

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

PANEL:	Karen Laforet, RN	Chairperson
	Max Hamlyn, RPN	Member
	Neil Hillier, RPN	Member
	Carly Hourigan	Public Member
	Lalitha Poonasamy	Public Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DENISE COONEY</u> for
)	College of Nurses of Ontario
- and -)	
)	
TATIANA KOROLEVA)	<u>PHILIP ABBINK</u> for
Registration No. 0005306)	Tatiana Koroleva
)	
)	<u>PATRICIA HARPER</u>
)	Independent Legal Counsel
)	
)	Heard: December 16, 2022

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) of the College of Nurses of Ontario (the “College”) on December 16, 2022, via videoconference.

The Allegations

The allegations against Tatiana Koroleva (the “Member”) as stated in the Notice of Hearing dated October 13, 2022, 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 while working as a Registered Nurse at Baycrest Hospital in Toronto, Ontario (the “Facility”), you contravened a standard of practice of the profession or failed to meet the standards of practice of the profession, and in particular, in or around 2011 to 2018, you submitted

and/or accepted payment for false claims under the Facility's employee group benefit plan (the "Benefit Plan").

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(8) of *Ontario Regulation 799/93*, in that while working as a Registered Nurse at the Facility, you misappropriated property from a client or workplace, and in particular, in or around 2011 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.
3. You 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 working as a Registered Nurse at the Facility, you falsified a record relating to your practice, and in particular, in or around 2011 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.
4. You 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(15) of *Ontario Regulation 799/93*, in that while working as a Registered Nurse at the Facility, you signed or issued, in your professional capacity, a document that you knew or ought to have known contained a false or misleading statement, and in particular, in or around 2011 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.
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 working as a Registered Nurse at 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, dishonorable or unprofessional, and in particular, in or around 2011 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.

Member's Plea

The Member admitted the allegations set out in paragraphs #1, #2, #3, #4 and #5 in the Notice of Hearing. The Panel received a written plea inquiry 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

College Counsel and the Member's Counsel advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, which reads, unedited, as follows:

MEMBER

1. Tatiana Koroleva (the "Member") registered with the College of Nurses of Ontario ("CNO") as a Registered Nurse ("RN") on December 3, 1999.
2. The Member was employed as an RN at Baycrest Health Sciences (the "Facility"), located in Toronto, Ontario from 2000 to 2019. The Member's employment at the Facility was terminated in connection with the incidents described below.

BENEFIT PLAN

3. The Facility offers its employees a self-insured group insurance policy by which the Facility provides coverage to employees for extended health care, dental, and other insurance benefits (the "Benefit Plan"). Coughlin & Associates Ltd ("Coughlin") administers the Benefit Plan on behalf of the Facility. The Facility, however, is the plan sponsor for the Benefit Plan, and therefore funds the cost of claims paid out to employees under the plan. Employees contribute to the cost of the Benefit Plan as set out in their employment agreement and/or collective agreement and based on their election for individual or family coverage.
4. In order to submit a benefit claim, members of the Benefit Plan would complete a medical expense claim form provided by Coughlin. The medical expense claim form requires certain information, including information on the plan member, any dependants, and the nature of the claim. The plan member must certify "that the information given is true, correct and complete to the best of [their] knowledge".

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

5. From 2011 to 2019, the Member submitted various claims for medical services and products to the Benefit Plan. During this period, she submitted benefit claims amounting to at least \$12,920 for physiotherapy services which were not received.
6. In January 2019, the Facility uncovered benefits irregularities and conducted an internal investigation. Through its investigation, the Facility identified a series of benefit claims submitted by the Member that the Facility deemed to be suspicious.
7. On February 14, 2019, and April 8, 2019, the Member was interviewed by the Facility with respect to her claims. The Facility concluded that the Member had submitted extensive false and inappropriate claims. As a result, the Facility terminated the Member's employment on July 10, 2019.

8. The Member did not pay restitution.
9. If the member were to testify, she would state that she did not set out to engage in improper conduct. She would, however, acknowledge that her benefits should not have been used in this manner. She would also acknowledge that in so doing, she submitted claims that were false and/or improper and/or accepted payment for claims which were false and/or improper. She would also testify that she is deeply remorseful for her conduct and would assure the Committee that she would never again engage in any such behaviour.

BENEFIT FRAUD CASES

10. To date, at least 75 benefit cases involving substantially similar schemes as the one identified in this case, involving either cash or products not covered by the benefit plan, have been referred to the Discipline Committee. The dollar amounts of the claims involved range from under \$500 to over \$45,000.

CNO STANDARDS

Professional Standards

11. CNO's *Professional Standards* provides an overall framework for the practice of nursing and a link with other standards, guidelines and competencies developed by CNO. It includes seven broad standard statements pertaining to accountability, continuing competence, ethics, knowledge, knowledge application, leadership and relationships.
12. CNO's *Professional Standards* provides, in relation to the accountability standard, that nurses are accountable to the public and responsible for ensuring their practice and conduct meets the legislative requirements and the standards of the profession. Nurses are responsible for their actions and the consequences of those actions as well as for conducting themselves in ways that promote respect for the profession. Nurses demonstrate this standard by actions such as ensuring their practice is consistent with CNO's standards of practice and guidelines as well as legislation.
13. CNO's *Professional Standards* provides, in relation to the leadership standard, that leadership requires self-knowledge (understanding one's beliefs and values and being aware of how one's behaviour affects others), respect, trust, integrity, shared vision, learning, participation, good communication techniques and the ability to be a change facilitator. The leadership expectation is not limited to nurses in formal leadership positions and all nurses, regardless of their position, have opportunities for leadership. Nurses demonstrate this standard by actions such as role-modelling professional values, beliefs and attributes.

Ethics

14. CNO's *Ethics* Standard describes ethical values that are important to the nursing profession in Ontario including patient well-being, patient choice, privacy and confidentiality, respect for life, maintaining commitments, truthfulness and fairness.
15. CNO's *Ethics* Standard provides, in relation to maintaining commitments, that nurses have a commitment to the nursing profession and being a member of the profession brings with it the respect and trust of the public. To continue to deserve this respect, nurses have a duty to uphold the standards of the profession, conduct themselves in a manner that reflects well on the profession, and to participate in and promote the growth of the profession.
16. CNO's *Ethics* Standard also provides, in relation to truthfulness, that truthfulness means speaking and acting without intending to deceive.
17. The Member admits and acknowledges that she contravened CNO's *Professional Standards* and *Ethics* Standard.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

18. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 1 of the Notice of Hearing in that she contravened a standard of practice of the profession or failed to meet the standards of practice of the profession, as described in paragraphs 5 to 9 and 10 to 17 above.
19. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 2 of the Notice of Hearing in that she misappropriated property from a workplace, as described in paragraphs 5 to 9 above.
20. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 3 of the Notice of Hearing in that she falsified a record relating to her practice, as described in paragraphs 5 to 9 above.
21. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 4 of the Notice of Hearing in that she signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement, as described in paragraphs 5 to 9 above.
22. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 5 of the Notice of Hearing, and in particular her conduct was dishonourable and unprofessional, as described in paragraphs 5 to 9 and 10 to 17 above.

Submissions on liability were made by College Counsel.

College Counsel submitted that the Panel should make findings of professional misconduct with respect to all five allegations in the Notice of Hearing based on the facts set out in the Agreed Statement of Facts, as well as the Member's admissions. The Member's plea was voluntary and informed and was made on the advice of experienced Counsel.

Regarding allegation #1, College Counsel submitted that the Agreed Statement of Facts provides the Panel with the relevant standards as the basis to make the finding that the Member breached the standards of practice. The Member admitted that she contravened the standards of practice of the profession.

In regard to allegation #5, the parties agree that the Member's conduct was relevant to the practice of nursing and was dishonourable as well as unprofessional. This agreement is part of the global resolution reached between the parties and is reasonable.

The Member submitted false claims in the amount of at least \$ 12,920.00 to the Baycrest Hospital's (the "Facility") employee group benefit plan (the "Benefit Plan") from 2011 to 2019, which is relevant to the practice of nursing as claims were submitted as part of her nursing employment at the Facility. College Counsel submitted that members of the profession would consider this conduct to be unprofessional and dishonourable. The Member's conduct was unprofessional as submitting false claims to the Benefit Plan constitutes a serious and persistent disregard for her professional obligations to act with the honesty and integrity of a nurse. The Member's conduct is dishonourable as it involved lying, deceit and dishonesty. The Member failed to act with integrity, which the public expects from the nursing profession.

Member's Counsel made submissions with respect to liability, including that the Panel is entitled to rely on the facts as set out in the Agreed Statement of Facts as evidence. He pointed out that the Member's admissions, were voluntary and informed. Member's Counsel referred to the Verde-Balayo case, in which similar conduct was found to be relevant to nursing and dishonourable and unprofessional. That finding supports the findings this Panel is being asked to make in this case. Member's Counsel agreed with College Counsel that dishonourable, disgraceful and unprofessional are disjunctive terms. The Member admits to dishonourable and unprofessional conduct only.

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 that the Member committed acts of professional misconduct as alleged in paragraphs #1, #2, #3, #4 and #5 of the Notice of Hearing. As to allegation #5, the Panel finds that the Member engaged in conduct that would reasonably be regarded by members of the profession to be dishonourable and unprofessional.

Reasons for Decision

The Panel considered the Agreed Statement of Facts and the Member's plea and finds that this evidence supports findings of professional misconduct as alleged in the Notice of Hearing.

Allegation #1 in the Notice of Hearing is supported by paragraphs 4–9 and 10–18 in the Agreed Statement of Facts. The Member admitted to submitting false claims through the Facility's Benefit Plan from 2011 to 2019 for physiotherapy services which were not received and to receiving at least \$12,920.00 in relation to those false claims. The Facility offers its employees a self-insured group insurance policy by which the Facility provides coverage to employees for extended health care, dental, and other insurance benefits. Coughlin & Associates Ltd ("Coughlin") administers the Benefit Plan on behalf of the Facility. In order to submit a benefit claim, members of the Benefit Plan would complete a medical expense claim form provided by Coughlin. The medical expense claim form requires certain information, including information on the plan member, any dependants, and the nature of the claim. The plan member must certify "that the information given is true, correct and complete to the best of [their] knowledge". The College's *Professional Standards* provide that nurses are responsible for their actions and the consequences of those actions as well for conducting themselves in ways that promote respect for the profession. The College's *Ethics Standard* provides in relationship to truthfulness, that truthfulness means speaking or acting without intending to deceive. By submitting the false claims to the Facility's Benefit Plan, the Member breached the College's *Professional Standards* and the *Ethics Standard*.

Allegation #2 in the Notice of Hearing is supported by paragraphs 4-9 and 19 in the Agreed Statement of Facts. The Member admitted to misappropriating property from the Facility by submitting false claims through the Facility's Benefit Plan and to receiving money for those false claims. Receiving money with respect to false benefit claims constitutes misappropriation of property.

Allegation #3 in the Notice of Hearing is supported by paragraphs 4–9 and 20 in the Agreed Statement of Facts. The Member admitted to falsifying a record relating to her practice by submitting false claim forms to the Facility's Benefit Plan. The Member had access to the Benefit Plan by virtue of her employment as a nursing professional. The Member submitted false claims through the Facility's Benefit Plan from 2011 to 2019 for physiotherapy services which were not received and received at least \$12,920.00 in relation to those false claims. By signing and submitting claim forms that contained false information, the Panel finds that the Member falsified records relating to her practice.

Allegation #4 in the Notice of Hearing is supported by paragraphs 4–9 and 21 in the Agreed Statement of Facts. The Member admitted to signing or issuing, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement. As noted above, the Member had access to the benefit plan by virtue of her employment as a nursing professional. In order to submit a benefit claim, members of the Benefit Plan would complete a medical expense claim form. The medical expense claim form required certain

information, including information on the plan member, any dependants, and the nature of the claim. The plan member had to certify “that the information given is true, correct and complete to the best of [their] knowledge”. The Member submitted false claims through the Facility’s Benefit Plan from 2011 to 2019 for physiotherapy services which were not received and received at least \$12,920.00 in relation to those false claims. Accordingly, the facts support the allegation that the Member signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement.

Allegation #5 in the Notice of Hearing is supported by paragraphs 4–17 and 22 in the Agreed Statement of Facts. The Panel finds that the Member’s conduct in submitting false claims was clearly relevant to the practice of nursing and was unprofessional as it demonstrated a serious and persistent disregard for her professional obligations as set out in the *Professional Standards* and the *Ethics* Standard.

The Panel also finds that the Member’s conduct, which took place over a number of years, was dishonourable. It demonstrated an element of moral failing, dishonesty and deceit. The Member failed to act with the integrity the public expects from the nursing profession when she submitted false claims to the Facility’s Benefit Plan. The Member also knew or ought to have known that her behaviour was unacceptable and fell below the standards of a professional.

Penalty

College Counsel and the Member’s Counsel advised the Panel that a Joint Submission on Order had been agreed upon. The Joint Submission on Order requests that this Panel make an order as follows:

1. Requiring the Member to appear before the Panel to be reprimanded within 3 months of the date that this Order becomes final.
2. Directing the Executive Director to suspend the Member’s certificate of registration for 4 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 a practicing 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 the Member’s 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 CNO in advance of the meetings;

- ii. At least 5 days before the first meeting, or within another timeframe approved by the Expert, 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 CNO publications and completes the associated Reflective Questionnaires, online learning modules and decision tools (where applicable):
 - 1. *Code of Conduct*,
 - 2. *Professional Standards*, and
 - 3. *Ethics*;
- iv. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of the completed Reflective Questionnaires;
- 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 patients, 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 their report to CNO, 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 the Member's behaviour;
- vii. If the Member does not comply with any one or more 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 the Member's certificate of registration;
- b) For a period of 12 months from the date the Member returns to the practice of nursing, the Member will notify the Member's employer(s) of the decision. To comply, the Member is required to:
 - i. Inform any employer of the decision prior to commencing or prior to resuming employment in any nursing position;
 - ii. Ensure that CNO is notified of the name, address, and telephone number of all employers(s) within 14 days of commencing or resuming employment in any nursing position;
 - iii. Provide the Member's 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;
 - iv. 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 CNO, in which it will confirm:
 1. that they received a copy of the required documents, and
 2. that they agree to notify CNO immediately upon receipt of any information that the Member has breached the standards of practice of the profession.
4. All documents delivered by the Member to CNO, the Expert or the Member's employer(s) will be delivered by verifiable method, the proof of which the Member will retain.

Penalty Submissions

Submissions were made by College Counsel.

The aggravating factors in this case were:

- The Member's conduct in submitting false claims to the Facility's Benefit Plan was serious, persistent, dishonest and deceitful. As the Facility is a publicly funded institution the Member's deceit and dishonesty was at the expense of the public;
- The Member's conduct was done for her own personal benefit;
- The Member's conduct of misappropriation of funds involved \$12,920.00 that was accrued by making false claims to the Facility's Benefit Plan over a number of years;
- The Member knowingly took part in submitting the false claims to the Facility's Benefit Plan and took no accountability for her actions; and
- The Member took advantage of the Facility and the Benefit Plan by submitting false claims and abusing the privilege of a Benefit Plan that many others do not have.

The mitigating factors in this case were:

- The Member has taken responsibility with the College and has admitted to the allegations and entered into an Agreed Statement of Facts and a Joint Submission on Order with the College; and
- The Member has no prior discipline history with the College.

The proposed penalty provides for general deterrence through the 4-month suspension of the Member's certificate of registration. General deterrence is significant in this case as there are at least 75 similar fraudulent cases that have been referred to the College and there needs to be a strong message sent to all members of the College, that this type of behaviour will not be tolerated.

The proposed penalty provides for specific deterrence through the oral reprimand and the 4-month suspension of the Member's certificate of registration. The oral reprimand will assist the Member in gaining a greater understanding of how her actions are perceived by the nursing profession and the general public. The suspension sends a strong signal to the Member that this kind of behaviour is unacceptable and will ensure this conduct is not repeated.

The proposed penalty provides for remediation and rehabilitation through the 2 meetings with a Regulatory Expert, at the Member's own expense, and a review of the College's publications, and completion of the associated Reflective Questionnaires, online learning modules and decision tools. This will prepare the Member to return to ethical practice and meet the standards expected of nurses.

Overall, the public is protected through the 12 months of employer notification from the date the Member returns to the practice of nursing. The Member will notify her employer of the decision. This will ensure employer oversight on her return to practice.

College Counsel submitted the following cases to the Panel to demonstrate that the proposed penalty fell within the range of similar cases from this Discipline Committee:

CNO v. Verde-Balayo (Discipline Committee, 2021): This was the first of a series of cases to be decided regarding benefit fraud. This case involved benefit fraud in the amount of \$7,982.50. The member did not make restitution. The penalty included an oral reprimand, a 4-month suspension of the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification, which is identical to the proposed penalty in the case before this Panel.

CNO v. Ding (Discipline Committee, 2022): This case is the most similar in the amount of funds misappropriated. The amount of the benefit fraud in this case was approximately \$17,654.00. The member did not make restitution. The penalty included an oral reprimand, a 4-month suspension of the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification. This penalty is identical to both the proposed penalty in the case before this Panel and the *Verde-Balayo* case.

CNO v. White-Veira (Discipline Committee, 2022). This case is similar in the amount of funds misappropriated. The amount of the benefit fraud in this case was approximately \$12,095.00. The member did not make restitution. The penalty included an oral reprimand, a 4-month suspension of the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification, which is identical to the proposed penalty in the case before this Panel.

CNO v. Cervantes (Discipline Committee, 2022). This case is similar in the amount of funds misappropriated. The amount of the benefit fraud in this case was at least \$14,515.00. The member did not make restitution. The penalty included an oral reprimand, a 4-month suspension of the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification, which is identical to the proposed penalty in the case before this Panel.

Member's Counsel made submission with respect to penalty. Member's Counsel submitted that the Joint Submission Order was a product of negotiation between the Member represented by experienced Counsel and the College. He highlighted the general principles of penalty and the threshold for rejecting a joint submission as set out in *R. v. Anthony Cook*. Member's Counsel submitted that the cases presented by the College show that the Joint Submission on Order is within the appropriate range and clearly consistent with other penalties.

Penalty Decision

The Panel accepts the Joint Submission on Order and accordingly orders:

1. The Member is required to appear before the Panel to be reprimanded within 3 months of the date that this Order becomes final.

2. The Executive Director is directed to suspend the Member's certificate of registration for 4 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 a practicing 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 the Member's 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 CNO in advance of the meetings;
 - ii. At least 5 days before the first meeting, or within another timeframe approved by the Expert, 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 CNO publications and completes the associated Reflective Questionnaires, online learning modules and decision tools (where applicable):
 1. *Code of Conduct*,
 2. *Professional Standards*, and
 3. *Ethics*;
 - iv. At least 5 days before the first meeting, or within another time frame approved by the Expert, the Member provides the Expert with a copy of the completed Reflective Questionnaires;
 - 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 patients, 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 their report to CNO, 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 the Member's behaviour;
 - vii. If the Member does not comply with any one or more 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 the Member's certificate of registration;
- b) For a period of 12 months from the date the Member returns to the practice of nursing, the Member will notify the Member's employer(s) of the decision. To comply, the Member is required to:
- i. Inform any employer of the decision prior to commencing or prior to resuming employment in any nursing position;
 - ii. Ensure that CNO 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;
 - iii. Provide the Member's 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;
 - iv. 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 CNO, in which it will confirm:
 1. that they received a copy of the required documents, and

2. that they agree to notify CNO immediately upon receipt of any information that the Member has breached the standards of practice of the profession.
4. All documents delivered by the Member to CNO, the Expert or the Member's 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 public 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 Panel also considered the penalty in light of the principle that joint submissions should not be interfered with lightly.

The Panel concluded that the proposed penalty is 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.

The Panel finds that the penalty satisfies the principles of specific and general deterrence, rehabilitation and remediation, and public protection.

General deterrence is achieved through the 4-month suspension of the Member's certificate of registration, which will send a strong message to the professional membership that employee benefit fraud will not be tolerated.

Specific deterrence is achieved through the oral reprimand and the 4-month suspension of the Member's certificate of registration, which will send a clear message to the Member that employee benefit fraud will not be tolerated.

Rehabilitation and remediation will be achieved through the 2 meetings with a Regulatory Expert and learning activities.

The public will be protected through the 12 months of employer notification, which will make the employer aware of the misconduct so that the employer can appropriately monitor the Member on her return to practice.

The penalty is also in line with what has been ordered in previous cases in similar circumstances.

I, Karen Laforet, RN, sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline panel.