

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

PANEL:	Mary MacNeil, RN	Chairperson
	Tina Colarossi, NP	Member
	Sylvia Douglas	Public Member
	Sandra Larmour	Public Member
	Donna May, RPN	Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DENISE COONEY</u> for
)	College of Nurses of Ontario
- and -)	
)	
ROGER BOB BARTOLOME)	<u>CHRISTOPHER BRYDEN</u> for
Registration No. 0512525)	Roger Bob Bartolome
)	
)	<u>CHRISTOPHER WIRTH</u>
)	Independent Legal Counsel
)	
)	Heard: June 15, 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 15, 2023, via videoconference.

The Allegations

The allegations against Roger Bob Bartolome (the “Member”) as stated in the Notice of Hearing dated March 30, 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 Toronto General 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 2014 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 Nurse at Toronto General Hospital in Toronto, Ontario (the "Facility"), you misappropriated property from a client or workplace, and in particular, in or around 2014 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 Nurse at Toronto General Hospital in Toronto, Ontario (the "Facility"), you falsified a record relating to your practice, and in particular, in or around 2014 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 Nurse Toronto General 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 2014 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 Nurse at Toronto General 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 2014 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's Counsel advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, which reads, unedited, as follows:

MEMBER

1. Roger Bob Bartolome (the "Member") registered with the College of Nurses of Ontario ("CNO") as a Registered Nurse ("RN") in the General Class on June 14, 2005.
2. At the time of the incidents described below, the Member was employed at Toronto General Hospital in Toronto, Ontario (the "Facility") in the Hemodialysis Unit.

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"). Sun Life Financial ("SunLife") 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. In order to submit a benefit claim, members of the Benefit Plan complete a medical expense claim form provided by Sun Life. 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 all goods and services being claimed have been received me and/or my spouse or dependents." The plan member must go on to "certify that the information in this form is true and complete."

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

5. Between 2014 and 2016, the Member submitted claims for products and services ostensibly received at a service provider called TheraCore Medical Inc. ("TheraCore"). The total value of improper claims amounted to \$2,000, and included claims for compression stockings, custom orthotics, and shoe modifications.
6. The Member did not receive the products and services as claimed.
7. Instead, the Member split the amounts received from the Benefit Plan with a nursing colleague, Edgardo (John) Carta Jr., who also owned TheraCore.

8. In 2017, Sun Life alerted the Facility that Sun Life had uncovered what was described as a fraudulent benefit scheme which implicated TheraCore. The Facility initiated its own review of claims submitted by its employees for products or services claimed through TheraCore, including the Member.
9. In a meeting on October 3, 2017, the Member admitted to submitting claims for medical products and receiving cash instead.
10. The Member paid restitution to the Facility in the amount of \$2,000 and received a five-day unpaid suspension.

BENEFIT FRAUD CASES

11. To date, over 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.
12. The Member cooperated with a CNO's investigation of another member regarding certain false claims of which he had knowledge.

CNO STANDARDS

Professional Standards

13. 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.
14. 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.
15. 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

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

ADMISSIONS OF PROFESSIONAL MISCONDUCT

20. 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 10 and 12 to 18 above.
21. 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 10 above.
22. 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 10 above.
23. 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 10 above.
24. 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 10 and 12 to 18 above.

College Counsel's Submissions on Liability

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 20 to 24 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, conducted a verbal plea inquiry, and received a written plea inquiry (Exhibit #2) which 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 allegations #1, College Counsel submitted that these allegations are supported by the Agreed Statement of Facts, which contained evidence of the relevant College standards of the profession, as well as the Member's admissions that those standards were breached. Therefore, these admissions and supporting facts provide a basis for making a finding of professional misconduct.

With regard to allegation #5, College Counsel submitted that the parties agreed that the Member's conduct is relevant to the practice of nursing and is dishonourable and unprofessional. College Counsel submitted that this agreement is part of a resolution reached between the College and the Member.

The conduct at issue is that the Member submitted false claims in the amount of \$2,000.00 through the Toronto General Hospital's (the "Facility") employee group benefit plan (the "Benefit Plan") between 2014 and 2016. The conduct is relevant to the practice of nursing as claims were submitted as part of his nursing employment at the Facility.

College Counsel submitted that, having regard to all of the circumstances, members of the profession would consider the Member's conduct to be unprofessional and dishonourable. The Member's conduct is unprofessional as submitting false claims to the Benefit Plan constitutes a serious and persistent disregard for his professional obligations to act with the honesty and integrity required of a nurse. The Member's conduct is dishonourable as it involved lying, deceit and dishonesty. The Member failed to act with integrity which the public expects from the nursing profession, and by doing so has brought shame upon the entire profession.

The Member's Counsel's Submissions on Liability

The Member's Counsel submitted that the Member agreed with the submissions of College Counsel on liability. The Member's Counsel submitted that the Member is remorseful and very sorry and the Member assures the Panel that this conduct will not be repeated.

Decision

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

Having considered the evidence and the onus and standard of proof, the Panel finds that the Member committed acts of professional misconduct as alleged in paragraphs 1, 2, 3, 4 and 5 of the Notice of Hearing. As to allegation #5, the Panel finds that the Member engaged in conduct that would reasonably be regarded by members of the profession to be unprofessional and dishonourable.

Reasons for Decision

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

Allegation #1 in the Notice of Hearing is supported by paragraphs 4 to 10, and 12 to 20 in the Agreed Statement of Facts. The Member admitted to submitting false claims through the Facility's Benefit Plan between 2014 and 2016. The Member submitted claims for products and services ostensibly received at a service provider called TheraCore Medical Inc. ("TheraCore"). The total value of improper claims amounted to \$2,000.00, and included claims for compression stockings, custom orthotics, and shoe modifications. The Member did not receive the products and services as claimed. Instead, the Member split the amounts received from the Benefit Plan with a nursing colleague, Edgardo (John) Carta Jr., who also owned TheraCore.

The College's *Professional Standards* provides that in relation to the accountability standard, nurses are accountable to the public and responsible for ensuring their practice and conduct meets the legislative requirements and the standards of the profession. The Member demonstrated that he was not accountable to the public when he submitted false claims for products and services, through the Benefit Plan which he did not receive. The *Professional Standards* reinforces that nurses are responsible for their actions and for conducting themselves in ways that promote respect for the profession. The College's *Ethics Standard* provides that truthfulness means speaking or acting without intending to deceive. The Member deceived the Facility by submitting false claims to the Benefit Plan. The Member did not receive the products and services as claimed. The Panel finds that the Member contravened the standards of practice of the profession and failed to meet the standards of practice of the profession.

Allegation #2 in the Notice of Hearing is supported by paragraphs 4 to 10 and 21 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 4 to 10 and 22 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, as a Registered Nurse ("RN") employed at the Facility, had access to the Benefit Plan by virtue of his employment as a nursing professional and so his actions were related to his nursing practice. Accordingly, the facts support a finding that the Member falsified a record relating to his practice and did so in the context of his employment as an RN at the Facility.

Allegation #4 in the Notice of Hearing is supported by paragraphs 4 to 10 and 23 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. In order to submit a claim under the Facility's Benefit Plan, the Member had to complete a medical expense claim form which required certain information, including information on the plan member, any dependents, and the nature of the claim. The Member had to certify that "all goods and services being claimed have been received" and that "the information in this form is true and complete". 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 the claim forms on his behalf, he did so in his capacity as an RN employee of the Facility. Accordingly, the facts support a finding 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 4 to 10 and 12 to 19 and 24 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. It 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 Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of dishonesty and deceit through submitting false claims to the Facility's Benefit Plan between 2014 and 2016 in the total amount of \$2,000.00. The Member also 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'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 3 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

College Counsel's Submissions

The aggravating factors in this case were:

- The Member submitted false claims in the amount of \$2,000.00 to his employer funded Benefit Plan between 2014 and 2016;
- The Member's conduct was for his own personal gain;
- The Member split the amounts received from the Benefit Plan with a nursing colleague;
- The Member's conduct involved serious and persistent dishonesty and deceit of an employer which is a public funded hospital;
- The Member breached the trust placed in him by the Facility, the plan administrator and the public; and
- The Member's conduct was not a one-time lapse in judgement as he submitted a number of false claims over a couple of years.

The mitigating factors in this case were:

- The Member accepted full responsibility for his conduct by admitting to all of the allegations of professional misconduct and by entering into an Agreed Statement of Facts and a Joint Submission on Order with the College;
- The Member made full restitution to the Facility; and
- The Member has no prior discipline history with the College.

The proposed penalty provides for general deterrence through the 3-month suspension of the Member's certificate of registration, which sends a strong message to other members of the profession that such misconduct will not be tolerated. This is particularly important, based on the number of similar benefit fraud cases identified in the profession and will send a clear message that a severe penalty sanction will be applied to such misconduct.

The proposed penalty provides for specific deterrence through the oral reprimand and the 3-month suspension of the Member's certificate of registration. The oral reprimand will assist the Member in gaining a greater understanding of how his actions are perceived by the nursing profession and the public. The suspension sends a strong signal to the Member that this kind of conduct is unacceptable and will ensure this conduct is not repeated.

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

Overall, the public is protected through the 12 months of employer notification, which will ensure that when the Member returns to the practice of nursing there will be additional employer oversight. The agreed to penalty shows that this conduct is serious and has attracted a serious penalty sanction. Taken together, this penalty demonstrates to the public that this is a profession that is capable of governing itself.

CNO v. Soosaipillai (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. In this case, the member committed an act of professional misconduct when she submitted false benefit claims over a period of two years and received \$2,150.00 in relation to those false claims. The member remained employed within the facility, but received a five-day unpaid suspension and entered into a payment agreement with the facility requiring the member to pay back the amount received. The penalty included an oral reprimand, a 3-month suspension of the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification.

CNO v. Lee (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. In this case, the member committed an act of professional misconduct when she submitted false claims to the facility's benefit plan and received \$2,315.00 in relation to those false claims. The member received a five-day unpaid suspension and entered into a payment agreement with the facility requiring the member to pay back the amount received. The penalty included an oral reprimand, a 3-month suspension of the member's certificate of registration, 2 meetings with a Regulatory Expert and 12 months of employer notification.

CNO v. Cepe (Discipline Committee, 2022): This case proceeded by way of an Agreed Statement of Facts and a Joint Submission on Order. In this case, the member committed an act of professional misconduct when she submitted false claims to the facility's benefit plan in 2012 and 2014 and received \$2,387.50 in relation to those false claims. 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's Counsel's Submissions

The Member's Counsel submitted that he agreed with College Counsel's summary of the general principles concerning penalty and that the Member agrees with College Counsel's submissions in this regard. The Member's Counsel further submitted that the Member is remorseful for his conduct, he is very sorry and this conduct will not be repeated.

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 3 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. Specific deterrence is achieved through the oral reprimand and the 3-month suspension of the Member's certificate of registration, which will send a clear message to the Member that benefit fraud towards employer-sponsored benefits will not be tolerated. General deterrence is addressed by the 3-month suspension of the Member's certificate of registration, which will send a clear message to the profession that employee benefit fraud will not be tolerated. Rehabilitation and remediation will be achieved through the 2 meetings with a Regulatory Expert, which will give the Member the opportunity to review appropriate standards of the profession and gain insight into his misconduct ensuring that it will not be repeated again. The public will be protected through the 12 months of employer notification and the appropriate monitoring on the Member's return to practice.

The penalty is also in line with what has been ordered in previous cases in similar circumstances, as is demonstrated in the cases relied upon by College Counsel.

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.