

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

<b>PANEL:</b>	Michael Hogard, RPN,	Chairperson
	Sylvia Douglas	Public Member
	Sarah Louwagie, RPN,	Member
	Susan Roger, RN	Member

**BETWEEN:**

COLLEGE OF NURSES OF ONTARIO	)	<u>GLYNNIS HAWES</u> for
	)	College of Nurses of Ontario
- and -	)	
	)	
KARI-LEE STEPHENS	)	<u>NO REPRESENTATION</u> for
Registration No. J1728351	)	Kari-Lee Stephens
	)	
	)	<u>CHRISTOPHER WIRTH</u>
	)	Independent Legal Counsel
	)	
	)	Heard: July 28, 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 July 28, 2022, via videoconference.

**The Allegations**

The allegations against Kari-Lee Stephens (the “Member”) as stated in the amended Notice of Hearing dated June 20, 2022 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 or about August 9, 2018, in the Ontario Court of Justice in Chatham, Ontario, you were found guilty of an offence relevant to your suitability to practise, and in particular, you were found guilty of the following offence:

- a) on or about the 21<sup>st</sup> day of April, 2017 at the Municipality of Chatham-Kent, you did knowingly make a false document to wit a cheque with intent that it be acted upon as genuine and did thereby commit forgery contrary to s. 367 of the *Criminal Code*; and/or
2. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(1) of *Ontario Regulation 799/93*, in that while registered with the College of Nurses ("CNO") as a Registered Practical Nurse ("RPN"), you contravened a standard of practice of the profession or failed to meet the standard of practice of the profession in that on or about January 14, 2020:
  - a) you submitted an application for employment to Telehealth Ontario for the role of Registered Nurse ("RN"), which contained false and/or misleading information about your academic credentials and/or employment history;
  - b) you submitted an application for employment to Telehealth Ontario for the role of RN, in which you held yourself out to be another member of CNO with a name similar to your name; and/or
  - c) you submitted an application for employment to Telehealth Ontario in which you held yourself out as a RN and used the restricted title "Registered Nurse" and/or "RN", when you were only registered with CNO as a RPN; and/or
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(14) of *Ontario Regulation 799/93*, in that while registered with CNO as a RPN, you falsified a record relating to your practice, and in particular on or about January 14, 2020:
  - a) you submitted an application for employment to Telehealth Ontario for the role of RN, which contained false and/or misleading information about your academic credentials and/or employment history;
  - b) you submitted an application for employment to Telehealth Ontario for the role of RN, in which you held yourself out to be another member of CNO with a name similar to your name; and/or
  - c) you submitted an application for employment to Telehealth Ontario in which you held yourself out as a RN and used the restricted title "Registered Nurse" and/or "RN", when you were only registered with CNO as a RPN; and/or
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(15) of *Ontario Regulation 799/93*, in that while registered with CNO as a RPN, you signed or issued, in your professional capacity,

a document that you knew or ought to have known contained a false or misleading statement, in that on or about January 14, 2020:

- a) you submitted an application for employment to Telehealth Ontario for the role of RN, which contained false and/or misleading information about your academic credentials and/or employment history;
  - b) you submitted an application for employment to Telehealth Ontario for the role of RN, in which you held yourself out to be another member of CNO with a name similar to your name; and/or
  - c) you submitted an application for employment to Telehealth Ontario in which you held yourself out as a RN and used the restricted title “Registered Nurse” and/or “RN”, when you were only registered with CNO as a RPN; and/or
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 subsection 1(16) of *Ontario Regulation 799/93*, in that while registered with CNO as a RPN, you inappropriately used a term, title or designation in respect of your practice in that on or about January 14, 2020:
- a) you submitted an application for employment to Telehealth Ontario for the role of RN, which contained false and/or misleading information about your academic credentials and/or employment history;
  - b) you submitted an application for employment to Telehealth Ontario for the role of RN, in which you held yourself out to be another member of CNO with a name similar to your name; and/or
  - c) you submitted an application for employment to Telehealth Ontario in which you held yourself out as a RN and used the restricted title “Registered Nurse” and/or “RN”, when you were only registered with CNO as a RPN; and/or
6. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(18) of *Ontario Regulation 799/93*, in that while registered with CNO as a RPN, you contravened a term, condition or limitation on your certificate of registration and in particular:
- a) you failed to provide the Executive Director of CNO with the details of the criminal charge of fraud over \$5,000, contrary to s. 380(1)(a) of the *Criminal Code* laid against you on or about June 27, 2017, as required by s. 1.5(1)1ii of *Ontario Regulation 275/94*;
  - b) you failed to provide the Executive Director of CNO with the details of the criminal charge of forgery contrary to s. 367 of the *Criminal Code* laid against you on or about June 27, 2017, as required by s. 1.5(1)1ii of *Ontario Regulation 275/94*; and/or

- c) you failed to provide the Executive Director of CNO with the details of the finding of guilt of forgery contrary to s. 367 of the *Criminal Code* made against you on or about August 9, 2018, as required by s. 1.5(1)1i of *Ontario Regulation 275/94*; and/or
- 7. 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 registered with CNO as a RPN, you contravened the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, or the regulations to those Acts, in that:
  - a) you failed to report to the Registrar of CNO (being the Executive Director) that on or about June 27, 2017 you were charged with the offence of forgery, contrary to s. 367 of the *Criminal Code*, and fraud over \$5,000, contrary to s. 380(1)(a) of the *Criminal Code*, in contravention of s. 85.6.4 of the *Health Professions Procedural Code* and/or s. 1.5(1)1ii of *Ontario Regulation 275/94*;
  - b) you failed to report to the Registrar of CNO (being the Executive Director) that on or about August 9, 2018, you were found guilty of forgery, contrary to s. 367 of the *Criminal Code*, in contravention of s. 85.6.1 of the *Health Professions Procedural Code* and/or s. 1.5(1)1i of *Ontario Regulation 275/94*; and/or
  - c) on or about January 14, 2020, you held yourself out as a Registered Nurse and used the restricted title “Registered Nurse” and/or “RN” when you submitted an application for employment as a Registered Nurse to Telehealth Ontario, when you were only registered with CNO as a RPN, in contravention of s. 11 of the *Nursing Act, 1991* and/or s. 4.2(7) of *Ontario Regulation 275/94*; and/or
- 8. 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 registered with CNO as a RPN, 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 in that:
  - a) you failed to report to the Executive Director of CNO that on or about June 27, 2017 you were charged with the offence of fraud over \$5,000, contrary to s. 380(1)(a) of the *Criminal Code*;
  - b) you failed to report to the Executive Director of CNO that on or about June 27, 2017, you were charged with the offence of forgery, contrary to s. 367 of the *Criminal Code*;
  - c) you failed to report to the Executive Director of CNO that on or about August 9, 2018, you were found guilty of forgery, contrary to s. 367 of the *Criminal Code*;

- d) you submitted an application for employment to Telehealth Ontario for the role of Registered Nurse, which contained false and/or misleading information about your academic credentials and/or employment history;
- e) you submitted an application for employment to Telehealth Ontario for the role of Registered Nurse, in which you held yourself out to be another member of CNO with a name similar to your name; and/or
- f) you submitted an application for employment to Telehealth Ontario in which you held yourself out as a Registered Nurse and used the restricted title “Registered Nurse” and/or “RN”, when you were only registered with the CNO as an RPN.

### **Member’s Plea**

The Member admitted the allegations set out in paragraphs #1(a), #2(a), (b), (c), #3(a), (b), (c), #4(a), (b), (c), #5(a), (b), (c), #6(a), (b), (c), #7(a), (b), (c), #8(a), (b), (c), (d), (e) and (f) 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 advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, which as amended reads, unedited, as follows:

#### **THE MEMBER**

1. Kari-Lee Stephens (the “Member”) registered with the College of Nurses of Ontario (“CNO”) as a Registered Practical Nurse (“RPN”) on March 11, 2009.

#### **PRIOR HISTORY**

2. The Member has no prior disciplinary findings with CNO.

#### **INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

##### **Failure to Report Charges and Findings of Guilt under the Criminal Code**

3. On June 27, 2017, the Member was charged with fraud over \$5,000 contrary to s. 380(1)(a) of the *Criminal Code*, and forgery of a document contrary to s. 367 of the *Criminal Code* in relation to her purchase of a car using a forged certified cheque.
4. The Member returned the vehicle to its original owner.

5. On August 9, 2018, the Member was found guilty (following a guilty plea) of the forgery charge. The fraud charge was withdrawn.
6. The Member received a conditional discharge, 12 months' probation, and was ordered to pay restitution of \$2,390.00 to the owners of the vehicle for the diminution of the vehicle's value while it was in her possession.
7. The Member did not report the criminal charges to CNO, nor did she report the finding of guilt.
8. The Member was under an obligation to report any criminal charges to CNO as a condition of her certificate of registration, in accordance with s. 1.5(1)1.(ii) of *Ontario Regulation 275/94*, made under the *Nursing Act, 1991*, as well as under s.85.6.4 of the *Health Professions Procedural Code of the Nursing Act, 1991*, S.O. 1991, c. 32 (the "Code").
9. The Member was also under an obligation to report any findings of guilt to CNO, as a condition of her certificate of registration, in accordance with s. 1.5(1) of *Ontario Regulation 275/94*, made under the *Nursing Act, 1991*, as well as under s. 85.6.1 of the *Code*.
10. In addition, section 51(1)(a) of the *Code*, as amended, specifies that it is an act of professional misconduct to be found guilty of an offence that is relevant to suitability to practice.
11. CNO's Reference Document – Professional Conduct (the "Reference Document") states that an offence is relevant to a nurse's suitability to practice where the underlying behavior is considered harmful to the public, places the public's safety in jeopardy, or threatens the trust the public needs to have in a nurse.
12. The Member was charged with and found guilty of forgery. The offence in question entails intentional dishonesty for personal benefit and breach of trust.

#### **Inappropriate Use of Term, Title or Designation and Misleading Statements**

13. In accordance with 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) – 1(16) of *Ontario Regulation 799/93*, it is an act of professional misconduct to:
  - a. falsify a record relating to the member's practice;
  - b. sign or issue, in the member's professional capacity, a document that the member knows or ought to know contains a false or misleading statement;and

- c. inappropriately use a term, title or designation in respect of the member's practice.
- 14. On January 14, 2020, the Member applied for a Registered Nurse ("RN") position with Telehealth Ontario. The Member is not licensed to practice as an RN.
- 15. The Member's full name is Kari-Lee Faye Stephens. The Member applied under the name "Stephens, K Faye" and made the following misrepresentations within the supporting material for the application:
  - a. that she had completed the "Bridging RN Program" at "Henry Ford" in 2008, when she had not completed the program;
  - b. that she had worked as an RN at West Windsor Urgent Care Clinic (June 2014 – June 2017) and St. Joseph's Health Care London – Parkwood Institute (2011 – 2015), when in fact she had been employed by both as an RPN;
  - c. that she had never been convicted of a federal offence for which she had not received a pardon;
  - d. that her CNO registration number was "[ ]", which is the CNO registration number associated with another member, [ ], who is an RN; and
  - e. the Member omitted that she had previously been employed as an RPN at London Health Sciences – Victoria Hospital in London, Ontario from January to April 2017, and at Lifetimes on Riverside long-term care home in Windsor, Ontario from 2017 to 2018.
- 16. The Member certified that the facts contained in the application and accompanying resume were true and complete to the best of her knowledge.
- 17. On January 21, 2020, Assistance Services Group ("ASG"), which runs Telehealth Ontario, interviewed the Member via Zoom. Following the interview, ASG asked the Member to submit a copy of her ID to complete a background check. The Member initially submitted a picture of her health card with her thumb covering the first name on the health card so that only "[ ]" was visible.
- 18. ASG requested that the Member provide an unobstructed copy of her health card and an additional form of ID verification, such as a copy of her birth certificate.
- 19. While the Member did eventually provide an unobstructed photo of her health card with her full name visible, she did not provide any other form of ID to ASG.
- 20. During the background check, ASG discovered that the employment information on CNO's Find a Nurse ("FAN") Register for "[ ]" with Registration Number [ ] did not

match the employment information provided on the resume submitted by the Member. FAN also states that the member “[ ]” has been employed by [ ] continuously since [ ], when the Member would have been 12 years old.

21. ASG then searched for members with the last name “Stephens” on FAN and found a member named “Kari-Lee Stephens.” The names of the previous employers for this individual were similar to those on the resume submitted by the Member, albeit in her capacity as an RPN.
22. ASG ultimately did not hire the Member.
23. On June 23, 2020, the Member responded to CNO’s investigation, in part, as follows:

Im [sic] currently out of province doing volunteer work during COVID and would love nothing but to send you my credentials, police report of identity theft and any other documents.

24. The Member subsequently provided an official response to CNO’s investigation, received on March 15, 2021. She indicated that she was negligent in updating her resume. The Member stated that she was enrolled in the associate degree nursing program at Henry Ford Community College, but that she had not yet completed the program. She added:

I should have never written on y [sic] resume that I was an RN, but yet to put RN student. I take full accountability for that and applying to a job with Telehealth. I know sometimes they a job description on indeed states RN (ex. ADOC) position but sometimes they will hire an RPN.

25. On January 27, 2020, ASG reported the Member to CNO for her conduct during the interview process.

## **CNO STANDARDS**

26. CNO’s *Professional Standards* provides that each nurse is accountable to the public and responsible for ensuring her or his practice and conduct meets legislative requirements and the standards of the profession. Nurses are accountable for conducting themselves in ways that promote respect for the profession.
27. The *Professional Standards* practice standard sets out an expectation that nurses are informed and objective about the various nursing roles and their relationship to one another.
28. As described within the *Knowledge* standard, RNs, RPNs and Nurse Practitioners (NPs) study from the same body of nursing knowledge. RPNs study for a shorter



period of time than RNs and NPs. They have a more focused or basic foundation of knowledge in clinical practice, decision-making, critical thinking, research and leadership. RNs and NPs study for a longer period of time to achieve a greater breadth and depth of knowledge in clinical practice, decision-making, critical thinking, research utilization, leadership, health care delivery systems and resource management.

29. The *Leadership* standard specifies that each nurse demonstrates leadership by providing, facilitating and promoting the best possible care/service to the public. Nurses meet the leadership standard by, among other things, showing integrity and role-modelling professional values, beliefs and attributes.
30. The *Ethics* practice standard sets out the ethical standards that apply to nurses. Ethical nursing care includes acting with integrity, honesty and professionalism in all dealings with the client and other health care team members.
31. The *Ethics* practice standards also addresses the expectation that nurses maintain commitments to the nursing profession, and in particular:

Nurses have a commitment to the nursing profession. 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.

32. The Member admits and acknowledges that she failed to meet the standards of practice of the profession when she provided false or misleading information to her potential employers regarding her nursing experience, title or designation, and educational qualifications, as set out above. She admits that in so doing, she falsified a record relating to her practice, and that she signed or issued documents in her professional capacity that she knew or ought to have known contained a false or misleading statement.

#### **ADMISSIONS OF PROFESSIONAL MISCONDUCT**

33. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 1 and 6 (a) (b) and (c) of the Notice of Hearing, in that, while registered with CNO as an RPN, she contravened a term, condition or limitation on her certificate of registration and in particular, she was found guilty of an offence relevant to her suitability to practise and failed to provide the Executive Director of CNO with the details of the charge and finding of guilt, as described in paragraphs 3-12 above.

34. The Member admits that she committed the acts of professional misconduct as alleged in paragraphs 2 (a), (b) and (c) of the Notice of Hearing, and in particular, admits and acknowledges that she contravened a standard of practice of the profession or failed to meet the standard of practice of the profession, as described in paragraphs 13-32 above.
35. The Member admits that she committed the acts of professional misconduct as alleged in paragraphs 3 (a), (b) and (c) of the Notice of Hearing, and in particular, admits and acknowledges that she falsified a record relating to her practice, as described in paragraphs 13-32 above.
36. The Member admits that she committed the acts of professional misconduct as alleged in paragraphs 4 (a), (b) and (c) of the Notice of Hearing, and in particular, admits and acknowledges 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 13-32 above.
37. The Member admits that she committed the acts of professional misconduct as alleged in paragraphs 5 (a), (b) and (c) of the Notice of Hearing, and in particular, admits and acknowledges that she inappropriately used a term, title or designation in respect of her practice, as described in paragraphs 13-32 above.
38. The Member admits that she committed the acts of professional misconduct as alleged in paragraphs 7 (a), (b) and (c) of the Notice of Hearing, and in particular, admits and acknowledges that she contravened the *Nursing Act, 1991*, S.O. 1991, c. 32 as amended, the *Regulated Health Professions Act, 1991*, S.O. 1991, C. 18, or the regulations to those Acts, as described in paragraphs 3-32 above.
39. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 8 (a), (b), (c), (d), (e) and (f) of the Notice of Hearing, and in particular that she 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, as described in paragraphs 3-32 above.

### **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(a), #2(a), (b), (c), #3(a), (b), (c), #4(a), (b), (c), #5(a), (b), (c), #6(a), (b), (c), #7(a), (b), (c), #8(a), (b), (c), (d), (e) and (f) of the Notice of Hearing. As to allegations #8(a), (b), (c), (d), (e) and (f), the Panel finds

that the Member engaged in conduct that would reasonably be regarded by members of the profession to be disgraceful, 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(a) in the Notice of Hearing is supported by paragraphs 3 to 12 and 33 in the Agreed Statement of Facts. The Member was found guilty on August 9, 2018 of the offence of forgery of a document contrary to Section 367 of the *Criminal Code*. This offence was relevant to the Member's suitability to practice in that these findings threaten the public's trust in the Member and the nursing profession, as a whole.

Allegations #2(a), (b) and (c) in the Notice of Hearing are supported by paragraphs 13 to 32 and 34 in the Agreed Statement of Facts. The Member contravened and failed to meet the College's *Professional Standards* and its *Ethics* practice Standard. The Member admitted that she contravened a standard of practice of the profession or failed to meet the standard of practice of the profession. The Member falsified information on an application for employment, self-identifying as a Registered Nurse ("RN") rather than a Registered Practical Nurse ("RPN"). The Member further took steps to misrepresent herself as another RN member with a similar name and use the RN member's experience and qualifications as her own, while seeking employment. Further, the Member admitted to using the restricted title "Registered Nurse" or "RN", while knowingly being registered with the College as an RPN. Accordingly, the facts support the allegations that the Member contravened a standard of practice of the profession or failed to meet the standard of practice of the profession when she falsified a record relating to her practice, signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement and inappropriately used a term, title or designation in respect of her practice.

Allegations #3(a), (b) and (c) in the Notice of Hearing are supported by paragraphs 13 to 32 and 35 in the Agreed Statement of Facts. Allegations #4(a), (b) and (c) in the Notice of Hearing are supported by paragraphs 13 to 32 and 36 in the Agreed Statement of Facts. Allegations #5(a), (b) and (c) in the Notice of Hearing are supported by paragraphs 13 to 32 and 37 in the Agreed Statement of Facts.

The Member falsified a record relating to her practice. She also signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement and inappropriately used a term, title or designation in respect of her practice. Specifically, the Member provided false information on her resume including applying for an RN position that she was not qualified for, using another Member's name and credentials to apply for a position, and embellishing her resume by maintaining that she had held RN positions in the past.

Allegations #6(a), (b) and (c) in the Notice of Hearing are supported by paragraphs 13 to 33 in the Agreed Statement of Facts. Allegations #7(a), (b) and (c) in the Notice of Hearing are supported by paragraphs 13 to 32 and 38 in the Agreed Statement of Facts.

The Member admitted that she failed to provide and report to the Executive Director/Registrar of the College that she had been charged with criminal offences and found guilty of a criminal offence and the details of them. She also held herself out as an RN when she was only registered as an RPN when she submitted an application for employment. In so doing, she contravened a term, condition and limitation on her certificate of registration and breached the *Health Professions Procedural Code* and the *Nursing Act*.

With respect to allegations #8(a), (b), (c), (d), (e) and (f), the Panel finds that the Member's conduct was clearly relevant to the practice of nursing. The Member's actions breached the public's trust in the profession by failing to report her criminal charges and the subsequent judicial finding of guilt to the College as required. The Member also attempted to secure employment while using false or misleading credentials and qualifications. These actions were all unprofessional as they demonstrated a serious and persistent disregard for her professional obligations. Allegations #8(a), (b), (c), (d), (e) and (f) in the Notice of Hearing are supported by paragraphs 13 to 32 in the Agreed Statement of Facts. Allegation #8(d), (e) and (f) are specifically found in paragraphs 17 to 25 in the Agreed Statement of Facts.

The Member's conduct was also dishonourable. The Member knowingly produced documents for the purpose of gaining employment, wherein she falsely identified as having completed a bridging RN Program, had worked as an RN when she had not, used someone else's name and credentials and submitted an incomplete application related to criminal offences. The Member's conduct demonstrated an element of dishonesty and deceit and the Member knew or ought to have known that her conduct was unacceptable and fell below the standards of a professional.

Finally, the Panel finds that the Member's conduct was disgraceful as it shames the Member and by extension the profession. The conduct displayed, particularly the intentional dishonesty for personal benefit and breach of trust, casts serious doubt on the Member's moral fitness and inherent ability to discharge the higher obligations the public expects professionals to meet.

### **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 5 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 a minimum of 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. If the Expert determines that a greater number of sessions are required, the Expert will advise CNO regarding the total number of sessions that are required and the length of time required to complete the additional sessions, but in any event, all sessions shall be completed within 12 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. *Mandatory Reporting Guide*;
    - 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 24 months from the date the Member returns to the practice of nursing, the Member will notify the Member's employers of the decision. To comply, the Member is required to:
- i. 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;
  - ii. 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;

- 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 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 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 Member indicated that she agreed with those submissions.

The parties agreed that the mitigating factors in this case were:

- The Member attended this hearing and has come to a mutual agreement on the facts of this hearing;
- The Member has accepted responsibility for her actions and has cooperated with the College by agreeing to the Agreed Statement of Facts and the Joint Submission on Order; and,
- The Member has no prior disciplinary history with the College.

The aggravating factors in this case were:

- The seriousness of the Member's conduct warrants a significant regulatory response;
- The Member participated in two separate types of misconduct displaying disregard for her professional obligations;
- The Member was less than forthcoming in her early responses to the College investigator, thereby displaying elements of intentional or negligent dishonesty; and
- The Member's application for a job she was not qualified for poses a potential danger to clients.

The proposed penalty provides for general deterrence through the five month suspension of the Member's certificate of registration. This suspension sends a clear message to the membership that these actions fall well below the acceptable standards of nursing practice and are a reminder of the consequences of such actions. The proposed penalty provides for specific deterrence through a five month suspension and serves to deter the Member from repeating this behaviour. An oral reprimand signals the Panel's disapproval with the Member's conduct.

The proposed penalty provides for remediation and rehabilitation through attendance and participation in two meetings with a Regulatory Expert including review and completion of the CNO's *Code of Conduct, Professional Standards and Mandatory Reporting Guide*.

Overall, the public is protected through the 24 months of employer notification of this decision, which will allow her employer to monitor her practice upon her return.

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. Proulx* (Discipline Committee, 2019): This case was similar in that it included an incident of misconduct in which the member falsified her resume. The aggravating and mitigating factors were substantially similar, and the penalty included an oral reprimand, a 5-month suspension of the member's certificate of registration, and terms, conditions and limitations on her certificate of registration including 2 meetings with a Regulatory Expert and 18 months of employer notification.

*CNO v. Tugade* (Discipline Committee, 2020): This case proceeded in the absence of the member and so the mitigating factors present in the matter before this Panel were not apparent. The member submitted a false vulnerable sector check and was given employment based on this false information. The penalty included an oral reprimand, an 8-month suspension of the member's certificate of registration and terms, conditions and limitations on his certificate of registration including 2 meetings with a Regulatory Expert and 24 months of employer notification.

*CNO v. Lacroix* (Discipline Committee, 2020): In this case, the member failed to report findings of impaired operation of a motor vehicle and assault. These breaches of trust were considered to bring shame on the profession. The penalty included an oral reprimand, a 4-month suspension of the member's certificate of registration and terms, conditions and limitations on her certificate of registration including a minimum of 2 meetings with a Regulatory Expert and 18 months of employer notification. College Counsel noted that, in this case, a significant mitigating factor was that addiction contributed to the member's behaviour.

College Counsel reminded the Panel that Joint Submissions on Order are not arrived at lightly and that it is reasonable and appropriate for a Panel to accept a Joint Submission on Order unless they believe that it is contrary to the public interest.

The Member made no submissions on penalty.

### **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 5 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 a minimum of 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. If the Expert determines that a greater number of sessions are required, the Expert will advise CNO regarding the total number of sessions that are required and the length of time required to complete the additional sessions, but in any event, all sessions shall be completed within 12 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. *Mandatory Reporting Guide*;
    - 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 24 months from the date the Member returns to the practice of nursing, the Member will notify the Member's employers of the decision. To comply, the Member is required to:
- i. 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;
  - ii. 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;

- 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 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 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. The oral reprimand reinforces to the Member the seriousness of her misconduct and the 5-month suspension of the Member's certificate of registration sends a clear message to the Member and the membership that professional misconduct of this nature will result in significant sanctions. The terms, conditions and limitations balance the interest of remediation of the Member with the need to ensure that the public interest and protection are maintained. The public is further protected through the employer notification period.

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

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.