ONA’s Legal Expense Assistance Plan (LEAP) was established in 1980 to help ONA’s 64,000 members with legal or regulatory issues relating to your work. This includes problems that arise under Ontario’s Regulated Health Professions Act (RHPA).

How LEAP Can Help
LEAP is here to help you with the following situations:

- Complaints or reports to the college (regulatory body) about your professional practice, including addiction and mental-health issues; appeals of college decisions.
- Complaints or reports to the Information and Privacy Commissioner under the Personal Health Information Protection Act (PHIPA); appeals of Privacy Commissioner orders. Defense against prosecutions under PHIPA.
- If you are called as a witness in a criminal case.
- Coroner’s investigations and inquests.
- Defending you against criminal prosecution arising from a job-related incident.
- Investigations under the Long-Term Care Homes Act.

For details relating to the conditions of the coverage, please refer to the plan itself at: www.ona.org > Member Services > Publications

Eligibility
All registered nurses (RNs), registered practical nurses (RPNs), nurse practitioners (NPs), graduate nurses and health-care professionals for whom ONA is the bargaining agent, and who are regularly paying dues, are covered by the plan. For newly organized members who are not yet paying dues, coverage may be purchased at a nominal fee.

Eligibility is limited to matters arising from incidents that occur in the course of your employment as a registered nurse, graduate nurse or health professional, at a workplace where ONA is your bargaining agent.
Health Inquiries:
When the CNO Comes

Questions about your health can come to the attention of the College of Nurses of Ontario (CNO) in a number of ways.

A patient or family member can report what they believe to be violations of the Standards of Practice. Sometimes, colleagues or a manager will notice that you are acting oddly, making unusual mistakes or have misappropriated medications. In these cases, an employer may report you to the College.

Normally, CNO would treat something like the theft of medications as potential professional misconduct and would investigate the matter with a view to imposing sanctions. However, the College recognizes that an addiction or a mental-health illness is a disability. If the College suspects that you may have a health problem, it will investigate the matter differently: rather than looking to determine whether you may have done something wrong, the College will investigate to see if you may be suffering from a health condition that affects your ability to practise as a nurse.

WHEN CNO INVESTIGATES A HEALTH MATTER, IT ATTEMPTS TO ANSWER TWO QUESTIONS:

1. Do you suffer from a health condition?
2. Does the health condition affect your ability to practise nursing safely?

If the College decides to investigate your health, it will send you a letter that includes the information it received that led to the investigation, as well as a number of consent forms for you to sign in respect of your health-care providers.

YOU SHOULD NOT CALL THE COLLEGE INVESTIGATOR OR SIGN THE CONSENTS! Instead, you should call LEAP.

A LEAP team member will represent you and communicate with the College on your behalf. If information from your health-care providers would be helpful, the LEAP team representative will contact them on your behalf to get that information.

The LEAP representative will also make submissions on your behalf: if you do not have an illness that interferes with your ability to practise, your representative will provide an answer to the allegations and supporting medical information, if needed.

If you are obtaining appropriate treatment, your representative may provide information about your treatment and your current health status.

During the course of its investigation into your health, the College often will send you for an assessment by an independent addiction specialist or a psychiatrist. Once the College has received the specialist’s report, along with the reports that your LEAP representative has obtained from your health-care providers, your LEAP representative will attempt to negotiate an agreement with the College.

If you are not well enough to return to work in the near future, you will have to surrender your licence until your physicians say that you are ready to go back to work. If you are able to work, LEAP and the College will negotiate an undertaking for you which sets out certain restrictions on your licence.

If the CNO and ONA are unable to agree on the type of restrictions, or whether restrictions are necessary, your case will be referred to the Fitness to Practise Committee for a full hearing.
When you return to work, employers sometimes say that they cannot accommodate you because it is too difficult to arrange for a workplace monitor. Unfortunately, this usually stems from a misunderstanding of the duties of the workplace monitor.

A monitor is not a preceptor or a shadow. The monitor doesn’t supervise you and is not responsible for your work. In fact, the monitor does not even have to work on the same unit as you; she or he just has to be present in the facility when you are on shift. When the monitor is first set up, you will explain to the monitor what signs could indicate a relapse or a deterioration of your mental health. The monitor’s obligation is simply to check in with you at least once during your shift to make sure everything is okay.

Sometimes during the course of an agreement, your health will improve to the point where certain restrictions (such as the restriction on administering narcotics) are no longer necessary. In those situations, your LEAP representative will apply to the College on your behalf to have those restrictions removed. At the end of the agreement, once your physicians have indicated that the remaining restrictions are no longer necessary, the College will remove all references to the agreement from its website.

Typically, the CNO imposes the following restrictions on you if you have an addiction:

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<th>Restriction</th>
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<td>Completion of a residential treatment program</td>
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<td>Individual counseling with an addiction specialist and your family physician</td>
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<tr>
<td>Attendance at group meetings for health professionals</td>
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<tr>
<td>Attendance at AA/NA meetings</td>
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<tr>
<td>Supervised random or scheduled urine testing</td>
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<td>No independent nursing practice (that is, you can’t be self-employed or work for an agency)</td>
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<tr>
<td>Monitoring in the workplace</td>
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<tr>
<td>Restriction on access to and administration of narcotics</td>
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<tr>
<td>Inform employer about workplace restrictions</td>
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Similar conditions are imposed upon nurses with a mental-health illness; the only difference is that the agreement doesn’t include the restrictions that are directly related to addiction. These restrictions let you continue to work, while at the same time ensuring that the public is protected by making sure you continue to get treatment and that there is oversight in the workplace.

Once you have entered into an agreement with the College setting out the restrictions on your licence, the College will post information about the restrictions on its website.

* The same service and representation is available to all members under the Regulated Health Professions Act (RHPA).
2017 LEAP Membership Satisfaction Survey

ONA has been conducting membership satisfaction surveys annually since 2000. Both the number of responses and the membership satisfaction results have been consistently positive.

228

Number of LEAP claimants surveyed by ONA’s LEAP Team whose files were closed in 2016.

33%

The overall response rate showed a genuine interest in the services provided by ONA’s LEAP team.

53%

Percentage of respondents aware of ONA’s LEAP services prior to their needing to access LEAP.

75%

Percentage of respondents who provided additional comments which were extremely positive.

100%

OF RESPONDENTS SAID:

• It was easy or very easy to contact LEAP.
• They received timely or very timely responses to their call.
• They were satisfied or very satisfied with the information and advice they received on first contact.
• They were satisfied or very satisfied with the information and advice provided by their representative.
• During their first telephone conversation they found the LEAP contact person and their representative to be sensitive to their situation, and supportive or very supportive of their needs.
• They were satisfied or very satisfied with the quality of representation provided.

Many members described the supportiveness, professionalism, knowledge and understanding of the people providing LEAP assistance. Members commented on how our services helped them through a stressful, devastating and terrifying period. Some expressed thanks and appreciation for the help and support that was available when they needed it.

“My experience with LEAP was beyond what I thought it would be. I was very impressed at how supportive and encouraging they were. They did not pass judgment and were very supportive and professional.”

“This service was wonderful. [My Advocate] was very reassuring and wrote an excellent statement on my behalf. I am so thankful for this service.”

“...Thank you for all you do and know that there is a woman out there more empowered, confident and hopeful because you do what you.”

ONA’s LEAP team will continue to use the survey as a tool to measure service satisfaction. Results and comments are factored in for the design of the survey each year. The LEAP team thanks all of the members who participated in the survey.
LEAP By the Numbers

Download your copy of our LEAP Guide at www.ona.org > Member Services > Publications

800
Average number of inquiries the LEAP Team receives every year and, on average, opens more than 300 new files per year.

30–40%
Percentage of new files that relate to mental health and addictions issues. If you are struggling with a mental health or substance misuse problem, you are not alone.

63
Number of LEAP files under the Regulated Health Professions Act (RHPA) that were resolved from January to June 2017.

20
files here CNO took no action
7
complaints/reports withdrawn
5
members received CNO advice
1
members given a caution by CNO
0
members required remedial education
0
members received a finding of professional misconduct

LEAP representatives deal with our member’s mental health and addictions issues on a daily basis. They are sensitive to the challenges our members face and are experts at helping them navigate the complicated processes at their regulatory colleges.

“My LEAP representative was extremely thorough with all her submissions, making sure that I was satisfied with all the details before each and every submission. Without [her] support, I could not have gotten through the ordeal.”

“...Thanks a lot to LEAP. You’re doing a great job to the members who are in extreme trouble and don’t know what to do. More power to your group in LEAP. Continue your mission.”

Contact LEAP
If you believe you are entitled to help or if you need more information about LEAP, please call or email LEAP Intake:

ONA TORONTO OFFICE
85 Grenville Street, Suite 400
Toronto, Ontario, M5S 3A2
Call 416-964-8833 or toll free 1-800-387-5580, and ask for LEAP Intake. Or email to LEAPintake@ona.org

The LEAP Administrator is ONA’s President. ONA’s LEAP Team comprises professionals with backgrounds in law, nursing and social work. Members may also be referred to external counsel when necessary. French language representation is available. ONA’s LEAP Advisory Team reviews and reports on LEAP operations. It consists of the ONA First Vice-President, Political Action and Professional Issues, and front-line ONA members.
You are called into a meeting with your manager, the head of human resources and your Bargaining Unit President. Your manager starts questioning you about missing narcotics on your unit. You explain that medication practices are very lax, that wastage isn’t always documented or witnessed and that the narcotics cupboard is often unlocked. Your manager accuses you of taking the narcotics, indicates that she is still considering what disciplinary action to take, and tells you that she is going to report you to the College of Nurses of Ontario (CNO).

The truth is you did take the narcotics. You told yourself that you were only taking a little to cope with things at work and home, but you now realize that the situation has spiraled out of control. You are so embarrassed, you just want to resign and get out of the hospital.

If you have a drug or alcohol problem, or a mental-health issue that is affecting your performance as a nurse, you should not resign. You are ill and have rights under your collective agreement and the Ontario Human Rights Code. Your Bargaining Unit President and your Labour Relations Officer will be able to help you with your employer. The LEAP Team can help you with the other aspects of your case.

If your employer has reasonable grounds to believe that you are suffering from a health condition that negatively affects your ability to work as a nurse, it is required under the Regulated Health Professions Act to report you to the College. The College will then write you a letter asking you to contact its investigator and to sign authorizations allowing the investigator to obtain your health records. DO NOT call the College investigator and DO NOT sign the authorizations! CALL LEAP!

Your representative on the LEAP Team will assist you through the process, advising you on College expectations regarding treatment, getting reports from your health care practitioners, and making submissions on your behalf. While it is likely that the College will impose conditions on your license, we will work to ensure that those restrictions are as minimal as possible.
I received a letter from an investigator at the College of Nurses of Ontario. The letter notes that the College received a complaint about my practice, but asks me not to respond at this time. Should I call LEAP now, or wait until I receive further instructions from the College? You should always contact LEAP as soon as possible if you receive notice of a complaint or report about your practice. Please do not respond to the College in any way yourself. LEAP will arrange for a representative to respond to the College on your behalf.

I received a letter from the Executive Director of College of Nurses of Ontario regarding a report they received from my former employer. She writes that she has reviewed the report and determined that an investigation is not currently warranted. Should I respond to the letter? Should I call LEAP? You should not respond to the letter in any way. If you provide additional information, it could prompt the Executive Director to request a meeting with you or to investigate your practice. This is the best possible outcome from an employer report.

You do not need to notify LEAP that you received the letter. Call LEAP for advice if you have questions or concerns regarding the correspondence you received.

Yesterday, a police constable called the hospital looking for me. He left a message asking me to call him regarding a patient I triaged who is a suspect in a criminal investigation. Do I need representation? No. If you are being questioned as a witness and not as a suspect you do not require representation. However, there are a few things you should do before providing any information to the police:
• You should request assurance that you are not suspected of any criminal wrongdoing.
• You should ensure that proper authorization is in place for you to disclose personal health information regarding the patient. If the police do not have signed consent or a warrant to obtain the information, you must obtain authorization from your employer first.
• You should review your charting and any prior statements to the police regarding the patient.

The LEAP Guide contains general advice for members participating as a witness. Call LEAP Intake (416-964-8833 or toll free 1-800-387-5580) for advice if you have questions or concerns regarding the request.

I've just been terminated by my employer. In the meeting, the employer representatives said they must report me to the College. If my grievance settlement includes resignation in lieu of termination, is my employer still required to report me? If they do, will the College still consider the report even though I wasn't terminated? Do I need to contact LEAP now?

Employers are obligated under the Regulated Health Professions Act (RHPA) to report the reasons for terminating a regulated health-care professional to their respective College within 30 days. The obligation remains if the employer intended to terminate the health-care professional, but did not because she/he resigned.

The College’s mandate is to ensure that nurses are practicing according to standards and to address any breaches appropriately. The outcome of your labour relations proceeding will not likely have any impact on the College’s consideration of the information they receive regarding your practice.

It’s not mandatory to call LEAP as soon as you are terminated. It is very important that you call LEAP Intake as soon as you receive correspondence from the College regarding the report, and that you not respond to the College yourself. LEAP will arrange for a representative to respond to the College on your behalf.

Call LEAP Intake (416-964-8833 or toll free 1-800-387-5580) if you would like information on how the College addresses employer reports, and the assistance that LEAP provides. Information is also available in the LEAP Guide, which you can download from our website.
If you, or someone you know, have been reported to the College, contact LEAP immediately. A member of the team will represent you throughout the investigation process and until your agreement has expired.

LEAP Intake:
1-800-387-5580 (Toronto office)
or LEAPintake@ona.org

If you have a drug, alcohol or mental-health issue that is affecting your performance as a nurse, you should NOT resign. You are ill and have rights under your collective agreement and the Ontario Human Rights Code. Your Bargaining Unit President and your Labour Relations Officer will be able to help you with your employer.