Case Examples
Case 1 – Agency Overload

- Nursing agency operating with multiple individuals who are not registered
- Agency guarantees their clients (mostly nursing / retirement homes) that the people they send are qualified
- Nursing Homes trust the agency and don’t check for themselves
Case 1 – Agency Overload

- 16 IPs working in 23 different nursing homes
- Police involved at the request of the regulator
- Police laid charges under RHPA / Nursing Act against the fake nurses and laid numerous criminal charges against the agency owner.
Case 2 – I’m A Nurse Really I Am!!!

- Subject has no known nursing education
- Resume full of lies
- Forges nursing registration document
- Hired as Director of Care by four Retirement Homes
Case 2 – I’m A Nurse Really I Am!!!

- Each place he works they discover he is not performing as expected.
- One agency checks his credentials with the regulator & discovers he is not a nurse
- Discovered he was about to be hired elsewhere
- Sting set up and I posed as the nursing recruiter
Case 2 – I’m A Nurse Really I Am!!!

- Meeting with on tape and he presents his fake credentials.
- We let him tell us of all his nursing exploits
- Confronted with the truth but he insists we are wrong
- Charged with use of title RN and controlled acts
- $120,000.00 fine, 3 years probation
Case 3 – Close Knit Family

- Nurse had license revoked for various discipline issues
- She had a sister-in-law with a middle name the same as her first name
- Sister-in-law is a nurse but is retired (still registered)
- Subject at her house to visit and stole renewal documents
Case 3 – Close Knit Family

- Used documents to change address so she would receive the registration card
- Used her sister-in-law’s card to obtain employment as a consultant on disability cases
- Testified in dozens of insurance matters as an expert
Case 3 – Close Knit Family

- Discovered when someone who worked with her previously recognized her and knew she had been revoked
- Charged by the Regulator
- Charged criminally
- Sued by the insurance companies that had to reopen, reevaluate, and settle dozens of disability claims.
Case 4 – I’m Here, No I’m Here

- Nursing registration revoked 6 years prior
- Obtained registration in 3 other jurisdictions under false pretenses
- Found out form needed to get clearance
- Got one of the forms - doctored it and forged signature of Registrar
- Setting - Community care nursing
Case 4 – I’m Here, No I’m Here

- Reported by an Ontario employer. Investigation led to retracing her steps and determining other jurisdictions
- Convicted in Ontario of 31 charges
- Mental health issues identified
- $10,000.00 Fine, 2 years probation, counselling ordered
What Have We Learned?

- IPs in all nursing settings – acute care, LTC, community care
- Credentials are key – they will seek to find ways to get around credential issue
  - Forged / stolen credentials
  - Identity theft
  - Playing one jurisdiction against the other
  - Preying on small organizations
What Have We Learned?

- They may have accomplices – e.g. bogus references
- They may be illegal immigrants and work only within that ethnic community
- An agency could be behind it
- Customers may even be aware and content to cover for them – insurance fraud
What Do We Need?

We need evidence of:

• Holding self out as qualified
• Using a protected title or designation
• Performing specific acts restricted to those who are licensed
Where Do We Get It?

- Advertising
- Documentation
  - Client files
  - HR files
- Interviews
  - Coworkers
  - Employers
  - Patients / clients
Where Do We Get It?

- **Surveillance**
  - Following the suspect
  - Observing the location

- **Undercover**
  - Engage the suspect for services
  - Work along side the suspect
  - Infiltrate agencies
Challenges

- Non-cooperation
- Determining where an IP may be working
- Suspected collaboration with others
- Ethnic barriers to gaining access
- Identity theft issues
- Jurisdictional issues
Investigation Strategies
Non-cooperation

❖ Exercise powers available to you
  • E.g. search warrant
❖ Try to get other agencies to apply pressure
  • Other regulatory bodies
  • Insurance companies
  • Police
❖ Calm fears of them being in trouble
❖ Appeal to their sense of morality

create clarity
Determining Where the IP is Working

- Pretext calls to suspected locations
- Surveillance
- Social media searches
- Photographs – Search via “geo-tagging”
Suspected Collaboration

- Undercover investigations (U/C)
  - Get hired by the agency you suspect
  - Hire the agency or individual
  - If collaborator is a patient get insurance company to help (possibly threaten to cut off their insurance coverage unless cooperative)
Ethnic barriers to gaining access

- Use an investigator of same ethnic origin and do U/C investigation
- Surveillance
  - May lead to further options such as search warrant
  - Witness identification and subsequent interviews
Identity theft issues

- Interview known associates
- Surveillance
- Background checks
  - DOT searches
  - Internet and social media searches
  - Property searches
  - Lien searches
  - Military records

create clarity
Jurisdictional Issues

Try to arrange memos of understanding to cooperate re:

- Information sharing
- Investigative resources (e.g. when work is happening across state lines)
- Applying respective influence

Consider same approach with Police agencies
Prevention

- Make it harder for them
  - Get rid of cards for licensure (force people to go online)
  - Educate prospective employers
  - Post lists of known IPs with known aliases etc.
  - Press releases after successful prosecutions
Legal Considerations

- Authorities to investigate
- Powers of investigation
- Legal options
  - Cease and desist orders / legal undertaking
  - Criminal or quasi-criminal prosecution
  - Injunctions (civil court orders)
Resource Considerations

❖ Policy Decisions
  • Should we be doing this?
    • Allocation of staff
    • Use of resources
    • Public relations
  • Legal approach
  • Internal or external investigators
Resource Considerations

- Cost factors
  - Travel
  - Legal counsel
  - Additional investigators or outside help
- Internal resource limitations
  - Training
create clarity
Thank You!

Dean Benard

dbenard@benardinc.com

www.benardionc.com
Case 4 – Dental Drama

- Man from Ukraine was a dentist there. Failed exams to be one in Canada
- Opened a practice in Toronto in his basement
- Ordered all his supplies from China
- Only saw direct referrals within his own ethnic community
- Did everything including major restorations and even implant surgery
Case 4 – Dental Drama

- Tip came in that he was practicing
- Surveillance done for two days on his residence - all traffic documented
- Investigator took his garbage after he left it on the curb
- Garbage contained dental refuse – needles, molds, dirty gauze, gloves, suction tips etc.
Case 4 – Dental Drama

- Evidence documented and then used to obtain a search warrant
- Search warrant executed - entire clinic cleaned out.
- Charges laid and civil injunction sought
Evidence

create clarity
Other Cases for Discussion

- Veterinarian case – coffee, tea or surgery
- Nurse Okello – We think???
- Venditelli – Entrepreneurial spirit
- Gaw – I’ve Fallen and I can’t get up