

**DECISION OF THE INVESTIGATION COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS
IN THE MATTER OF**

**A COMPLAINT SUBMITTED BY THE REGISTRAR
REGARDING NIKOLA NICK MILANOVICH**

PANEL: Gord Hough, Garry Humphreys, Elizabeth Papadopoulos

IMPORTANT NOTICE

The Investigation Committee has disposed of this matter without a full investigation. The information contained within the following summary has been provided by the complainant(s) and does not contain any input from the member, Nikola Nick Milanovich. Unless otherwise stated in its Decision, no determination has been made by the Investigation Committee in respect to the veracity, or otherwise, of the allegations and information provided by the complainant(s).

On February 14, 2006, the Ontario College of Teachers (the "College") received notification from the Hamilton-Wentworth District School Board (the "Board") that Nikola Milanovich, a teacher with the Board, had been terminated from employment, effective February 5, 2004, as a result of allegations of insurance fraud relating to physiotherapy invoices submitted to the Board's health insurance provider for services not rendered between July 3, 2001 and January 4, 2003.

Nikola Milanovich (the "Member") is a member of the College in good standing.

According to the Hamilton-Wentworth Regional Police Arrest Report dated August 29, 2003, the Member was alleged to have submitted 228 fraudulent physiotherapy invoices for himself and his family totalling \$54,225. The Report stated that, due to some miscalculation, the Member was paid only \$50,175. The Member filed a complaint to Great West Life Assurance Company (the "Insurer"). The Insurer, thinking it had erred in paying the Member's invoices, commenced an investigation. Upon contacting and receiving statements from therapy providers, the Insurer discovered the Member and his family had not received the invoiced physiotherapy treatments.

During the Insurer's investigation, it was determined that the Member submitted claim forms and supporting invoices for the period July 3, 2001 to January 4, 2003 totalling \$54,225. At the conclusion of the Insurer's Investigation Report, the Assistant Manager of the Special

According to the Police Information dated September 26, 2003, the Member was charged with unlawfully, by deceit, falsehood or other fraudulent means, defrauding the Insurer of money of a value exceeding \$5,000 by means of submitting fraudulent physiotherapy invoices for himself and his family, thereby receiving monies to which he was not then entitled.

At Court on October 27, 2003, the Member pleaded guilty to the charge and received a suspended sentence with one-year probation, and was required to repay the Insurer an amount of \$50,175, pursuant to an order of restitution.

On March 15, 2006, the complaint against the Member was assessed as suitable for the College's Dispute Resolution Program. On April 4, 2006, the parties indicated that they were amenable to participating in dispute resolution.

In June 2006, the parties signed a Memorandum of Agreement (the "MOA") which, in their opinion, resolved the issues raised by the complaint. The MOA is attached for the consideration of the Investigation Committee.

Allegations

As the complainant, the Registrar alleges that between July 3, 2001 and January 4, 2003, Nikola Milanovich, a teacher at Sir John A. MacDonald Secondary School in the Hamilton-Wentworth District School Board, acted in an unprofessional and inappropriate manner, in that he:

1. submitted 228 fraudulent physiotherapy invoices, totalling \$54,225., to the health insurance provider for the Hamilton-Wentworth District School Board;
2. received payment in the amount of \$50,175. from the health insurance provider for the Hamilton-Wentworth District School Board; and,
3. in so doing, contravened a law or laws relevant to the Member's suitability to hold a Certificate of Qualification and Registration.

Documents Considered by the Committee

- Board's notification letter dated February 14, 2006, with attachments:
 - Memo from Superintendent of Education to Director of Education re. recommendation of Member's dismissal, dated January 28, 2004
 - Hamilton-Wentworth Regional Police Arrest Report, dated August 29, 2003
 - Newspaper article from The Hamilton Spectator, dated September 4, 2003
 - Investigative Report from Insurer, dated April 6, 2003
 - Letter from Board to Member re. notice of meeting to recommend Member's termination from employment, dated January 12, 2004
 - Letter from Director of Education to Member re. termination from employment, dated

February 3, 2004

- Police Information, dated September 26, 2003
- Restitution Order, dated October 27, 2004
- Probation Order, dated October 27, 2004
- Transcript of Proceedings, dated October 27, 2004
- Registrar's Memo initiating complaint, dated March 13, 2006
- Request to Initiate Investigation Form, dated March 13, 2006
- Registrar's notification letter to Member, dated March 15, 2006
- Letter from Board's Human Resources Officer to Manager, Investigations, dated April 18, 2006, with attachment:
 - Transcript of arbitration proceedings, dated March 2006
- Memorandum of Agreement signed by the parties, dated June 2006

Decision of the Committee

On June 23, 2006, a panel of the Investigation Committee considered this complaint and, in accordance with the provisions of 26(5)(d) of the *Ontario College of Teachers Act, 1996*, the Investigation Committee ratified the attached Memorandum of Agreement. This is based on the opinion of the committee that terms of this Agreement resolve the complaint in the public interest.

Gord Hough, Chair

Garry Humphreys

Elizabeth Papadopoulos