

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

<b>PANEL:</b>	Grace Fox, NP	Chairperson
	Sandra Larmour	Public Member
	Ahamad Mohammed, RPN	Member
	Michael Schroder, NP	Member

**BETWEEN:**

COLLEGE OF NURSES OF ONTARIO	)	<u>DENISE COONEY</u> for
	)	College of Nurses of Ontario
- and -	)	
	)	
SUSAN THOMAS	)	<u>PHILIP ABBINK</u> for
Registration No. 0502286	)	Susan Thomas
	)	
	)	<u>CHRISTOPHER WIRTH</u>
	)	Independent Legal Counsel
	)	
	)	Heard: June 19, 2023

**DECISION AND REASONS**

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) of the College of Nurses of Ontario (the “College”) on June 19, 2023, via videoconference.

**The Allegations**

The allegations against Susan Thomas (the “Member”) as stated in the Notice of Hearing dated March 23, 2023 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 Michael Garron 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 2016, you submitted and/or accepted payment for false claims under the Facility’s employee group 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 Michael Garron Hospital in Toronto, Ontario (the “Facility”), you misappropriated property from a client or workplace, and in particular, in or around 2016, you submitted and/or accepted payment for false claims under the Facility’s employee group 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 Michael Garron Hospital in Toronto, Ontario (the “Facility”), you falsified a record relating to your practice, and in particular, in or around 2016, you submitted and/or accepted payment for false claims under the Facility’s employee group 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 Michael Garron Hospital in Toronto, Ontario (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 2016, you submitted and/or accepted payment for false claims under the Facility’s employee group 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 Michael Garron Hospital in Toronto, Ontario (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 2016, you submitted and/or accepted payment for false claims under the Facility’s employee group 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. Susan Thomas (the "Member") registered with the College of Nurses of Ontario ("CNO") as a Registered Nurse ("RN") in the General Class on December 30, 2004.
2. At the time of the incidents described below, the Member was employed as an RN at Michael Garron Hospital (formerly Toronto East General Hospital), located in Toronto, Ontario (the "Facility"). Her employment with the Facility was terminated following the Facility's investigation into 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"). Manulife Financial ("Manulife") 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.
4. To submit a benefit claim online, members of the Benefit Plan were required to confirm that the information submitted is accurate and true, and agree, if requested, to provide original receipts.

#### **INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

5. In December 2016, the Member submitted three claims totaling \$168 to the Benefit Plan for massage therapy, though no massage therapy services had been received on those dates.
6. Manulife randomly selected the Member's claims for an audit, and in March 2017 Manulife advised the Facility that the Member may have submitted false claims.
7. The Facility interviewed the Member, and she admitted to having submitted three claims for services which she had not received.
8. The Facility terminated the Member's employment on April 10, 2017.
9. The Member paid full restitution.
10. If she were to testify, the Member would express her remorse, and say that she deeply regrets her actions. She would assure the Discipline Committee that she

has learned from these events, and that she would not engage in any such conduct in the future.

## **BENEFIT FRAUD CASES**

11. To date, at least 80 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*

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, as well as the Member's admissions to all the allegations as set out in paragraphs 19-23 of the Agreed Statement of Facts and, on the basis of those facts and admissions, make findings of professional misconduct with respect to the allegations in the Notice of Hearing. College Counsel submitted that the Panel has taken the Member's plea and conducted a written and

verbal plea inquiry, which confirmed that the plea was voluntary, informed and made on the advice of experienced Counsel. College Counsel submitted that based on the Agreed Statement of Facts, which specifically describes the facts in relation to the allegations, the Panel has enough evidence to find that the Member committed professional misconduct as set out in all of the allegations in the Notice of Hearing.

With regard to allegation #1, College Counsel submitted that the Member failed to meet the provisions of the College's *Professional Standards* and the *Ethics* Standard and the Member admitted that these standards were breached. College Counsel submitted that based on this, the Panel has a basis to make a finding with regard to a breach of the standards.

With regard to allegation #5, College Counsel submitted that the Member's conduct was relevant to the practice of nursing and would reasonably be regarded by members of the profession to be unprofessional and dishonourable. The Member's conduct and admission of submitting three false claims to the Michael Garron Hospital's (the "Facility") employee group benefit plan (the "Benefit Plan") totalling \$168.00 is clearly relevant to the practice of nursing as she was entitled to participate in the Benefit Plan by virtue of her employment at the Facility. Having regard to the circumstances, members of the profession would regard this behaviour as being unprofessional due to the involvement of a serious and persistent disregard for the fundamental professional obligations of honesty and integrity. The Member's conduct is dishonourable as it involved dishonesty and deceit for the Member's own personal financial gain. The College asked the Panel to make findings of professional misconduct with respect to all allegations.

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

Based on the plea inquiry, the Panel can be satisfied that the Member's admissions are voluntary, informed and unequivocal. The Member's Counsel submitted that the facts are set out in the Agreed Statement of Facts which is the evidence that the Panel can use to make their decision. The Member has admitted to professional misconduct in paragraphs 19-23 of the Agreed Statement of Facts. Although the Member has admitted that her conduct was unprofessional and dishonourable, the Member has not admitted to disgraceful conduct as with disgraceful conduct, the conduct tends to be much more serious and contains an element of moral failing.

### **Decision**

The College bears the onus of proving the allegations in accordance with the standard of proof, that being the balance of probabilities based upon clear, cogent and convincing evidence.

Having considered the evidence and the onus and standard of proof, the Panel finds that the Member committed acts of professional misconduct as alleged in paragraphs #1, #2, #3, #4 and #5 of the Notice of Hearing. As to allegation #5, the Panel finds that the Member engaged in

conduct that would reasonably be regarded by members of the profession to be unprofessional and dishonourable.

### **Reasons for Decision**

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

Allegation #1 in the Notice of Hearing is supported by paragraphs 5-10 and 12-19 in the Agreed Statement of Facts. As a result of her employment, the Member had access to the Facility's Benefit Plan. In March 2017, the Member was chosen as part of a random audit by the administrator of the Benefit Plan and the Facility was informed that the Member may have submitted false benefit claims. The Member admitted to the Facility that she had submitted three false benefit claims for services that she did not receive. The College's *Professional Standards* outlines that all nurses are expected to demonstrate leadership and leadership involves exemplifying trust and integrity. The College's *Ethics* Standard outlines that members are to exemplify truthfulness, which means "speaking or acting without intending to deceive". The Member contravened the *Professional Standards* and the *Ethics* Standard when she displayed a lack of trust and integrity and deceived the Benefit Plan when she submitted three false benefit claims to the Facility's Benefit Plan.

Allegation #2 in the Notice of Hearing is supported by paragraphs 5-10 and 20 in the Agreed Statement of Facts. The Member admitted to misappropriating property from the Facility when she submitted three false claims to the Benefit Plan in December 2016 and to receiving \$168.00 in relation to those false claims. Receiving money with respect to false benefit claims constitutes misappropriation of property.

Allegation #3 in the Notice of Hearing is supported by paragraphs 5-10 and 21 in the Agreed Statement of Facts. The Member had access to the Benefit Plan by virtue of her nursing employment as a Registered Nurse ("RN") at the Facility. The Member admitted to falsifying a record relating to her practice when she submitted three false claims to the Benefit Plan in December 2016. As part of the online benefit claim submission process, the Member had to confirm that the information was accurate and true. By completing and submitting the three false claims, the Member falsified a record relating to her practice, as she had access to the Benefit Plan in the context of her employment as an RN at the Facility.

Allegation #4 in the Notice of Hearing is supported by paragraphs 5-10 and 22 in the Agreed Statement of Facts. The Member admitted to signing, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement when she submitted three false benefit claims in December 2016. In order to submit a benefit claim, the Member had to submit an online form and confirm that the information was accurate and true. The Member admitted that she submitted three false claims for massage therapy services that she did not receive. When the Member confirmed on the online claim form that the information she submitted was accurate and true, she was providing a false or misleading statement in her professional capacity as she had access to the Benefit Plan by virtue of being

an RN employee of the Facility. Accordingly, the facts support the allegation that the Member signed, in her professional capacity, a document that she knew contained a false or misleading statement.

Allegation #5 in the Notice of Hearing is supported by paragraphs 5-10, 12-18 and 23 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, as it was unprofessional. It demonstrated a serious and persistent disregard for her professional obligations as set out in the College's *Professional Standards* and the *Ethics* Standard through accepting \$168.00 for 3 falsely submitted benefit claims.

The Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of dishonesty and deceit through submitting three false benefit claims to the Benefit Plan. Her conduct was discovered through a random audit by the Benefit Plan administrator. The Member's conduct demonstrated an element of moral failing. 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 2 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*;
- iv. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of the completed Reflective Questionnaires;
- v. The subject of the sessions with the Expert will include:
  - 1. the acts or omissions for which the Member was found to have committed professional misconduct,
  - 2. the potential consequences of the misconduct to the Member's patients, colleagues, profession and self,
  - 3. strategies for preventing the misconduct from recurring,
  - 4. the publications, questionnaires and modules set out above, and
  - 5. the development of a learning plan in collaboration with the Expert;
- vi. Within 30 days after the Member has completed the last session, the Member will confirm that the Expert forwards their report to CNO, in which the Expert will confirm:
  - 1. the dates the Member attended the sessions,
  - 2. that the Expert received the required documents from the Member,
  - 3. that the Expert reviewed the required documents and subjects with the Member, and
  - 4. the Expert's assessment of the Member's insight into the Member's behaviour;

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

### **Penalty Submissions**

Submissions were made by College Counsel.

The aggravating factors in this case were:

- The Member's conduct involved dishonesty and deceit at the expense of her employer funded Benefit Plan;

- The Member ought to have known that her conduct was wrong;
- The Member took advantage of the trust placed in her by the Facility, the public and the Benefit Plan;
- The Member took advantage of the trust that is inherent in the Benefit Plan's claim submission process; and
- The Member's conduct was an abuse of the privilege of having an employer funded Benefit Plan which not all members of the nursing profession have access to.

The mitigating factors in this case were:

- The Member's conduct occurred only in December 2016 and was not repeated;
- The Member took responsibility with the Facility by admitting to submitting false benefit claims;
- The Member took responsibility with the College by entering into an Agreed Statement of Facts and a Joint Submission on Order with the College;
- The Member has made full restitution of the improper claims; and
- The Member has no prior discipline history with the College.

The proposed penalty provides for general deterrence through the 2-month suspension of the Member's certificate of registration, which will send a message to the membership that benefit plan misuse will not be tolerated. There is a particular need to convey general deterrence given that over 80 similar benefit fraud cases have been referred to the Discipline Committee.

The proposed penalty provides for specific deterrence through the oral reprimand, which will afford the Member an opportunity to hear how her conduct is perceived by both members of the profession and the public. The 2-month suspension of the Member's certificate of registration will help to ensure that the conduct will not be repeated.

The proposed penalty provides for remediation and rehabilitation through the 2 meetings with a Regulatory Expert and a review of the College's *Code of Conduct*. These remedial activities will assist the Member with her transition back to ethical nursing practice.

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 nursing 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. Lagrimas-Mendiola* (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member admitted to submitting false benefit claims and to receiving \$750.00 in relation to those false claims. The member made restitution. The penalty included an oral reprimand, a 2-month suspension of

the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification.

*CNO v. Vallega* (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member admitted to submitting false benefit claims in the amount of \$575.00 and to receiving a pair of Birkenstock shoes in relation to those false claims. The member made restitution and received a five-shift suspension from the facility. The penalty included an oral reprimand, a 2-month suspension of the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification.

*CNO v. Punchard* (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member admitted to submitting false benefit claims and to receiving \$473.00 in relation to those false claims. The member made restitution. The penalty included an oral reprimand, a 2-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 that he agreed with College Counsel's outline of the principles of penalty. The Member's Counsel submitted that the penalty is consistent with the similar cases that were submitted by College Counsel.

The Member's Counsel submitted the following mitigating factors:

- The Member took accountability by admitting to the misconduct to the Facility during their investigation;
- The Member made restitution;
- The Member has no prior discipline history with the College;
- The Member admitted to her misconduct in the College's discipline process;
- The Member has acknowledged her mistake and has accepted responsibility;
- The Member has begun the process of making amends which is a positive sign towards rehabilitation;
- The Member's admission has saved the College the time and expense of a contested hearing; and
- The Member has expressed her remorse.

### **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 2 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*;
    - 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. Specifically, the oral reprimand and the 2-month suspension of the Member's certificate of registration provides for specific deterrence, which will convey to the Member that her conduct is not acceptable. General deterrence is achieved through the 2-month suspension of the Member's certificate of registration, which demonstrates to the membership that there are serious consequences for similar misconduct. Rehabilitation and remediation are achieved through the 2 meetings with a Regulatory Expert and review of the College's *Code of Conduct*, which will assist with transitioning the Member to ethical nursing practice. Public protection is achieved through the 12 months of employer notification, which will provide a heightened level of employer oversight on the Member's return to nursing practice.

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

I, Grace Fox, NP, sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline Panel.