

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

PANEL:	Susan Roger, RN	Chairperson
	Neil Hillier, RPN	Member
	Karen Laforet, RN	Member
	Sandra Larmour	Public Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DOUGLAS MONTGOMERY</u> for
)	College of Nurses of Ontario
- and -)	
)	
SVITLANA YERYCHUK)	<u>SERGEY BOGDANOV</u> Paralegal for
Registration No. AJ767128)	Svitlana Yerychuk
)	
)	<u>KIMBERLEY ISHMAEL</u>
)	Independent Legal Counsel
)	
)	Heard: May 19, 2023

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 May 19, 2023, via videoconference.

The Allegations

The allegations against Svitlana Yerychuk (the “Member”) as stated in the Notice of Hearing dated April 10, 2023 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 Practical 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 2013 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 Practical Nurse at the Facility, you misappropriated property from a client or workplace, and in particular, in or around 2013 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 Practical Nurse at the Facility, you falsified a record relating to your practice, and in particular, in or around 2013 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 Practical 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 2013 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 Practical 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, dishonourable or unprofessional, and in particular, in or around 2013 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 Paralegal 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. Svitlana Yerychuk (the “Member”) registered with the College of Nurses of Ontario (“CNO”) as a Registered Practical Nurse (“RPN”) on August 4, 2010.
2. At the time of the incident, the Member was employed at Baycrest Health Sciences (the “Facility”), in Toronto, Ontario. The Member began working at the Facility in 2002. Her employment with the Facility was terminated in 2019, following the Facility’s investigation into the incident described below.

BENEFIT PLAN

3. The Facility offers its employees a self-insured group insurance policy through 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, based on their election for individual or family coverage.
4. 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 dependents, 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. Between 2013 to 2018, the Member submitted various claims for medical services and products from Med Care Treatment & Supplies, Pro Health Med & Supply Inc., and Family Health & Mobility Solutions. Some of the claims that the Member submitted for reimbursement were false.
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 which totaled approximately \$24,242 that the Facility deemed to be suspicious.
7. The Facility interviewed the Member on February 14 and April 16, 2019, with respect to her claims. The Facility concluded that the Member had submitted fraudulent claims. As a result, the Facility terminated the Member’s employment on July 10, 2019.

8. The Member admits that she submitted fraudulent benefit claims amounting to approximately \$10,000. The Member did not pay restitution.

BENEFIT FRAUD CASES

9. To date, a total of 80 benefit fraud 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 false claims involved range from under \$500 to over \$45,000.

CNO STANDARDS

Professional Standards

10. 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.
11. 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.
12. 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

13. 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.

14. 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.
15. CNO's *Ethics* Standard also provides, in relation to truthfulness, that truthfulness means speaking and acting without intending to deceive.
16. The Member admits and acknowledges that she contravened CNO's *Professional Standards* and *Ethics* Standard.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

17. 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 8 and 10 to 16 above.
18. 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 8 above.
19. 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 8 above.
20. 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 8 above.
21. 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 8 and 10 to 16 above.

Submissions on liability were made by College Counsel.

College Counsel asked the Panel to accept the Agreed Statement of Facts, as well as the Member's admissions to all the allegations as set out in paragraphs 17 to 21 of the Agreed Statement of Facts and, on the basis of those facts and admissions, make findings of professional misconduct with respect to the allegations in the Notice of Hearing. College Counsel submitted that the Panel has taken the Member's plea, conducted a verbal plea inquiry, and received a written plea inquiry (Exhibit #2) which was voluntary, informed, and

made on the advice of experienced legal representatives. College Counsel submitted that based on the Agreed Statement of Facts, which specifically describes the facts in relation to the allegations, the Panel has enough evidence to find that the Member committed professional misconduct as set out in all of the allegations in the Notice of Hearing.

With regard to allegation #1, College Counsel submitted that the Member failed to meet the College's *Professional Standards* and the *Ethics* Standard by submitting and accepting payment for false benefit claims. The Member admitted that these standards were breached over a 6-year period with approximately \$10,000.00 in false claims identified. Therefore, this admission and supporting facts provide a basis for making a finding of professional misconduct.

With regard to allegation #5, College Counsel submitted that the Member's conduct was relevant to the practice of nursing since it was through her employment as a Registered Practical Nurse ("RPN") that she had access to the Baycrest Hospital's (the "Facility") employee group benefit plan (the "Benefit Plan"). College Counsel submitted that members of the profession would regard the Member's conduct as unprofessional and dishonourable as her conduct was a departure from the conduct expected of nurses. The Member demonstrated a marked and persistent disregard to act with integrity and an inability to uphold the trust of the public. Dishonourable conduct involves an element of moral failing, and this holds out in this case due to the Member's repeated acts of dishonesty.

College Counsel submitted the *CNO v. Verde-Balayo* (Discipline Committee, 2021) decision on liability for the Panel's review. This was the first decision from the Discipline Committee regarding similar conduct. In that case, the panel concluded that conduct of this nature is unprofessional and dishonourable but not disgraceful. The panel in *Verde-Balayo* was asked to make the same findings on liability as in the case before this Panel and it did so. College Counsel asked the Panel to make findings on all allegations.

The Member's Paralegal submitted that there was a basis as set out in the Agreed Statement of Facts to find the Member liable for the allegations made against her in the Notice of Hearing and indicated he had no additional comments regarding College Counsel's submissions on liability.

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 5–8 and 10–17 in the Agreed Statement of Facts. The Member admitted to submitting false claims through the Facility's Benefit Plan between 2013 to 2018 and to receiving approximately \$10,000.00 in relation to those false claims. The College's *Professional Standards* require nurses to be truthful, have integrity and conduct themselves in a way that ensures respect for the nursing profession. The *Ethics* Standard also requires nurses to be truthful and act without intending to deceive. The Member failed to meet and contravened these standards when she submitted false claims under the Facility's Benefit Plan.

Allegation #2 in the Notice of Hearing is supported by paragraphs 5–8 and 18 in the Agreed Statement of Facts. The Member admitted to misappropriating property from the Facility when she submitted false claims through the Facility's Benefit Plan and received 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 5-8 and 19 in the Agreed Statement of Facts. The Member admitted to falsifying a record relating to her practice when she signed and submitted false claim forms to the Facility's Benefit Plan and certified "that the information given is true, correct and complete to the best of [their] knowledge". The Member, as an RPN employed at the Facility, had access to the Benefit Plan by virtue of her employment as a nursing professional and so her actions were related to her practice as a nurse. Accordingly, the facts support the allegation that the Member falsified a record relating to her practice and did so in the context of her employment as an RPN at the Facility.

Allegation #4 in the Notice of Hearing is supported by paragraphs 5–8 and 20 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. When the Member signed the medical expense claim form that required her to certify "that the information given is true, correct and complete to the best of [their] knowledge", she knew or ought to have known that she was signing a document that contained a false or misleading statement and that it was a false claim under the Facility's Benefit Plan. As noted above, the Member had access to the Facility's Benefit Plan by virtue of her employment as a nursing professional. When she signed and submitted claim forms on her behalf, she did so in her capacity as an RPN employee of the Facility. 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 5–8, 10-16 and 21 in the Agreed Statement of Facts. The Panel finds that the Member's conduct in submitting false

benefit claims was clearly relevant to the practice of nursing. It was unprofessional as it demonstrated a serious and persistent disregard for her professional obligations in breaching the *Professional Standards* and the *Ethics Standard*. The Member was found to have failed to act with integrity and maintain public trust by her intentional and ongoing submissions of false claims.

The Panel also finds that the Member's conduct was dishonourable as it demonstrated an element of dishonesty, deceit and moral failing when she submitted benefit claims she knew to be false. The fact that this conduct persisted from 2013 to 2018 was further evidence of moral failing on the part of the Member. The Member knew or ought to have known that her conduct was unacceptable and fell below the standards of a professional.

Penalty

College Counsel and the Member's Paralegal 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 the Member obtains an active certificate of registration in a practicing class. 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 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.

Penalty Submissions

Submissions were made by College Counsel.

College Counsel submitted a Joint Submission on Order for the Panel's consideration and acceptance. College Counsel indicated that the Panel is required to accept the Joint Submission on Order unless to do so would be contrary to the public interest or bring the administration of justice into disrepute. College Counsel submitted that the Joint Submission on Order presented to the Panel was the product of negotiations between the College and the Member, who is represented and will further protect the public, as it appropriately considers the aggravating and mitigating factors of this case, meets the objectives of penalty and is consistent with prior decisions of the Discipline Committee.

The aggravating factors in this case were:

- The Member demonstrated serious and persistent dishonesty and deceit at the expense of the Facility's Benefit Plan;
- The Member admitted to receiving approximately \$10,000.00 in relation to the false claims;
- There was a pattern of deceit over 6 years that could have been stopped at any time, however, the Member failed to do so; and
- The Member took advantage of the Facility's trust and took advantage of the privilege of having a benefit plan—one that many nurses do not have.

The mitigating factors in this case were:

- The Member has taken responsibility with the College by admitting to the allegations and entering into an Agreed Statement of Facts and a Joint Submission on Order with the College, thereby saving the expense of a contested hearing; and
- The Member has been practicing since 2010 and has no prior disciplinary history with the College.

College Counsel submitted the Joint Submission on Order meets the objectives of penalty which is not to punish the Member but to enhance public confidence in the College's ability to regulate nurses and maintain high standards. The elements of penalty also address specific and general deterrence and provide for rehabilitation and remediation.

The proposed penalty provides for general deterrence through the 4-month suspension of the Member's certificate of registration, which will send a message to other members of the profession that inappropriate use of employee benefits is unacceptable. General deterrence is pronounced in the benefit fraud cases as there is indication of a systemic issue which requires the College to respond with a clear message.

The proposed penalty provides for specific deterrence through the oral reprimand and the 4-month suspension of the Member's certificate of registration, which will help the Member gain greater understanding of how her actions are perceived by members of the profession and the public and sends a message to the Member that this type of conduct is unacceptable and will not be tolerated.

The proposed penalty provides for remediation and rehabilitation through the 2 meetings with a Regulatory Expert and review of the College's publications. These activities will help the Member return to the ethical practice expected of nurses.

Overall, the public is protected through the 12 months of employer notification that adds an additional layer of oversight on the Member's 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): In this case, the hearing proceeded by way of an Agreed Statement of Facts and a Partial Joint Submission on Order. This case established a precedent regarding the benefit cases. The member admitted to submitting false benefit claims 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.

CNO v. Nica (Discipline Committee, 2022): In this case, the hearing proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member admitted to submitting false benefit claims in the amount of at least \$9,620.00. 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.

CNO v. Pavlovych (Discipline Committee, 2022): In this case, the hearing proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member admitted to submitting false benefit claims in the amount of at least \$11,040.00 over a period of 6 years. 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.

Submissions were made by the Member's Paralegal.

The Member's Paralegal submitted that the proposed penalty is reasonable and consistent with what has been ordered in previous false benefit claim cases and asked the Panel to consider the mitigating factors as part of the decision.

The Member's Paralegal submitted that the Member started working as a Personal Support Worker in 2002 and worked as an RPN for 9 years without any prior disciplinary history with the College and without any employer complaints. In 2016, the Member was nominated by her employer for a mentorship award. The Member admitted to the facts presented, is remorseful for her actions and has already suffered with the loss of her job and seniority. The Member is currently working with Toronto Public Health and the Ukrainian Canadian Care Centre and has not received any employer complaints.

The Member's Paralegal submitted that the Member pleaded guilty to save the College time and money. In addition, he respectfully submitted that the Member has a strong potential for rehabilitation and the proposed penalty will serve as general deterrence without undermining public confidence in the profession. The cases provided by College Counsel are relevant and related to this case and support the goals of penalty.

The Member's Paralegal asked the Panel to accept the Joint Submission on Order.

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 the Member obtains an active certificate of registration in a practicing class. 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 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. Specifically, the oral reprimand and the 4-month suspension of the Member's certificate of registration provides for specific deterrence. The 4-month suspension of the Member's certificate of registration provides for general deterrence. The 2 meetings with a Regulatory Expert will allow for rehabilitation and remediation and the 12 months of employer notification will ensure the public is protected.

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

I, Susan Roger, 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.