

**KIMBERLY ANN ROGERS INQUEST RECOMMENDATIONS:**

**TO: The Government of Ontario - The Minister of Community, Family and Children's Services**

**1. The zero tolerance lifetime ineligibility for social assistance as a result of the commission of welfare fraud, pursuant to Ontario Works Act, 1997, O. Reg. 134/98 Section 36, should be eliminated. The temporary ineligibility in the instance of offences that have occurred prior to April 1, 2000, should also be eliminated.**

*Rationale:*

*Evidence indicates that this would have a devastating and detrimental effect on our society. To prevent anyone of having to go without food and/or shelter, to be deemed homeless and therefore and most importantly, to prevent the death of impoverished individuals.*

**TO: The Government of Ontario - The Minister of Community, Family and Children's Services**

**2. A provision should be added to the Ontario Works Act, permitting the Local Ontario Works Administrator to exercise discretion in the use of any suspension of Ontario Works benefits, in instances that could be life threatening to the client and/or dependents.**

*Rationale:*

*Evidence indicates that suspension of benefits is detrimental to the client and the community.*

**TO: The Government of Ontario - The Minister of Corrections - Probation and Parole**

**3. When someone is serving a custodial sentence of house arrest, the government should ensure that adequate housing, food and/or medication is provided to the person.**

*Rationale:*

*An individual placed under house arrest, who is faced with a suspension of Ontario Works benefits, and has no other financial resources, would find it difficult to survive, and should not be dependent on Charitable Organizations.*

**TO: The Government of Ontario - The Minister of Community, Family and Children's Services**

**4. The Ministry of Community, Family and Children Services and the Ontario Works Program should assess the adequacy of all social assistance rates. Allowances for housing and basic needs, should be based on actual costs within a particular community or region. In developing the allowance, data about the nutritional food basket prepared annually by local health units, and the average rent data prepared by the Canadian Mortgage and Housing Corporation should be considered.**

*Rationale:*

*To ensure that social assistance rates are adequate and adjusted annually if necessary.*

**TO: The Government of Ontario - The Minister of Health  
The College of Physicians and Surgeons**

**5. Physicians should be educated on the potential risks of tri-cyclic anti-depressants in the treatment of depression, and should be encouraged to use the safer class of anti-depressants, such as Selective Serotonin Reuptake Inhibitors (SSRI) as a first line drug therapy. Wherever appropriate, physicians should encourage patients to access supportive counseling services in the community.**

*Rationale:*

*To encourage the use of extreme caution in the prescribing of medications. By encouraging the prescribing of a less dangerous or lethal drug.*

**TO: The Government of Ontario - The Minister of Community, Family and Children's Services**

**6. Ontario Works should continue its efforts to detect ineligibility or fraud at the earliest possible time in order that corrective measures may be taken short of prosecution or criminalization.**

*Rationale:*

*To eliminate and/or reduce fraud convictions.*

**TO: The Government of Ontario - The Minister of Community, Family and Children's Services**

**7. A committee should be established by the local delivery agents for Ontario Works under the auspices of the Ontario Municipal Social Services Association composed of various stakeholders including representatives of the Ministry of Community, Family & Children's Services, the Ontario Social Safety Network and the Steering Committee on Social Assistance. This committee's mandate would be to develop a model to be used throughout the province for the assessment of whether cases involving allegations of welfare fraud should be referred for prosecution. Such a model could be based on an enhanced version of the Sudbury model and would include an evaluation of the life circumstance of the recipient and the consequences of a conviction on both the recipient and/or dependents.**

*Rationale:*

*There should be a full appreciation of the person's life circumstances and the impact of the consequences of a fraud conviction. During this inquest, it was noted, that the various Organizations, including Charitable Organizations, assisted the deceased prior to her death, therefore they should have an active voice in this Committee.*

**TO: The Government of Ontario - The Minister of Community, Family and Children's Services**

**8. Ontario Works benefits for drug therapy for the treatment of medical conditions that threaten life or cause serious symptoms should not be discontinued during any Ontario Works suspension.**

*Rationale:*

*Evidence showed that discontinuation of drug therapy would be life threatening.*

**TO: The Government of Ontario - The Minister of Health  
College of Physicians and Surgeons**

**9. Consideration should be given to the creation of a computer access Internet program such as British Columbia's PharmaNet system. For example by using a health card, that would permit pharmacies to access a patient's drug dispensing records from other pharmacies, as well as to alert other pharmacies of a patient's past attempts to utter forged prescriptions. Pharmacists should be required to notify the prescribing physician of any attempts by the patient to alter the prescription.**

*Rationale:*

*Evidence showed that several different pharmacies were used to fill prescriptions. This will give pharmacists a history of a patient's prescriptions.*

**TO: The Government of Ontario - The Minister of Education, Colleges & Universities**

**10. The Ontario Student Assistance Program (OSAP) should amend the application form by highlighting the possibility of criminal prosecution, future ineligibility and loss of loan forgiveness as a result of providing false declarations.**

*Rationale:*

*Evidences showed that there was false declarations submitted repeatedly.*

**TO: The Government of Ontario - The Minister of Health  
College of Physicians and Surgeons**

**11. Physicians should be encouraged to write out prescriptions in both digits and longhand to prevent modification of the quantity by patients, e.g. "40, forty tablets".**

*Rationale:*

*Evidence was introduced indicating possible quantity changes on the Physician's prescription by the patient. This will prevent a patient from changing the numerically written number.*

**TO: The Government of Ontario - The Minister of Health**

**12. Health Canada and the *publishers* of the Compendium of Pharmaceuticals and Specialties (CPS) should ensure that the information for both brand name drugs and generic drugs reflect the same information. For example, the current descriptive entries for Elavil (brand name) and Amitriptyline (generic name), while the same pharmaceutical/medicine, are noticeably different with respect to dosage for out-patients.**

*Rationale:*

*To provide doctors with accurate information in regards to dosage and side effects.*

**TO: The Government of Ontario - The Minister of Corrections, Probation and Parole**

**13. When a person is subject to a conditional sentence, as part of the prisoner's orientation, Probation and Parole should provide them with a written list of community-based agencies which advocate on behalf of prisoners, together with appropriate consent forms to permit information-sharing.**

*Rationale:*

*To ensure the sharing of important information in regards to support services available in the community.*

**TO: The Government of Ontario - The Minister of Attorney General  
The Government of Ontario - The Minister of Correctional Services and Probation**

**14. Ongoing professional training and development of materials should be provided to all of those involved in the investigation, charging, prosecution, sentencing and supervision in relation to all offences.**

*Rationale:*

*The evidence showed that the Crown and Courts were unaware that upon conviction the accused would be subject to a suspension of Ontario Works benefits*