

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

PANEL:	Mary MacNeil, RN	Chairperson
	Sylvia Douglas	Public Member
	Morgan Krauter, NP	Member
	Karen Laforet, RN	Member
	Lalitha Poonasamy	Public Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DENISE COONEY</u> for
)	College of Nurses of Ontario
- and -)	
)	
OLGA ELENA NICA)	<u>PHILIP ABBINK</u> for
Registration No. 10439714)	Olga Elena Nica
)	
)	<u>KIMBERLEY ISHMAEL</u>
)	Independent Legal Counsel
)	
)	Heard: December 14, 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 December 14, 2022, via videoconference.

The Allegations

The allegations against Olga Elena Nica (the “Member”) as stated in the Notice of Hearing dated November 9, 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 2011 to 2015, you submitted

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

2. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(8) of *Ontario Regulation 799/93*, in that while working as a Registered Nurse at the Facility, you misappropriated property from a client or workplace, and in particular, in or around 2011 to 2015, you submitted and/or accepted payment for false claims under the Benefit Plan.
3. You committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(14) of *Ontario Regulation 799/93*, in that while working as a Registered Nurse at the Facility, you falsified a record relating to your practice, and in particular, in or around 2011 to 2015, you submitted and/or accepted payment for false claims under the Benefit Plan.
4. You committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(15) of *Ontario Regulation 799/93*, in that while working as a Registered 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 2015, you submitted and/or accepted payment for false claims under the Benefit Plan.
5. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(37) of *Ontario Regulation 799/93*, in that while working as a Registered 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 2015, you submitted and/or accepted payment for false claims under the Benefit Plan.

Member's Plea

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

Agreed Statement of Facts

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

MEMBER

1. Olga Elena Nica (the "Member") registered with the College of Nurses of Ontario ("CNO") as a Registered Nurse ("RN") on December 2, 2010.
2. The Member was employed as an RN 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 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 and 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 2011 to 2015, the Member submitted various claims for medical services and products. During this period, she submitted benefit claims amounting to at least \$9,620 for physiotherapy for services which were not received.
6. In January 2019, the Facility uncovered benefits irregularities and conducted an internal investigation. Through its investigation, the Facility identified a series of benefit claims submitted by the Member that the Facility deemed to be suspicious.
7. On April 8 and 11, 2019, the Member was interviewed by the Facility with respect to her claims. The Facility concluded that the Member had submitted false or misleading claims. As a result, the Facility terminated the Member's employment on July 10, 2019.

8. The Member did not pay restitution.
9. If she were to testify, the Member would express her remorse for her actions, and assure the Committee that she would never engage in any such conduct again in the future.

BENEFIT FRAUD CASES

10. 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 claims involved range from under \$500 to over \$45,000.

CNO STANDARDS

Professional Standards

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

Ethics

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

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

ADMISSIONS OF PROFESSIONAL MISCONDUCT

18. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 1 of the Notice of Hearing in that she contravened a standard of practice of the profession or failed to meet the standards of practice of the profession, as described in paragraphs 5 to 9 and 11 to 17 above.
19. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 2 of the Notice of Hearing in that she misappropriated property from a workplace, as described in paragraphs 5 to 9 above.
20. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 3 of the Notice of Hearing in that she falsified a record relating to her practice, as described in paragraphs 5 to 9 above.
21. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 4 of the Notice of Hearing in that she signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement, as described in paragraphs 5 to 9 above.
22. The Member admits that she committed the acts of professional misconduct as alleged in paragraph 5 of the Notice of Hearing, and in particular her conduct was dishonourable and unprofessional, as described in paragraphs 5 to 9 and 11 to 17 above.

Submissions on liability were made by College Counsel.

College Counsel submitted that allegation #1 is supported by the evidence in the Agreed Statement of Facts. The Member admitted that her behaviour was relevant to the practice of nursing in that access to her employer-sponsored benefit plan (the "Benefit Plan") was solely due to her employment as a Registered Nurse ("RN") at Baycrest Hospital (the "Facility"). The

Member breached the *Professional Standards* and the *Ethics* Standard when she repeatedly filed benefit claims that she knew to be false.

With regard to allegation #5, College Counsel submitted that the Member's unprofessional misconduct is supported by her admitting to submitting \$9,620.00 in false claims. Her failure to act with honesty and integrity showed a serious and persistent disregard for that obligation. The Member's conduct was dishonourable in that she continued to submit false claims between 2011 to 2015 showing persistent deceit and dishonesty. The Member had a number of opportunities to stop and take responsibility. Instead, she repeatedly failed to act with integrity. Her repeated behaviour demonstrated an element of moral failing. The Member admitted to conduct that was unprofessional and failed to act with the integrity the public expects of nurses.

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

The Member's Counsel referenced *CNO v. Verde-Balayo* (Discipline Committee, 2021) with regards to the Member's liability and whether all of the allegations are appropriate. The Agreed Statement of Facts in this case was voluntary and informed as was the *Verde-Balayo* case. The case law submission and facts in this case support the findings. The Member is admitting to dishonourable and unprofessional conduct, similar to the *Verde-Balayo* case and the breach of the standards is similar in both cases.

Independent Legal Counsel provided her advice that the Panel is required to accept the Agreed Statement of Facts and to decide based solely on the evidence presented before the Panel if the College has met its onus of responsibility to prove the allegations as set out in the Notice of Hearing based on clear, cogent and convincing evidence.

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 5 to 9 and 11 to 18 in the Agreed Statement of Facts. The Member submitted false benefit claims through the Facility's Benefit Plan between 2011 to 2015 and received at least \$9,620.00 for physiotherapy services that were not received in relation to those false benefit claims. When she met with the Facility on April 8 and 11, 2019, the Facility concluded that the Member had submitted false or misleading claims and terminated her employment on July 10, 2019.

The College's *Professional Standards* provides that "Each nurse is accountable to the public and responsible for ensuring that her/his practice and conduct meets legislative requirements and the standards of the profession". The College's *Ethics Standard* provides that "Nurses have a commitment to the nursing profession. Being a member of the profession brings with it the respect and trust of the public". The *Ethics Standard* also provides that in relation to truthfulness, "Truthfulness means speaking or acting without intending to deceive". The Member admitted and the Panel finds that she breached both of these standards when she submitted false claims to the Facility's Benefit Plan.

Allegation #2 in the Notice of Hearing is supported by paragraphs 5 to 9 and 19 in the Agreed Statement of Facts. The Member admitted to misappropriating property from the Facility when she submitted false benefit claims, for physiotherapy services that were not received, through the Facility's Benefit Plan between 2011 to 2015 and received at least \$9,620.00 in relation to those false benefit claims. The Panel finds that receiving money with respect to false benefit claims constitutes misappropriation of property.

Allegation # 3 in the Notice of Hearing is supported by paragraphs 5 to 9 and 20 in the Agreed Statement of Facts. The Member falsified a record relating to her practice when she submitted multiple false claim forms to the Benefit Plan between 2011 to 2015 for physiotherapy services. By signing and submitting claim forms that contained false information, the Member was found to have falsified records relating to her practice. 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 an RN.

Allegation #4 in the Notice of Hearing is supported by paragraphs 5 to 9 and 21 in the Agreed Statement of Facts. The Member signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement when she submitted false benefit claims to the Benefit Plan in the context of her employment as an RN. As noted above, 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 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 5 to 9, 11 to 17 and 22 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*.

The Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of dishonesty and deceit through the submission of false benefit claims to the Benefit Plan in the amount of at least \$9,620.00 over a period of five years. The Member knew or ought to have known that her conduct was unacceptable and fell below the standards of the profession. Yet, she repeatedly failed to act with the integrity expected of nurses.

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 submitted at least \$9,620.00 in false benefit claims between 2011 to 2015;
- The Member's deceptive conduct for her personal benefit was a detriment to the Facility's Benefit Plan;
- The Member took advantage of the trust of the Facility and the Benefit Plan; and
- The Member abused the privilege of having an employer-sponsored Benefit Plan.

The mitigating factors in this case were:

- The Member has taken responsibility for her actions with the Facility and with the College by admitting to the allegations and entering 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.

The proposed penalty provides for general deterrence through the 4-month suspension of the Member's certificate of registration, which sends a clear message to other members of the profession that such misconduct will not be tolerated. There are over 75 cases of employer benefit plan fraud by nurses. The College needs to send a clear message that dishonesty by way of employer benefit fraud is not acceptable and to restore trust that may have been broken due to this deceit.

The proposed penalty provides for specific deterrence through the oral reprimand and the 4-month suspension of the Member's certificate of registration, sending a clear message to the Member that benefit fraud will not be tolerated.

The proposed penalty provides for remediation and rehabilitation through the 2 meetings with a Regulatory Expert, serving to deepen the Member's understanding of her obligations to the profession and to the public.

Overall, the public is protected through the 12 months of employer notification, which will provide for a heightened level of employer oversight on the Member's return to practice.

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

CNO v. Verde-Balayo (Discipline Committee, 2021): In this case, the member submitted false benefit claims to her employer-sponsored benefit plan in the amount of \$7,982.50. The member did not make 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, which is identical to the proposed penalty in the case before this Panel.

CNO v. Esperon (Discipline Committee, 2022): In this case, the member submitted false benefit claims to his employer-sponsored benefit plan in the amount of \$9,587.50. The member did not make 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, which is identical to the proposed penalty in the case before this Panel.

College Counsel submitted that the Panel could be assured that the Joint Submission on Order is in keeping with similar cases.

Submissions were made by the Member's Counsel.

The Member's Counsel reiterated that the Panel is required to accept the Joint Submission on Order unless there are serious concerns with the proposed penalty. The Member's Counsel

agreed with the principles of penalty and confirmed that the proposed Joint Submission on Order includes the same conditions as the *Verde-Balayo* and *Esperon* cases.

In addition to the mitigating factors provided by College Counsel, the Member's Counsel submitted the following mitigating factors:

- The Member pled guilty and accepted responsibility for her actions which shows a willingness for rehabilitation;
- The Member's willingness to cooperate in the hearing and submit a Joint Submission on Order has saved the College time and money; and
- The Member has no prior discipline history with the College.

The Member's Counsel stated that College Counsel addressed the aggravating factors.

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 benefit fraud will not be tolerated. General deterrence is addressed by the 4-month suspension of the Member's certificate of registration,

which demonstrates to the profession that employer benefit fraud will not be tolerated. Rehabilitation and remediation will be achieved through the 2 meetings with a Regulatory Expert and the associated review of the standards. The 12 months of employer notification will ensure that the public is protected as this will provide for a heightened level of employer oversight on the Member's 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.