

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

PANEL:	Karen Laforet, RN	Chairperson
	Neil Hillier, RPN	Member
	Sandra Larmour	Public Member
	Susan Roger, RN	Member

BETWEEN:

COLLEGE OF NURSES OF ONTARIO)	<u>DOUGLAS MONTGOMERY</u> for
)	College of Nurses of Ontario
- and -)	
)	
KATHERINE TRAN)	<u>MICHAEL MANDARINO</u> for
Registration No. 13537951)	Katherine Tran
)	
)	<u>PATRICIA HARPER</u>
)	Independent Legal Counsel
)	
)	Heard: May 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 May 19, 2023, via videoconference.

The Allegations

The allegations against Katherine Tran (the “Member”) as stated in the Notice of Hearing dated February 15, 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 Princess Margaret 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 Princess Margaret 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 Princess Margaret 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 at Princess Margaret 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.

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 Princess Margaret 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. Katherine Tran (the "Member") registered with the College of Nurses of Ontario ("CNO") as a Registered Nurse ("RN") in the General Class on April 2, 2013.
2. At the time of the incidents described below, the Member was employed as an RN at Princess Margaret Hospital, located 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"). Sun Life Financial ("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.
4. To submit a benefit claim, members of the Benefit Plan were required to 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 or services were received as claimed and that "the information provided for this claim is true and complete".

INCIDENTS RELEVANT TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT

5. Between 2014 and 2016, the Member submitted three claims for products ostensibly received through a service provider called Downtown Wellness and Foot Care. The products claimed by the Member included compression stockings, custom-made foot orthotics, and shoe modifications.
6. In 2017 and 2018, Sun Life and the Facility conducted a review of claims submitted through Downtown Wellness and Foot Care due to irregular and suspicious patterns of claims submitted by the Facility's employees. As part of its review, the Facility identified the claims submitted by the Member as being possibly fraudulent.
7. The Member was interviewed by the Facility on July 19, 2018. The Member admitted that that she had made claims for products she had not received, and received other products that were not covered by the Benefit Plan.

8. The Member paid restitution in the amount of \$2,650, and received a 5-day suspension without pay.
9. If the Member were to testify, she would express her remorse for her actions, and would assure the Committee that this conduct will not be repeated. She would further testify that she made restitution as an acknowledgement of her actions and has gained significant insight into her obligations as a nurse as a result.

BENEFIT FRAUD CASES

10. 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

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

Ethics

14. CNO's *Ethics* Standard describes ethical values that are important to the nursing profession in Ontario including patient well-being, patient choice, privacy and confidentiality, respect for life, maintaining commitments, truthfulness and fairness.
15. CNO's *Ethics* Standard provides, in relation to maintaining commitments, that nurses have a commitment to the nursing profession and being a member of the profession brings with it the respect and trust of the public. To continue to deserve this respect, nurses have a duty to uphold the standards of the profession, conduct themselves in a manner that reflects well on the profession, and to participate in and promote the growth of the profession.
16. CNO's *Ethics* Standard also provides, in relation to truthfulness, that truthfulness means speaking and acting without intending to deceive.
17. The Member admits and acknowledges that he contravened CNO's *Professional Standards* and *Ethics* Standard.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

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

Submissions on liability were made by College Counsel.

College Counsel 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 18 to 22 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 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.

College Counsel requested that the Panel consider the fact that the Member had admitted that she submitted these false claims to the Princess Margaret Hospital's (the "Facility") employee group benefit plan (the "Benefit Plan"), which was available to her through her employment as a Registered Nurse ("RN") at the Facility.

With regard to allegation #1, College Counsel submitted that the Member failed to meet the standards of practice of the profession, by submitting and accepting payment for false benefit claims. The Member admitted that this conduct was a breach of the *Professional Standards* and the *Ethics* Standard.

With regard to allegation #5, College Counsel submitted that the Member's professional misconduct is supported by her admission to submitting \$2,650.00 in false claims. By the Member's own admission to these allegations, she has recognized that she acted with a serious disregard for her professional obligations. The Member's misconduct, particularly with her failure to act with honesty and integrity and having occurred over a period of 3 years, demonstrated a marked and persistent departure from conduct expected of nurses and was dishonourable.

The *CNO v. Verde-Balayo* (Discipline Committee, 2021) decision on liability was submitted for the Panel's reference and College Counsel submitted that this decision reveals commonalities to the case before this Panel in the Member's behaviour, the lack of integrity exhibited and the dishonour the Member has brought to the nursing profession. The panel in *Verde-Balayo* was asked to make the same findings on liability as in the case before this Panel and it did so.

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

The Member's Counsel submitted that the Agreed Statement of Facts adequately outlined the facts and agreed with College Counsel that the *Verde-Balayo* case fairly mirrors the Member's case before this Panel.

Decision

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

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

Reasons for Decision

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

Allegation #1 in the Notice of Hearing is supported by paragraphs 5 to 9 and 11 to 18 in the Agreed Statement of Facts. The Member admitted to submitting false claims through the Facility's Benefit Plan between 2014 and 2016 for compression stockings, custom-made foot orthotics and shoe modifications, which she had not received and to receiving other products that were not covered by the Benefit Plan. The Member paid restitution in the amount of \$2,650.00 and received a 5-day suspension without pay in relation to those false claims.

The College's *Professional Standards* provides that nurses are responsible for ensuring that their practice and conduct meet legislative requirements. It also requires nurses to be accountable to the public for their actions and to promote respect for the profession. Nurses are responsible for their actions and the consequences of those actions and further, a nurse must have self-knowledge, respect, trust and display integrity.

The College's *Ethics* Standard sets out the ethical values that are important to the nursing profession, including maintaining commitments, truthfulness and that being a member of the profession brings with it the respect and trust of the public. Truthfulness, in this instance, means speaking or acting without intending to deceive.

The Member admitted and the Panel finds that she breached these standards when she submitted false claims to the Facility's Benefit Plan.

Allegation #2 in the Notice of Hearing is supported by paragraphs 5 to 9 and 19 in the Agreed Statement of Facts. The Member admitted to misappropriating property from the Facility when she submitted false claims through the Facility's Benefit Plan for products she had not received and instead received other products that were not covered by the Benefit Plan.

Allegation #3 in the Notice of Hearing is supported by paragraphs 5 to 9 and 20 in the Agreed Statement of Facts. The Member admitted to falsifying a record relating to her practice when she signed and submitted false claim forms to the Facility's Benefit Plan and certified that the information provided was true and complete. The Member, as an RN employed at the Facility,

had access to the Benefit Plan by virtue of her employment as a nursing professional. Accordingly, the facts support the allegation that the Member falsified a record relating to her practice since, when she submitted false claim forms to the Facility's Benefit Plan, she did so in the context of her employment as an RN at the Facility.

Allegation #4 in the Notice of Hearing is supported by paragraphs 4 to 9 and 21 in the Agreed Statement of Facts. The Member admitted to signing or issuing, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement. When the Member signed the medical expense claim form that required her to certify that all goods or services were received as claimed and that "the information provided for this claim is true and complete", she knew or ought to have known that she was signing a document that contained a false or misleading statement and that it was a false claim under the Facility's Benefit Plan. As noted above, the Member had access to the Facility's Benefit Plan by virtue of her employment as a nursing professional. When she signed and submitted claim forms on her behalf, she did so in her capacity as an RN employee of the Facility. Accordingly, the facts support the allegation that the Member signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement.

Allegation # 5 in the Notice of Hearing is supported by paragraphs 5 to 9, 11 to 17 and 22 in the Agreed Statement of Facts. The Panel finds that the Member's conduct in submitting false benefit claims was clearly relevant to the practice of nursing. The Member had access to the benefit plan only by virtue of her practice as a nurse. The Member's conduct was unprofessional as it demonstrated a serious and persistent disregard for her professional obligations as set out in the *Professional Standards* and the *Ethics Standard*. The Member was found to have failed to meet the obligations of respect, trust and integrity of the profession when she submitted and benefitted from false benefit claims.

The Panel also finds that the Member's conduct was dishonourable. It demonstrated an element of dishonesty and deceit through misappropriation from the Facility's Benefit Plan. The Member's actions exhibited an element of moral failing and brings shame to the nursing profession. The Member knew or ought to have known that her conduct was unacceptable and did not meet the trust the public expects of nurses.

Penalty

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

1. Requiring the Member to appear before the Panel to be reprimanded within 3 months of the date that this Order becomes final.
2. Directing the Executive Director to suspend the Member's certificate of registration for 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*,
 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

College Counsel and the Member's Counsel advised the Panel that a Joint Submission on Order had been agreed upon and asked the Panel to accept the order as presented.

Submissions were made by College Counsel.

College Counsel reminded the Panel that they would only have the option to reject the Joint Submission if it brought the administration of justice into question or would be contrary to the public interest.

The aggravating factors in this case were:

- The Member has demonstrated serious and persistent deceit at the expense of the Facility's Benefit Plan;
- This was not a single lapse in judgement, but rather submissions of false claims over a period of 3 years; and
- The Member took advantage of the trust of the Facility and of having access to the Benefit Plan.

The mitigating factors in this case were:

- The Member took responsibility with the Facility and the College and has made restitution and in doing so, has shown remorse and general contrition;
- The Member admitted to the allegations and entered into an Agreed Statement of Facts and a Joint Submission on Order with the College; and
- The Member has been a nurse for 10 years and has no prior discipline history with the College.

College Counsel submitted that the Joint Submission on Order meets the goals of penalty. The goal of any penalty order is protection of the public, maintaining high professional standards and enhancing the public's confidence in the College's ability to regulate its members. These goals are achieved through a penalty that addresses specific and general deterrence, as well as rehabilitation and remediation.

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 understanding how her actions are perceived by the members of the profession and the public, thus deterring the Member from repeating the conduct. The suspension sends a strong signal to the Member that this kind of behaviour is unacceptable and will not be tolerated from the members of the nursing profession and will ensure that the conduct will not be repeated.

College Counsel submitted that there are over 80 similar cases that have been referred to the Discipline Committee and that the Member is not unique in her misconduct. The proposed penalty provides for general deterrence through the 3-month suspension of the Member's certificate of registration, which will send a strong signal to other members of the profession that this sort of conduct will not be tolerated.

The proposed penalty provides for rehabilitation and remediation through the 2 meetings with a Regulatory Expert and review of the College's publications. College Counsel submitted that these steps will prepare the Member to return to ethical practice which meets the standards expected of nurses.

Overall, the public is protected through the 12 months of employer notification as there will be additional oversight once the Member returns to practice and offers additional reassurance to the public that the nursing profession is able to regulate itself and maintain high professional standards.

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

CNO v. Verde-Balayo (Discipline Committee, 2021): In this case, the hearing proceeded by way of a partial Agreed Statement of Facts and a Partial Joint Submission on Order. Similarities to the case before this Panel include the member making false claims through her employee group benefit plan, signing or issuing in her professional capacity, documents which she knew or ought to have known contained false or misleading statements and misappropriation of property. The member received \$7,982.50 in 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.

CNO v. De Vera (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 through her employee group benefit plan and received \$2,650.00 in false claims for chiropody services, custom orthotics, modifications to orthopaedic shoes and other orthopaedic products. The member instead received non-medical merchandise including shoes, slippers and sandals. The member made restitution and received a five-shift suspension. The member was found to have committed professional misconduct and 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. Nisbet (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 employee group benefit plan in the amount of \$3,025.47 in exchange for store credits for other products. The member made restitution and served a five-day suspension. The member was found to have committed professional misconduct and 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.

Submissions were made by the Member's Counsel.

The Member's Counsel asked the Panel to accept the Joint Submission on Order as reasonable in all the circumstances. The Panel was reminded that the principles of penalty are not to punish but, rather to deter future behaviour and support remediation and rehabilitation.

The Member's Counsel submitted that the Member had acknowledged her behaviour with the Facility and the College and had cooperated with the investigation by the Facility, Sun Life and with the College. The Member's Counsel submitted that if the Member were to testify, she would express remorse, reflection and insight into her behaviour and had subsequently, admitted to allegations and the Joint Submission on Order provided. The Member's Counsel agreed with College Counsel's submissions of similar cases and that these cases provide significant, reasonable examples of previous penalties and that this case is well within the range of penalties previously ordered.

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*,
 - 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. 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 the membership that this misconduct will not be tolerated. The proposed penalty provides for specific deterrence through the oral reprimand and the 3-month suspension of the Member's certificate of registration, which will impress upon the Member the facts of her misconduct. The 2 meetings with a Regulatory Expert will provide reflection for the Member and allow for rehabilitation and remediation and the 12 months of employer notification will provide for an extra period of monitoring to ensure public protection.

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

I, Karen Laforet, 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.