

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

PANEL:	David Edwards, RPN	Chairperson
	Max Hamlyn, RPN	Member
	Jane Mathews, RN	Member
	Lalitha Poonasamy	Public Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DENISE COONEY</u> for
)	College of Nurses of Ontario
- and -)	
)	
LINGZHI WANG)	<u>JONAH ARNOLD</u> for
Registration No. JF661999)	Lingzhi Wang
)	
)	<u>CHRISTOPHER WIRTH</u>
)	Independent Legal Counsel
)	
)	Heard: October 21, 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 October 21, 2022, via videoconference.

The Allegations

The allegations against Lingzhi Wang (the “Member”) as stated in the Notice of Hearing dated September 14, 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 2013 to 2018, you

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

2. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(8) of *Ontario Regulation 799/93*, in that while working as a Registered Practical Nurse at the Facility, you misappropriated property from a client or workplace, and in particular, in or around 2013 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.
3. You committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(14) of *Ontario Regulation 799/93*, in that while working as a Registered Practical Nurse at the Facility, you falsified a record relating to your practice, and in particular, in or around 2013 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.
4. You committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(15) of *Ontario Regulation 799/93*, in that while working as a Registered Practical Nurse at the Facility, you signed or issued, in your professional capacity, a document that you knew or ought to have known contained a false or misleading statement, and in particular, in or around 2013 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.
5. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(37) of *Ontario Regulation 799/93*, in that while working as a Registered Practical Nurse at the Facility, you engaged in conduct or performed an act, relevant to the practice of nursing, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, and in particular, in or around 2013 to 2018, you submitted and/or accepted payment for false claims under the Benefit Plan.

Member's Plea

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

Agreed Statement of Facts

College Counsel and the Member's 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. Lingzhi Wang (the "Member") registered with the College of Nurses of Ontario ("CNO") as a Registered Practical Nurse ("RPN") on June 23, 2006.
2. The Member was employed as an RPN at Baycrest Hospital located in Toronto, Ontario (the "Facility"), at the time of the incidents described below. The Facility terminated the Member's employment on July 10, 2019 as a result of the incidents.

BENEFIT PLAN

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

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

5. Between 2013 and 2018, the Member submitted false claims for medical services and products (such as orthopedic shoes, lumbo-sacral supports, compression socks, and custom orthotics) under the Benefit Plan and received \$19,790 in monetary payments and/or store credits for items which were not covered by the Benefit Plan.
6. In January 2019, the Facility uncovered benefits irregularities and conducted an internal investigation. The Facility determined that the Member had engaged in misuse of the Benefit Plan.
7. The Facility terminated the Member's employment on July 10, 2019 as a result of this conduct. The Member did not make restitution.

BENEFIT FRAUD CASES

8. To date, at least 75 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

9. 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.
10. 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.
11. 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

12. 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.
13. 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.

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

ADMISSIONS OF PROFESSIONAL MISCONDUCT

16. 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 7 and 9 to 15 above.
17. 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 7 above.
18. 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 7 above.
19. 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 7 above.
20. 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 7 and 9 to 15 above.

Submissions on liability were made by College Counsel.

College Counsel submitted with respect to liability that the Panel should make findings of professional misconduct with respect to all five allegations based on the facts set out in the Agreed Statement of Facts, as well as the Member's admissions. The Member admitted each of the allegations before the Panel as set out at paragraphs 16–20 of the Agreed Statement of Facts and those admissions are supported by the facts set out in the Agreed Statement of Facts. The Member's plea was voluntary and informed and was made on the advice of experienced counsel.

With respect to allegation #1, College Counsel submitted that the Agreed Statement of Facts provides the Panel with the relevant standards to make a finding of a breach of the standards of practice. The Member admitted that she contravened the standards of practice of the profession. Accordingly, College Counsel submitted that the Panel has a basis to make a finding of a breach of the standards.

With regard to allegation #5, the parties agreed that the Member's conduct was relevant to the practice of nursing and was dishonourable and unprofessional. This is part of a global resolution reached between the parties and is reasonable. The Member submitted false claims in the total amount of \$19,790.00 to the Baycrest Hospital's (the "Facility") employee benefit plan (the "Benefit Plan") between 2013 and 2018, which is relevant to the practice of nursing as the claims were submitted as part of her nursing employment with the Facility. With regard to 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 the Member's obligations to act with honesty and integrity. The Member's conduct is dishonourable as it involved deceit, lying, and dishonesty. She failed to act with the integrity that the public expects from nurses and in doing so brings shame upon the profession. College Counsel asked the Panel to find the Member committed professional misconduct on all allegations.

The Member's Counsel did not provide additional submissions on liability and agreed with the submissions made by College Counsel.

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 unprofessional and dishonourable.

Reasons for Decision

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

Allegation #1 in the Notice of Hearing is supported by paragraphs 5-7, 9-15 and 16 in the Agreed Statement of Facts. The Member admitted that she committed an act of professional misconduct and contravened a standard of practice of the profession or failed to meet the standards of practice of the profession by submitting false claims through the Facility's Benefit Plan between 2013 and 2018 and to receiving a total amount of \$19,790.00 in relation to these

false claims. The Panel finds that the Member contravened the College's *Professional Standards* and the *Ethics* Standard when she submitted the false claims through the Benefit Plan. The College's *Professional Standards* provide that nurses are accountable to the public and responsible for ensuring that their practice meets the standards of the profession. Nurses are responsible for their actions as well as conducting themselves in ways that promote respect for the profession. Nurses demonstrate compliance with this standard by ensuring their practice is consistent with the College's standards of practice and guidelines as well as legislation. The College's *Professional Standards* note that leadership requires self-knowledge (understanding one's beliefs and values and being aware of how one's behaviour affects others), respect, trust and integrity. Nurses demonstrate this standard through actions such as role-modelling professional values, beliefs and attributes. The College's *Ethics* Standard describes the ethical values which are important to the nursing profession such as truthfulness and fairness. Being a member of the nursing profession brings with it the respect and trust of the public.

Allegation #2 in the Notice of Hearing is supported by paragraphs 5-7 and 17 in the Agreed Statement of Facts. The Member admitted to committing an act of professional misconduct and to misappropriating property from the Facility by submitting false claims through the Facility's Benefit Plan between 2013 and 2018 and to receiving a total amount of \$19,790.00 in relation to these false claims. Receiving money with respect to false benefit claims constitutes misappropriation of property.

Allegation #3 in the Notice of Hearing is supported by paragraphs 5-7 and 18 in the Agreed Statement of Facts. The Member admitted to committing an act of professional misconduct and to falsifying a record relating to her practice by submitting false claims through the Benefit Plan for medical services and products including orthopedic shoes, lumbo-sacral supports, compression socks, and customs orthotics and to receiving \$19,790.00 in monetary payments and/or store credits for items that were not covered under the Benefit Plan in relation to these false claims. The Member, as a Registered Practical Nurse ("RPN") employed at the Facility, received access to the Benefit Plan by virtue of her employment as a nursing professional. Accordingly, the facts support the allegation that the Member falsified a record relating to her practice and did so in the context of her employment as an RPN.

Allegation #4 in the Notice of Hearing is supported by paragraphs 5-7 and 19 in the Agreed Statement of Facts. The Member admitted to committing an act of professional misconduct and to signing, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement. As noted above, the Member had access to the Benefit Plan by virtue of her employment as a nursing professional. The Facility is the plan sponsor and funds the cost of the claims paid to their employees through Coughlin & Associates Ltd. ("Coughlin") who administers the Benefit Plan. The Member signed false claim forms between 2013 and 2018 which required the Member to certify "that the information given is true, correct and complete to the best of [their] knowledge". The Member received a total amount of \$19,790.00 in relation to these false claims. The Member knew or ought to have known that she was misleading Coughlin through the false declaration statement. Accordingly,

the facts support the allegation that the Member signed, in her professional capacity, a document that she knew contained a false or misleading statement.

Allegation #5 in the Notice of Hearing is supported by paragraphs 5-7, 9-15 and 20 in the Agreed Statement of Facts. The Panel finds that the Member's conduct in submitting false claims through the Facility's Benefit Plan was clearly relevant to the practice of nursing and was unprofessional as it demonstrated a serious and persistent disregard for her professional obligations as set out in the College's *Professional Standards* and the *Ethics Standard*. The Member did not demonstrate attributes fitting with the profession and her behaviour reflected poorly on the nursing profession.

The Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of dishonesty and deceit through repeatedly submitting false claims to the Benefit Plan for her own personal financial gain over a six-year period. The Member's conduct lacked integrity and truthfulness. Having trust in the nursing profession is necessary as the public rely on nurses to hold themselves to a standard fitting with the profession. If they do not, it can impact public trust in the profession as a whole. 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 4 months. This suspension shall take effect from the date that this Order becomes final and shall continue to run without interruption as long as the Member remains in a practicing class.
3. Directing the Executive Director to impose the following terms, conditions and limitations on the Member's certificate of registration:
 - a) The Member will attend 2 meetings with a Regulatory Expert (the "Expert"), at the Member's own expense and within 6 months from the date that this Order becomes final. To comply, the Member is required to ensure that:
 - i. The Expert has expertise in nursing regulation and has been approved by CNO in advance of the meetings;

- ii. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of:
 - 1. the Panel's Order,
 - 2. the Notice of Hearing,
 - 3. the Agreed Statement of Facts,
 - 4. this Joint Submission on Order, and
 - 5. if available, a copy of the Panel's Decision and Reasons;
- iii. Before the first meeting, the Member reviews the following CNO publications and completes the associated Reflective Questionnaires, online learning modules and decision tools (where applicable):
 - 1. *Code of Conduct*,
 - 2. *Professional Standards*, and
 - 3. *Ethics*;
- iv. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of the completed Reflective Questionnaires;
- v. The subject of the sessions with the Expert will include:
 - 1. the acts or omissions for which the Member was found to have committed professional misconduct,
 - 2. the potential consequences of the misconduct to the Member's patients, colleagues, profession and self,
 - 3. strategies for preventing the misconduct from recurring,
 - 4. the publications, questionnaires and modules set out above, and
 - 5. the development of a learning plan in collaboration with the Expert;
- vi. Within 30 days after the Member has completed the last session, the Member will confirm that the Expert forwards their report to CNO, in which the Expert will confirm:
 - 1. the dates the Member attended the sessions,
 - 2. that the Expert received the required documents from the Member,
 - 3. that the Expert reviewed the required documents and subjects with the Member, and

4. the Expert's assessment of the Member's insight into the Member's behaviour;
- vii. If the Member does not comply with any one or more of the requirements above, the Expert may cancel any session scheduled, even if that results in the Member breaching a term, condition or limitation on the Member's certificate of registration;
- b) For a period of 12 months from the date the Member returns to the practice of nursing, the Member will notify the Member's employer(s) of the decision. To comply, the Member is required to:
 - i. Inform any employer of the decision prior to commencing or prior to resuming employment in any nursing position;
 - ii. Ensure that CNO is notified of the name, address, and telephone number of all employer(s) within 14 days of commencing or resuming employment in any nursing position;
 - iii. Provide the Member's employer(s) with a copy of:
 1. the Panel's Order,
 2. the Notice of Hearing,
 3. the Agreed Statement of Facts,
 4. this Joint Submission on Order, and
 5. a copy of the Panel's Decision and Reasons, once available;
 - iv. Ensure that within 14 days of the commencement or resumption of the Member's employment in any nursing position, the employer(s) forward(s) a report to CNO, in which it will confirm:
 1. that they received a copy of the required documents, and
 2. that they agree to notify CNO immediately upon receipt of any information that the Member has breached the standards of practice of the profession.
4. All documents delivered by the Member to CNO, the Expert or the Member's employer(s) will be delivered by verifiable method, the proof of which the Member will retain.

Penalty Submissions

Submissions were made by College Counsel.

The aggravating factors in this case were:

- The Member's conduct was serious and persistent dishonesty and deceit at the expense of her employer funded Benefit Plan;
- As the Facility is a publicly funded institution the Member's deceit and dishonesty was at the expense of the public purse;
- The Member's conduct was entirely for her personal benefit;
- The Member's conduct involved \$19,970.00 in false claims over a period of six years;
- This was not a simple lapse in judgement as it went on long enough for the Member to reconsider her actions and take accountability; and
- The Member took advantage of the trust put in her by the Facility and the Benefit Plan and she abused the privilege of having a benefit plan.

The mitigating factors in this case were:

- The Member has taken responsibility with the College, she made admissions 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 proposed penalty provides for general deterrence through the 4-month suspension of the Member's certificate of registration. To date seventy-five cases have been referred to the Discipline Committee involving similar schemes of benefit fraud, there is a need to send a clear message to the nursing profession that dishonesty of this form is not acceptable, and to the public that this kind of conduct will not be tolerated.

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

The proposed penalty provides for remediation and rehabilitation through the 2 meetings with a Regulatory Expert and review of the College's publications, which 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 employer oversight on her return to practice.

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

CNO v. Verde-Balayo (Discipline Committee, 2021): This was the first of a series of cases to be decided regarding benefit fraud. This case involved benefit fraud in the amount of \$7,982.50 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 identical to the case before this Panel.

CNO v. Ding (Discipline Committee, 2022): This case is the most similar in the amount of funds misappropriated. The amount of the benefit fraud in this case was approximately \$17,654.00. The member did not make restitution. The panel in this case made an order identical to both the case before this Panel and the *Verde-Balayo* case. 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.

The Member's Counsel 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 4 months. This suspension shall take effect from the date that this Order becomes final and shall continue to run without interruption as long as the Member remains in a practicing class.
3. The Executive Director is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:
 - a) The Member will attend 2 meetings with a Regulatory Expert (the "Expert"), at the Member's own expense and within 6 months from the date that this Order becomes final. To comply, the Member is required to ensure that:
 - i. The Expert has expertise in nursing regulation and has been approved by CNO in advance of the meetings;
 - ii. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of:
 1. the Panel's Order,
 2. the Notice of Hearing,
 3. the Agreed Statement of Facts,
 4. this Joint Submission on Order, and
 5. if available, a copy of the Panel's Decision and Reasons;

- iii. Before the first meeting, the Member reviews the following CNO publications and completes the associated Reflective Questionnaires, online learning modules and decision tools (where applicable):
 - 1. *Code of Conduct*,
 - 2. *Professional Standards*, and
 - 3. *Ethics*;
 - iv. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of the completed Reflective Questionnaires;
 - v. The subject of the sessions with the Expert will include:
 - 1. the acts or omissions for which the Member was found to have committed professional misconduct,
 - 2. the potential consequences of the misconduct to the Member's patients, colleagues, profession and self,
 - 3. strategies for preventing the misconduct from recurring,
 - 4. the publications, questionnaires and modules set out above, and
 - 5. the development of a learning plan in collaboration with the Expert;
 - vi. Within 30 days after the Member has completed the last session, the Member will confirm that the Expert forwards their report to CNO, in which the Expert will confirm:
 - 1. the dates the Member attended the sessions,
 - 2. that the Expert received the required documents from the Member,
 - 3. that the Expert reviewed the required documents and subjects with the Member, and
 - 4. the Expert's assessment of the Member's insight into the Member's behaviour;
 - vii. If the Member does not comply with any one or more of the requirements above, the Expert may cancel any session scheduled, even if that results in the Member breaching a term, condition or limitation on the Member's certificate of registration;
- b) For a period of 12 months from the date the Member returns to the practice of nursing, the Member will notify the Member's employer(s) of the decision. To comply, the Member is required to:

- i. Inform any employer of the decision prior to commencing or prior to resuming employment in any nursing position;
 - ii. Ensure that CNO is notified of the name, address, and telephone number of all employer(s) within 14 days of commencing or resuming employment in any nursing position;
 - iii. Provide the Member's employer(s) with a copy of:
 1. the Panel's Order,
 2. the Notice of Hearing,
 3. the Agreed Statement of Facts,
 4. this Joint Submission on Order, and
 5. a copy of the Panel's Decision and Reasons, once available;
 - iv. Ensure that within 14 days of the commencement or resumption of the Member's employment in any nursing position, the employer(s) forward(s) a report to CNO, in which it will confirm:
 1. that they received a copy of the required documents, and
 2. that they agree to notify CNO immediately upon receipt of any information that the Member has breached the standards of practice of the profession.
4. All documents delivered by the Member to CNO, the Expert or the Member's employer(s) will be delivered by verifiable method, the proof of which the Member will retain.

Reasons for Penalty Decision

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate nurses. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The Panel also considered the penalty in light of the principle that joint submissions should not be interfered with lightly.

The Panel concluded that the proposed penalty is reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty, has accepted responsibility.

The Panel finds that the penalty satisfies the principles of specific and general deterrence, rehabilitation and remediation, and public protection. The penalty sends a strong message to members of the nursing profession and to the public that submitting false benefit claims and receiving monetary gain from them, amounts to professional misconduct, it is taken seriously, and will not be tolerated. Nurses are held to a high standard. Deceitful, dishonest behaviour

reflects negatively on the profession. Nurses are required to act with honesty and integrity which facilitates trust in the profession.

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

I, David Edwards, 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.