

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

<b>PANEL:</b>	Sherry Szucsko-Bedard, RN	Chairperson
	Sylvia Douglas	Public Member
	Carly Gilchrist, RPN	Member
	Sandra Larmour	Public Member
	Donna May, RPN	Member

**BETWEEN:**

COLLEGE OF NURSES OF ONTARIO	)	<u>DENISE COONEY</u> for
	)	College of Nurses of Ontario
- and -	)	
	)	
HONG DING	)	<u>CARINA LENTSCH</u> for
Registration No. JA01840	)	Hong Ding
	)	
	)	<u>CHRISTOPER WIRTH</u>
	)	Independent Legal Counsel
	)	
	)	Heard: June 24, 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 June 24, 2022, via videoconference.

**The Allegations**

The allegations against Hong Ding (the “Member”) as stated in the Notice of Hearing dated June 6, 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 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 2010 to 2015, 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 2010 to 2015, 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 2010 to 2015, 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 2010 to 2015, 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 2010 to 2015, you submitted and/or accepted payment for false claims under the Benefit Plan.

### **Member's Plea**

The Member admitted the allegations set out in paragraphs #1, #2, #3, #4 and #5 in the Notice of Hearing. The Panel received a written plea inquiry which was signed by the Member. The Panel also conducted an oral plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

### **Agreed Statement of Facts**

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

#### **MEMBER**

1. The Member registered with the College of Nurses of Ontario ("CNO") as a Registered Practical Nurse ("RPN") on February 12, 2001.
2. The Member was employed as an RPN in the Complex Continuing Care Centre at Baycrest Health Sciences (the "Facility"), located in Toronto, Ontario from 2001 until 2019. The Member's employment at the Facility was terminated in connection with the incidents described below.
3. The Member has no prior discipline history with the CNO.

#### **BENEFIT PLAN**

4. The Facility's employee benefit plan (the "Benefit Plan") is a group insurance policy which provides coverage for extended health care, dental, and other insurance benefits. The Facility is the Plan Sponsor for the Benefit Plan and funds the cost of claims paid out under the plan. Coughlin & Associates Ltd ("Coughlin") administers the Benefit Plan on behalf of the Facility. Employees contribute to the cost of the Benefit Plan as set out in their employment agreement and/or collective agreement, and based on their election for individual or family coverage.
5. In order to submit a claim, Benefit Plan members must complete a medical expense claim form provided by Coughlin. The 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**

6. Between 2010 and 2015, the Member submitted false claims under the Benefit Plan and received approximately \$17,654 in relation to those false claims. The false claims included claims for compression stockings and orthopaedic medical services and products.
7. In January 2019, the Facility uncovered benefits irregularities and conducted an internal investigation into the issue. As part of this investigation, the Member was questioned by the Facility with respect to her claims. The Member acknowledged that she submitted fraudulent benefit claims and used the reimbursements to purchase non-medical merchandise.

8. The Facility terminated the Member's employment on July 10, 2019 as a result of this conduct. The Member did not make restitution.
9. If the Member were to testify, she would state that she sincerely regrets her actions for which she feels a deep sense of remorse.

#### **BENEFIT FRAUD CASES**

10. To date, a total of 52 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*

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

##### *Ethics*

14. CNO's *Ethics Standard* describes ethical values that are important to the nursing profession in Ontario including patient well-being, patient choice, privacy and confidentiality, respect for life, maintaining commitments, truthfulness and fairness.

15. CNO's *Ethics Standard* provides, in relation to maintaining commitments, that nurses have a commitment to the nursing profession and being a member of the profession brings with it the respect and trust of the public. To continue to deserve this respect, nurses have a duty to uphold the standards of the profession, conduct themselves in a manner that reflects well on the profession, and to participate in and promote the growth of the profession.
16. CNO's *Ethics Standard* also provides, in relation to truthfulness, that truthfulness means speaking and acting without intending to deceive.
17. The Member admits and acknowledges that she contravened CNO's *Professional Standards* and *Ethics Standard* when she submitted false claims under the Benefit Plan.

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

18. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 1 of the Notice of Hearing in that she contravened a standard of practice of the profession or failed to meet the standards of practice of the profession, as described in paragraphs 6 to 8 and 11 to 17 above.
19. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 2 of the Notice of Hearing in that she misappropriated property from a workplace, as described in paragraphs 6 to 8 above.
20. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 3 of the Notice of Hearing in that she falsified a record relating to her practice, as described in paragraphs 6 to 8 above.
21. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 4 of the Notice of Hearing in that she signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement, as described in paragraphs 6 to 8 above.
22. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 5 of the Notice of Hearing, and in particular her conduct was dishonourable and unprofessional, as described in paragraphs 6 to 8 and 11 to 17 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, #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 6-8 and 11-18 in the Agreed Statement of Facts. The Member admitted to this allegation. The Member was employed at Baycrest Health Sciences (the "Facility"). The Facility has an employee benefit plan (the "Benefit Plan") which provides coverage for extended healthcare, dental and other insurance benefits. The Member submitted false claims under the Benefit Plan between the years of 2010 and 2015 and received approximately \$17,654.00. The Member acknowledges that she submitted fraudulent benefit claims and used the reimbursement to purchase non-medical merchandise. The Member breached the College's *Professional Standards* and the *Ethics Standard* when she submitted false claims. The College's *Professional Standards* indicate that nurses are responsible for ensuring their practice and conduct meets legislative requirements and standards of the profession. Nurses are responsible for their actions and the consequences of those actions and further provides that a nurse must have self-knowledge, respect, trust and integrity. A nurse demonstrates this standard by actions such as role-modelling values, beliefs and attributes. The College's *Ethics Standard* provides the ethical values that are important to the nursing profession, which include but are not limited to maintaining commitments, truthfulness and fairness and also provides that being a member of the profession brings with it respect and trust of the public. Truthfulness in the *Ethics Standard* means speaking and acting in a manner without intending to deceive.

Allegation #2 in the Notice of Hearing is supported by paragraphs 6-8 and 19 in the Agreed Statement of Facts. The Member admitted to this allegation. The Member submitted false claims under the Facility's Benefit Plan between the years of 2010 and 2015 and received approximately \$17,654.00 in monetary value in relation to these false claims. These false claims included claims for compression stockings and orthopaedic medical services and products. The Member acknowledged that she submitted fraudulent benefit claims and used the reimbursement to purchase non-medical merchandise thereby misappropriating property from the Facility.

Allegation #3 in the Notice of Hearing is supported by paragraphs 6-8 and 20 in the Agreed Statement of Facts. The Facility's employee benefit plan is a group insurance policy which provides coverage for extended health care, dental, and other insurance benefits. Employees contribute to the cost of the benefit plan as set out in their employment agreement and/or collective agreement, and based on their election for individual or family coverage. Without the

Member's employment with the Facility the Member would not have access to these funds. The Member admitted to the allegation of falsifying a record. While employed at the Facility the Member's employer conducted an internal investigation in regards to benefit irregularities. During the investigation the Member acknowledged that she falsified documents by submitting fraudulent benefit claims and used the reimbursement to purchase non-medical merchandise.

Allegation #4 in the Notice of Hearing is supported by paragraphs 6-8 and 21 in the Agreed Statement of Facts. The Facility's employee benefit plan is a group insurance policy which provides coverage for extended health care, dental, and other insurance benefits. Employees contribute to the cost of the benefit plan as set out in their employment agreement and/or collective agreement, and based on their election for individual or family coverage. Without the Member's employment with the facility the Member would not have access to these funds. The Member admitted to the allegation of signing or issuing a document that she knew or ought to have known contained a false or misleading statement. In order to submit a claim to the Benefit Plan the Member must complete a medical expense form. The claim form requires certain details 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". The Member acknowledged that she submitted fraudulent benefit claims and used the reimbursement to purchase non-medical merchandise. The Member received approximately \$17,654.00 in relation to those false claims.

Allegation #5 in the notice of hearing is supported by paragraphs 6-8, 11-17 and 22. The Panel finds that the Member's conduct was clearly relevant to the practice of nursing. In failing to meet at least two standards of the profession her conduct was unprofessional as it demonstrated a serious and persistent disregard for her professional obligations. A nurse is expected to uphold respect, trust and integrity. The Member failed to meet these key attributes of the profession when she submitted and financially benefitted from fraudulent benefit claims.

The Panel also finds that the Member's conduct was dishonourable. The Member over a span of five years submitted falsified claims and used the substantial reimbursement she received for non-medical merchandise. This demonstrated a clear pattern of dishonesty, deceit and an element of moral failing. The Member also knew or ought to have known that her behaviour was unacceptable and fell below the standards of a professional.

### **Penalty**

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

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

2. Directing the Executive Director to suspend the Member's certificate of registration for 4 months. This suspension shall take effect from the date that this Order becomes final and shall continue to run without interruption as long as the Member remains in a practicing class.
3. Directing the Executive Director to impose the following terms, conditions and limitations on the Member's certificate of registration:
  - a) The Member will attend 2 meetings with a Regulatory Expert (the "Expert"), at her 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 her 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 her 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 her employer(s) 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 her 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 her 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 that the Joint Submission on Order (“JSO”) is a product of lengthy negotiations between the College and the Member who is represented by experienced Counsel. College Counsel submitted to the Panel that it is generally expected to accept the JSO unless doing so would be contrary to the public interest or bring the administration of justice into disrepute. College Counsel reassured the Panel that this is not the case with this JSO proposed to the Panel.

The aggravating factors in this case were:

- The Member engaged in benefit fraud in the amount of \$17,654.00 from 2010 to 2015;
- The Panel has found this conduct to be dishonourable and unprofessional;
- This conduct showed a serious and persistent dishonesty at the expense of the Facility’s Benefit Plan;
- This conduct was not a simple lapse in judgement and there was a long enough period of time for the Member to reconsider her actions, stop them and take accountability; and
- The Member has not made restitution.

The mitigating factors in this case were:

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

College Counsel submitted that this JSO meets the goals of penalty. The overarching goal of any penalty order is protection of the public, maintaining high professional standards and enhancing the public's confidence in the College’s ability to regulate nurses. These goals are achieved through a penalty that addresses specific and general deterrence as well as rehabilitation and remediation. College Counsel submitted to the Panel that the penalty as a whole strikes the correct balance between these goals.

The proposed penalty provides for specific deterrence through the oral reprimand and the 4-month suspension of the Member’s certificate of registration. The oral reprimand will assist the

Member in understanding how her actions are perceived by the members of the profession and the public, thereby protecting the public. The suspension sends a strong signal to the Member that this kind of dishonesty is unacceptable from members of the nursing profession and will ensure that the conduct will not be repeated.

The proposed penalty provides for general deterrence through the 4-month suspension of the Member's certificate of registration, which will signal to other members of the profession that this kind of conduct is unacceptable. College Counsel submitted that, as indicated in the Agreed Statement of Facts, there are over 50 similar cases of benefit fraud and there is a clear problem within the nursing profession and there is a need to send a signal to the profession that this kind of conduct is unacceptable.

The elements of remediation and rehabilitation are provided for through the 2 meetings with a Regulatory Expert and the review of the College's publications. College Counsel submitted that these steps will prepare the Member to return to ethical practice which meets the standards expected of nurses.

The public is also protected through the 12 months of employer notification provision as there will be employer 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 a partial Agreed Statement of Facts and a partial Joint Submission on Order. Similarities to the case before this Panel includes the member making fraudulent claims under her employee group benefit plan, signing or issuing in her professional capacity documents which she knew or ought to have known contained false or misleading statements and misappropriation of property. The member received \$7,982.50 and no restitution was 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.

*CNO v. Velasquez* (Discipline Committee, 2021): In this case, the hearing proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. Similarities to the case before this Panel include the member making fraudulent claims under her employee group benefit plan, signing or issuing in her professional capacity documents which she knew or ought to have known contained false or misleading statements and misappropriation of property. The member received \$11,080.00 and restitution was made. 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.

The Member's Counsel agreed with the submissions of College Counsel and further submitted that:

- The Member was a long-standing Nurse;
- The Member was cooperative with her employer and the College;
- The Member has demonstrated sincere remorse for her lapse in judgement; and
- This error does not reflect her nursing practice in general but was specific to benefit fraud. The misconduct did not involve her clinical nursing skills.

Member's Counsel submitted that the JSO meets all the goals of penalty and the Panel should accept it.

### **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 her 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 her 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 her 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 her employer(s) 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 her 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 her 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 a 4-month suspension of the Member's certificate of registration. The oral reprimand allows the Member to gain perspective into her actions and how it is viewed by other members of the profession and the public. The four-month suspension demonstrates to the Member that this kind of dishonesty is unacceptable from members of the nursing profession and will ensure that the conduct will not be repeated.

General deterrence is addressed by the 4-month suspension of the Member's certificate of registration, which will send a clear message to the profession that employee benefit fraud will not be tolerated.

Rehabilitation and remediation will be achieved through the 2 meetings with a Regulatory Expert allowing the Member the opportunity to gain insight into her misconduct and prepare her to return to ethical practice with hopes to ensure that this misconduct will never happen again.

The elements of the JSO meets the goals of penalty which include specific and general deterrence as well as remediation and rehabilitation. The Panel concluded that the penalty proposed demonstrates the overarching goal of any penalty which is protection of the public. Examples of this include the 12-month employer notification provision which would allow the employer oversight on the Member's practice on her return to practice.

The penalty sends a strong message to the nursing profession and the public that benefit fraud is taken seriously and it amounts to professional misconduct. When nurses act in a deceitful manner, trust in the profession is broken. The public needs to be able to trust that the nursing profession will uphold honesty and high ethical integrity.

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

I, Sherry Szucsko-Bedard, 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.