

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

PANEL:	Karen Laforet, RN	Chairperson
	Carly Hourigan	Public Member
	Sandra Larmour	Public Member
	Donna May, RPN	Member
	Ingrid Wiltshire-Stoby, NP	Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DENISE COONEY</u> for
)	College of Nurses of Ontario
- and -)	
)	
SHAHEEDA SADAR)	<u>CARINA LENTSCH</u> for
Registration No. IH09930)	Shaheeda Sadar
)	
)	<u>CHRISTOPHER WIRTH</u>
)	Independent Legal Counsel
)	
)	Heard: October 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 October 24, 2022, via videoconference.

The Allegations

The allegations against Shaheeda Sadar (the “Member”) as stated in the Notice of Hearing dated June 28, 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 2011 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 2011 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 2011 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 2011 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 2011 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. Shaheeda Sadar (the “Member”) registered with the College of Nurses of Ontario (“CNO”) as a Registered Practical Nurse (“RPN”) on June 5, 1998.
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 these incidents.
3. The Member has no prior history with the Discipline Committee.

BENEFIT PLAN

4. 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.
5. 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

6. From 2011 to 2018, the Member submitted false claims for medical services, or permitted false claims for medical services to be submitted on her behalf (such as physiotherapy and chiropractor services) and products (such as medical compression stockings) under the Benefit Plan and received \$17,085 in monetary payments.
7. In January 2019, the Facility uncovered benefits irregularities and conducted an internal investigation. On February 5, 2019, the Member was interviewed by the Facility with respect to her claims. The Member admitted to participating in a benefits fraud scheme. The Member admitted that fraudulent claims were submitted on her behalf and that she would split the proceeds of those claims equally with the “ringleader” of the fraudulent scheme.

8. 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

9. To date, a total of 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

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

Ethics

13. CNO's *Ethics Standard* describes ethical values that are important to the nursing profession in Ontario including patient well-being, patient choice, privacy and confidentiality, respect for life, maintaining commitments, truthfulness and fairness.
14. CNO's *Ethics Standard* provides, in relation to maintaining commitments, that nurses have a commitment to the nursing profession and being a member of the profession brings with it the respect and trust of the public. To continue to deserve

this respect, nurses have a duty to uphold the standards of the profession, conduct themselves in a manner that reflects well on the profession, and to participate in and promote the growth of the profession.

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

ADMISSIONS OF PROFESSIONAL MISCONDUCT

17. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 1 of the Notice of Hearing in that she contravened a standard of practice of the profession or failed to meet the standards of practice of the profession, as described in paragraphs 6 to 8 and 10 to 16 above.
18. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 2 of the Notice of Hearing in that she misappropriated property from a workplace, as described in paragraphs 6 to 8 above.
19. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 3 of the Notice of Hearing in that she falsified a record relating to her practice, as described in paragraphs 6 to 8 above.
20. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 4 of the Notice of Hearing in that she signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement, as described in paragraphs 6 to 8 above.
21. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 5 of the Notice of Hearing, and in particular her conduct was dishonourable and unprofessional, as described in paragraphs 6 to 8 and 10 to 16 above.

Submissions on liability were made by College Counsel.

College Counsel addressed allegation #1 submitting that, the Agreed Statement of Facts indicates that the Member agreed that her conduct was a breach of the standards.

College Counsel also addressed allegation #5 submitting that, the Agreed Statement of Facts indicates that the Member agreed that her conduct was relevant to nursing and that she admitted her conduct was dishonourable and unprofessional. The Member's conduct was unprofessional in that she demonstrated a serious disregard to act with honesty and integrity. The Member's conduct was also deemed dishonorable which represents moral

failing, dishonesty and deceit. College Counsel also indicated that the Member's conduct was carried over eight years, long enough for her to stop and take accountability.

Submissions on liability were made by Member's Counsel.

Member's Counsel briefly submitted that the Member admitted that the Standards were breached and made specific reference to the Member's admissions to Allegation #5 as outlined in the Agreed Statement of Facts. Member's Counsel submitted that the Member's conduct was relevant to nursing and that she admitted that her conduct was unprofessional and dishonorable but not disgraceful.

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 4-8 and 10-17 in the Agreed Statement of Facts. The Member admitted to submitting and accepting payment for false claims through the Baycrest Hospital's (the "Facility") employee benefit plan (the "Benefit Plan") which provides coverage for extended health care, dental, and other insurance benefits. The Member submitted false claims through the Benefit Plan from 2011 to 2018 and received \$17,085.00 in monetary payments, in relation to these false claims.

The Member breached the College's *Professional Standards* and the *Ethics Standard* when she submitted false claims. The College's *Professional Standards* provides that nurses are responsible for ensuring that their practice and conduct meets legislative requirements and the standards of the profession. Nurses are responsible for their actions and the consequences of those actions. It further provides that a nurse must have self-knowledge, respect, trust and integrity. A nurse demonstrates these standards by actions such as role-modelling professional 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 4-8 and 18 in the Agreed Statement of Facts. The Member admitted to misappropriating property from the Facility by submitting false claims or permitting false claims for medical services to be submitted on her behalf which included physiotherapy, chiropractor services, and products such as medical compression stockings, to the Facility's Benefit Plan from 2011 to 2018 and to receiving \$17,085.00 in monetary payments, 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 6-8 and 19 in the Agreed Statement of Facts. The Member admitted to falsifying a record relating to her practice when she submitted or permitted false claims to be submitted on her behalf for medical products and services and then split the proceeds of those claims equally with the "ringleader" of the benefits fraud scheme. The Member had 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 a Registered Practical Nurse ("RPN").

Allegation #4 in the Notice of Hearing is supported by paragraphs 6-8 and 20 in the Agreed Statement of Facts. The Member admitted to signing or issuing, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement. when she signed the claim forms certifying "that the information given is true, correct and complete to the best of [their] knowledge" and submitted the false claims to the Benefit Plan from 2011 to 2018. As noted above, the Member had access to the Benefit Plan by virtue of her employment as an RPN at 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 4-8, 10-16 and 21 in the Agreed Statement of Facts. The Panel finds that the Member's conduct in submitting false benefit claims was clearly relevant to the practice of nursing and 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*. 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 false benefit claims.

The Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of dishonesty and deceit through submitting false claims over a period of seven years and splitting the proceeds of those claims with the "ringleader" of the benefits fraud scheme. 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.

College Counsel submitted that the Joint Submission on Order is a product of lengthy negotiations between the College and the Member who is represented by Counsel. College Counsel submitted to the Panel that it is generally expected that the Joint Submission on Order will be accepted unless doing so would be contrary to the public interest or bring the administration of justice into disrepute.

The aggravating factors in this case were:

- The Member engaged in benefit fraud in the amount of \$17,085.00 over 8 years;
- The Member's conduct showed a serious disregard to act with honesty and integrity at the expense of the Facility's Benefit Plan;
- The Member's 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 and take accountability; and
- The Member took advantage of the trust that was given and took advantage of this privilege.

The mitigating factors in this case were:

- The Member took responsibility with the Facility and the College;

- The Member admitted to the allegations and 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 the Joint Submission on Order 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 its members. 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 will prepare the Member to return to ethical practice.

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 the 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 70 similar cases of benefit fraud and there is a clear problem within the nursing profession. 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 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. Ding (Discipline Committee, 2022): In this case, the hearing proceeded by way of an Agreed Statement of Facts and Joint Submission on Order. Similarities to the case before this Panel include the member making false claims through 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 approximately \$17,654.00 in relation to those false claims 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. Cockett (Discipline Committee, 2022): In this case, the hearing proceeded by way of an Agreed Statement of Facts and Joint Submission on Order. The Decision and Reasons in this case was not available at this time. Similarities to the case before this Panel include the member making false claims through 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 \$15,323.00 in relation to those false claims 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.

Submissions were made by the Member's Counsel.

The Member's Counsel submitted the following:

- The Member had no prior discipline history with the Facility and has no prior discipline history with the College;
- The Member has accepted responsibility for her actions and consented to the Agreed Statement of Facts;
- The Member has been forthright and cooperative and expressed remorse; and
- The Member lost her employment and wants to continue nursing after her suspension.

The Member's Counsel submitted that the Joint Submission on Order 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 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 proposed penalty provides for general deterrence through 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.

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 allows the Member to gain perspective into her actions and how it is viewed by other members of the profession and the public. The 4-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.

The proposed penalty provides for remediation and rehabilitation 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 practices with hopes to ensure that this misconduct will never happen again.

The elements of the Joint Submission on Order meet 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 months of employer notification, which will allow 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 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 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.