

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

PANEL:	Karen Laforet, RN	Chairperson
	Max Hamlyn, RPN	Member
	Aisha Jahangir, RN	Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DOUGLAS MONTGOMERY</u> for
)	College of Nurses of Ontario
- and -)	
)	
DEMETRIA UDAN LLERA)	<u>MICHAEL MANDARINO</u> for
Registration No. 0300962)	Demetria Udan Llera
)	
)	<u>CHRISTOPHER WIRTH</u>
)	Independent Legal Counsel
)	
)	Heard: February 6, 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 February 6, 2023, via videoconference.

Pursuant to Sections 4(1) and 4.2.1(2) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, and with the consent of the College and the Member, Demetria Udan Llera, the hearing proceeded without a Public Member.

The Allegations

The allegations against Demetria Udan Llera (the “Member”) as stated in the Notice of Hearing dated December 8, 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 Mount Sinai 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 2015 to 2017, you submitted and/or accepted payment for false claims under the Facility's employee group 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 Mount Sinai Hospital in Toronto, Ontario (the "Facility"), you misappropriated property from a client or workplace, and in particular, in or around 2015 to 2017, you submitted and/or accepted payment for false claims under the Facility's employee group 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 Mount Sinai Hospital in Toronto, Ontario (the "Facility"), you falsified a record relating to your practice, and in particular, in or around 2015 to 2017, you submitted and/or accepted payment for false claims under the Facility's employee group 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 Mount Sinai Hospital in Toronto, Ontario (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 2015 to 2017, you submitted and/or accepted payment for false claims under the Facility's employee group 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 Mount Sinai Hospital in Toronto, Ontario (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 2015 to 2017, you submitted and/or accepted payment for false claims under the Facility's employee group 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. Demetria Udan Llera (the "Member") registered with the College of Nurses of Ontario ("CNO") as a Registered Nurse ("RN") on January 22, 2003.
2. At the time of the incident, the Member was employed in the Neonatal Intensive Care Unit at Mount Sinai Hospital in Toronto, Ontario (the "Facility"). Her employment with the Facility was terminated on April 4, 2018, as a result of the incidents described below.

BENEFIT PLAN

3. The Facility offers its employees a group insurance policy through which the Facility provides coverage to employees for extended health care, dental, and other insurance benefits (the "Benefit Plan"). Manulife Financial ("Manulife") 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.
4. To submit a benefit claim, members of the Benefit Plan would complete a medical expense claim form provided by Manulife. The medical expense claim form requires certain information, including information on the plan member, any dependents, and the nature of the claim. In order to submit a benefit claim, the plan member must certify that they, their spouse, and/or dependents "have received all goods or services claimed and that the information provided for this claim is true and complete".

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

5. From 2015 to 2017, the Member submitted false claims for medical products, such as knee braces, a back brace, and compression stockings.
6. In or around 2018, Manulife uncovered a pattern of irregularities as part of a regular audit of the extended health benefits coverage at the Facility.
7. Manulife and the Facility conducted an investigation into the benefit claim irregularities. As part of their investigation, the Facility and Manulife interviewed the Member on March 20, 2018.

8. During the interview, the Member admitted that some of the benefit claims she had submitted were not accurate. In particular, the Member admitted she had not received several products and services that were claimed through a service provider called Elm Orthotics & Foot Care (formerly called Downtown Wellness and Footcare).
9. The Member's employment was terminated on April 4, 2018, for her participation in the fraudulent benefits scheme.
10. Although the Member grieved the termination of her employment, the grievance was ultimately settled. The Member paid restitution to the Facility in the amount of approximately \$9,740.
11. If the Member were to testify, she would express her remorse for her actions, and would assure the Committee that this conduct will not be repeated. She would further testify that she made restitution as an acknowledgement of her actions and has gained significant insight into her obligations as a nurse as a result.

BENEFIT FRAUD CASES

12. To date, at least 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

13. 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.
14. 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.

15. 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

16. 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.
17. 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.
18. CNO's *Ethics* Standard also provides, in relation to truthfulness, that truthfulness means speaking and acting without intending to deceive.
19. The Member admits and acknowledges that she contravened CNO's *Professional Standards* and *Ethics* Standard.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

20. 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 11 and 13 to 19 above.
21. 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 11 above.
22. 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 11 above.

23. 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 11 above.
24. 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 11 and 13 to 19 above.

Submissions on liability were made by College Counsel.

College Counsel asked the Panel to accept the Agreed Statement of Fact, as well as the Member's admission to all the allegations as set out at paragraphs 20–24 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 written and verbal plea, which was voluntary, informed, and made on advice of experienced Counsel. 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

College Counsel reviewed two allegations with the Panel: allegations #1 and #5. With regard to allegation #1, College Counsel submitted that this allegation is supported by the Agreed Statement of Facts, which contained evidence of the relevant College standards of the profession, as well as the Member's admissions that those standards were breached.

With regard to allegation #5, College Counsel submitted that the parties agreed that the Member's conduct is relevant to the practice of nursing and is dishonourable and unprofessional. College Counsel submitted that this agreement is part of a resolution reached between the College and the Member.

The conduct at issue is that the Member submitted false claims in the amount of approximately \$9,740.00 through the Mount Sinai Hospital's (the "Facility") employee group benefit plan (the "Benefit Plan") from 2015 to 2017, 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 having regard to all of the circumstances members of the profession would consider the Member's conduct to be unprofessional and dishonourable. The Member's conduct is 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 required 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. Dishonourable conduct involves an element of moral failing. College

Counsel also referred to the *CNO v. Verde-Balayo* (Discipline Committee, 2021) case where similar conduct was found to be unprofessional and dishonourable but not disgraceful. College Counsel asked the Panel to find that the Member committed professional misconduct on all allegations.

Submissions on liability were made by the Member's Counsel.

The Member's Counsel submitted that much effort had been undertaken to create the Agreed Statement of Facts, that the facts therein established the allegations and provided sufficient evidence for the findings and asked the Panel to accept it. The Member's Counsel also reminded the Panel that the Member made restitution in the amount of \$9,740.00.

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 4-11 and 13-20 in the Agreed Statement of Facts. The Member admitted to submitting false claims through the Facility's Benefit Plan from 2015 to 2017, for medical services and products that were not provided and to receiving approximately \$9,740.00 in relation to those false claims. The College's *Professional Standards* indicates that nurses are responsible for their actions and the consequences of those actions. The College's *Ethics* Standard provides in relationship to truthfulness, that truthfulness means speaking or acting without intending to deceive. The Member's conduct contravened these standards.

Allegation #2 in the Notice of Hearing is supported by paragraphs 4-11 and 21 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 4-11 and 22 in the Agreed Statement of Facts. The Member admitted to falsifying a record relating to her practice when

she submitted false claims to the Facility's Benefit Plan. The Facility uncovered benefits irregularities and conducted an internal investigation into this issue in March 2018. As part of the investigation, the Member was questioned by the Facility with respect to her claims and admitted to falsifying the claim forms. The Member had access to the Benefit Plan by virtue of her employment as a nursing professional and so her actions were related to her nursing practice. 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 a Registered Nurse ("RN") at the Facility.

Allegation #4 in the Notice of Hearing is supported by paragraphs 4–11 and 23 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. In order to submit a claim under the Facility's Benefit Plan the Member had to complete a medical expense claim form which required certain information, including information on the plan member, any dependents, and the nature of the claim. The Member had to certify, that they "have received all goods or services claimed and that the information provided for this claim is true and complete". 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 false claims on her behalf, she did so in her capacity as an RN 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 4–11, 13–19 and 24 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. It 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 Member failed to act with integrity, failed to uphold the trust of the public, disrespected her profession and failed to demonstrate self-knowledge that her actions were unprofessional.

The Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of dishonesty and deceit over a three-year period which was long enough for her to reconsider her actions and take accountability. 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 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 3 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 behavior;

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 her employer funded Benefit Plan was serious and persistent dishonesty and deceit. 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 misappropriated approximately \$9,740.00 from the Facility's Benefit Plan over a 3 year period;
- The Member's pattern of misconduct was not a single lapse of judgement and there were enough opportunities for her to stop and she chose not to do so; and
- The Member took advantage of the Facility's Benefit Plan and abused the privilege of having a benefit plan that many others do not have.

The mitigating factors in this case were:

- The Member has taken responsibility with the College by admitting to the allegations and entered into an Agreed Statement of Facts and a Joint Submission on Order with the College;
- The Member has no prior discipline history with the College;
- The Member took accountability for her actions by making restitution to the Facility's Benefit Plan; and
- The Member expressed her remorse.

College Counsel submitted that the goals of penalty are to ultimately protect the public and enhance public confidence in the College's ability to regulate its nurses. College Counsel submitted that the proposed penalty assists the College to meet these goals and addresses specific and general deterrence, rehabilitation and remediation.

The proposed penalty provides for general deterrence through the 3-month suspension of the Member's certificate of registration, which sends a strong message to all members of the profession that this type of conduct will not be tolerated.

College Counsel submitted that there are over 80 benefit fraud cases that have been referred to the Discipline Committee. College Counsel submitted that based on the amount of benefit fraud cases there is a clear need for the Panel to send a message to the profession and the public at large that this kind of misconduct is unacceptable.

The proposed penalty provides for specific deterrence through the oral reprimand and the 3-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 public. The suspension sends a strong signal to the Member that this kind of conduct 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, with the completion of the associated Reflective Questionnaires, online learning modules and decision tools. This will prepare the Member to return to ethical practice and to meet the standards expected of nurses.

Overall, the public is protected through the 12 months of employer notification, which will ensure that when the Member returns to the practice of nursing there will be additional employer oversight.

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 and restitution was not made. 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 similar to the case before this Panel.

CNO v. Velasquez (Discipline Committee, 2021): This is a similar case as it relates to benefit fraud in the amount of at least \$11,080.00. Restitution was made by means of a payment plan. The penalty included an oral reprimand, a 3-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 case before this Panel.

CNO v. Fejedelem (Discipline Committee, 2022): This is a similar case as it relates to benefit fraud. This case involved benefit fraud in the amount of approximately \$5,892.50. The member made restitution of this amount to the Facility's Benefit Plan. The penalty included an oral reprimand, a 3-month suspension of the member's certificate of registration, 2 meeting with a Regulatory Expert and 12 months of employer notifications, which is identical to what is being brought before this Panel.

Submissions were made by the Member's Counsel.

The Member's Counsel agreed substantially with the submissions of College Counsel. The Member's Counsel submitted that the Member accepted responsibility for her actions, acknowledged her conduct with the College and the Facility, has gained insight into her actions and made restitution. The Member is deeply remorseful and apologizes to the College and the Panel for her misconduct.

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 3 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 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 behavior;
 - 5. 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.

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. Specific deterrence is achieved through the oral reprimand and the 3-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. General deterrence is achieved by the 3-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. Rehabilitation and remediation will be achieved through the 2 meeting 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 upon 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.