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Australian Health Practitioner Regulation Agency

Practitioner reprimanded, registration cancelled for professional misconduct

20 March 2015

The State Administrative Tribunal of Western Australia has reprimanded Ms Anne McAleer for professional misconduct, cancelled her registration as a registered nurse and disqualified her from reapplying for registration for six months.

The Nursing and Midwifery Board of Australia referred this matter to the tribunal in June 2014 after Ms McAleer was convicted of 81 counts of gains benefit by fraud in the Magistrates Court of Western Australia on 20 August 2013. The total value of the offences was \$7,851 and the offending had taken place over the period of March 2011 to October 2012, while Ms McAleer was employed as Clinical Nurse Manager, Outpatients Department, at Sir Charles Gairdner Hospital (Hospital). Her employment was terminated by the Hospital in June 2013 after she was charged with the offences in April 2013.

Ms McAleer received a community based order for 12 months from 20 August 2013 and was granted a spent conviction.

The Board alleged that there was proper cause for disciplinary action against Ms McAleer under section 193(1)(a)(i) of the Health Practitioner Regulation National Law (the National Law) because she had behaved in a way that constitutes professional misconduct as defined in section 5 of the National Law. At all material times during her offending she was registered as a registered nurse.

Ms McAleer was convicted of offences that involved both fabricating invoices and submitting previously submitted invoices that she signed and for which she received cash reimbursement from the Hospital. However, the tribunal found that Ms McAleer's conduct was mitigated by the fact that she had:

- made full admissions in relation to her conduct, was remorseful and displayed significant insight into her conduct
- sought medical treatment for the personal issues that had led to the offending
- fully reimbursed her employer for the monies obtained, and
- agreed with conditions placed on subsequent employment that she would have no financial signing authority in her role for a period of time.

Additionally, the tribunal acknowledged that Ms McAleer had an unblemished nursing career before the incident and her actions had not placed patients at risk.

In November 2014 the tribunal found that Ms McAleer had behaved in a way that constitutes professional misconduct, cancelled her registration and disqualified her from reapplying for registration for six months.

Ms McAleer was also ordered to pay the Board's costs.

The reasons for the decision are on the [tribunal website](#).