

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

PANEL:	Mary MacNeil, RN	Chairperson
	Aisha Jahangir, RN	Member
	Sandra Larmour	Public Member
	Sherry Szucsko-Bedard, RN	Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DOUGLAS MONTGOMERY</u> for
)	College of Nurses of Ontario
- and -)	
)	
MARIE JANE LOPEZ)	<u>ADRIENNE ANDERSON</u> for
Registration No. 0218974)	Marie Jane Lopez
)	
)	<u>PATRICIA HARPER</u>
)	Independent Legal Counsel
)	
)	Heard: October 19, 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 19, 2022, via videoconference.

The Allegations

The allegations against Marie Jane Lopez (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 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 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 Nurse at the Facility, you misappropriated property from a client or workplace, and in particular, in or around 2010 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 Nurse at the Facility, you falsified a record relating to your practice, and in particular, in or around 2010 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 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 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 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 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. Marie Jane Lopez (the “Member”) registered with the College of Nurses of Ontario (“CNO”) as a Registered Nurse (“RN”) on September 30, 2002.
2. At the time of the incidents described below, the Member was employed as an RN at the Apotex Centre, Jewish Home for the Aged, a long-term care facility associated with Baycrest Health Sciences, located in Toronto, Ontario (the “Facility”). The Facility terminated the Member’s employment on June 10, 2019 as a result of the incidents described below.

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 2012 and 2018, the Member submitted false claims for a variety of medical services and products under the Benefit Plan.
6. In January 2019, the Facility uncovered benefits irregularities and conducted an internal investigation. As part of this investigation, the Facility identified a series of claims submitted by the Member totalling at least \$37,060 which the Facility deemed suspicious.
7. The Facility interviewed the Member with respect to her claims on February 7, 2019, and February 8, 2019. The Member admitted to the Facility that she had submitted false claims, and that she had not received some of the claimed services and products. Instead, the Member would split the proceeds from the false claims with the service providers once she received reimbursement from Coughlin for the false claims.

8. The Member received at least \$18,647 from the false claims she submitted. The false claims were for paramedical services (including physiotherapy, massage therapy, and chiropractic treatment), shoe modifications, as well as other products (including compression stockings, orthotics, wrist braces, a TENS unit, and knee braces).
9. The Member was terminated by the Facility on June 10, 2019 as a result of these incidents. The Member did not pay restitution.
10. If the Member were to testify, she would express sincere remorse for her actions and apologize for her conduct. The Member would also testify that she appreciates the significance of her actions and takes accountability for her mistakes.

BENEFIT FRAUD CASES

11. 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

12. 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.
13. 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.
14. 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

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

ADMISSIONS OF PROFESSIONAL MISCONDUCT

19. 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 10 and 12 to 18 above.
20. 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 10 above.
21. 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 10 above.
22. 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 10 above.
23. 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 10 and 12 to 18 above.

Submissions on liability were made by College Counsel.

College Counsel asked the Panel to accept the Agreed Statement of Facts and the Member's admissions to all the allegations as set out in the Notice of Hearing and to find the Member committed professional misconduct. Paragraphs 19 to 23 in the Agreed Statement of Facts set out the specific admissions and describe each paragraph that supports each allegation. College Counsel submitted to the Panel that the allegations are relevant to the nursing profession as the use of the employer benefit plan is directly related to the Member's nursing employment.

The Member's Counsel made no submissions on liability.

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 4-10 and 12-19 in the Agreed Statement of Facts. The Member submitted false claims through the Baycrest Hospital's (the "Facility") employee benefit plan (the "Benefit Plan") between 2012 and 2018 and received at least \$18,647.00 in relation to those false claims. The Member would submit false claims for services and items that she would not receive then split the payment with the service providers. The College's *Ethics* Standard describes ethical values that are important to the nursing profession and part of these values include truthfulness. The Member purposely deceived the Benefit Plan her employer provided for her when she submitted false claims and received money in exchange. The Member showed little integrity and breached the *Professional Standards* when she purposely submitted false claims for her own benefit. Being trustworthy is an essential component of a nurse's professional integrity. The Member breached this trust and the College standards when she falsified documentation and received compensation.

Allegation #2 in the Notice of Hearing is supported by paragraphs 4-10 and 20 in the Agreed Statement of Facts. As set out in the Member's employment agreement, the Member had access to extended healthcare, dental and other insurance benefits, under the Benefit Plan. The Member misappropriated property from the Facility when she submitted and accepted

payment for false claims under the Benefit Plan. The Member admitted to participating in a fraudulent benefit claim scheme where she split the cash reimbursement from the Benefit Plan with the service provider in which no service was provided. Receiving money with respect to false benefit claims constitutes misappropriation of property.

Allegations #3 and #4 in the Notice of Hearing are supported by paragraphs 4-10 and 21-22 in the Agreed Statement of Facts. The Member committed acts of professional misconduct when she falsified a record relating to her practice and signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement. While employed at the Facility the Member received a Benefit Plan which provides coverage for extended health care, dental and other insurance benefits. The Member had access to the plan by virtue of her employment as a nursing professional. The Member admitted to submitting false claims between 2012 and 2018. Furthermore, in signing the claim forms she would have known they contained false statements. Accordingly, the facts support the allegations that the Member falsified a record relating to her practice and signed or issued, in her professional capacity, a document which contained a false or misleading statement.

Allegation #5 in the Notice of Hearing is supported by paragraphs 4-10, 12-18 and 23 in the Agreed Statement of Facts. The Panel finds that the Member's conduct was clearly relevant to the practice of nursing as she only had access to the Benefit Plan through her employment as a nurse. The Member submitted several false claims that added up to at least \$18,647.00. This conduct was unprofessional as it demonstrated a serious disregard for her professional obligations as set out in the *Ethics Standard* and the *Professional Standards*.

The Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of moral failing, dishonesty and deceit. The Member failed to act with the integrity that the public expects from the nursing profession when she falsified records and made false claims to the Facility's Benefit Plan. 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 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 made several persistently deceitful and dishonest claims to the Facility's Benefit Plan;
- This was not a lapse in judgement for the Member as this conduct occurred over many years (2012-2018) for a total of at least \$18,647.00;
- The Member had time where she could have stopped and taken accountability for her actions which she did not do; and
- The Member took advantage of the Facility's Benefit Plan, which is a privilege that not all members of the profession have.

The mitigating factors in this case were:

- The Member accepted full responsibility for her conduct by admitting to all the allegations and entering into an Agreed Statement of Facts and a Joint Submission on Order with the College;
- The Member took full responsibility with her employer in her admissions and suffered the consequences; and
- The Member has no prior discipline history with the College.

The proposed penalty provides for specific deterrence through:

- The oral reprimand. An oral reprimand allows the Member to gain insight into how her actions are perceived by the nursing profession and the public; and
- The 4 month suspension of the Member's certificate of registration.

The proposed penalty provides for general deterrence through:

- The 4 month suspension of the Member's certificate of registration.

General deterrence is significant in this case as there are over 75 benefit fraud cases referred to the Discipline Committee to date. The penalty needs to send a message to other members that misconduct involving benefit fraud is not acceptable and will not be tolerated by the public or the College.

The proposed penalty provides for remediation and rehabilitation through the 2 meetings with a Regulatory Expert as it will provide insight to the Member so she can return to an ethical practice, a standard that is expected of nurses.

Overall, the public is protected by the 12 months of employer notification as this will ensure the Member's employer is aware of the misconduct even if the Member changes employers. The employer will be afforded oversight of the Member's practice on her return to the profession.

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 member participated in the hearing but denied two of the allegations set out against her. The Discipline Committee panel that heard this matter made findings of professional misconduct on all the allegations set out in the Notice of Hearing. The member committed acts of professional misconduct when she was involved in similar benefit fraud that took place over several years and allowed the member to receive at least \$7,982.50 in false claims. The member was terminated from the facility and did not make any restitution. 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. Ding (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. In this case, the member committed acts of professional misconduct when she was involved in similar benefit fraud that took place over several years and allowed the member to receive approximately \$17,654.00 in false claims. The member was terminated from the facility and did not make any restitution. 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. This case has the identical penalty as what is being proposed for the case before this Panel.

CNO v. Cockett (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. In this case, the member committed acts of professional misconduct when she was involved in similar benefit fraud that took place over several years and allowed the member to receive \$15,323.00 in false claims. The member was terminated from the facility and did not make any restitution. 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. This case has the identical penalty as what is being proposed for the case before this Panel.

Submissions were made by the Member's Counsel.

The Member's Counsel submitted the following mitigating factors:

- The Member has been a Registered Nurse for more than 27 years and before this had no prior discipline history with the College;
- The Member is a dedicated, hardworking nurse who has been recognized for her nursing care;

- The Member is employed presently and is supported by her employer who is aware of the benefit fraud claims;
- The Member is deeply troubled by this and has taken full responsibility for her actions; and
- The Member has reflected and feels this is not who she is.

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. Specific deterrence is achieved through the oral reprimand and a 4 month suspension of the Member's certificate of registration, which will send a clear message to the Member that employee benefit fraud will not be tolerated. General deterrence is achieved by the 4 month suspension of the Member's certificate of registration, which will send a strong message to the professional membership that employee benefit fraud will not be tolerated. Rehabilitation and remediation will be achieved through the 2 meetings with a Regulatory Expert and learning activities. The public will be protected through the 12 months of employer notification, which will make the employer aware of the misconduct so that the employer can appropriately monitor the Member on her return to practice.

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

I, Mary MacNeil, 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.