

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

PANEL:	Michael Hogard, RPN	Chairperson
	Miranda Huang, RN	Member
	Susan Roger, RN	Member
	Debra Mattina	Public Member
	Margaret Tuomi	Public Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>EMILY LAWRENCE</u> for
)	College of Nurses of Ontario
- and -)	
)	
CHRISTOPHER HOLMGREN)	<u>NO REPRESENTATION</u> for
Registration No. 8325284)	Christopher Holmgren
)	
)	
)	
)	Heard: May 17, 2013

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on May 17, 2013 at the College of Nurses of Ontario (“the College”) at Toronto.

Christopher Holmgren (the “Member”) participated by way of teleconference.

The Allegations

The allegations against the Member as stated in the Notice of Hearing dated April 22, 2013, are as follows:

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 on February 17, 2009, in the Ontario Court of Justice in [] Ontario, you were found guilty of offences relevant to your suitability to practise, and in particular:

- (a) you were found guilty of the criminal offence of fraud over \$5000, contrary to section 380(1)(a) of the *Criminal Code of Canada*; and/or
 - (b) you were found guilty of the criminal offence of uttering forged documents, contrary to section 368(1)(a) of the *Criminal Code of Canada*.
- 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*, while applying for nursing-related positions and/or while registered with the College as a Registered Nurse, you contravened a standard of practice of the profession or failed to meet the standards of practice of the profession, in that:
 - (a) on or about October 2008, you submitted an application for employment to [Facility A] in [] Ontario, which you knew contained false or misleading statements in respect of your academic credentials and/or your employment history;
 - (b) on or about March 2009, you provided your employer, [Facility A], with a letter on [] Police Services letterhead in respect of your police reference check which you knew was altered and/or fabricated;
 - (c) on or about June 2009, you provided your employer, [Facility A], with a letter on [] Police Services letterhead in respect of your police reference check which you knew was altered and/or fabricated;
 - (d) on or about July 2009, you submitted an application for employment to [Facility B] in [] Ontario, which you knew contained false or misleading statements in respect of your academic credentials and/or your employment history; and
 - (e) on or about May 2010, you submitted an application for employment to [Facility C] in [] Ontario, which you knew contained false or misleading statements in respect of your academic credentials and/or your employment history;
 - (f) on or about July 2009, in an employment application to [Facility B], you provided false contact information for your employment references for the purpose of fabricating positive employment references and/or you attempted to impersonate your references in telephone conversations with staff from [Facility B]; and/or
 - (g) on or about May 2010, in an employment application to [Facility C], you provided false contact information for your employment references for the purpose of fabricating positive employment references and/or you attempted to impersonate your references in telephone conversations with staff from [Facility C].
- 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(18) of *Ontario Regulation 799/93*, in that you contravened a term, condition or limitation on your certificate of registration, as provided in section 5(3) of *Ontario Regulation 275/94*, by failing to provide the College

with details regarding the findings of guilt for criminal offences, with respect to the following instances:

- (a) the finding of guilt made against you on February 17, 2009, in respect of the criminal offence of fraud over \$5000, contrary to section 380(1)(a) of the *Criminal Code of Canada*; and/or
 - (b) the finding of guilt made against you on February 17, 2009, in respect of the criminal offence of uttering forged documents, contrary to section 368(1)(a) of the *Criminal Code of Canada*.
- 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(19) of *Ontario Regulation 799/93*, in that, while engaged in the practice of nursing, you contravened a provision of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, the *Regulated Health Professions Act, 1991* or the regulations under either of those Act, and in particular:
 - (a) you contravened section 85.6.1 of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, when you failed to file a report in writing with Registrar of the College of Nurses that you had been found guilty on February 17, 2009, of the offences of fraud over \$5000 and uttering forged documents; and/or
 - (b) on the employment application you submitted to [Facility C] in May 2010, you used the title of “nurse” and/or held yourself out as a person who was qualified to practise in Ontario as a nurse while your certificate of registration was suspended, contrary to section 11 of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended.
- 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(37) of *Ontario Regulation 799/93*, in that, while engaged in the practice of nursing, you engaged in conduct that would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional with respect to the following incidents:
 - (a) you failed to provide the College with details of the findings of guilt for criminal offences made against you in each of the following instances:
 - 1. on or about February 17, 2009, you were found guilty of the criminal offences offence of fraud over \$5000, contrary to section 380(1)(a) of the *Criminal Code of Canada*; and/or
 - 2. on or about February 17, 2009, you were found guilty of the criminal offence of uttering forged documents, contrary to section 368(1)(a) of the *Criminal Code of Canada*.
 - (b) you submitted employment applications to the following prospective employers, which you knew or ought to have known contained a false or misleading

statement with respect to your listed academic credentials and/or your employment history:

1. [Facility A];
 2. [Facility B]; and
 3. [Facility C].
- (c) you submitted altered and/or fabricated police reference check documents to your employer, [Facility A], in March 2009 and/or June 2009;
- (d) on or about July 2009, in an employment application to [Facility B], you provided false contact information for your employment references for the purpose of fabricating positive employment references and/or you attempted to impersonate your references in telephone conversations with staff from [Facility B];
- (e) on or about May 2010, in an employment application to [Facility C], you provided false contact information for your employment references for the purpose of fabricating positive employment references and/or you attempted to impersonate your references in telephone conversations with staff from [Facility C]; and/or
- (f) on the employment application you submitted to [Facility C] in May 2010, you used the title of “nurse” and/or held yourself out as a person who was qualified to practise in Ontario as a nurse while your certificate of registration was suspended.

Member’s Plea

Christopher Holmgren admitted the allegations set out in paragraphs numbered 1(a) and (b), 2(a), (b), (c), (d), (e), (f) and (g), 3(a) and (b), 4(a) and (b) and 5(a), (b), (c), (d), (e) and (f) in the Notice of Hearing. The panel received a written plea inquiry, dated April 13, 2013, which was signed by the Member. The panel also conducted an oral plea inquiry and was satisfied that the Member’s admission was voluntary, informed and unequivocal.

Agreed Statement of Facts

Counsel for the College advised the panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts which provided as follows.

THE MEMBER

1. Christopher Holmgren (the “Member”) obtained a diploma [] in 1982.
2. The Member registered with the College of Nurses of Ontario (the “College”) as a Registered Nurse (“RN”) on January 1, 1983. The Member was suspended for non-payment of fees between April 24, 2003 and June 4, 2003 and between March 11, 2010 and September 26, 2012. On September 26, 2012, the Member voluntarily surrendered his certificate of registration.

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

A. [Facility A]

i. Falsification of Academic Credentials

3. On October 1, 2008, the Member applied for a position as a Healthcare Consultant at [Facility A].
4. The Healthcare Consultant position required a baccalaureate degree in nursing, or equivalent education and experience, and registration with the College.
5. The Member submitted an electronic job application in which he identified himself as both “Christopher Holmgren MA MHSc MN” and “Christopher Holmgren RN MN MHSc.”
6. The Member listed his education as follows: MN, 2007 [University A]; MHSc 2005, [University B]; BScN 1996, [University C]; BA 1990 (summa cum laude), [University A], and; RN, Nursing Diploma 1982, [College A].
7. The Member did not hold the above qualifications. In fact, the Member only holds a nursing diploma from [College A] and a Bachelor of Arts in drama from [University A].

ii. Falsification of Documents for Police Reference Check

8. On December 22, 2008, the Member was sent an offer letter from [Facility A] for the Healthcare Consultant position. The letter stated that, as a condition of hire, the Member had to provide [Facility A] with a police reference check. The Member provided the employer with a police reference check, dated January 5, 2007. [Facility A] requested an updated report and the Member consented on December 23, 2008.
9. The Member then provided [Facility A] with a letter on [] Police Service letterhead, dated March 11, 2009, which indicated that the Member was a “person of interest” in a case of “attempted fraud under \$1000” before the court. This was false. The Member had altered the March 11, 2009, letter from [] Police Service. In the authentic March 2009 letter, the Member is identified as the accused, not a person of interest, charged with several offences before the courts, including uttering forged documents.
10. The Member told [Facility A] that he had signed some cheques above his limit in his former employment. He said the trial would occur in August 2009. This was false.
11. In June 2009, the Member provided [Facility A] with a second letter on [] Police Services letterhead, dated June 1, 2009, which stated:

Subject was previously considered a 'Person of Interest' (P). Since this time, a Judicial Criminal Pre-Trial Conference was held on May 25th, 2009 in [] Ontario, Canada. On the basis of examination of Crown and Client attorney, [] Regional Police and [] Police Force evidence, be it known forthwith that the Crown has deemed that said individual named herein (Christopher D P Holmgren) has been dismissed as a Person Of Interest or having any record of criminal involvement.

THERE ARE NO CRIMINAL RECORDS NOTED ON FILE

(emphasis in original)

12. The Member fabricated the June 1, 2009, letter.
13. The Member was charged with those offences on October 4, 2007. He pled guilty on February 17, 2009, and was found guilty the same day.

B. [Facility B]

i. Falsification of Academic Credentials and Work History

14. In July 2009, while still employed at [Facility A], the Member applied for the position of Program Manager, Geriatric Psychiatry Services, Mental Health Services at [Facility B] in [] Ontario.
15. The position required a degree in a healthcare discipline, preferably at the master's level, or an equivalent combination of education and experience.
16. In his application, the Member identified himself as "Christopher Holmgren RN MN MHSc." He also listed his most recent employment as Director of Quality Services and Strategic Planning at [Facility D] from December 2005 to present, despite his employment at [Facility A] from January 2009 and his termination from [Facility D].
17. The Member listed his education as follows: PhD Nursing Science (candidate) since fall 2007, [University B]; MN, 2007 [University A]; MHSc 2005 (and fellow, [College B]), [University B]; BScN 1996, [University C]; BA 1990 (summa cum laude), [University A], and; RN, Nursing Diploma, [College A].
18. The Member falsified his employment history and academic credentials by claiming to have a BScN, MHSc and an MN, which he did not have.

ii. Impersonation of References

19. The Member was interviewed by [Facility B] for the Program Manager, Geriatric Psychiatry Services, Mental Health Services position on July 20, 2009. On July 31, 2009, [], the Recruitment and Staffing Consultant at [Facility B], contacted two of the Member's references.

20. [The recruitment consultant] called [the] Chief of Psychiatry at St. Michael's Hospital. The man who answered the phone identified himself as [the chief of psychiatry]. However, [the recruitment consultant] was suspicious that she was actually speaking with the Member. The man on the phone had the same accent, laugh and persistent cough as the Member and used idiosyncratic phrases that the Member had used during the interview. Also, the man, at times, spoke in first person about the Member, using "I" instead of "[the Member's name]."
21. [The recruitment consultant] also called [another reference], identified as the CEO of [Facility D]. Once again, [the recruitment consultant] immediately suspected she was speaking with the Member and not to [the reference].
22. Two weeks later, [the recruitment consultant] contacted [the chief of psychiatry] through St. Michael's Hospital. [The chief of psychiatry] confirmed that he had not spoken to [the recruitment consultant] on July 31, 2009.
23. The Member admits that he impersonated [the two references] in the telephone calls with [the recruitment consultant].

C. [Facility C]

i. Falsification of Academic Credentials and Work History

24. On May 13, 2010, the Member applied for the position of Director of Care at [Facility C].
25. The position required registration with the College as an RN and preferred candidates with a baccalaureate in nursing.
26. The Member submitted an electronic job application in which he identified himself as both "Christopher Holmgren MA MHSc MN" and "Christopher Holmgren RN MN MHSc." He also listed his most recent employment as Director of Quality Services and Strategic Planning at [Facility D] from December 2005 to present, despite his employment at [Facility A] from January 2009 and his termination from [Facility D].
27. The Member listed his education as follows: MN, 2007 [University A]; MHSc 2005, [University B]; MA 1992 (summa cum laude, advanced standing), [University B]; BScN 1996, [University C]; BA 1990 (summa cum laude), [University A], and; RN, Nursing Diploma, [College A]. The Member also listed the College as a professional membership, despite being suspended for non-payment of fees as of March 11, 2010.
28. As noted above, Member falsified his employment history and academic credentials by claiming to have a BScN, MHSc and an MN, which he did not have.

ii. Impersonation of References

29. On May 18, 2010, [the] Administrator at [Facility C] interviewed the Member. The Member provided four references, including [the two references he had impersonated previously].
30. [The administrator] contacted [the chief of psychiatry] and he refused to provide a reference for the Member.
31. [The administrator] also attempted to call [the second reference]. However, [the administrator] had to contact the Member because the number he originally provided for [the second reference] was not correct. Within an hour of speaking with the Member, [the administrator] received a call from a person who identified herself as [the second reference]. [The administrator] noted that the call display feature listed the call as originating from a payphone. [The administrator] could hear subway noise in the background. As the conversation progressed, [the administrator] became suspicious that she was speaking to the Member.
32. Following the call, [the administrator] sent [the second reference] an email. [The second reference] responded, confirming that she had not spoken to [the administrator] prior to their email exchange and declining to provide a reference for the Member.

D. Criminal Convictions

33. As noted above, the Member pled guilty and was found guilty of fraud over \$5,000 and uttering forged documents on February 17, 2009.
34. The Member was charged on October 4, 2007, for submitting falsified claims for reimbursement for medication costs to his health insurer, [], while employed at [Facility D] between July 18, 2006, and December 13, 2006. The total loss to [the insurer] was \$8,090.07. The Member was also charged with using forged prescriptions from [a drugstore] between January 2, 2007, and January 31, 2007.
35. On September 16, 2009, the Court ordered the Member to serve two years of probation. A compensation order was also made in the amount of \$8,090.07, which required the Member to pay the money back if financial situation changed.
36. The Member did not self-report his two findings of guilt to the College.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

37. The Member admits that he committed the acts of professional misconduct as alleged in paragraphs 1(a) and (b), 2(a), (b), (c), (d), (e), (f) and (g), 3(a) and (b), 4(a) and (b), 5(a), (b), (c), (d), (e) and (f) of the Notice of Hearing, as described in paragraphs 3 to 36 above, and in particular that his conduct was disgraceful, dishonourable and unprofessional.

Decision

The panel considered the Agreed Statement of Facts and finds that the facts support findings of professional misconduct and, in particular, finds that the Member committed acts of professional misconduct as alleged in paragraphs 1(a) and (b), 2(a), (b), (c), (d), (e), (f) and (g), 3(a) and (b), 4(a) and (b), 5(a), (b), (c), (d), (e) and (f) of the Notice of Hearing in that the Member was found guilty of offences relevant to his suitability to practi[s]e; failed to provide the College with details of the findings of guilt made against him for these criminal offences; submitted employment applications to prospective employers, which he knew or ought to have known contained a false or misleading statement with respect to his listed academic credentials and employment history; submitted altered and fabricated police reference check documents to his employer; provided false contact information for employment references for the purpose of fabricating positive employment references and attempted to impersonate his references in telephone conversations on two separate occasions to two prospective employers; and used the title of “nurse” while his certificate of registration was suspended.

With respect to allegation #5, the panel finds that the Member’s conduct would reasonably be considered by members to be disgraceful, dishonourable and unprofessional.

Reasons for Decision

The evidence contained in the Agreed Statement of Facts clearly supported the allegations.

With respect to allegation #1, the panel finds that the Member’s criminal convictions are relevant to his suitability to practi[s]e. The offences were serious in nature, involving fraud over \$5,000 and the uttering of forged documents. They go against the values of the nursing profession, which holds public trust, honesty and integrity as cornerstones of the profession.

The panel’s findings of disgraceful, dishonourable and unprofessional conduct are supported by the evidence. The Member engaged in conduct that is regarded by the profession and the public to be disgraceful, dishonourable and unprofessional by such actions as:

1. Having received criminal convictions, arising from the workplace and relevant to the Member’s suitability to practi[s]e;
2. Neglecting to report such criminal convictions;
3. Falsifying police checks, academic qualifications and references to gain employment in nursing; and
4. Using the title “nurse” while his certificate was suspended.

The Agreed Statement of Facts describes the Member’s dishonesty and lack of integrity displayed over time and in a persistent nature. Beginning in 2007, the Member engaged in a wide range of misconduct, from convictions for fraudulent activity arising in the workplace through to such actions as falsifying police reference checks and impersonating employment referees. The Member has repeated behaviours that bring shame to the profession. The Member has breached the standards by failing to notify the College (required by legislation) of findings of

guilt and the Member has held himself to be a “nurse” while his certificate was suspended. Professional misconduct involving deceit and dishonesty related directly to nursing work will not be tolerated.

Penalty

Counsel for the College advised the panel that a Joint Submission as to Order had been agreed upon. The Joint Submission as to Order requests that this panel make 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 six months. This suspension shall take effect from the date the Member obtains an active certificate of registration and shall continue to run without interruption.
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 two meetings with a Nursing Expert (the “Expert”), at his own expense and within six months from the date the Member obtains an active certificate of registration. 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 seven days before the first meeting, the Member provides the Expert with a copy of:
 1. the Panel’s Order,
 2. the Notice of Hearing,
 3. the Agreed Statement of Facts,
 4. this Joint Submission on Order, and
 5. if available, a copy of the Panel’s Decision and Reasons;
 - iii. Before the first meeting, the Member reviews the following College publications and completes the associated Reflective Questionnaires and online learning modules:

1. *Professional Standards;*

- iv. At least seven days before the first meeting, the Member provides the Expert with a copy of the completed Reflective Questionnaires, 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 his 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 his certificate of registration;
- b. For a period of 24 months from the date the Member obtains an active certificate[e] of registration, the Member will notify his 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 his employer(s) with a copy of:
 1. the Panel's Order,
 2. the Notice of Hearing,
 3. the Agreed Statement of Facts,
 4. this Joint Submission on Order, and
 5. 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 the College, the Expert or the employer(s) will be [delivered] by verifiable method of delivery, the proof of which the Member will retain.

Penalty Submissions

College Counsel submitted that the Joint Submission on Order protects the public with components that are rehabilitative and that provide specific and general deterrence for the Member and the membership.

It was recognized by Counsel that the Member had cooperated fully with the College and demonstrated remorse during this hearing. The Member had voluntarily surrendered his certificate and at this time is not entitled to practi[s]e. No clients/patients had been harmed.

College Counsel submitted that aggravating factors for this case included an extended period of dishonest behaviour related directly to nursing work and the Member's attempts to obtain employment for which he was not qualified. Therefore, risk to clients/patients could not be discounted.

College Counsel provided the panel with four previous cases with similar kinds of penalties, showing that this was in the range of appropriate outcomes. Counsel submitted that the proposed penalty is based on precedent and appropriate for the circumstances.

Counsel submitted that the following factors were relevant to the appropriateness of the proposed penalty decision:

1. The Member had undertaken a voluntary surrender of his certificate at this time.
2. When re-instatement of his certificate is sought, the Member will then have to fulfill a six-month suspension of his certificate.
3. The Member would also need to comply with any terms, conditions and limitations imposed today in penalty.

The Member did not have any submissions to make following College Counsel's submission.

Penalty Decision

The panel accepts the Joint Submission as to Order and accordingly orders:

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 six months. This suspension shall take effect from the date the Member obtains an active certificate of registration and shall continue to run without interruption.
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 two meetings with a Nursing Expert (the "Expert"), at his own expense and within six months from the date the Member obtains an active certificate of registration. 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 seven days before the first meeting, the Member provides the Expert with a copy of:

1. the Panel's Order,
 2. the Notice of Hearing,
 3. the Agreed Statement of Facts,
 4. this Joint Submission on Order, and
 5. if available, a copy of the Panel's Decision and Reasons;
- iii. Before the first meeting, the Member reviews the following College publications and completes the associated Reflective Questionnaires and online learning modules:
1. *Professional Standards*;
- iv. At least seven 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 his 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 his certificate of registration;
- b. For a period of 24 months from the date the Member obtains an active certificate[e] of registration, the Member will notify his 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 his employer(s) with a copy of:
 1. the Panel's Order,
 2. the Notice of Hearing,
 3. the Agreed Statement of Facts,
 4. this Joint Submission on Order, and
 5. 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 the College, the Expert or the employer(s) will be [delivered] by verifiable method of delivery, the proof of which the Member will retain.

Reasons for Penalty Decision

The panel concluded that while this conduct could also warrant a more severe penalty, the proposed penalty is nevertheless reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty, has accepted responsibility for his actions. The penalty provides the message of dissuasion to this Member and other members, so as to discourage like behaviour. The penalty provides specific deterrence of the Member, general deterrence for the profession, and protection of the public interest and assurance that the public trust in the profession will be maintained.

I, Michael Hogard, RPN, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:

Chairperson

Date

Panel Members:

Miranda Huang, RN
Susan Roger, RN
Debra Mattina, Public Member
Margaret Tuomi, Public Member