

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

PANEL:	Andrea Arkell	Public Member, Chairperson
	Jay Armitage	Public Member
	Eloisa Busto, RPN	Member
	David Edwards, RPN	Member
	Sharon Moore, RN	Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>JOSEPH BERGER</u> for
)	College of Nurses of Ontario
- and -)	
)	
OLIVER DELA CRUZ)	<u>NO REPRESENTATION</u> for
Registration No. JI746769)	Oliver Dela Cruz
)	
)	<u>PATRICIA HARPER</u>
)	Independent Legal Counsel
)	
)	Heard: February 2, 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 February 2, 2023, via videoconference.

The Allegations

The allegations against Oliver Dela Cruz (the “Member”) as stated in the Notice of Hearing dated December 19, 2022 are as follows:

IT IS ALLEGED THAT:

1. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Nursing Act, 1991*, S.O. 1991, c. 32, as amended, and defined in subsection 1(1) of *Ontario Regulation 799/93*, in that while working as a Registered Practical Nurse at Bridgepoint Active Healthcare - Sinai Health System 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 2015 to 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 Practical Nurse at Bridgepoint Active Healthcare - Sinai Health System in Toronto, Ontario (the "Facility"), you misappropriated property from a client or workplace, and in particular, in or around 2015 to 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 Practical Nurse at Bridgepoint Active Healthcare - Sinai Health System in Toronto, Ontario (the "Facility"), you falsified a record relating to your practice, and in particular, in or around 2015 to 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 Practical Nurse at Bridgepoint Active Healthcare - Sinai Health System 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 2015 to 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 Practical Nurse at Bridgepoint Active Healthcare - Sinai Health System 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 2015 to 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 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. Oliver Dela Cruz (the “Member”) registered with the College of Nurses of Ontario (“CNO”) as a Registered Practical Nurse (“RPN”) on October 26, 2009.
2. At the time of the incidents described below, the Member was employed as an RPN at Bridgepoint Active Healthcare, a complex care and rehabilitation centre which is part of Sinai Health System in Toronto, Ontario (the “Facility”).

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”). SunLife Insurance (“Sun Life”) 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 online, members of the Benefit Plan must confirm that the information submitted is accurate and true, and agree, if requested, to provide original receipts and/or supporting documents.

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

5. On March 18, 2015 and April 28, 2015, the Member submitted claims totaling \$3,240 to the Benefit Plan for back braces and shoe modifications which were not received as claimed.
6. On October 27 and 30, 2017, the Facility and Sun Life interviewed the Member. The Member admitted that neither he nor his wife received back braces as claimed. The Member also admitted that he was uncertain about whether his wife had ever obtained shoe modifications.
7. The Member received a ten-day suspension “for submitting illegitimate claims”. The Facility agreed that it would not seek any reimbursement from the Member for any fraudulent benefit claims, and as such he did not make restitution.
8. If the Member were to testify, he would apologize and say he takes responsibility for his conduct.

BENEFIT FRAUD CASES

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

CNO STANDARDS

Professional Standards

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

Ethics

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

themselves in a manner that reflects well on the profession, and to participate in and promote the growth of the profession.

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

ADMISSIONS OF PROFESSIONAL MISCONDUCT

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

Submissions

College Counsel asked the Panel to accept the Agreed Statement of Fact ("ASF") and the Member's admissions as set out in the ASF and to make findings of professional misconduct with respect to all allegations.

With respect to allegation #1, College Counsel submitted that the ASF provides the evidence of the relevant College standards as well as the Member's admission that the standards were breached and therefore the Panel has a basis to make findings on breaching the College's standards of practice.

With respect to allegation #5, College Counsel advised the Panel that the parties have agreed first that the Member's conduct is relevant to the practice of nursing and his conduct is dishonourable and unprofessional. College Counsel submitted that this characterization is part of the resolution reached between the parties and is appropriate.

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 5-8 and 10-17 in the Agreed Statement of Facts. The Member admitted to submitting false claims through Bridgepoint Active Healthcare's (the "Facility") employee benefit plan (the "Benefit Plan") on March 18, 2015 and April 28, 2015 for back braces and shoe modifications that were not received as claimed and to receiving \$3,240.00 in relation to those false claims. The Member contravened the College's *Professional Standards* which provide that nurses are accountable to the public and responsible for ensuring their practice and conduct meets legislative requirements and the standards of the profession. The Member also contravened the College's *Ethics Standard* which describes the ethical values that are important to the nursing profession in Ontario, including maintaining commitments, truthfulness and fairness.

Allegation #2 in the Notice of Hearing is supported by paragraphs 5-8 and 18 in the Agreed Statement of Facts. The Member admitted to misappropriating property from the Facility when he submitted false claims through the Facility's Benefit Plan and received money for 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 5-8 and 19 in the Agreed Statement of Facts. The Member admitted to falsifying a record relating to his practice when he submitted false claims to the Facility's Benefit Plan. The Member had access to the Benefit Plan by virtue of his employment as a nursing professional and so his actions were related to his practice as a nurse. To submit a benefit claim, members of the Benefit Plan must confirm that the information submitted is accurate and true, and agree, if requested, to provide original

receipts and/or supporting documents. Accordingly, the facts support the allegation that the Member falsified a record relating to his practice and did so in the context of his employment as a Registered Practical Nurse (“RPN”) at the Facility.

Allegation #4 in the Notice of Hearing is supported by paragraphs 5-8 and 20 in the Agreed Statement of Facts. The Member admitted to signing or issuing, in his professional capacity, a document that he knew or ought to have known contained a false or misleading statement. The Member submitted online claims to the Benefit Plan in which he had to confirm that the information submitted was accurate and true. The Member knew or ought to have known that he was misleading the Facility’s Benefit Plan through these false claims and the false declaration statement. As noted above, the Member had access to the Facility’s Benefit Plan by virtue of his employment as a nursing professional. When he signed and submitted claims on his behalf, he did so in his capacity as an RPN employee of the Facility. Accordingly, the facts support the allegation that the Member signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement.

Allegation #5 in the Notice of Hearing is supported by paragraphs 5-8, 10-16 and 21 in the Agreed Statement of Facts. The Panel finds that the Member’s conduct in submitting false claims was clearly relevant to the practice of nursing and was unprofessional as it demonstrated a serious and persistent disregard for his professional obligations as set out in the *Professional Standards* and the *Ethics Standard*. The Member’s conduct of submitting false claims to an employer-funded Benefit Plan was relevant to the practice of nursing as he was only entitled to participate in this Benefit Plan as part of his nursing employment.

The Panel also finds that the Member’s conduct was dishonourable. It demonstrated an element of dishonesty and deceit and a heightened sense of moral failing as the Member failed to act with the integrity the public expects from nurses. The Member knew or ought to have known that his conduct was unacceptable and fell below the standards of a professional.

Penalty

College Counsel and the Member advised the Panel that a Joint Submission on Order had been agreed upon. The Joint Submission on Order requests that this Panel make an order as follows:

1. Requiring the Member to appear before the Panel to be reprimanded within 3 months of the date that this Order becomes final.
2. Directing the Executive Director to suspend the Member’s certificate of registration for 4 months. This suspension shall take effect from the date that this Order becomes final and shall continue to run without interruption as long as the Member remains in a practicing class.
3. Directing the Executive Director to impose the following terms, conditions and limitations on the Member’s certificate of registration:

- a) The Member will attend 2 meetings with a Regulatory Expert (the “Expert”), at the Member’s own expense and within 6 months from the date that this Order becomes final. To comply, the Member is required to ensure that:
 - i. The Expert has expertise in nursing regulation and has been approved by CNO in advance of the meetings;
 - ii. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of:
 - 1. the Panel’s Order,
 - 2. the Notice of Hearing,
 - 3. the Agreed Statement of Facts,
 - 4. this Joint Submission on Order, and
 - 5. if available, a copy of the Panel’s Decision and Reasons;
 - iii. Before the first meeting, the Member reviews the following CNO publications and completes the associated Reflective Questionnaires, online learning modules and decision tools (where applicable):
 - 1. *Code of Conduct*,
 - 2. *Professional Standards*, and
 - 3. *Ethics*;
 - iv. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of the completed Reflective Questionnaires;
 - v. The subject of the sessions with the Expert will include:
 - 1. the acts or omissions for which the Member was found to have committed professional misconduct,
 - 2. the potential consequences of the misconduct to the Member’s patients, colleagues, profession and self,
 - 3. strategies for preventing the misconduct from recurring,
 - 4. the publications, questionnaires and modules set out above, and
 - 5. the development of a learning plan in collaboration with the Expert;

- vi. Within 30 days after the Member has completed the last session, the Member will confirm that the Expert forwards their report to CNO, in which the Expert will confirm:
 - 1. the dates the Member attended the sessions,
 - 2. that the Expert received the required documents from the Member,
 - 3. that the Expert reviewed the required documents and subjects with the Member, and
 - 4. the Expert's assessment of the Member's insight into the Member's behaviour;
 - vii. If the Member does not comply with any one or more of the requirements above, the Expert may cancel any session scheduled, even if that results in the Member breaching a term, condition or limitation on the Member's certificate of registration;
- b) For a period of 12 months from the date the Member returns to the practice of nursing, the Member will notify the Member's employer(s) of the decision. To comply, the Member is required to:
- i. Inform any employer of the decision prior to commencing or prior to resuming employment in any nursing position;
 - ii. Ensure that CNO is notified of the name, address, and telephone number of all employer(s) within 14 days of commencing or resuming employment in any nursing position;
 - iii. Provide the Member's employer(s) with a copy of:
 - 1. the Panel's Order,
 - 2. the Notice of Hearing,
 - 3. the Agreed Statement of Facts,
 - 4. this Joint Submission on Order, and
 - 5. a copy of the Panel's Decision and Reasons, once available;
 - iv. Ensure that within 14 days of the commencement or resumption of the Member's employment in any nursing position, the employer(s) forward(s) a report to CNO, in which it will confirm:
 - 1. that they received a copy of the required documents, and
 - 2. that they agree to notify CNO immediately upon receipt of any information that the Member has breached the standards of practice of the profession.

4. All documents delivered by the Member to CNO, the Expert or the Member's employer(s) will be delivered by verifiable method, the proof of which the Member will retain.

Penalty Submissions

Submissions were made by College Counsel.

The aggravating factors in this case were:

- The Member's misconduct was dishonest;
- The Member's misconduct came at the very real expense of his employer-funded Benefit Plan;
- The Member knew or ought to have known that what he was doing was wrong;
- The Member went against the trust of the Facility and the Benefit Plan; and
- The Member abused the privilege of having an employer-funded Benefit Plan which is a benefit not all members of society have access to.

The mitigating factors in this case were:

- The Member has taken responsibility for his actions by admitting to the allegations and entering into an Agreed Statement of Fact 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 sends a strong signal to all members of the profession that this type of conduct is unacceptable, dishonest and unprofessional. As such, it warrants a significant penalty.

The proposed penalty provides for specific deterrence through:

- The oral reprimand, which will assist the Member in achieving a greater understanding of how his actions are perceived by his colleagues and members of the public; and
- The 4-month suspension of the Member's certificate of registration, which sends a strong signal to the Member that this type of conduct is unacceptable and will not be tolerated in the nursing profession.

The proposed penalty provides for remediation and rehabilitation through:

- The 2 meetings with a Regulatory Expert, which will allow the Member to review the College's standards and publications and break down his conduct to gain a better understanding of how to better uphold his professional obligations in the future; and
- The terms, conditions and limitations applied to his certificate, which will prepare the Member to return to ethical practice.

Overall, the public is protected through the 12 months of employer notification, which will ensure that the Member's employer has a greater degree of oversight upon his return to practice following his period of suspension.

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. Cumba (Discipline Committee, 2022): In this case, the hearing proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member made false claims to her employer-funded benefit plan totalling \$4,710.00. 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.

CNO v. Gepilano (Discipline Committee, 2022): In this case, the hearing proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member made false claims to her employer-funded benefit plan totalling \$4,695.00. 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.

CNO v. Tubigan (Discipline Committee, 2023): In this case, the hearing proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. The member made false claims to her employer-funded benefit plan totalling \$1,250.00. 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.

The Member made no submissions on penalty.

Penalty Decision

The Panel accepts the Joint Submission on Order and accordingly orders:

1. The Member is required to appear before the Panel to be reprimanded within 3 months of the date that this Order becomes final.
2. The Executive Director is directed to suspend the Member's certificate of registration for 4 months. This suspension shall take effect from the date that this Order becomes final and shall continue to run without interruption as long as the Member remains in a practicing class.
3. The Executive Director is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:

- a) The Member will attend 2 meetings with a Regulatory Expert (the “Expert”), at the Member’s own expense and within 6 months from the date that this Order becomes final. To comply, the Member is required to ensure that:
- i. The Expert has expertise in nursing regulation and has been approved by CNO in advance of the meetings;
 - ii. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of:
 - 1. the Panel’s Order,
 - 2. the Notice of Hearing,
 - 3. the Agreed Statement of Facts,
 - 4. this Joint Submission on Order, and
 - 5. if available, a copy of the Panel’s Decision and Reasons;
 - iii. Before the first meeting, the Member reviews the following CNO publications and completes the associated Reflective Questionnaires, online learning modules and decision tools (where applicable):
 - 1. *Code of Conduct*,
 - 2. *Professional Standards*, and
 - 3. *Ethics*;
 - iv. At least 5 days before the first meeting, or within another timeframe approved by the Expert, the Member provides the Expert with a copy of the completed Reflective Questionnaires;
 - v. The subject of the sessions with the Expert will include:
 - 1. the acts or omissions for which the Member was found to have committed professional misconduct,
 - 2. the potential consequences of the misconduct to the Member’s patients, colleagues, profession and self,
 - 3. strategies for preventing the misconduct from recurring,
 - 4. the publications, questionnaires and modules set out above, and
 - 5. the development of a learning plan in collaboration with the Expert;
 - vi. Within 30 days after the Member has completed the last session, the Member will confirm that the Expert forwards their report to CNO, in which the Expert will confirm:
 - 1. the dates the Member attended the sessions,

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

Reasons for Penalty Decision

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

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

The Panel finds that the penalty satisfies the principles of specific and general deterrence, rehabilitation and remediation, and public protection. Specific deterrence is met through the oral reprimand and the 4-month suspension of the Member's certificate of registration. General deterrence is met through the 4-month suspension of the Member's certificate of registration. Rehabilitation and remediation are met through the 2 meetings with a Regulatory Expert, completion of a learning plan and review of the College's standards and publications. The penalty allows the Member to reflect on his misconduct and gain a higher degree of insight on the obligations the public expects from nursing professionals. Public protection is met through the 12 months of employer notification.

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

I, Andrea Arkell, Public Member, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.