a Hearings Administrator. If you have not heard from a Hearings Administrator at least 48 hours in advance of the hearing, you should contact the Hearings Administration Team at: Admin-Business.Support-Hearings@cnomail.org to obtain the details for participating in the electronic hearing.

If you believe that holding an electronic hearing rather than an oral hearing is likely to cause you significant prejudice, please communicate in writing the basis for asserting such prejudice to the Hearings Administration Team at the email address listed above. To ensure the claim of prejudice can be considered by the Discipline Committee, any such concerns should be communicated to the Hearings Administration Team as soon as possible, and no later than 21 days in advance of the hearing.

Take notice that at least 48 hours before the electronic hearing is scheduled to commence, you must provide notice to the Hearings Administration Team, at the email address listed above, of the telephone number and email address where you can be reached for the electronic hearing.

If you fail to participate in the electronic hearing in person or by representative, the panel of the Discipline Committee may proceed in your absence and you are thereafter not entitled to any further notice of the proceedings.

Where the panel of the Discipline Committee finds a member has committed an act of professional misconduct, it may make an Order doing any one or more of the following:

1. directing the Registrar to revoke the member's certificate of registration;
2. directing the Registrar to suspend the member's certificate of registration for a specified period of time;
3. directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time;
4. requiring the member to appear before the panel to be reprimanded;
5. requiring the member to pay a fine of not more than \$35,000.00 to the Minister of Finance;
6. requiring the member to reimburse CNO for funding provided for a program of therapy and counselling for a person if the act of professional misconduct was the sexual abuse of that person; and
7. requiring the member to post security acceptable to CNO to guarantee the payment of any amounts the member may be required to reimburse CNO for a program of therapy and counselling for a person who was sexually abused by the member.

Furthermore, the panel may suspend the effect of its Order for a specified period of time and on specified conditions and where it makes an Order under paragraph 2 or 3 above, it may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed by the Order on the member's certificate of registration.

Where a panel of the Discipline Committee finds a member has committed an act of professional misconduct, it may make an Order requiring the member to pay all or part of the following costs and expenses:

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

CNO intends to introduce as business records, under section 35 of the *Evidence Act*, any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, and where applicable, CNO intends to introduce as business records medical and hospital charts.