



Release date: September 14, 2020

DISCIPLINE HEARING SUMMARY

LUZVIMINDA TORREGOSA

The CMLTO Discipline Committee held a written hearing on July 30, 2020 to consider allegations of professional misconduct against member Luzviminda Torregosa.

Allegations

The allegations against the Member were set out in the Notice of Hearing, dated January 21, 2020 and read as follows:

The Member

1. At the material times, [the Member] was a duly registered member of [the College].
2. It is alleged that from approximately July 2017 to approximately October 2017, the Member participated in a scheme with a healthcare clinic by submitting fraudulent receipts to Desjardins Insurance Company for healthcare supplies allegedly provided to the Member and her family, totalling approximately \$4,850.00, when those supplies were not actually provided to the Member or her family.

Professional Misconduct Alleged

3. It is alleged that the above conduct constitute professional misconduct pursuant to Clause 51 (1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, and as defined in one or more of the following paragraphs of section 1 of Ontario Regulation 752/93 under the Medical Laboratory Technology Act, 1991:

- a. Paragraph 5 (making a record or signing a certificate, report, account or other document that the member knows or ought to know is false, misleading or otherwise improper), and/or



- b. Paragraph 7 (submitting an account for services that the member knows or ought to know is false or misleading), and/or
- c. Paragraph 20 (engaging in conduct or performing an act relevant to the practice of medical laboratory technology that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional).

Summary of Evidence

The Discipline panel was provided with an Agreed Statement of Facts that set out as follows

1. At the material times [the Member] was a duly registered member of the College.
 2. It is agreed that from approximately July 2017 to approximately October 2017, the Member participated in a scheme with a healthcare clinic by submitting fraudulent receipts to Desjardins Insurance Company for healthcare supplies allegedly provided to the Member and her family, when those supplies were not actually provided to the Member or her family. The Member submitted seven falsified receipts, totalling \$4,850.00.
 3. The fraudulent receipts the Member submitted to Desjardins Insurance Company between July 2017 and October 2017 referred to in paragraph 2 are above are attached at Tab A.2
- 2 The receipts pertained to products such as compression stockings and orthotics, and services related to the casting and manufacture of the orthotics.
4. It is agreed that the above conduct constitute professional misconduct pursuant to Clause 51 (1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, and as defined in one or more of the following paragraphs of section 1 of Ontario Regulation 752/93 under the Medical Laboratory Technology Act, 1991:
 - a. Paragraph 5 (making a record or signing a certificate, report, account or other document that the member knows or ought to know is false, misleading or otherwise improper); and



- b. Paragraph 7 (submitting an account for services that the member knows or ought to know is false or misleading); and

- c. Paragraph 20 (engaging in conduct or performing an act relevant to the practice of medical laboratory technology that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional).

Member's Admission of Professional Misconduct

1. The Member admitted the allegations as described in the Agreed Statement of Facts and Admission of Misconduct dated June 16, 2020 and signed by the Member and College counsel.

2. The Agreed Statement of Facts and Admission of Misconduct included a plea inquiry in which the Member stated that she understands (1) the nature of the allegations against her, (2) that by admitting the allegations against her, she is waiving the right to have the College prove the case against her and the right to have a hearing, (3) that any agreement with the College about the proposed penalty does not bind the Discipline Committee, and (4) that the Panel's decision and a summary of its reasons including reference to her name will be published in the College's annual report and may be published in the College's publication and on its website. The Member also stated that having had the benefit of legal advice, she was executing the Agreed Statement of Facts and Admission of Misconduct voluntarily.

3. Prior to accepting the Member's admission of professional misconduct, the panel reviewed the written plea inquiry included in the Agreed Statement of Facts and Admission of Misconduct. After reviewing the written plea inquiry, the Panel was satisfied that the Member's admission of professional misconduct, in the form of the written plea inquiry, was in fact voluntary, informed and unequivocal.

Findings

On the basis of the Member's admissions of professional misconduct and the facts set out in the Agreed Statement of Facts and Admission of Professional Misconduct, and having regard to the advice of its independent counsel, the Panel concluded that there is a sufficient basis to find that the Member engaged in each of the acts of professional misconduct described in the Notice of Hearing and the Panel should make those findings.



Accordingly, the Panel found that the Member engaged in professional misconduct pursuant to Clause 51 (1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, and as defined in the following paragraphs of section 1 of Ontario Regulation 752/93 under the Medical Laboratory Technology Act, 1991:

- a. Paragraph 5 (making a record or signing a certificate, report, account or other document that the member knows or ought to know is false, misleading or otherwise improper);
- b. Paragraph 7 (submitting an account for services that the member knows or ought to know is false or misleading); and
- c. Paragraph 20 (engaging in conduct or performing an act relevant to the practice of medical laboratory technology that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional).

Penalty

The Panel was presented with a Joint Submission on Penalty and Costs. The Joint Submission was signed by the Member and College counsel and sets out the parties' joint proposal. The Panel accepts the Joint Submission and accordingly makes the following order:

1. The Member is required to be reprimanded by the Discipline Committee following the hearing of this matter, with the fact of the reprimand and a summary of the reprimand to appear on the public register of the College.
2. The Registrar is directed to suspend immediately the Member's certificate of registration for a period of one (1) month, commencing one (1) month following the date of the Discipline Hearing.
3. The Registrar is directed to impose the following specified terms, conditions and limitation on the Member's certificate of registration:
 - a. Within twelve (12) months of the date of the Discipline Hearing, the Member must provide proof, acceptable to the Registrar of successful completion (i.e., an unconditional pass) of the PROBE Ethics & Boundaries Court, which is to be taken at her own expense; and



- b. Within twelve (12) months of the date of the Discipline Hearing, the Member must provide proof, acceptable to the Registrar, of successful completion of the Canadian Society for Medical Laboratory Science ethics course, which is to be taken at her own expense.
4. If the Member requires an indulgence to complete the remedial steps in paragraph 3 in light of the COVID-19 pandemic measures, the Registrar shall extend this time to a later date, at a date to be determined by the Registrar.

Reasons for Penalty

The Panel was satisfied that the penalty order proposed in the Joint Submission was within the range of appropriate penalties for professional misconduct of the kind that engaged in by the Member. Further, the Panel was satisfied that the penalty order proposed in the Joint Submission addressed the goals of specific deterrence (ensuring that the Member will not engage in similar professional misconduct in the future),

The Panel was therefore satisfied that accepting the Joint Submission would not be contrary to the public interest, nor would doing so bring the administration of justice into disrepute; and the Panel accepted the advice of its independent counsel, who advised us as to the governing principles and endorsed the Joint Submission as calling for a penalty order that was within the appropriate range of penalty and further, that accepting it would be in the public interest.

In light of the reasons set out above, and having given due regard to the written submissions of the parties and the documents submitted to us in support of those submissions, it was the Panel's view that it should accept the Joint Submission.