

BETWEEN:

COLLEGE OF NURSES OF ONTARIO

- and -

**ANNA YAKUBOVSKY-ROSITSAN
REGISTRATION NO. 0180547**

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 offences relevant to your suitability to practise, and in particular:
 - (a) on or about February 4, 2019, you were found guilty of the offence of failing to attend court, contrary to Section 145(2)(b) of the *Criminal Code of Canada*; and/or
 - (b) on or about September 9, 2021, you were found guilty of the offence of causing death by criminal negligence, contrary to Section 220 of the *Criminal Code of Canada*, and 7 counts of criminal negligence causing bodily harm, contrary to Section 221 of the *Criminal Code of Canada*, and in particular:
 - i. on or about the 18th day of April in the year 2017 at the City of Vaughan in the Regional Municipality of York did by criminal negligence cause the death of [Patient A], contrary to Section 220 of the *Criminal Code of Canada*;
 - ii. between the 1st day of January, 2016 and the 18th day of April, 2017 at the City of Vaughan in the Regional Municipality of York did by criminal negligence cause bodily harm to [Patient B], contrary to Section 221 of the *Criminal Code of Canada*;
 - iii. between the 1st day of January, 2016 and the 18th day of April, 2017 at the City of Vaughan in the Regional Municipality of York did

by criminal negligence cause bodily harm to [Patient C], contrary to Section 221 of the *Criminal Code of Canada*;

iv. between the 1st day of January, 2016 and the 18th day of April, 2017 at the City of Vaughan in the Regional Municipality of York did by criminal negligence cause bodily harm to [Patient D], contrary to Section 221 of the *Criminal Code of Canada*;

v. between the 1st day of January, 2016 and the 18th day of April, 2017 at the City of Vaughan in the Regional Municipality of York did by criminal negligence cause bodily harm to [Patient E], contrary to Section 221 of the *Criminal Code of Canada*;

vi. between the 1st day of January, 2016 and the 18th day of April, 2017 at the City of Vaughan in the Regional Municipality of York did by criminal negligence cause bodily harm to [Patient F], contrary to Section 221 of the *Criminal Code of Canada*;

vii. between the 1st day of January, 2016 and the 18th day of April, 2017 at the City of Vaughan in the Regional Municipality of York did by criminal negligence cause bodily harm to [Patient G], contrary to Section 221 of the *Criminal Code of Canada*;

viii. between the 1st day of January, 2016 and the 18th day of April 2017 at the City of Vaughan in the Regional Municipality of York did by criminal negligence cause bodily harm to [Patient H], contrary to Section 221 of the *Criminal Code of Canada*; and/or

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(18) of *Ontario Regulation 799/93*, in that, while a Registered Nurse, you contravened a term, condition or limitation on your certificate of registration pursuant to *Ontario Regulation 275/94*, section 1.5, in that you failed to report to the College that you had been charged with an offence or found guilty of an offence, with respect to the following charges and findings of guilt:

(a) on or about May 27, 2017, you were charged with assault, contrary to Section 266 of the *Criminal Code of Canada*;

- (b) on or about June 28, 2017, you were charged with breaking and entering with an intent to commit an indictable offence, contrary to Section 348(1)(b) of the *Criminal Code of Canada*, and theft of a value exceeding five thousand dollars, contrary to Section 334(a) of the *Criminal Code of Canada*;
- (c) on or about July 17, 2017, you were charged with 2 counts of failing to comply with a condition of recognizance, contrary to Section 145(3) of the *Criminal Code of Canada*;
- (d) on or about January 25, 2018, you were charged with failing to provide the necessaries of life, contrary to Section 215(3) of the *Criminal Code of Canada*, causing death by criminal negligence, contrary to Section 220 of the *Criminal Code of Canada*, and 4 counts of aggravated assault, contrary to Section 268(2) of the *Criminal Code of Canada*;
- (e) on June 5, 2018, you were charged with failing to attend court, contrary to Section 145(2)(b) of the *Criminal Code of Canada*;
- (f) on June 3, 2019, you were charged with failing to provide the necessaries of life, contrary to Section 215(3) of the *Criminal Code of Canada*, causing death by criminal negligence, contrary to Section 220 of the *Criminal Code of Canada*, 6 counts of aggravated assault, contrary to Section 268(2) of the *Criminal Code of Canada*, and 6 counts of criminal negligence causing bodily harm, contrary to Section 221 of the *Criminal Code of Canada*;
- (g) on March 18, 2021, you were charged with aggravated assault, contrary to Section 268(2) of the *Criminal Code of Canada*;
- (h) on or about February 4, 2019, you were found guilty of the offence of failing to attend court, contrary to Section 145(2)(b) of the *Criminal Code of Canada*; and/or
- (i) on or about September 9, 2021, you were found guilty of the offence of causing death by criminal negligence, contrary to Section 220 of the *Criminal Code of Canada*, and 7 counts of criminal negligence causing bodily harm, contrary to Section 221 of the *Criminal Code of Canada*.

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 **a date to be determined**, 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.