

**THE COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**

**IN THE MATTER OF  
A HEARING UNDER *THE HEALTH PROFESSIONS ACT*,**

**AND IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF MARIA LOURDES RIVERA**

**DECISION OF THE HEARING TRIBUNAL  
OF THE  
COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**

**IN THE MATTER OF A HEARING UNDER THE *HEALTH PROFESSIONS ACT* REGARDING THE  
CONDUCT OF MARIA LOURDES RIVERA, LPN ##31061, WHILE A MEMBER OF THE COLLEGE OF  
LICENSED PRACTICAL NURSES OF ALBERTA (“CLPNA”)**

**DECISION OF THE HEARING TRIBUNAL**

**(1) Hearing**

The hearing was conducted via teleconference on April 21, 2022 with the following individuals present:

**Hearing Tribunal:**

Kelly Annelly, Licensed Practical Nurse (“LPN”), Chairperson  
Patricia Riopel, LPN  
Juane Priest, Public Member  
James Lees, Public Member

**Staff:**

Kimberly Precht, Legal Counsel for the Complaints Director, CLPNA  
Sandy Davis, Complaints Director, CLPNA

**Investigated Member:**

Maria Lourdes Rivera, LPN (“Ms. Rivera” or “Investigated Member”)  
Edmond O'Neill, Legal Counsel for the Investigated Member

**(2) Preliminary Matters**

The hearing was open to the public.

There were no objections to the members of the Hearing Tribunal hearing the matter, and no Hearing Tribunal member identified a conflict. There were no objections to the jurisdiction of the Hearing Tribunal.

The Hearing was conducted by way of an Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and a Joint Submission on Penalty.

**(3) Background**

Ms. Rivera was an LPN within the meaning of the *Health Professions Act* (the “Act”) at all material times, and more particularly, was registered with CLPNA as an LPN at the time of the complaint. Ms. Rivera was initially licensed as an LPN in Alberta on January 1, 2009.

The CLPNA received a complaint dated April 14, 2021, from Carol Henckel, Registered Nurse (“RN”), President of MTG Healthcare Academy (the “Complaint”). The Complaint advised that MTG Healthcare Academy, which runs a training program for Health Care Aides (HCAs), was investigating an allegation that Ms. Rivera, instructed multiple LPN instructors to falsify their timecards and to pay Ms. Rivera a portion of the funds received as a result of the falsification.

By letter dated April 16, 2021, the Complaints Director of the CLPNA, Sandy Davis (“Complaints Director”), provided Ms. Rivera with Notice of the Complaint. In accordance with s. 55(2)(d) of the *Health Professions Act* (the “Act”), the Complaints Director notified Ms. Rivera she had appointed Judith Palyga, Investigator for the CLPNA (the “Investigator”), to conduct an investigation into the Complaint. As well, due to the serious nature of the alleged conduct, the Complaints Director notified Ms. Rivera of the Complaints Director’s intention to recommend an interim suspension of Ms. Rivera’s practice permit pursuant to s. 65(1)(b) of the Act.

By letter dated April 16, 2021, the Complaints Director made a recommendation to the person designated by Council, Lynn Borris (“Council Designee”) that Ms. Rivera’s practice permit be suspended pursuant to s. 65(1)(b) of the Act. The Complaints Director provided a supplemental letter to the Council Designee dated April 22, 2021.

By letter dated April 28, 2021, the Council Designee informed Ms. Rivera of her decision to suspend Ms. Rivera’s practice permit pending the outcome of these proceedings. The interim suspension took effect on April 28, 2021. Ms. Rivera’s practice permit has remained suspended since that time.

On July 17, 2021, the Investigator concluded the initial investigation of the Complaint. Subsequently, the Investigator undertook an additional investigation arising from information provided to the Investigator by Ms. Rivera near the conclusion of the initial investigation. The Investigator concluded the additional investigation steps on September 1, 2021.

The Complaints Director determined there was sufficient evidence that the issues raised by the Complaint should be referred to the Hearings Director in accordance with s. 66(3)(a) of the Act. Ms. Rivera received notice the matters were referred to a hearing, as well as a copy of the Statement of Allegations and the Investigation Report with attachments, on October 25, 2021.

A Notice of Hearing, Notice to Attend and Notice to Produce was served upon Ms. Rivera under cover of letter dated March 3, 2022.

Subsequently, an Amended Statement of Allegations was provided to Ms. Rivera.

**(4) Allegations**

The Allegations in the Amended Statement of Allegations (the “Allegations”) are:

“It is alleged that Maria Lourdes Rivera, LPN, engaged in unprofessional conduct by:

1. While employed by MTG Healthcare Academy (the “Company”) as Program Coordinator at the Company’s Edmonton Campus, arranging for one or more of the following LPN Instructors to receive payment from the Company for hours not actually worked, and directing the LPN Instructors to transfer a portion of the payment to Rivera’s personal bank account:

A.C. [REDACTED], LPN;

G.C. [REDACTED], LPN;

J.L. [REDACTED], LPN;

G.L. [REDACTED], LPN;

D.P. [REDACTED], LPN;

L.T. [REDACTED], LPN; and

F.C. [REDACTED], LPN.

2. Further to Allegation #1, in the course of arranging for one or more LPN Instructors to receive payment from the Company for hours not actually worked, falsifying or facilitating the falsification of one or more LPN Instructors’ timecards.

3. While employed by the Company as Program Coordinator at the Company’s Edmonton Campus, soliciting or accepting funds to Rivera’s personal bank account or to Rivera personally from one or more HCA Students, including one or more of the following, for additional fees not authorized by the Company:

R.L. [REDACTED], HCA;

D.R. [REDACTED], HCA;

R.A. [REDACTED], HCA;

J.A. [REDACTED], HCA;

E.B. [REDACTED], HCA;

S.B. [REDACTED], HCA;

J.F. [REDACTED], HCA;

M.M. [REDACTED], HCA; and

R.M. [REDACTED], HCA.

4. On one or more occasions, making implicit or explicit threats against an LPN Instructor, particulars of which include referring to the family status of an LPN Instructor in a manner that suggested her job was at risk if she did not cooperate with Rivera.

It is further alleged that your conduct constitutes “unprofessional conduct” as defined in s. 1(1)(pp)(ii) and (xii) of the *Health Professions Act*, RSA 2000, c H-7, and in particular your conduct breaches one or more of the following:

1. *Standards of Practice for Licensed Practical Nurses in Canada*, Standard 1: Professional Accountability and Responsibility;
2. *Standards of Practice for Licensed Practical Nurses in Canada*, Standard 3: Service to the Public and Self-Regulation, Indicator 3.3, 3.4 and 3.6;
3. *Standards of Practice for Licensed Practical Nurses in Canada*, Standard 4: Ethical Practice, Indicators 4.1, 4.4, 4.7, 4.8, 4.9 and 4.10;
4. *Code of Ethics for Licensed Practical Nurses in Canada*, Principal 1: Responsibility to the Public, Ethical Responsibility 1.1;
5. *Code of Ethics for Licensed Practical Nurses in Canada*, Principal 3: Responsibility to the Profession, Ethical Responsibilities 3.1, 3.3 and 3.4;
6. *Code of Ethics for Licensed Practical Nurses in Canada*, Principal 5: Responsibility to Self, Ethical Responsibilities 5.1, 5.3 and 5.7.”

#### **(5) Admission of Unprofessional Conduct**

Section 70 of the Act permits an investigated member to make an admission of unprofessional conduct. An admission under s. 70 of the Act must be acceptable in whole or in part to the Hearing Tribunal.

Ms. Rivera acknowledged unprofessional conduct to all the allegations as evidenced by her signature on the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and verbally admitted unprofessional conduct to all the allegations set out in the Amended Statement of Allegations during the hearing.

Legal Counsel for the Complaints Director submitted that where there is an admission of unprofessional conduct, the Hearing Tribunal should accept the admission absent exceptional circumstances.

#### **(6) Exhibits**

The following exhibits were entered at the hearing:

- Exhibit #1: Amended Statement of Allegations
- Exhibit #2: Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct

**(7) Evidence**

The evidence was adduced by way of Agreed Statement of Facts, and no witnesses were called to give *viva voce* testimony. The Hearing Tribunal accepts the evidence set out in the Agreed Statement of Facts which was admitted as Exhibit #2.

**(8) Decision of the Hearing Tribunal and Reasons**

The Hearing Tribunal is aware it is faced with a two-part task in considering whether a regulated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make factual findings as to whether the alleged conduct occurred. If the alleged conduct occurred, it must then proceed to determine whether that conduct rises to the threshold of unprofessional conduct in the circumstances.

The Hearing Tribunal has reviewed the documents included in Exhibit #2 and finds as facts the events as set out in the Agreed Statement of Facts.

The Hearing Tribunal also accepts Ms. Rivera's admission of unprofessional conduct as set out in the Agreed Statement of Facts as described above. Based on the evidence and submissions before it, the Hearing Tribunal did not identify exceptional circumstances that would justify not accepting the admission of unprofessional conduct from Ms. Rivera.

**Allegation 1**

Ms. Rivera admitted while employed by MTG Healthcare Academy (the "Company") as Program Coordinator at the Company's Edmonton Campus, arranging for one or more of the following LPN Instructors to receive payment from the Company for hours not actually worked, and directing the LPN Instructors to transfer a portion of the payment to Rivera's personal bank account:

A.C. [REDACTED], LPN;

G.C. [REDACTED], LPN;

J.L. [REDACTED] LPN;

G.L. [REDACTED], LPN;

D.P. [REDACTED], LPN;

L.T. [REDACTED], LPN; and

F.C. [REDACTED], LPN.

A.C. LPN, G.C. LPN, J.L. , LPN, G.L. , LPN, D.P. LPN, L.T. , LPN, and F.C. , LPN were all LPN Instructors (“the LPN Instructors”) employed by the Company during the relevant time.

Ms. Rivera had no authority to determine how the LPN Instructors would be remunerated. All decisions regarding remuneration of staff were made by the Company.

Ms. Rivera was responsible for scheduling the LPN Instructors to teach classes, assigning LPN Instructors to supervise clinical practicums, and for ensuring the hours of work claimed by each LPN Instructor were accurate.

Ms. Rivera arranged for the LPN Instructors’ timecards to show more hours than the LPN Instructors had actually worked.

The Company was not aware the LPN Instructors’ timecards included hours the LPN Instructors had not actually worked. As such, the Company paid the LPN Instructors for the hours shown on the LPN Instructors’ timecards.

Whenever an LPN instructor was paid for hours the LPN Instructor had not actually worked, Ms. Rivera required the LPN instructor to transfer approximately two-thirds of the funds received for the unworked hours to Ms. Rivera.

Ms. Rivera provided various explanations to the LPN Instructors as to purpose of this arrangement. For example, Ms. Rivera explained to LPN Instructors the one-third retained by the LPN Instructor was a bonus to show appreciation, or that it was for extra work, or that it was for being on-call during practicums. As well, Ms. Rivera explained to LPN Instructors the two-thirds transferred to Ms. Rivera was to increase the receptionists’ salaries and to buy supplies for the Company and told LPN Instructors the Company “was cheap” and did not provide proper supplies for the students.

Ms. Rivera told LPN Instructors she had been doing this kind of “fundraising” since 2017, and that everyone cooperated with her.

Between December 2019 and February 2020, Ms. Rivera directed A.C. , LPN to transfer \$4,675.69 to Ms. Rivera’s personal account, as follows:

	Date	Amount
1	December 2, 2019	\$710.00
2	December 13, 2019	\$1,350.00
3	December 27, 2019	\$900.00

4	January 10, 2020	\$180.00
5	January 26, 2020	\$1,021.94
6	February 7, 2020	\$513.75
	Total Amount	\$4,675.69

Between September 2019 and April 2020, Ms. Rivera directed G.C. LPN to transfer \$9,412.19 to Ms. Rivera's personal account, as follows:

	Date	Amount
1	September 7, 2019	\$1,000.00
2	September 12, 2019	\$1,000.00
3	September 19, 2019	\$1,725.00
4	October 9, 2019	\$450.00
5	October 19, 2019	\$631.22
6	October 31, 2019	\$783.00
7	November 9, 2019	\$500.00
8	November 15, 2019	\$733.00
9	February 21, 2020	\$500.00
10	March 7, 2020	\$1,000.00
11	March 12, 2020	\$515.00
12	March 20, 2020	\$221.64
13	April 10, 2020	\$353.33



	Total Amount	\$9,412.19
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Between August 2018 and May 2020, Ms. Rivera directed J.L., LPN to transfer \$19,975.80 to Ms. Rivera's personal account, as follows:

	Date	Amount
1	August 10, 2018	\$171.44
2	August 24, 2018	\$682.81
3	September 7, 2018	\$829.50
4	September 21, 2018	\$315.80
5	October 5, 2018	\$169.05
6	October 19, 2018	\$420.47
7	November 2, 2018	\$260.00
8	December 1, 2018	\$260.00
9	December 14, 2018	\$1,031.35
10	January 10, 2019	\$936.96
11	February 8, 2019	\$252.60
12	February 22, 2019	\$115.00
13	March 9, 2019	\$135.02
14	March 22, 2019	\$430.17
15	April 5, 2019	\$120.67
16	May 3, 2019	\$1,033.30

17	May 17, 2019	\$220.74
18	June 14, 2019	\$856.00
19	June 12, 2019	321.50
20	July 26, 2019	\$234.00
21	August 9, 2019	\$564.50
22	August 28, 2019	\$386.20
23	September 6, 2019	\$602.85
24	September 20, 2019	\$1,060.52
25	October 8, 2019	\$250.00
26	October 18, 2019	\$566.67
27	November 1, 2019	\$640.00
28	November 15, 2019	\$462.84
29	November 15, 2019	\$462.84
30	November 29, 2019	\$887.76
31	December 13, 2019	\$1,343.00
32	December 31, 2019	\$598.98
33	January 13, 2020	\$119.00
34	February 21, 2020	\$554.77
35	March 6, 2020	\$689.52

36	March 20, 2020	\$395.73
37	April 3, 2020	\$372.24
38	April 17, 2020	\$1,088.67
39	May 1, 2020	\$133.33
	Total Amount	\$19,975.80

Between October 2019 and May 2020, Ms. Rivera directed G.L., LPN to transfer \$7,767.19 to Ms. Rivera's personal account, as follows:

	Date	Amount
1	October 31, 2019	\$100.00
2	November 15, 2019	\$335.00
3	November 30, 2019	\$1,055.00
4	November 30, 2019	\$80.00
5	December 13, 2019	\$1,210.00
6	December 13, 2019	\$190.00
7	January 13, 2020	\$215.00
8	January 27, 2020	\$512.00
9	February 7, 2020	\$540.00
10	February 21, 2020	\$316.65
11	March 6, 2020	\$1,280.00
12	April 17, 2020	\$960.00

13	May 1, 2020	\$714.00
14	May 16, 2020	\$259.54
	Total Amount	\$7,767.19

Between July 2019 and August 2019, Ms. Rivera directed D.P. , LPN to transfer \$1,814.26 to Ms. Rivera’s personal account, as follows:

	Date	Amount
1	July 15, 2019	\$233.00
2	July 27, 2019	\$232.46
3	July 29, 2019	\$348.80
4	August 12, 2019	\$500.00
5	August 12, 2019	\$500.00
	Total Amount	\$1,814.26

Between January 2020 and June 2020, Ms. Rivera directed L.T. , LPN to transfer \$7,195.57 to Ms. Rivera’s personal account, as follows:

	Date	Amount
1	January 27, 2020	\$1,123.00
2	February 10, 2020	\$445.46
3	February 21, 2020	\$770.00
4	March 6, 2020	\$835.00

5	March 20, 2020	\$845.00
6	April 6, 2020	\$896.62
7	April 17, 2020	\$1,117.62
8	May 1, 2020	\$780.77
9	May 19, 2020	\$97.88
10	June 1, 2020	\$284.22
	Total Amount	\$7,195.57

Between October 2019 and April 2020, Ms. Rivera directed F.C. , LPN to transfer \$9,101.21 to Ms. Rivera's personal account, as follows:

	Date	Amount
1	October 16, 2019	\$682.50
2	October 29, 2019	\$1,326.00
3	November 14, 2019	\$620.00
4	November 29, 2019	\$1,206.66
5	December 13, 2019	\$1,153.33
6	December 31, 2019	\$313.33
7	January 21, 2020	\$750.00
8	February 21, 2020	\$315.73
9	March 5, 2020	\$750.00

10	April 6, 2020	\$583.66
11	April 17, 2020	\$1,400.00
	Total Amount	\$9,101.21

The combined total of the funds transferred to Ms. Rivera from the LPN Instructors as set out above was \$59,941.91 and is broken down as follows:

LPN Instructor	Amount
A.C. , LPN	\$4,675.69
G.C. , LPN	\$9,412.19
J.L. , LPN	\$19,975.80
G.L. , LPN	\$7,767.19
D.P. , LPN	\$1,814.26
L.T. , LPN	\$7,195.57
F.C. LPN	\$9,101.21
Total Amount	\$59,941.91

Ms. Rivera did not notify the Company of any overpayments to the LPN Instructors.

Ms. Rivera did not provide any of the funds Ms. Rivera received from the LPN Instructors to the Company.

The Hearing Tribunal considered the facts included in the Agreed Statement of Facts and Ms. Rivera's admission of unprofessional conduct. The Hearing Tribunal found that the facts and documents included in Exhibit #2 prove that the conduct for Allegation 1 did in fact occur.

The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1) (pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- i. Contravention of the Act, a code of ethics or standards of practice;
- xii. Conduct that harms the integrity of the regulated profession.

Ms. Rivera did not abide by the Code of Ethics for Licensed Practical Nurses in Canada, adopted by the CLPNA on June 3, 2013 (“CLPNA Code of Ethics”) or the Standards of Practice for Licensed Practical Nurses of Alberta, adopted by the CLPNA on June 3, 2013 (“CLPNA Standards of Practice”) as acknowledged by Ms. Rivera in the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct. The Hearing Tribunal finds the conduct breached the CLPNA Code of Ethics and the CLPNA Standards of Practice, as set out below, and that such breaches are sufficiently serious to constitute unprofessional conduct.

CLPNA Code of Ethics:

Ms. Rivera’s conduct breached the following principles and standards set out in CLPNA’s Code of Ethics:

- a. **Principle 1:** Responsibility to the Public – LPNs, as self-regulating professionals, commit to provide safe, effective, compassionate and ethical care to members of the public. Principle 1 specifically states that LPNs:
  - 1.1 – Maintain standards of practice, professional competence and conduct.
- b. **Principle 3:** Responsibility to the Profession – LPNs have a commitment to their profession and foster the respect and trust of their clients, health care colleagues and the public. Principle 3 specifically states that LPNs:
  - 3.1 – Maintain the standards of the profession and conduct themselves in a manner that upholds the integrity of the profession.
  - 3.3 – Practice in a manner that is consistent with the privilege and responsibility of self-regulation.
  - 3.4 – Promote workplace practices and policies that facilitate professional practice in accordance with the principles, standards, laws and regulations under which they are accountable.
- c. **Principle 5:** Responsibility of Self – LPNs recognize and function within their personal and professional competence and value systems. Principle 5 specially states that LPNs:
  - 5.1 – Demonstrate honesty, integrity and trustworthiness in all interactions.
  - 5.3 – Accept responsibility for knowing and acting consistently with the principles, practice standards, laws and regulations under which they are held accountable.

- 5.7 – Prevent or manage conflict of interest situations.

CLPNA Standards of Practice:

Ms. Rivera acknowledges her conduct breached the following CLPNA Standards of Practice:

- a. **Standard 1:** Professional Accountability and Responsibility – LPNs are accountable for their practice and responsible for ensuring that their practice and conduct meet both the standards of the profession and legislative requirements.
  
- b. **Standard 3:** Service to the Public and Self-Regulation – LPNs practice nursing in collaboration with clients and other members of the health care team to provide and improve health care services in the best interests of the public. Standard 3 specifically states that LPNs:
  - 3.3 – Support and contribute to an environment that promotes and supports safe, effective and ethical practice.
  
  - 3.4 – Promote a culture of safety by using established occupational health and safety practices, infection controls, and other safety measures to protect clients, self and colleagues from illness and injury.
  
  - 3.6 – Demonstrate an understanding of self-regulation by following the standards of practice, the code of ethics and other regulatory requirements.
  
- c. **Standard 4:** Ethical Practice – LPNs uphold, promote and adhere to the values and beliefs as described in the Canadian Council for Practical Nurse Regulators (CCPNR) Code of Ethics. Standard 4 specifically states that LPNs:
  - 4.1 – Practice in a manner consistent with ethical values and obligations of the Code of Ethics for LPNs.
  
  - 4.4 – Develop ethical decision-making capacity and take responsible action toward resolution.
  
  - 4.7 – Communicate in a respectful, timely, open and honest manner.
  
  - 4.8 – Collaborate with colleagues to promote safe, competent and ethical practice.
  
  - 4.9 – Support and contribute to healthy and positive practice.



- 4.10 – Practice with honesty and integrity to maintain the values and reputation of the profession.

Ms. Rivera was required to promote workplace practices and policies that facilitate professional practice in accordance with the principles, standards, laws, and regulations under which she was accountable. By facilitating and financially benefitting from fraud on her employer, Ms. Rivera clearly did not uphold the ethics or standards or practice expected of an LPN.

Ms. Rivera's conduct harms the integrity of the regulated profession in that Ms. Rivera did not act in a manner which would be expected of another LPN in a similar situation. LPNs are expected to adhere to proper documentation practices and not to falsify their hours of work.

### Allegation 2

Ms. Rivera admitted that further to Allegation #1, in the course of arranging for one or more LPN Instructors to receive payment from the Company for hours not actually worked, falsifying or facilitating the falsification of one or more LPN Instructors' timecards.

Ms. Rivera used various methods to falsify or facilitate the falsification of the LPN Instructors' timecards so that the LPN Instructors would receive payment from the Company for hours the LPN Instructors had not actually worked.

The Company did not allow LPN Instructors to punch in or out other LPN Instructors' timecards. However, Ms. Rivera sometimes asked one LPN Instructor to punch another LPN Instructor's timecard in or out at times when the other LPN Instructor was not actually working.

When LPN Instructors were working off-site, Ms. Rivera was responsible for monitoring the LPN Instructors' hours and ensuring the hours claimed by the LPN Instructors were accurate. Instead, Ms. Rivera or office staff working under Ms. Rivera's direction would complete the LPN Instructors' timecards to include hours the LPN Instructors had not actually worked.

The Hearing Tribunal considered the facts included in the Agreed Statement of Facts and Ms. Rivera's admission of unprofessional conduct. The Hearing Tribunal found that the facts and documents included in Exhibit #2 prove that the conduct for Allegation 2 did in fact occur.

The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1) (pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- i. Contravention of the Act, a code of ethics or standards of practice;
- xii. Conduct that harms the integrity of the regulated profession.

Ms. Rivera did not abide by the CLPNA Code of Ethics or the CLPNA Standards of Practice as acknowledged by Ms. Rivera in the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct, as set out in more detail under Allegation 1. The Hearing Tribunal finds the conduct breached the CLPNA Code of Ethics and the CLPNA Standards of Practice and that

such breaches are sufficiently serious to constitute unprofessional conduct. Ms. Rivera was required to maintain standards of practice, and to practice in a manner that is consistent with the privilege and responsibility of self-regulation. She was required to demonstrate trustworthiness, honesty, and integrity in her interactions. She was also required to support and contribute to an environment that promotes and supports ethical practice. By falsifying or facilitating the falsification of timecards, Ms. Rivera failed in all of those aspects.

Ms. Rivera's conduct harms the integrity of the regulated profession in that Ms. Rivera did not act in a manner which would be expected of another LPN in a similar situation. LPNs are expected to adhere to proper documentation practices, to maintain honesty and integrity in their practice, and to ensure that themselves and all other colleagues practice in an ethical environment. The facts underlying this allegation demonstrate that she did not do so.

### Allegation 3

Ms. Rivera admitted that while employed by the Company as Program Coordinator at the Company's Edmonton Campus, soliciting or accepting funds to Rivera's personal bank account or to Rivera personally from one or more HCA Students, including one or more of the following, for additional fees not authorized by the Company:

- R.L. [REDACTED], HCA;
- D.R. [REDACTED], HCA;
- R.A. [REDACTED], HCA;
- J.A. [REDACTED], HCA;
- E.B. [REDACTED], HCA;
- S.B. [REDACTED], HCA;
- J.F. [REDACTED], HCA;
- M.M. [REDACTED], HCA; and
- R.M. [REDACTED] HCA.

As of the first quarter of 2020, the Company was offering a five-and-a-half-month HCA Program. Tuition for the HCA Program was \$7,158.00, which covered all the HCA courses and the practicum. Additionally, students were responsible to pay \$1,145.00 for books and miscellaneous fees.

As of the second quarter of 2020, the Company was offering an eight-month HCA Program. Tuition for the HCA Program was \$12,960.00, which covered all the HCA Courses and the

practicum. Additionally, students were responsible to pay \$400.00 for books and \$310.00 for miscellaneous fees.

Students should not have paid any additional fees in relation to the HCA Program, other than what was mentioned in the paragraphs above. Students were not required to pay anything additional in relation to the practicum, nor were students required to return any money earned during a paid practicum.

Ms. Rivera was not authorized to accept money from students to Ms. Rivera’s personal bank account for any reason.

R.L. , HCA, D.R. , HCA, R.A. , HCA, J.A. , HCA, E.B. , HCA, S.B. , HCA, J.F. , HCA, M.M. , HCA and R.M. , HCA (“the HCA Students”) all completed the HCA Program at the Company during the relevant time.

Without the Company’s knowledge or authorization, Ms. Rivera required the HCA Students to pay additional fees directly to Ms. Rivera, by cash or by e-transfer, as described in the additional paragraphs below.

Ms. Rivera was not authorized to charge additional fees for the reasons she provided to the HCA Students, outlined below.

R.L. completed the HCA Program between February 2020 and July 2020. Ms. Rivera solicited and received a total of \$3,780.00 from R.L. to Ms. Rivera’s personal account as follows:

	Date	Amount	Method	Purported reason for “additional fees”
1	May 2020	\$280.00	Cash	Payment for late enrollment (paid \$500.00 but received a receipt for only \$220.00)
2	April 24, 2020	\$1,000.00	e-transfer	Payment for special classes held on weekends instead of weekdays.
3	April 25, 2020	\$1,000.00	e-transfer	Payment for special classes held on weekends instead of weekdays.
4	April 26, 2020	\$1,000.00	e-transfer	Payment for special classes held on weekends instead of weekdays.
5	July 15, 2020	\$500.00	e-transfer	Payment for practicum.

Total Amount	\$3,780.00	
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D.R. completed the HCA Program between January 2020 and August 2020. Ms. Rivera solicited and received a total of \$3,250.00 from D.R. to Ms. Rivera's personal account as follows:

	Date	Amount	Method	Purported reason for "additional fees"
1	April 17, 2020	\$2,000.00	e-transfer	Payment for special classes held on weekends instead of weekdays.
2	May 18, 2020	\$750.00	e-transfer	Payment for special classes held on weekends instead of weekdays.
3	July 31, 2020	\$500.00	e-transfer	Payment for practicum.
Total Amount		\$3,250.00		

R.A. completed the HCA Program in November 2019. Ms. Rivera solicited and received a total of \$950.00 from R.A. to Ms. Rivera's personal account as follows:

	Date	Amount	Method	Purported reason for "additional fees"
1	2019	\$150.00	Cash	Payment for Rivera to provide reference upon completion of HCA Program.
2	2019	\$800.00	?	Payment for special practicum to be completed in eight (8) days instead of 25 days.
Total Amount		\$950.00		

J.A. completed the HCA Program in May 2020. Ms. Rivera solicited and received a total of \$3,965.00 from J.A. to Ms. Rivera's personal account as follows:

	Date	Amount	Method	Purported reason for "additional fees"
1	February 20, 2020	\$1,750.00	Cash	Payment for late enrollment and for practicum
2	February 20, 2020	\$750.00	e-transfer	
3	March 18, 2020	\$945.00	e-transfer	
4	June 1, 2020	\$20.00	e-transfer	
5	June 8, 2020	\$500.00	e-transfer	
Total Amount		\$3,965.00		

E.B. completed the HCA Program in July 2020. Ms. Rivera solicited and received a total of \$3, 628.00 from E.B. to Ms. Rivera’s personal account as follows:

	Date	Amount	Method	Purported reason for "additional fees"
1	February 21, 2020	\$758.00	e-transfer	Payments for late enrollment and for practicum.
2	February 25, 2020	\$370.00	e-transfer	
3	April 5, 2020	\$2,500.00	e-transfer	
Total Amount		\$3,628.00		

S.B. completed the HCA Program in June 2020. Ms. Rivera solicited and received a total of \$700.00 from S.B. to Ms. Rivera’s personal account as follows:

	Date	Amount	Method	Purported reason for "additional fees"
1	April 19, 2020	\$700.00	Cheque to Cash	Payment for late enrollment and for practicum

Total Amount	\$700.00	
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J.F. completed the HCA Program in June 2020. Ms. Rivera solicited and received a total of \$3,370.00 from J.F. to Ms. Rivera’s personal account as follows:

	Date	Amount	Method	Purported reason for “additional fees”
1	April 27, 2020	\$2,000.00	e-transfer	Additional fees to be paid directly to Ms. Rivera, who was J.F.’s teacher.
2	April 28, 2020	\$1,000.00	e-transfer	
3	March 4, 2020	\$370.00	e-transfer	
Total Amount		\$3,370.00		

M.M. and R.M. completed the HCA Program between February 2019 and June 2019. Ms. Rivera solicited and received a total of \$3,400.00 from M.M. and R.M. to Ms. Rivera’s personal account as follows:

	Date	Amount	Method	Purported reason for “additional fees”
1	March 11, 2019	\$1,600.00	e-transfer	Payments for special practicum on weekends and for case studies to submit as part of the course requirement, for M.M. and R.M.
2	March 27, 2019	\$900.00	e-transfer	
3	March-April 2019	\$900.00	cash	
Total Amount		\$3,400.00		

The combined total of the funds transferred to Ms. Rivera from the HCA Students for purported “additional fees” as set out in the proceeding paragraphs was \$23,043.00, broken down as follows:

HCA Student	Amount
R.L.	\$3,780.00
D.R.	\$3,250.00
R.A.	\$950.00
J.A.	\$3,965.00
E.B.	\$3,628.00
S.B.	\$700.00
J.F.	\$3,370.00
M.M. and R.M.	\$3,400.00
Total Amount	\$23,043.00

Ms. Rivera did not inform the Company that Ms. Rivera had solicited and received these funds from the HCA Students.

Ms. Rivera did not provide any of the funds Ms. Rivera received from the HCA Students to the Company.

The Hearing Tribunal considered the facts included in the Agreed Statement of Facts and Ms. Rivera's admission of unprofessional conduct. The Hearing Tribunal found that the facts and documents included in Exhibit #2 prove that the conduct for Allegation 3 did in fact occur.

The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- i. Contravention of the Act, a code of ethics or standards of practice;
- xii. Conduct that harms the integrity of the regulated profession.

Ms. Rivera did not abide by the CLPNA Code of Ethics or the CLPNA Standards of Practice as acknowledged by Ms. Rivera in the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct, as set out in more detail under Allegation 1. The Hearing Tribunal finds the conduct breached the CLPNA Code of Ethics and the CLPNA Standards of Practice and that such breaches are sufficiently serious to constitute unprofessional conduct. Similar to Allegation

2, Ms. Rivera was expected to uphold the workplace policies of her employer and to practice in a manner that was consistent with ethical values and obligations of the Code of Ethics for LPNs. By acting in a dishonest and unethical manner by personally benefitting from fraudulent fees levied for the HCA Students, Ms. Rivera breached the CLPNA Standards of Practice and CLPNA Code of Ethics.

Ms. Rivera's conduct harms the integrity of the regulated profession in that Ms. Rivera did not act in a manner which would be expected of another LPN in a similar situation. It harms the integrity of the regulated profession when someone who is considered to be a gatekeeper to other professionals (LPNs or HCAs) creates fraudulent fees for these individuals to pay in order to enter the professions they wish to enter. This does not demonstrate the honesty, integrity, and respect for the self-governing profession of LPNs that would be expected of an LPN in Ms. Rivera's position.

#### Allegation 4

Ms. Rivera admitted that on one or more occasions, making implicit or explicit threats against an LPN particulars of which include referring to the family status of an LPN Instructor in a manner that suggested her job was at risk if she did not cooperate with Rivera.

In January 2020, students in the HCA Program were complaining to A.C. , LPN, and LPN Instructor, that some students had paid extra to do an accelerated program. A.C. did not have an explanation and told the students the best explanation would be from Ms. Rivera.

A.C. brought these concerns to Ms. Rivera's attention and eventually asked Ms. Rivera to provide an explanation directly to the students. However, when Ms. Rivera spoke to students, they perceived her tone as intimidating. This caused A.C. concern.

As a result of A.C. 's concerns, A.C. told Ms. Rivera she no longer wanted to participate in Ms. Rivera's "payroll practice".

On February 1, 2020, Ms. Rivera had a closed-door meeting with A.C. . When A.C. confirmed she did not want to participate in Ms. Rivera's practice of adding unworked hours to LPN Instructors' timecards, Ms. Rivera intimated to A.C. that things would be difficult for A.C. if she did not cooperate.

Ms. Rivera stated that she was ready to leave and go back to the Philippines if need be and asked A.C. , what about her? Ms. Rivera commented on the fact that A.C. was a single mother and said many people would be affected. Ms. Rivera asked if A.C. was ready to face these people if she talked.

The implication of Ms. Rivera's comments was that A.C. could not afford to lose her job or fight against the people affected by Ms. Rivera's activities.



The Hearing Tribunal considered the facts included in the Agreed Statement of Facts and Ms. Rivera's admission of unprofessional conduct. The Hearing Tribunal found that the facts and documents included in Exhibit #2 prove that the conduct for Allegation 4 did in fact occur.

The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1) (pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- i. Contravention of the Act, a code of ethics or standards of practice.
- xii. Conduct that harms the integrity of the regulated profession.

Ms. Rivera did not abide by the CLPNA Code of Ethics or the CLPNA Standards of Practice as acknowledged by Ms. Rivera in the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct, as set out in more detail under Allegation 1. The Hearing Tribunal finds the conduct breached the CLPNA Code of Ethics and the CLPNA Standards of Practice and that such breaches are sufficiently serious to constitute unprofessional conduct. As noted previously, by threatening a fellow professional who was concerned about Ms. Rivera's fraudulent conduct does not maintain and uphold the standards of practice, professional competence or conduct expected of an LPN. Her behavior did not demonstrate honesty, integrity, or trustworthiness, and did not promote a culture of safety among herself and her colleagues.

Ms. Rivera's conduct harms the integrity of the regulated profession in that Ms. Rivera did not act in a manner which would be expected of another LPN in a similar situation. Clearly, Ms. Rivera was not acting in a manner expected of an LPN when she threatened a fellow LPN Instructor by suggesting her job may be at risk if she did not cooperate with Ms. Rivera's plans. This harms the integrity of the profession as the public would be shocked to know that an LPN would not only be willing to create and participate in these schemes, but also to threaten those who expressed ethical concerns with the scheme.

#### **(9) Joint Submission on Penalty**

The Complaints Director and Ms. Rivera jointly proposed to the Hearing Tribunal a Joint Submission on Penalty, which was entered as Exhibit #3. The Joint Submission on Penalty proposed the following sanctions to the Hearing Tribunal for consideration:

1. The Hearing Tribunal's written reasons for decision (the "Decision") shall serve as a reprimand.
2. Ms. Rivera's practice permit will be suspended for two years, with credit given for the period in which she has been suspended on an interim basis.
3. Ms. Rivera shall pay 25% of the costs of the investigation and hearing to be paid in full within **24 months** of the date when Ms. Rivera is provided a letter advising her of the final hearing and investigation costs.

4. Ms. Rivera will not be eligible to apply for registration or reinstatement until she has complied with the following:
  - a) Ms. Rivera shall complete Professionalism in Nursing (NProf005), offered by John Collins Consulting, at her own expense. If such course become unavailable, Ms. Rivera shall request in writing to be assigned an alternative course. The Complaints Director shall, in her sole discretion, reassign a course. Ms. Rivera will be notified by the Complaints Director, in writing, advising of the new course required.
5. Once Ms. Rivera has completed the requirement set out in paragraph 4 and provided that she is not in default of the requirement for payment of costs as set out in paragraph 3, she will be eligible to apply for reinstatement.
6. If, upon receiving her application for registration, the Registrar determines that Ms. Rivera meets the CLPNA's requirements for reinstatement, Ms. Rivera's practice permit shall be reinstated.
7. Ms. Rivera shall provide the CLPNA with her contact information, including home mailing address, home and cellular telephone numbers, current e-mail address and current employment information. Ms. Rivera will keep her contact information current with the CLPNA on an ongoing basis.
8. Should Ms. Rivera fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Complaints Director may do any or all of the following:
  - a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty.
  - b) Treat Ms. Rivera's non-compliance as information for a complaint under s. 56 of the Act; or
  - c) In the case of non-payment of the costs described in paragraph 3 above, suspend Ms. Rivera's practice permit until such costs are paid in full or the Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Director.

Legal Counsel for the Complaints Director submitted the primary purpose of orders from the Hearing Tribunal is to protect the public. The Hearing Tribunal is aware that s. 82 of the Act sets out the available orders the Hearing Tribunal is able to make if unprofessional conduct is found.

The Hearing Tribunal is aware that while the parties have agreed on a joint submission as to penalty, the Hearing Tribunal is not bound by that submission. Nonetheless, as the decision-maker, the Hearing Tribunal should defer to a joint submission unless the proposed sanction is

unfit, unreasonable, or contrary to public interest. Joint submissions make for a better process and engage the member in considering the outcome. A rejection of a carefully crafted agreement would undermine the goal of fostering cooperation through joint submissions and may significantly impair the ability of the Complaints Director to enter into such agreements. If the Hearing Tribunal had concerns with the proposed sanctions, the proper process is to notify the parties, articulate the reasons for concern, and give the parties an opportunity to address the concerns through further submissions to the Hearing Tribunal.

The Hearing Tribunal therefore carefully considered the Joint Submission on Penalty proposed by Ms. Rivera and the Complaints Director.

#### **(10) Decision on Penalty and Conclusions of the Hearing Tribunal**

The Hearing Tribunal recognizes its orders with respect to penalty must be fair, reasonable, and proportionate, taking into account the facts of this case.

The orders imposed by the Hearing Tribunal must protect the public from the type of conduct that Ms. Rivera has engaged in. In making its decision on penalty, the Hearing Tribunal considered a number of factors identified in *Jaswal v Newfoundland Medical Board* [1986] NJ No 50 (NLSC-TD), specifically the following:

- The nature and gravity of the proven allegations
- The age and experience of the investigated member
- The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions
- The age and mental condition of the victim, if any
- The number of times the offending conduct was proven to have occurred
- The role of the investigated member in acknowledging what occurred
- Whether the investigated member has already suffered other serious financial or other penalties as a result of the allegations having been made
- The impact of the incident(s) on the victim, and/or
- The presence or absence of any mitigating circumstances
- The need to promote specific and general deterrence and, thereby to protect the public and ensure the safe and proper practice
- The need to maintain the public's confidence in the integrity of the profession
- The range of sentence in other similar cases

The Hearing Tribunal considered the following factors in this case:

- **The nature and gravity of the proven allegations:** This is extremely serious conduct as it deals with incorrect payroll reporting and the misappropriation of funds, as well as threatening an individual who expressed concerns about the scheme created by Ms. Rivera.

- **The age and experience of the investigated member:** Ms. Rivera was initially registered with the CLPNA on January 1, 2009. She is not a new member of the profession and was in a position of responsibility. This was not a mitigating factor in this case.
- **The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions:** The Hearing Tribunal was not made aware of any prior complaints or convictions. This does not become an aggravating factor.
- **The age and mental condition of the victim, if any:** There were 7 LPN Instructors and 11 HCA Students involved. Each of the LPN Instructors defrauded their employer at Ms. Rivera's direction, and the HCA Students significantly overpaid their fees to attend programs that they chose to enter to upgrade their education and enter a field of their choice.
- **The number of times the offending conduct was proven to have occurred:** This is a very significant factor in this case. This conduct took place over a time period starting in August 2018 and went until June 2020. This was a significant factor as there were 7 LPN Instructors and 11 HCA Students involved. In total, the amount of the funds that are set out in the Agreed Statement of Facts include the approximate amount of \$59,000.00 that was transferred from the LPN Instructors, which represents two-thirds of what was overpaid to them, plus the approximately \$23,000.00 which was paid directly from the HCA Students. Ultimately, the sum of money was actually over \$100,000.00 and this conduct took place unchecked over the course of several years. This was an aggravating factor.
- **The role of the investigated member in acknowledging what occurred:** Ms. Rivera acknowledged the allegations that were brought forward to the CLPNA. Ms. Rivera along with her legal counsel did provide the Hearing Tribunal with an Agreed Statement of Facts, which demonstrated that she did in fact take responsibility for her actions. There would have been a significant hearing if she had not proceeded in this manner.
- **Whether the investigated member has already suffered other serious financial or other penalties as a result of the allegations having been made** Ms. Rivera's practice permit was suspended on April 28, 2021, which means that Ms. Rivera was not able to work as an LPN from that point. The Hearing Tribunal was not made aware of any other financial impact.
- **The impact of the incident(s) on the victim:** There was no evidence of an impact on patients however, there was an impact on the 7 LPN Instructors as well as the 11 HCA Students, and the Company. Ms. Rivera was supposed to be leading by example and this was not how you should be treating colleagues or students by receiving money from them.

- **The presence or absence of any mitigating circumstances:** Mr. O’Neill took some time to discuss the mitigating circumstances in Ms. Rivera’s case. He noted that she is 58 years old and comes from a Pilipino family that appreciated the importance of a good education. To her credit, she acknowledges her misconduct and admitted her guilt in a public forum. She has taken full responsibility for her actions. She has saved considerable resources in not forcing the College to pursue a contested hearing, and she facilitated proof by her admissions. Ms. Rivera fully cooperated with the investigator and helped with the investigation. Mr. O’Neill noted that she had no prior disciplinary history at all. He also discussed the effect of what has occurred over the past year for Ms. Rivera. She has had reputational damage in her professional community. He discussed the cases (expressed below) which included a one-month and nine-month suspensions, and noted that in this case, there was a two-year suspension being suggested.
- **The need to promote specific and general deterrence and, thereby to protect the public and ensure the safe and proper practice:** Specific deterrence is required to keep Ms. Rivera from repeating the same conduct in the future. General deterrence is required to ensure that the members of the LPN profession do not engage in similar conduct as well as to make sure that it is known that this type of conduct will not be tolerated by the CLPNA. LPNs are recognized as independent and capable members of the health care team and follow self-regulation and the public should be reassured that this standard is upheld by the CLPNA. In this case, Ms. Rivera would receive a long suspension of 2 years which would send a clear message to the public that this type of behavior is not tolerated and will be dealt with seriously by the CLPNA.
- **The need to maintain the public’s confidence in the integrity of the profession:** The CLPNA deals with the actions of its members when they engage in unprofessional conduct. The CLPNA will deal with any breaches in the CLPNA Code of Ethics and the CLPNA Standards of Practice in a way that reflects the seriousness of the conduct and for the purpose of protecting the public.
- **The range of sentence in other similar cases:** The Hearing Tribunal was provided with 3 similar cases from other provinces and licensing boards. Those cases were:
  - *College of Nurses of Ontario, RE: Barbara LaFrance, 2006 CanLII 81731 (ON CNO)* in which Ms. Lafrance was charged with defrauding the hospital that she worked at of approximately \$96,500.00. She was in a role of financial responsibility, she admitted to her employer, was terminated, and pled guilty to theft over \$5,000.00, and was convicted, and subject to a Restitution Order. She received a one-month suspension, required course work, and conditions on the restoration of her practice permit. There were significant mitigating factors in her case – she had self-reported, had been subject to issues resulting from her criminal conviction, and had been attempting to pay restitution;

- *College of Nurses of Ontario, RE: Linda Ogilvie-Resmini, 2008 CanLI 89943 (ON CNO)*, in which Ms. Ogilvie-Resmini was found guilty of defrauding the facility she worked at of over \$1,000,000.00. Ms. Ogilvie-Resmini was found guilty of theft over \$5,000.00. There was evidence that the member had a gambling addiction, and her misconduct arose as a result of this addiction. She received a nine-month suspension, followed by a 12-month period where there were conditions on her practice permit; and
- *College of Nurses of Ontario RE: Barbara Pierce-Nagel, 2013 CanLII 93845 (ON CNO)*, in which Ms. Pierce-Nagel was misappropriating funds from her employer as well as residents that were under her care. The member did not admit her misconduct and did not attend the hearing. Ms. Pierce-Nagel was also criminally charged and pled guilty to theft and fraud. She took no responsibility in terms of the professional proceedings. Over a period of 3 months, she had misappropriated funds from numerous residents, from the facility itself, and money from the facility's trust account. Her license was revoked. It was very significant in this case that she had not taken any responsibility for her actions.

It is important to the profession of LPNs to maintain the Code of Ethics and Standards of Practice, and in doing so to promote specific and general deterrence and, thereby, to protect the public. The Hearing Tribunal has considered this in the deliberation of this matter, and again considered the seriousness of the Investigated Member's actions. The penalties ordered in this case are intended, in part, to demonstrate to the profession and the public that actions and unprofessional conduct such as this is not tolerated and it is intended that these orders will, in part, act as a deterrent to others.

After considering the proposed orders for penalty, the Hearing Tribunal finds the Joint Submission on Penalty is appropriate, reasonable and serves the public interest and therefore accepts the parties' proposed penalties.

**(11) Orders of the Hearing Tribunal**

The Hearing Tribunal is authorized under s. 82(1) of the Act to make orders in response to findings of unprofessional conduct. The Hearing Tribunal makes the following orders pursuant to s. 82 of the Act:

1. The Hearing Tribunal's written reasons for decision (the "Decision") shall serve as a reprimand.
2. Ms. Rivera's practice permit will be suspended for two years, with credit given for the period in which she has been suspended on an interim basis.

3. Ms. Rivera shall pay 25% of the costs of the investigation and hearing to be paid in full within **24 months** of the date when Ms. Rivera is provided a letter advising her of the final hearing and investigation costs.
4. Ms. Rivera will not be eligible to apply for registration or reinstatement until she has complied with the following:
  - a) Ms. Rivera shall complete Professionalism in Nursing (NProf005), offered by John Collins Consulting, at her own expense. If such course become unavailable, Ms. Rivera shall request in writing to be assigned an alternative course. The Complaints Director shall, in her sole discretion, reassign a course. Ms. Rivera will be notified by the Complaints Director, in writing, advising of the new course required.
5. Once Ms. Rivera has completed the requirement set out in paragraph 4 and provided that she is not in default of the requirement for payment of costs as set out in paragraph 3, she will be eligible to apply for reinstatement.
6. If, upon receiving her application for registration, the Registrar determines that Ms. Rivera meets the CLPNA's requirements for reinstatement, Ms. Rivera's practice permit shall be reinstated.
7. Ms. Rivera shall provide the CLPNA with her contact information, including home mailing address, home and cellular telephone numbers, current e-mail address and current employment information. Ms. Rivera will keep her contact information current with the CLPNA on an ongoing basis.
8. Should Ms. Rivera fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Complaints Director may do any or all of the following:
  - a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty.
  - b) Treat Ms. Rivera's non-compliance as information for a complaint under s. 56 of the Act; or
  - c) In the case of non-payment of the costs described in paragraph 3 above, suspend Ms. Rivera's practice permit until such costs are paid in full or the Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Director.

The Hearing Tribunal believes these orders adequately balances the factors referred to in Section 10 above and are consistent with the overarching mandate of the Hearing Tribunal, which is to ensure that the public is protected.

Under Part 4, s. 87(1)(a), (b) and 87(2) of the Act, the Investigated Member has the right to appeal:

**“87(1)** An investigated person or the complaints director, on behalf of the college, may commence an appeal to the council of the decision of the hearing tribunal by a written notice of appeal that

(a) identifies the appealed decision, and

(b) states the reasons for the appeal.

**(2)** A notice of appeal must be given to the hearings director within 30 days after the date on which the decision of the hearing tribunal is given to the investigated person.”

Further, the Hearing Tribunal is of the opinion there are reasonable and probable grounds to believe that Ms. Rivera has committed a criminal offence. Therefore, the Hearing Tribunal directs the Hearings Director to send a copy of this written decision to the Minister of Justice and Attorney General in accordance with s. 80(2) of the Act.

**DATED THE 18<sup>th</sup> DAY OF MAY 2020 IN THE CITY OF EDMONTON, ALBERTA.**

**THE COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**

A handwritten signature in cursive script that reads "Kelly Anesty".

Kelly Anesty, LPN  
Chair, Hearing Tribunal