

**DISCIPLINE COMMITTEE  
OF THE COLLEGE OF NURSES OF ONTARIO**

<b>PANEL:</b>	Catherine Egerton	Chairperson
	Renate Davidson	Public Member
	Linda Marie Pacheco, RN	Member
	George Rudanycz, RN	Member
	Michael Schroder, NP	Member

**BETWEEN:**

COLLEGE OF NURSES OF ONTARIO	)	<u>DENISE COONEY</u> for
	)	College of Nurses of Ontario
	)	
- and -	)	
	)	
	)	
NANCY ADELE RICHER	)	<u>NO ONE PRESENT</u> for
Registration No.: 9716382	)	Nancy Adele Richer
	)	
	)	
	)	<u>CHRISTOPHER WIRTH</u>
	)	Independent Legal Counsel
	)	
	)	
	)	Heard: August 12 – 13, 2019

**DECISION AND REASONS**

This matter came on for hearing before a Panel of the Discipline Committee on August 12-13, 2019 at the College of Nurses of Ontario (the “College”) at Toronto.

As Nancy Adele Richer (the “Member”) was not present, the hearing recessed for 15 minutes to allow time for the Member to appear. Upon reconvening the Panel noted that the Member was not in attendance.

College Counsel provided the Panel with evidence that the Member had been sent the Notice of Hearing on July 29, 2019. The Panel was satisfied that the Member had received adequate notice and therefore proceeded with the hearing in the Member’s absence.

## **The Allegations**

The allegations against the Member as stated in the Notice of Hearing dated July 29, 2019 are as follows:

### **IT IS ALLEGED THAT:**

1. 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 you contravened a standard of practice of the profession or failed to meet the standards of practice of the profession in that:
  - a. while employed as a Registered Nurse at the Sault Area Hospital, you charged personal transactions to the Sault Area Hospital's corporate credit card without authorization; and/or
  - b. you provided false information to St. Joseph's Health Care London about your professional credentials, and in particular:
    - i. you provided false credentials on a job application and/or resume in or around September 2016;
    - ii. you provided a false transcript from Aspen University, dated October 31, 2016; and/or
    - iii. you provided a false letter from Aspen University, dated August 4, 2017.
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 paragraph 1(8) of *Ontario Regulation 799/93*, in that while employed as a Registered Nurse at the Sault Area Hospital, you misappropriated property from your work place, in particular when you charged personal transactions to the Sault Area Hospital's corporate credit card without authorization.
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 paragraph 1(15) of *Ontario Regulation 799/93*, in that while employed as and/or in applying for a position as a Registered Nurse at St. Joseph's Health Care London, you signed or issued, in your professional capacity, a document that you knew, or ought to have known contained a false or misleading statement with respect to your professional credentials, and in particular:
  - a. you provided false credentials on a job application and/or resume in or around September 2016;
  - b. you provided a false transcript from Aspen University dated October 31, 2016; and/or
  - c. you provided a false letter from Aspen University, dated August 4, 2017.
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(37) of *Ontario Regulation 799/93*, in that you engaged in conduct that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional with respect to the following incidents:

- a. while employed as a Registered Nurse at the Sault Area Hospital, you charged personal transactions to the Sault Area Hospital's corporate credit card without authorization; and/or
- b. you provided false information to St. Joseph's Health Care London about your professional credentials, and in particular:
  - i. you provided false credentials on a job application and/or resume in or around September 2016;
  - ii. you provided a false transcript from Aspen University, dated October 31, 2016; and/or
  - iii. you provided a false letter from Aspen University, dated August 4, 2017.

### **Member's Plea**

Given that the Member was not present nor represented, she was deemed to have denied the allegations in the Notice of Hearing. The hearing proceeded on the basis that the College bore the onus of proving the allegations in the Notice of Hearing against the Member.

### **Overview**

The Member registered with the College as a Registered Nurse on June 17, 1997. The Member was employed as a Patient Care Manager, Complex Continuing Care, Rehab, Assess & Restore and GEM at the Sault Area Hospital in Sault Ste. Marie, Ontario from March 18, 2013 until September 21, 2016 when her employment was terminated with cause for using the corporate credit card for her personal use without authorization, in an amount totalling approximately \$8,639.42.

On September 29, 2016, the Member submitted a letter of application to St. Joseph's Health Care, London, Ontario that included a resume in which she noted she was presently enrolled at Aspen University, in the bridge from diploma to BScN to MSN program. The Member was hired by St. Joseph's Health Care on December 5, 2016 as Coordinator in Medicine Services. A condition of employment was that she provide the Human Resources office with a copy of her BScN degree by April 30, 2017 and if the condition was not met, her employment would be terminated. The Member submitted to her employer a fraudulent letter regarding her alleged enrolment and education credentials, using Aspen University letterhead and the name of a staff member at the university.

The key issues for the Panel to consider were as follows:

Did the Member contravene a standard of practice of the profession or fail to meet the standards of the profession?

Did the Member commit acts of professional misconduct when she misappropriated property from her workplace?

Did the Member commit acts of professional misconduct when she signed or issued, in her professional capacity, a document that the Member knew or ought to have known contained a false or misleading statement?

Did the Member engage in conduct that would be reasonably regarded by members of the profession as disgraceful, dishonourable or unprofessional?

## **The Evidence**

### **Misappropriation of Property from the Workplace**

#### **Witness – [Witness A]**

[Witness A] has been employed by the College for 5.5 years as an Investigator on the Professional Conduct team. As such, she is responsible for conducting investigations as a neutral fact finder, obtaining all relevant information and presenting the results to the ICRC Committee. She stated that her investigation in this matter involved conduct reported by two of the Member's employers.

The first incident involved the Member's use of the corporate credit card on multiple occasions for personal expenses totalling approximately \$8,639.42. [Witness A] testified that the Member responded to the College's inquiry by submitting a letter dated May 16, 2018 in which she wrote "I meant no harm to anyone, nor did I expect a corporation to pay my bills. How I did things was wrong and I accept full responsibility" (Exhibit 9). She further wrote "I never thought of not repaying the credit card charges and I thought that I could cover all the charges with my vacation pay. This still does not make it right, and I am very ashamed of this" (Exhibit 9).

#### **Witness – [Witness B]**

[Witness B] has been employed at the Sault Area Hospital ("SAH") in Sault Ste. Marie, Ontario since March 2010 and currently holds the position of [ ]. [Witness B] testified that the Member, as a manager, was authorized to use SAH's credit card. She testified that SAH's Administrative Policy revised in January 2015 applied to the Member and was available online. This policy states "corporate credit cards will be available to staff members of Manager level and above to be used for all non-contract purchases with the exception of prohibited items listed below". "SAH credit cards will be used for business purposes only. Personal transactions are strictly prohibited and any use of the card for such purposes will result in immediate deactivation of the credit card and disciplinary action subject to findings of an investigation" (Exhibit 21).

[Witness B] testified that in the spring of 2016 the Member's manager became concerned about some of the charges on the credit card and the lack of receipts. She stated that in August 2016 she was contacted by the Director of Finance which required the help of Human Resources into the investigation of the credit card charges. She testified that Finance had identified \$21,000 in a list of charges made by the Member that were not receipted, not signed off by a supervisor, or were charges not aligned to the corporate credit card policy. [Witness B] testified that she conducted a review of all the charges, focussing on those items that had nothing to do with work. She narrowed the list down to \$8,639.42 and developed a spreadsheet to use at her meeting with the Member which was scheduled for September 9, 2016 (Exhibit 22). She testified that she planned to go through each item and request an explanation from the Member. She testified that at this meeting, once the Member had reviewed the first few items, the Member acknowledged the personal charges and apologized.

College Counsel took [Witness B] through the [ ] Bank Commercial Card Monthly Statements for the period August 15, 2015 to September 15, 2016 (Exhibits 24 to 36). [Witness B] identified the personal charges on each statement that the Member acknowledged she made and confirmed that they were unauthorized. These charges amounted to a total of \$8,639.42. The witness testified that the Member did pay back the total amount of the unauthorized charges.

#### Misrepresentation of Nursing Credentials

The College's Investigator, [Witness A] testified that the second incident she investigated involved the Member misrepresenting in her job application to her employer that she was enrolled at Aspen University in a bridging program, submitting to her employer a fraudulent letter regarding her alleged enrollment and education credentials, and using Aspen University letterhead and the name of a staff member at Aspen University (Exhibit 18). [Witness A] testified that the Member responded to the College's inquiry via email on November 6, 2018 in which she wrote "I was looking for a quick fix to schooling and was promised such but know now that it takes time, there is no fast win. At St. Joseph's I should have come forward and been honest, but I panicked. HR kept calling for my results and I was lost. I did not look at the big picture or consequences. I was so embarrassed that I resigned." (Exhibit 12).

#### Witness – [Witness C]

[Witness C] has been employed at St. Joseph's Health Care ("SJHC"), London, Ontario for 10 years and currently holds the position of [ ]. She stated that the Member was hired as a Coordinator, which is a health care position requiring a bachelor's degree and is part of the leadership team at the hospital.

[Witness C] referred to the document the Member provided to Human Resources as evidence that she was enrolled at Aspen University (Exhibit 16). She testified that the Member received an offer of employment for the position of Co-ordinator, Medical Services at St. Joseph's Health Care, London, dated November 15, 2016. This letter contained Conditions of Employment including the requirement to "Provide Human Resources Office with a copy of your BScN degree by April 30, 2017" (Exhibit 17).

[Witness C] stated that in August 2017 she received a call from the Human Resources Consultant asking for assistance, as they were having difficulty obtaining documentation from the Member confirming that she had completed the BScN degree requirement. She testified that she called the Member on August 18, 2017 requesting the information be provided, to which the Member responded that she had sent it. [Witness C] testified that she was informed by the Human Resources Consultant on August 23, 2017 that the letter from Aspen University which the Member had submitted was not authentic. She met with the Member on August 24, 2017 and asked her about this matter. [Witness C] testified that the Member's response was that she had been sending money to a bogus university and that she became aware of it on August 17<sup>th</sup>. [Witness C] stated she then asked the Member why, if she knew this, did she provide the letter of August 18, 2017, to which the Member did not respond. [Witness C] testified she then instructed the Member to take her personal items and walked her out of the facility. She testified that she subsequently received an email from the Member on August 24, 2017 in which the Member submitted her immediate resignation (Exhibit 20). [Witness C] testified that SJHC accepted the Member's resignation and no further investigation was conducted.

The Panel admitted into evidence affidavit evidence from [Witness D], [ ], Aspen University in which [Witness D] affirms that "I have reviewed the records at Aspen University and can confirm that Nancy Adele Richer, also known as Nancy Richer, was never enrolled as a student at Aspen University" (Exhibit 4).

### **Final Submissions**

College Counsel acknowledged that the College bears the onus to prove, on the balance of probabilities, that the conduct alleged in the Notice of Hearing occurred. The Member elected not to participate in the hearing and chose not to provide a defence or test the College's evidence, therefore, all evidence is uncontested. College Counsel summarized the evidence and submitted that the evidence established the two factual allegations, i.e. use of the corporate credit card and misrepresentation of the Member's credentials to SJHC.

College Counsel referenced the following standards of practice:

*Professional Standards* (Exhibit 13), *Ethics Standard* (Exhibit 14).

The *Professional Standard* on Accountability states "Each nurse is accountable to the public and responsible for ensuring that her/his practice and conduct meets legislative requirements and the standards of the profession."

The *Ethics Standard* states "Each nurse understands, upholds and promotes the values and beliefs described in the CNO's Ethics practice standard. The standard includes the following: "maintaining commitments, respecting truthfulness and ensuring fairness in the use of resources. It also includes acting with integrity, honesty, and professionalism in all dealings with the client and other health care team members. Truthfulness is further defined as "speaking or acting without intending to deceive".

College Counsel submitted that the Member's conduct resulted in a clear breach of these standards. The Member did not act with integrity and honesty in her role as a nurse in a leadership position.

College Counsel submitted that all of the Member's conduct should be characterized as dishonourable and unprofessional. The Member's misuse of the corporate credit card was repeated over a period of a year for her own personal benefit. The Member's conduct in misrepresenting her credentials was for her own personal advantage to obtain employment and showed a serious disregard for her professional obligations.

### **Decision**

The College bears the onus of proving the allegations in accordance with the standard of proof, that being the balance of probabilities based upon clear, cogent and convincing evidence.

Having considered the evidence and the onus and standard of proof, the Panel finds the Member has committed acts of professional misconduct as alleged in paragraphs 1(a), 1(b) (i), (ii), (iii), 2, 3(a), 3(b), 3(c), and 4(a), 4(b) (i), (ii), (iii) of the Notice of Hearing. As to Allegation #4, the Panel finds that the Member engaged in conduct that would reasonably be considered by members of the profession as dishonourable and unprofessional.

### **Reasons for Decision**

College Counsel presented 4 witnesses, 3 in person and one by affidavit, and 37 exhibits including, the College's *Professional Standards* on Accountability and *Ethics* Standard to support the allegations.

The Panel assessed the credibility of the witnesses in accordance with the criteria described in *Pitts v. Director of Family Benefits Branch of the Ministry of Community and Social Services* (1985), 51 O.R. (2d) 302 (Div. Ct) and found the evidence of each witness to be clear, cogent and convincing. Their testimony was forthright and was supported by documentary evidence.

With respect to Allegation #1(a) and Allegation #2, the Panel found that the Member contravened the standards of practice of the profession and misappropriated property from her workplace using her employer's credit card for personal use without authorization, on multiple occasions over an extended period of time for personal expenses totalling approximately \$8,639.42. The Panel accepted the evidence given by [Witness B], that the Member, in her leadership role at SAH, was authorized to use the credit card for business purposes and that she had access to the hospital's Administrative Policy which outlined the parameters for such use. The Director testified that she met with the Member and reviewed the Member's expense statements in question and in each instance, the Member acknowledged the charges on the statement and that they were not authorized. The Panel finds the fact that the Member ultimately repaid the monies owing to SAH is further proof that the misappropriation occurred. The Member's own acknowledgment to the College's Investigator in her handwritten note of May 16, 2018 in which she wrote "How I did things was wrong and I accept full responsibility for this" further supports the Panel's finding.

With respect to Allegations #1(b) (i), (ii), (iii) and Allegation #3, the Panel found that the Member contravened the standards of practice of the profession when she misrepresented her credentials in securing employment at SJHC in London, Ontario, and submitted a falsified document showing that she was enrolled at Aspen University. The Panel accepted the evidence given by [Witness C], supported by documentary evidence, that the Member was hired on the condition she would complete courses to obtain her BSc Nursing designation by April 30, 2017 and provide a copy of the certificate to the hospital. The documentary evidence provided clearly showed that the Member indicated in her resume she was currently enrolled at Aspen University. The evidence from the [Witness D] at Aspen University provided by affidavit and accepted by the Panel was proof that the Member was never enrolled as a student at Aspen University. The Panel also found that the Member signed or issued, in her professional capacity, a document that she knew, or ought to have known, contained a false or misleading statement, being the letter from Aspen University, which was not authentic.

With respect to Allegations #4(a), 4(b) (i), (ii), (iii), the Panel found that the Member engaged in conduct that would reasonably be regarded by members of the profession as dishonourable and unprofessional when she used the hospital's credit card for personal reasons and personal gain without authorization over an extended period of time, and when she provided falsified credentials on her resume and presented falsified documents from a university to her employer. These behaviours demonstrated poor judgement, dishonesty and a serious disregard of her professional obligations. The Member's conduct demonstrated an element of moral failing and fell below the standards and principles of the nursing profession that include "respecting truthfulness and ensuring fairness in the use of resources." and "acting with integrity honesty, and professionalism in all dealings with the client and other health care team members".

## **Penalty Submissions**

College Counsel presented the Panel with written submissions on an appropriate penalty and requested an order as follows:

1. Requiring the Member to appear before the Panel to be reprimanded within three months of the date that this Order becomes final.
2. Directing the Executive Director to suspend the Member's certificate of registration for 10 months. This suspension shall take effect from the date that this Order becomes final and shall continue to run without interruption as long as the Member remains in the practising class.
3. Directing the Executive Director to impose the following terms, conditions and limitations on the Member's certificate of registration:
  - a) The Member will attend 2 meetings with a Regulatory Expert (the "Expert"), at her own expense and within 6 months from the date that this Order becomes final. To comply, the Member is required to ensure that:



- i. The Expert has expertise in nursing regulation and has been approved by the Director of Professional Conduct (the “Director”) in advance of the meetings;
- ii. At least 7 days before the first meeting, the Member provides the Expert with a copy of:
  1. the Panel’s Order,
  2. the Notice of Hearing, and
  3. if available, a copy of the Panel’s Decision and Reasons;
- iii. Before the first meeting, the Member reviews the following CNO publications and completes the associated Reflective Questionnaires, online learning modules, decision tools and online participation (where applicable):
  1. *Professional Standards*
  2. *Ethics*
  3. *Code of Conduct*
- iv. At least 7 days before the first meeting, the Member provides the Expert with a copy of the completed Reflective Questionnaires, and online participation forms;
- v. The subject of the sessions with the Expert will include:
  1. the acts or omissions for which the Member was found to have committed professional misconduct,
  2. the potential consequences of the misconduct to the Member’s clients, colleagues, profession and self,
  3. strategies for preventing the misconduct from recurring,
  4. the publications, questionnaires and modules set out above, and
  5. the development of a learning plan in collaboration with the Expert;
- vi. Within 30 days after the Member has completed the last session, the Member will confirm that the Expert forwards his/her report to the Director, in which the Expert will confirm:
  1. the dates the Member attended the sessions,
  2. that the Expert received the required documents from the Member,
  3. that the Expert reviewed the required documents and subjects with the Member, and
  4. the Expert’s assessment of the Member’s insight into her behaviour;

- vii. If the Member does not comply with any of the requirements above, the Expert may cancel any session scheduled, even if that results in the Member breaching a term, condition or limitation on her certificate of registration;
- b) For a period of 24 months from the date the Member returns to the practice of nursing, the Member will notify her employers of the decision. To comply, the Member is required to:
  - i. Ensure that the Director is notified of the name, address, and telephone number of all employer(s) within 14 days of commencing or resuming employment in any nursing position;
  - ii. Provide her employer(s) with a copy of:
    - 1. the Panel's Order,
    - 2. the Notice of Hearing, and
    - 3. a copy of the Panel's Decision and Reasons, once available;
  - iii. Ensure that within 14 days of the commencement or resumption of the Member's employment in any nursing position, the employer(s) forward(s) a report to the Director, in which it will confirm:
    - 1. that they received a copy of the required documents, and
    - 2. that they agree to notify the Director immediately upon receipt of any information that the Member has breached the standards of practice of the profession; and
- 4. All documents delivered by the Member to CNO, the Expert or the employer(s) will be delivered by verifiable method, the proof of which the Member will retain.

College Counsel submitted that the proposed penalty reflects the seriousness of the Member's conduct. The proposed penalty is appropriate, takes into account the aggravating and mitigating circumstances, properly reflects the goals of penalty and is consistent with other similar decisions.

The aggravating factors are that the Member's conduct covered two incidents involving serious and deliberate breaches of standards. Her conduct at the SAH involved 40 credit card transactions over a period of one year amounting to the use of approximately \$8,639 of hospital funds for her personal benefit. This was a serious breach of employer trust over an extended period.

College Counsel submitted that within weeks of her employment being terminated, the Member misrepresented her nursing credentials when she was applying for her next nursing position. She indicated that she was enrolled in a BSc Nursing program when, in fact, she was not. As part of her application to SJHC she submitted a transcript which purported to be from Aspen University. She went to great lengths to create a false document to submit to her nursing employer in order to obtain

the position. She subsequently submitted another falsified document, i.e. the transcript and letter from Aspen University under the signature of [ ]. All of this conduct was for her own personal advantage and showed a serious disregard for the high standards the public expects from nursing professionals.

As the Member did not attend the hearing, there is no evidence or information before the Panel regarding her personal circumstances. However, College Counsel submitted that one mitigating factor is that the Member did repay all the monies she owed to the SAH.

College Counsel submitted that the proposed penalty takes into account the goals of penalty. Specific and general deterrence are provided through the ten month suspension and the reprimand. Remediation and rehabilitation are provided through the terms, conditions and limitations on the Member's certificate of registration including meeting with the expert. Protection of the public is covered by all the elements of the penalty including the 24 month employer notification. This penalty sends a message to nurses that there are serious consequences for this type of dishonesty or similar actions. The penalty sends the same message to the public and demonstrates that the profession is able to self-regulate.

College Counsel submitted cases to the Panel to demonstrate how other panels of the Discipline Committee dealt with similar cases.

*CNO v Pierce-Nagel* (Discipline Committee 2013) is a case in which the member misappropriated \$1,300 by charging unauthorized amounts to the facility's credit card. The member also misappropriated approximately \$5,000 from residents at the facility. The member was criminally charged and did not participate in the discipline process at the College. The penalty in this case was revocation of the member's certificate of registration.

*CNO v Rousseau* (Discipline Committee 2012) is a case in which the member misappropriated \$25,000 from the workplace and deposited money into her personal account. The member did not participate in the hearing and the penalty was revocation of the member's certificate of registration.

*CNO v Charania* (Discipline Committee 2014) is a case involving falsification of the member's credentials. The member gave false dates on a job application and his resume and false references to employers. This case also involved allegations of fraudulently using a computer system. The member received a suspension of four months, a reprimand, terms, conditions and limitations on his certificate of registration and employer notification of the College's decision for a 24 month period from the date the member returned to the practice of nursing.

College Counsel submitted that in the case at hand, there was no misappropriation of funds from clients, the amount of the misappropriation from the hospital was approximately \$8,600 versus \$25,000, and the Member did repay the money she owed.

### **Penalty Decision**

The Panel accepts College Counsel's Submission on Order and makes the following order:

1. The Member is required to appear before the Panel to be reprimanded within three months of the date that this Order becomes final.
2. The Executive Director is directed to suspend the Member's certificate of registration for 10 months. This suspension shall take effect from the date that this Order becomes final and shall continue to run without interruption as long as the Member remains in the practising class.
3. The Executive Director is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:
  - a) The Member will attend 2 meetings with a Regulatory Expert (the "Expert"), at her own expense and within 6 months from the date that this Order becomes final. To comply, the Member is required to ensure that:
    - i. The Expert has expertise in nursing regulation and has been approved by the Director of Professional Conduct (the "Director") in advance of the meetings;
    - ii. At least 7 days before the first meeting, the Member provides the Expert with a copy of:
      1. the Panel's Order,
      2. the Notice of Hearing, and
      3. if available, a copy of the Panel's Decision and Reasons;
    - iii. Before the first meeting, the Member reviews the following CNO publications and completes the associated Reflective Questionnaires, online learning modules, decision tools and online participation (where applicable):
      1. *Professional Standards*
      2. *Ethics*
      3. *Code of Conduct*
    - iv. At least 7 days before the first meeting, the Member provides the Expert with a copy of the completed Reflective Questionnaires, and online participation forms;
    - v. The subject of the sessions with the Expert will include:
      1. the acts or omissions for which the Member was found to have committed professional misconduct,
      2. the potential consequences of the misconduct to the Member's clients, colleagues, profession and self,
      3. strategies for preventing the misconduct from recurring,
      4. the publications, questionnaires and modules set out above, and
      5. the development of a learning plan in collaboration with the Expert;

- vi. Within 30 days after the Member has completed the last session, the Member will confirm that the Expert forwards his/her report to the Director, in which the Expert will confirm:
  - 1. the dates the Member attended the sessions,
  - 2. that the Expert received the required documents from the Member,
  - 3. that the Expert reviewed the required documents and subjects with the Member, and
  - 4. the Expert's assessment of the Member's insight into her behaviour;
- vii. If the Member does not comply with any of the requirements above, the Expert may cancel any session scheduled, even if that results in the Member breaching a term, condition or limitation on her certificate of registration;
- b) For a period of 24 months from the date the Member returns to the practice of nursing, the Member will notify her employers of the decision. To comply, the Member is required to:
  - i. Ensure that the Director is notified of the name, address, and telephone number of all employer(s) within 14 days of commencing or resuming employment in any nursing position;
  - ii. Provide her employer(s) with a copy of:
    - 1. the Panel's Order,
    - 2. the Notice of Hearing, and
    - 3. a copy of the Panel's Decision and Reasons, once available;
  - iii. Ensure that within 14 days of the commencement or resumption of the Member's employment in any nursing position, the employer(s) forward(s) a report to the Director, in which it will confirm:
    - 1. that they received a copy of the required documents, and
    - 2. that they agree to notify the Director immediately upon receipt of any information that the Member has breached the standards of practice of the profession; and
- 4. All documents delivered by the Member to CNO, the Expert or the employer(s) will be delivered by verifiable method, the proof of which the Member will retain.

### **Reasons for Penalty Decision**

The Panel understands that the penalty ordered should protect the public and enhance confidence in the ability of the College to regulate nurses. This is achieved through a penalty that addresses specific deterrence, general deterrence, and where appropriate, rehabilitation and remediation.

The Member's actions violated cornerstones of the nursing profession: honesty, integrity, and truthfulness. This penalty sends a strong message to the Member and the membership as a whole that misappropriating funds from an employer and misrepresenting one's professional credentials by submitting falsified documents will not be tolerated.

The Panel acknowledges that the Member repaid the monies owed to SAH but as the Member chose not to participate in the hearing, the Panel was unable to consider any additional mitigating factors.

The Panel concluded that the penalty is reasonable and in the public interest, and satisfies the principles of specific and general deterrence, rehabilitation, remediation and public protection. General and specific deterrence are provided through the oral reprimand and a 10 month suspension of the Member's certificate of registration. Rehabilitation and remediation are provided through the imposition of terms, conditions, and limitations on the Member's certificate of registration including two meetings with a nursing expert to review the Standards of Practice and the *Code of Conduct*. The public is protected through the requirement of employer notification for a 24 month period.

This penalty sends a clear message to the profession about the seriousness of this type of conduct.

The penalty falls within the range of reasonable outcomes based on previous decisions of the Discipline Committee.

I, Catherine Egerton, Public Member, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.