

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF NATUROPATHS OF ONTARIO**

PANEL:

Jacob Scheer, ND Chair,
Vaishna Sathananthan, ND
Dianne Delany
Lisa Fenton
Hanno Weinberger

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO)	REBECCA DURCAN for the
)	College of Naturopaths of Ontario
- and -)	
)	
YELENA DESHKO)	JESSYCA GREENWOOD for the
)	Registrant, YELENA DESHKO
)	
)	
)	LUISA RITACCA, Independent
)	Legal Counsel
)	
)	Heard: December 6, 2020
)	

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on December 6 2020. The matter was heard electronically.

The Allegations

The allegations against Yelena Deshko (the “Registrant”) as stated in the Notice of Hearing dated September 12, 2019 are as follows:

The Member

1. At all relevant times, Dr. Yelena Deshko, ND (the “Member”) has been a member of the College of Naturopaths of Ontario (the “College”).

2. The Member met the Therapeutic and IVIT Standards in or about October 2015.
3. At all relevant times, the Member worked at and/or owned Timeless Health Clinic in Toronto, Ontario (the “Clinic”). The Clinic is not a laboratory or a specimen collection centre pursuant to the Laboratory and Specimen Collection Centre Licensing Act.

Improper Delegation

4. It is alleged that since July 1, 2015, the Member delegated the act of administering a substance by injection (via IVIT and/or intramuscularly and/or mesotherapy) and/or performing a procedure on tissue below the dermis (drawing blood) to a nurse and/or nurses.
5. It is alleged that since July 1, 2015, the Member delegated the act of compounding to a nurse and/or nurses and did not record information as required in s. 19 of Regulation 168/15.
6. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”) as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
 - a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
 - b. Paragraph 23 - Failing to keep records in accordance with the standards of the profession;
 - c. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and/or
 - d. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
7. It is also alleged that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

Charging Block Fees

8. It is alleged that since July 1, 2015, the Member sold packages or blocks of treatment to patients.
9. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
 - a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
 - b. *Allegation Withdrawn*; and/or
 - c. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Laboratory Compliance

10. It is alleged that since July 1, 2015, the Member:
 - a. Ordered specimens to be sent and/or sent specimens to laboratories not licensed by the Laboratory and Specimen Collection Centre Licensing Act; and/or
 - b. Requisitioned the collection of urine, and/or saliva, and/or blood for tests:
 - i. At the Clinic and/or
 - ii. That are outside the scope of a naturopath.
11. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
 - a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
 - b. Paragraph 8 - Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member's knowledge, skill or judgment;
 - c. Paragraph 9 - Failing to advise a patient or the patient's authorized representative to consult another member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice;
 - d. Paragraph 10 - Performing a controlled act that the member is not authorized to perform;
 - e. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and/or
 - f. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
12. It is also alleged that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

Advertising and Administration Concerns

13. It is alleged that since July 1, 2015, the Clinic offered and/or the Member administered to and/or the Member recommended to and/or the Member ordered and/or the Member delegated the following treatments to patients:
 - a. Lipotropic B12 injection that includes choline, inositol, chromium and/or methionine;
 - b. Immune Boost injection that includes Vitamin C;
 - c. Immune Boosting IV that includes anti-viral botanicals;
 - d. Gluthathione injection that includes procaine and/or Procaine injection;
 - e. Iron IV that includes iron; and/or

- f. Fresh Start Detox that can “help reset your metabolism.”
14. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
- a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
 - b. Paragraph 8 - Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member’s knowledge, skill or judgment;
 - c. Paragraph 9 - Failing to advise a patient or the patient’s authorized representative to consult another member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice;
 - d. Paragraph 10 - Performing a controlled act that the member is not authorized to perform;
 - e. Paragraph 23 - Failing to keep records in accordance with the standards of the profession;
 - f. Paragraph 27 - Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
 - g. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and/or
 - h. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
15. It is also alleged that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

Falsification and Misleading Records

- 16. *Allegation withdrawn.*
- 17. *Allegation withdrawn.*

Testimonials

- 18. *Allegation withdrawn.*
- 19. *Allegation withdrawn.*

Health Track-Pro

- 20. It is alleged that on or about December 12, 2018 an undercover investigator of the College ordered “Health Track-Pro” from the Clinic’s website. Health Track-Pro included a blood work requisition and one hour appointment with a naturopath from the Clinic.
- 21. The undercover investigator was not a patient of the Member.

22. It is alleged that once the undercover investigator paid \$270 she was provided the following via email:
 - a. An electronic requisition signed by the Member. The electronic requisition ordered the following blood tests:
 - i. Lipid Profile
 - ii. CBC
 - iii. Ferritin
 - iv. Glucose Fasting
 - v. Chemistry Panel M
 - vi. Chemistry Panel N
 - vii. TSH
 - b. An invoice from Health Track Pro for a Basic Check-Up.
23. It is alleged that after the undercover investigator had her blood drawn at a laboratory (with the electronic requisition as described in paragraph 22) she was contacted by the Clinic and offered an appointment to meet with another naturopath at the Clinic. It is alleged that the undercover investigator asked to meet with the Member.
24. It is alleged that on or about January 23, 2019 the undercover investigator had a 30 minute appointment with the Member.
25. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
 - a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
 - b. Paragraph 8 - Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member's knowledge, skill or judgment;
 - c. Paragraph 18 - Issuing an invoice, bill or receipt that the member knows or ought to know is false or misleading;
 - d. Paragraph 23 - Failing to keep records in accordance with the standards of the profession;
 - e. Paragraph 27 - Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
 - f. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and/or
 - g. Paragraph 46- Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
26. It is also alleged that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

Registrant's Plea

The Registrant admitted the allegations set out in the Notice of Hearing, save for those the College sought to withdraw.

The panel conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed and unequivocal.

The panel allowed the withdrawal of the allegations at paragraphs 9(b), 16-19.

Evidence

The parties advised the panel that they had prepared an Agreed Statement of Facts, which was presented as evidence in support of the allegations and the Registrant's admissions.

Agreed Statement of Facts (Exhibit #2)

BACKGROUND

The Registrant

1. At all relevant times, Dr. Yelena Deshko, ND (the "Registrant") has been a registrant of the College of Naturopaths of Ontario (the "College"). Attached as Tab "A" is a copy of the Registrant's College Register Profile¹.
2. The Registrant met the Therapeutic and Intravenous Infusion Therapy (IVIT) Standards of Practice in or about October 2015. Both IVIT and the compounding of drugs for the purposes of IVIT are considered a controlled act under the *Regulated Health Professions Act, 1991* and the *Naturopathy Act, 2007*.
3. At all relevant times, the Registrant worked at and owned Timeless Health Clinic in Toronto, Ontario (the "Clinic"). The Clinic employed nursing staff. The Clinic is not a laboratory or a specimen collection centre pursuant to the Laboratory and Specimen Collection Centre Licensing Act.

Improper Delegation

IVIT and IM

4. It is agreed that nurses are authorized to perform several controlled acts including administering a substance by injection. However, nurses cannot perform the authorized controlled acts (including administering a substance by injection) unless (a) it is ordered by a chiropractor, dentist, physician or midwife or (b) permitted by the regulations under the Nursing Act.
5. It is agreed that no such regulations exist under the Nursing Act that permit naturopaths to order nurses to administer a substance by injection. Attached as Tab "B" is a copy of the relevant legislation.

¹ The documents attached to the Agreed Statement of Facts have not been included in these Reasons for Decision.

6. It is, however, agreed that nurses cannot accept delegation for an act that they are already authorized to do. In this case, nurses are authorized to administer a substance by injection (albeit under strict parameters).
7. Further, it is agreed that if a registrant intends to delegate, they must record the information as required in s. 19 and s. 21 of the General Regulation. Attached as Tab “C” is a copy of the relevant legislation.
8. If the Registrant were to testify, she would state that she was under the impression that she was permitted to delegate the above noted acts to nurses. However, the Registrant acknowledges that she had a duty to understand and comply with the rules governing delegation and that she did not seek out advice from either the College or the College of Nurses of Ontario to confirm her impression. It is also agreed that despite her belief that she could delegate this act to nurses, she did not comply with the necessary reporting obligations as set out in paragraph 7.
9. It is agreed that after July 1, 2015, the Registrant improperly delegated the act of administering a substance by injection (via IVIT and intramuscularly - IM) to the nurses in her Clinic. For example, it is agreed that the Registrant improperly delegated the administration of IVIT to the nurses in her Clinic for the following patients, including to her cancer care patients:
 - a. Patient 1;
 - b. Patient 2;
 - c. Patient 3;
 - d. Patient 4;
 - e. Patient 5;
 - f. Patient 6;
 - g. Patient 7;
 - h. Patient 8; and
 - i. Patient 9.
10. It is agreed that the Registrant improperly delegated IM injections to the nurses in her Clinic for the following patients:
 - a. Patient 1;
 - b. Patient 2;
 - c. Patient 3;
 - d. Patient 4;
 - e. Patient 5;
 - f. Patient 6;
 - g. Patient 7;
 - h. Patient 8; and
 - i. Patient 9.
11. It is agreed that under the College’s Delegation Standard of Practice and s. 17(1)(h) of the General Regulation, it was the Registrant’s responsibility to confirm that if delegation is to occur, the delegatee (in this case a nurse) has the ability to accept the delegation. In the situations described in paragraphs 9 and 10, a nurse did not have the ability to accept delegation of IVIT or IM injections. Attached as Tab “D” is a copy of the relevant standard and legislation.
12. It is agreed that in 2016 the College published a Regulatory Guideline on Delegation which made it clear that it was the responsibility of the Registrant to

confirm that if delegation is to occur, the delegate has the ability to accept the delegation. Attached as Tab “E” is a copy of the Guideline.

13. It is agreed that s. 15 of the General Regulation states that “A Registrant shall not, except in accordance with this Part, delegate a controlled act or perform a controlled act that was delegated to him or her.”
14. It is agreed that at the relevant time the Registrant did not delegate IVIT or IM injections at her Clinic in accordance with the General Regulation. Further, the Registrant did not record all of the necessary documentation as required by the General Regulation.
15. It is agreed that once her contraventions were identified as part of the investigation conducted by the ICRC, the Registrant ceased delegating the above noted acts to nurses.
16. It is also agreed that the Registrant was subject to an IVIT inspection in October 2018 and complied with all practices set out in the inspection portion of the General Regulation and with the inspection program as established by the College as required.

Blood draws

17. It is agreed that nurses are authorized to perform several controlled acts including performing a prescribed procedure below the dermis or a mucous membrane. However, nurses cannot perform the authorized controlled acts (including performing a prescribed procedure below the dermis or a mucous membrane) unless (a) it is ordered by a chiropractor, dentist, physician or midwife or (b) permitted by the regulations under the Nursing Act.
18. It is agreed that no such regulations exist under the Nursing Act that permit naturopaths to order nurses to perform a prescribed procedure below the dermis or a mucous membrane. (See Tab “B” for a copy of the relevant legislation.)
19. It is agreed that nurses cannot accept delegation for an act that they are already authorized to do. In this case, nurses are authorized to perform a prescribed procedure below the dermis or a mucous membrane (albeit under strict parameters). Therefore, nurses cannot accept a delegation to perform a prescribed procedure below the dermis or a mucous membrane.
20. However, it is important to note that naturopaths are only authorized to draw blood for certain tests. These are set out in s. 8(1) of the General Regulation. It is agreed that the Registrant delegated the drawing of blood for some tests that are not authorized to naturopaths including CBC, blood chemistry, glucose, food sensitivity and thyroid testing. It is agreed that at least once after July 1, 2015, the Registrant delegated the act of performing a procedure on tissue below the dermis (drawing blood) to the nurses in her Clinic for a test not authorized in the General Regulation.
21. It is agreed that:
 - a. Under the College’s Delegation Standard Practice and s. 17(1)(a) of the General Regulation, it was the Registrant’s responsibility to ensure that she had the authority to perform the controlled act herself. In this case, the Registrant did not have authority to order certain tests and should not have drawn the blood at all for the tests; and

- b. Under the College's Delegation Standard of Practice and s. 17(1)(h) of the General Regulation, it was the Registrant's responsibility to confirm if delegation is to occur, the delegatee (in this case a nurse) has the ability to accept the delegation. In this case, a nurse did not have the ability to accept delegation of drawing blood. (See Tab "D" for a copy of the relevant standard and legislation.)
- 22. It is agreed that s. 15 of the General Regulation states that "A Registrant shall not, except in accordance with this Part, delegate a controlled act or perform a controlled act that was delegated to him or her."
- 23. It is agreed that the Registrant did not delegate the drawing blood at her Clinic in accordance with the General Regulation.
- 24. It is agreed that once her contraventions were identified as part of the investigation conducted by the ICRC, the Registrant ceased delegating the above noted acts to nurses.

Compounding Drugs

- 25. It is agreed that other than nurses in the extended class, nurses are not authorized, via the Nursing Act, to perform the controlled act of compounding drugs. Therefore, the only way in which a nurse could perform this controlled act is for it to be delegated properly by a professional who is authorized to compound drugs.
- 26. It is agreed that the Registrant was authorized to perform the controlled act of compounding drugs.
- 27. It is agreed that after July 1, 2015, the Registrant delegated the act of compounding to the nurses at her Clinic but did not record information or comply with the steps as required in s. 19 and s. 21 of the General Regulation. This included the following:
 - Ensuring that a written record of the particulars of the delegation was available at the Clinic, ensuring that a written record of the particulars of the delegation was placed in the patient's record, or record the particulars of the delegation in the patient record;
 - Ensuring that the Registrant put in place a communication plan between herself and the nurses that deals with the appropriate management of any adverse events that may occur as a result of the delegation; and
 - Including the date of the delegation, the name of the delegate, and the conditions applicable to the delegation.

(See Tab "C" for a copy of the relevant legislation.)

- 28. It is agreed that in October of 2018 the Registrant was subjected to an IVIT inspection and her compounding and record keeping practices were inspected and discussed. The Registrant passed that inspection and was fully compliant with the regulations.
- 29. It is agreed that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code") as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:

- a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, specifically:
 - i. Section 3(1) of the General Regulation – A Member shall not perform any controlled act under the authority of paragraph 1, 2, 3, 4, or 6 of subsection 4(1) of the Act unless she performs it in accordance with all of the following standards of the profession:
 - 6. The Member must have the knowledge, skill and judgment,
 - i. to perform the controlled act safely and ethically, and
 - ii. to determine whether the patient's condition warrants performance of the controlled act.
 - ii. Section 3(3) of the General Regulation It is a further standard of practice of the profession that a Member is prohibited from performing a laboratory test or taking blood samples or other specimens from a patient for the purpose of performing a laboratory test, unless the laboratory test that the Member performs is specified in the regulations made under the Laboratory and Specimen Collection Centre Licensing Act and the blood samples or other specimens taken from a patient are identified in and related to a specific test in the regulations made under that Act;
 - iii. Section 3(4) of the General Regulation - It is a further standard of practice of the profession that a Member is prohibited from ordering a laboratory test unless the test is one specified in the regulations made under the Laboratory and Specimen Collection Centre Licensing Act;
 - iv. Section 5(3) of the General Regulation - It is a standard of practice of the profession that a Member who performs the controlled act referred to in paragraph 2 of subsection (1) and who, in doing so, reconstitutes, dilutes, mixes, prepares, packages or labels two or more substances specified in Table 2 for the purpose of administering a customized therapeutic product to a patient by injection must comply with all the standards of practice set out in subsection 11 (2), with any necessary modifications;
 - v. S. 8(1) of the General Regulation - For the purposes of paragraph 6 of subsection 4 (1) of the Act, a Member who meets all of the standards of practice of the profession in this section and section 3 of this Regulation is authorized to take blood samples from veins or by skin pricking for the purpose of performing one or more of the following naturopathic examinations on a patient's blood sample:
 - 1. BTA Bioterrain Assessment.
 - 2. Glucose.
 - 3. Live blood cell analysis.

4. Hemoglobin – A1C.
 5. Mononuclear Heterophile Antibodies (monospot).
 6. Fatty acids, free.
 7. Blood Group – ABO and RhD;
- vi. Section 8(2)(5) of the General Regulation The Member is prohibited from taking a blood sample from a patient except for the purpose of performing the controlled act mentioned in subsection (1);
 - vii. Delegation Standard of Practice- The Member ensures that the delegation conforms with the delegatee's own College regulations, policies and guidelines; and
 - viii. Record Keeping Standard of Practice – The Member maintains a patient chart that is accurate, legible and comprehensive. Attached at Tab “F” is a copy of the relevant standard.
- b. Paragraph 23 - Failing to keep records in accordance with the standards of the profession;
 - c. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts;
 - i. s 2(1) of the General Regulation - A Member shall not perform a controlled act under the authority of subsection 4 (1) of the Act except in accordance with this Part;
 - ii. S. 15 of the General Regulation – it is a requirement that a Member shall not accept or delegate a controlled act except in accordance with Part III of the General Regulation;
 - iii. s.17(1)(a) of the General Regulation - A Member shall ensure, before delegating any controlled act, that he or she has the authority under the Act and its regulations to perform the controlled act himself or herself;
 - iv. s. 17(1)(b) of the General Regulation - A Member shall ensure, before delegating any controlled act, that he or she has the knowledge, skill and judgment to perform the controlled act safely and ethically;
 - v. s.17(1)(h) of the General Regulation – A Member must ensure, before delegating a controlled act, that he or she after taking reasonable steps, is satisfied that the delegatee is a person who is permitted to accept the delegation;
 - vi. s. 19 of the General Regulation – (1) A Member who delegates a controlled act shall (a) ensure that a written record of the particulars of the delegation is available in the place where the controlled act is to be performed before it is performed; (b) ensure that a written record of the particulars of the delegation,

or a copy of the record, is placed in the patient's record at the time the delegation takes place or within a reasonable period of time afterwards; or (c) record the particulars of the delegation in the patient record either at the time the delegation takes place or within a reasonable period of time afterwards. (1) A record created under subsection (1) must include a copy of the communication plan required under clause 17 (1) (g); and

- vii. s. 21 of the General Regulation – Any record of the particulars of a delegation must include, (a) the date of the delegation; (b) the delegator's name, if the controlled act was delegated to the Member; (c) the delegatee's name, if the controlled act was delegated by the Member; and (d) the conditions, if any, applicable to the delegation; and
 - d. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
30. It is also agreed that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*. This is as a result of the Registrant failing to perform IVIT, IM, compounding and drawing blood in accordance with the General Regulation.

Charging Block Fees

- 31. Since July 1, 2015, the Registrant sold packages or blocks of treatment to patients.
- 32. As part of the Registrant's practice she had a "Package Refund Policy", which states:
 - a. "At Timeless Health Clinic we strive to make Naturopathic Medicine affordable for all patients. For this reason we offer discounts for patients receiving a series of treatments. However, due to software and logistical limitations, we are unable to refund any amount on purchased packages." Attached as Tab "G" is a copy of the policy signed by the Registrant's patient, Patient 10.
- 33. The following patients purchased "packages" for block billing from the Registrant and the Clinic for weight loss and/or cancer services:
 - a. Patient 1;
 - b. Patient 11;
 - c. Patient 3;
 - d. Patient 4;
 - e. Patient 5; and
 - f. Patient 6.
- 34. It is agreed that the Registrant would accept a one-time payment from patients upfront and that invoices would be issued to the patient after each session.

35. It is agreed that registrants of the College are not permitted to block bill as stipulated in the Fees and Billing Standard of Practice. Attached as Tab “H” is a copy of the standard.
36. It is agreed that Registrants must ensure that processes exist for timely provision of applicable refunds as stipulated in the Fees and Billing Standard of Practice. (See Tab “H” for a copy of the standard.)
37. It is agreed that once these contraventions were identified as part of the investigation conducted by the ICRC, the Registrant ceased charging block fees.
38. It is agreed that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
 - a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, specifically
 - i. Fees and Billing Standard
 1. The Member
 - a. Does not charge a block fee
 - b. ensures that processes exist for the timely:
 - i. notification of any balance due or owing; and
 - ii. provision of applicable refunds; and
 - b. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by Members as dishonourable and unprofessional.

Laboratory Compliance

39. Registrants of the College are authorized to draw blood from a patient for the purposes of performing one of seven point of care tests authorized in the Specimen Collection Centres Regulation made under the Laboratory and Specimen Collection Centre Licensing Act, 1990 (LSCCLA). It is agreed that the Registrant was prohibited from taking blood from a patient for testing in her Clinic for any purposes other than performing the seven point of care tests. Attached as Tab “T” is a copy of the relevant legislation.
40. Registrants of the College are authorized to take non-blood samples at their clinic for the purposes of performing authorized tests set out in the Specimen Collection Centres Regulation made under LSCCLA or sending the sample to a laboratory licensed under the LSCCLA.
41. It is a standard of practice of the profession that registrants cannot order a laboratory test or collect a specimen for testing unless the test is one specified in the regulations made under the LSCCLA.
42. It is a requirement that a registrant can only send authorized samples to laboratories licensed under the LSCCLA.
43. It is agreed that after July 1, 2015, the Registrant:

- a. Ordered specimens to be sent and actually sent specimens to laboratories not licensed by the LSCCLA specifically, on or about October 23, 2017, the Registrant sent specimens from patient KSO to Immuno Labs which is based in Florida and not licensed by the LSCCLA; and
- b. Requisitioned the collection of urine, saliva, and blood for tests at the clinic and that are outside the scope of a naturopath. Specifically:
 - i. The Registrant collected a saliva sample from patient Patient 3 that was outside the scope of Appendix A of the Specimen Collection Centres Regulation. The Registrant admits that she did not alert Patient 3 to this restriction and ought to have referred Patient 3 to another health care practitioner for this test;

Attached at Tab “J” is a copy of the relevant regulation.

- ii. The Registrant collected a blood sample from patients Patient 3 and Patient 6 that was outside the scope of s. 8 of the General Regulation. The Registrant admits that she did not alert Patient 3 or Patient 6 to this restriction and ought to have referred them to another health care practitioner for this test; and
 - iii. The Registrant collected a urine sample from several patients, including Patient 7, Patient 11, Patient 12, and Patient 3, that was outside the scope of Appendix A of the Specimen Collection Centres Regulation. The Registrant admits that she did not alert the patients to this restriction and ought to have referred them to another health care practitioner for this test.
44. If the Registrant were to testify, she would state that she was taught, as a naturopathic student, to request dipstick urine analyses. However, the Registrant would also acknowledge that as a registered naturopath, she has an obligation to ensure that she has an understanding of and complies with the legislation, regulations, standards of practise and expectations of the College.
45. It is agreed that once these contraventions were identified as part of the investigation conducted by the ICRC, the Registrant ceased these practices and began to comply with the laboratory requirements.
46. It is agreed that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
- a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
 - i. Section 3(2) of the General Regulation - It is a further standard of practice of the profession that a Member is prohibited from taking or collecting a specimen from the human body for examination to obtain information for diagnosis, prophylaxis or treatment, unless the specimen that is taken or collected is identified in the regulations made under the Laboratory and Specimen Collection Centre Licensing Act and related to a specific laboratory test set out in the regulations made under that Act.
 - ii. Section 3(3) of the General Regulation - It is a further standard of practice of the profession that a Member is prohibited from performing a laboratory test or taking blood samples or other specimens from a patient for the purpose of performing a laboratory test, unless the laboratory test that the Member performs is specified in the regulations

made under the Laboratory and Specimen Collection Centre Licensing Act and the blood samples or other specimens taken from a patient are identified in and related to a specific test in the regulations made under that Act.

iii. Section 3(4) of the General Regulation - It is a further standard of practice of the profession that a Member is prohibited from ordering a laboratory test unless the test is one specified in the regulations made under the Laboratory and Specimen Collection Centre Licensing Act;

iv. S. 8(1) of the General Regulation - (1) For the purposes of paragraph 6 of subsection 4 (1) of the Act, a Member who meets all of the standards of practice of the profession in this section and section 3 of this Regulation is authorized to take blood samples from veins or by skin pricking for the purpose of performing one or more of the following naturopathic examinations on a patient's blood sample:

1. BTA Bioterrain Assessment.
2. Glucose.
3. Live blood cell analysis.
4. Hemoglobin – A1C.
5. Mononuclear Heterophile Antibodies (monospot).
6. Fatty acids, free.
7. Blood Group – ABO and RhD; and

v. Section 8(2)(5) of the General Regulation The Member is prohibited from taking a blood sample from a patient except for the purpose of performing the controlled act mentioned in subsection (1);

vi. Point of Care Testing Standard of Practice – The Member ensures that Point of Care tests are performed in a safe, effective and ethical manner;

vii. Requisitioning Laboratory Tests Standard of Practice; and

viii. Collecting Clinical Samples Standard of Practice.

Attached at Tab “K” are copies of the relevant standards.

- b. Paragraph 8 - Providing or attempting to provide services or treatment that the Member knows or ought to know to be beyond the Member 's knowledge, skill or judgment;
- c. Paragraph 9 - Failing to advise a patient or the patient's authorized representative to consult another Member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the Member knows or ought to know that the patient requires a service that the Member does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice;
- d. Paragraph 10 - Performing a controlled act that the Member is not authorized to perform;

- e. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts
 - i. Section 2(1) of the General Regulation - A Member shall not perform a controlled act under the authority of subsection 4 (1) of the Act except in accordance with this Part; and
 - f. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.
47. It is also agreed that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

Advertising and Administration Concerns

48. Registrants of the College are authorized to administer certain drugs and substances via IM and IVIT. Registrants of the College are aware that the specific drugs and substances are set out in the Tables in the General Regulation. In addition to identifying the authorized drugs and substances, the General Regulation also sets out the authorized administration mode.
49. It is agreed that on or after July 1, 2015, the Clinic offered and the Registrant actually administered, ordered and/or delegated the following treatments to patients:
- a. Lipotropic B12 injection (IM) that includes choline, inositol, chromium and methionine;
 - b. Immune Boost IM injection that includes Vitamin C;
 - c. Immune Boosting IV that includes anti-viral botanicals;
 - d. Glutathione injection (IM) that includes procaine and Procaine injection; and
 - e. Iron IV that includes iron.
50. It is agreed that the Registrant administered, ordered and/or delegated the injections described in paragraph 49 for the following patients:
- a. Patient 13;
 - b. Patient 14;
 - c. Patient 2;
 - d. Patient 6;
 - e. Patient 12;
 - f. Patient 11;
 - g. Patient 3;
 - h. Patient 7;
 - i. Patient 1;
 - j. Patient 4;
 - k. Patient 5;
 - l. Patient 8; and

m. Patient 9.

51. It is agreed that the Registrant is not authorized to administer, order or delegate the treatments set out in paragraph 49. Naturopaths are only authorized to administer, order or delegate certain substances and drugs via IM and IVIT. The substances and drugs set out in paragraph 49, with the exception of Vitamin C, are not specifically identified in the General Regulation. Vitamin C is listed but can only be administered via IVIT – not IM. Therefore, the Registrant did not have the requisite knowledge, skill or judgment to recommend or order these treatments. If the Registrant believed that these treatments were necessary she ought to have alerted the patients to consult another Registrant of a health profession that was authorized to do so.
52. The Clinic also offered and the Registrant administered, ordered and delegated a Fresh Start Detox that could “help reset your metabolism.”
53. Naturopaths must advertise in a manner that is factual and verifiable. It is agreed that the Fresh Start Detox could not factually “reset” a patient’s metabolism.
54. The Clinic also advertised an Immune Boosting IV, which includes anti-viral botanicals, Iron IV, and Fresh Start Detox. Attached as Tab “L” is a copy of the advertisements.
55. Naturopaths are not authorized to administer anti-viral botanicals or Iron IV.
56. It is agreed that in several instances the nurses administered the IVIT and yet the Registrant authorized billing the service under her name.
57. It is agreed that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
 - a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
 - i. Section 3(1)(6) of the General Regulation: 6. The Member must have the knowledge, skill and judgment,
 - i. to perform the controlled act safely and ethically, and
 - ii. to determine whether the patient’s condition warrants performance of the controlled act;
 - ii. Section 5(1) of the General Regulation - For the purposes of paragraph 3 of subsection 4 (1) of the Act, a Member who meets all of the standards of practice of the profession in this section and section 3 of this Regulation is authorized to perform the following controlled acts:
 1. Administering a substance specified in Table 1 by inhalation to a patient, in accordance with any limitations respecting the substance set out in the Table.
 2. Administering a substance specified in Table 2 by injection to a patient using the routes of administration respecting the substance that are set out in the Table and in accordance with any limitations respecting the substance that are set out in the Table;

- iii. Section 5(3) of the General Regulation - It is a standard of practice of the profession that a Member who performs the controlled act referred to in paragraph 2 of subsection (1) and who, in doing so, reconstitutes, dilutes, mixes, prepares, packages or labels two or more substances specified in Table 2 for the purpose of administering a customized therapeutic product to a patient by injection must comply with all the standards of practice set out in subsection 11 (2), with any necessary modifications;
- iv. Section 11(2)(2) of the General Regulation - The Member must have the knowledge, skill and judgment to engage in the controlled act safely, competently and ethically;
- v. Section 11(2)(6) of the General Regulation Where a limitation, a route of administration or a dosage is indicated in the column opposite the drug in Table 5, a Member shall only compound that drug in compliance with the limitation and in accordance with the route of administration and dosage specified; and
- vi. Advertising Standard of Practice
 - 1. The Member may use any public medium to advertise professional services offered within the scope of practice of Naturopathic Medicine ...
 - 2. The Member ensures the information in advertisements is
 - a. Accurate,
 - b. True;
 - c. Verifiable by Registrant;
 - d. Not misleading by either omitting relevant information or including non –relevant information;
 - 3. The Member ensures that advertisements do not include
 - a. A guarantee of the success of the service provided.

Attached at Tab “M” is a copy of the relevant standard.

- b. Paragraph 8 - Providing or attempting to provide services or treatment that the Member knows or ought to know to be beyond the Registrant’s knowledge, skill or judgment;
- c. Paragraph 9 - Failing to advise a patient or the patient’s authorized representative to consult another Member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the Member knows or ought to know that the patient requires a service that the Registrant does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice;
- d. Paragraph 10 - Performing a controlled act that the Member is not authorized to perform;

- e. Paragraph 23 - Failing to keep records in accordance with the standards of the profession;
 - f. Paragraph 27 - Permitting the advertising of the Member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
 - g. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts;
 - i. Section 2(1) of the General Regulation - A Member shall not perform a controlled act under the authority of subsection 4 (1) of the Act except in accordance with this Part; and
 - h. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.
58. It is also agreed that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

Health Track-Pro

- 59. On or about December 12, 2018 an undercover investigator of the College ordered “Health Track-Pro” from the Clinic’s website. Health Track-Pro cost \$270.00 and included a blood work requisition and one hour appointment with a naturopath from the Clinic.
- 60. The undercover investigator was immediately sent an electronic receipt attaching a link to download a lab requisition. The requisition was signed by the Registrant and ordered the following tests: Lipid Profile (cholesterol, triglycerides, HDL, Cholesterol, LDL Cholesterol, HDL/LDL Ratio), Complete Blood Check (CBC), Ferritin, Glucose Fasting, Chemistry Panel M, Chemistry Panel N, and TSH. Attached as Tab “N” is a copy of the requisition.
- 61. The undercover investigator was not a patient of the Registrant.
- 62. On or about December 13, 2018, the undercover investigator had her blood drawn at a laboratory. She was contacted by the Clinic and offered an appointment to meet with another naturopath at the Clinic. However, the undercover investigator asked to meet with the Registrant.
- 63. On or about January 23, 2019, the undercover investigator attended the Clinic and completed a 6 page intake form, family health history and reasons for attending. The undercover investigator then had a 30 minute appointment with the Registrant.
- 64. The Registrant reviewed the results and discussed a treatment plan with the undercover investigator. She recommended supplements and recommended that the undercover investigator make an appointment with her physician to request a haematologist referral for her high iron.
- 65. It is agreed that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:

- a. **Paragraph 1** - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession including the following:

- i. **Section 3(1) of the General Regulation** – A Member shall not perform any controlled act under the authority of paragraph 1, 2, 3, 4, or 6 of subsection 4(1) of the Act unless she performs it in accordance with all of the following standards of the profession:

1. The Member must have a naturopath-patient relationship with the patient and, before performing the controlled act, must record the patient's health history.
2. Before performing the controlled act, the Member must inform the patient or the patient's authorized representative about,
 - a. the purpose of the controlled act,
 - b. the risks inherent in performing it,
 - c. alternative treatments that the Member knows or ought to know are available within the practice of the profession, and
 - d. treatments that the Member knows or ought to know are available to the patient if he or she were to be treated by a Member of another College under the *Regulated Health Professions Act, 1991*.
3. Before performing the controlled act, the Member must receive an informed consent from the patient or his or her authorized representative.
4. Before performing the controlled act, the Member must determine that the patient's condition warrants performing the controlled act, having considered,
 - a. the known risks and benefits to the patient of performing the controlled act,
 - b. the predictability of the outcome,
 - c. the safeguards and resources available in the circumstances to safely manage the outcome of performing the controlled act, and
 - d. other relevant circumstances specific to the patient.
6. The Member must have the knowledge, skill and judgment,
 - i. to perform the controlled act safely and ethically, and
 - ii. to determine whether the patient's condition warrants performance of the controlled act.

- ii. **Advertising Standard of Practice** – The Member's advertisements are accurate, verifiable, comprehensible,

professionally appropriate and in compliance with the standards of the profession;

- iii. Consent Standard of Practice – The Member has a duty to ensure the patient has sufficient information to make valid decisions about his/her care. The Member ensures that informed consent is obtained from the patient or substitute decision maker at the start of and throughout the assessment and treatment process. The Member documents the consent process; and
- iv. Requisitioning Laboratory Tests Standard of Practice – The Member ensures that the ... tests being requisitioned are appropriate and necessary for the specific patient, taking into consideration the patient's health history, a clinical assessment including but not limited to a medical history, physical examination and other relevant diagnostic testing or investigations and a differential diagnosis.

Attached at Tab "O" are copies of the relevant standards.

- b. Paragraph 8 - Providing or attempting to provide services or treatment that the Member knows or ought to know to be beyond the Registrant's knowledge, skill or judgment;
 - c. Paragraph 18 - Issuing an invoice, bill or receipt that the Member knows or ought to know is false or misleading;
 - d. Paragraph 23 - Failing to keep records in accordance with the standards of the profession;
 - e. Paragraph 27 - Permitting the advertising of the Member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
 - f. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts
 - i. Section 2(1) of the General Regulation - A Member shall not perform a controlled act under the authority of subsection 4 (1) of the Act except in accordance with this Part; and
 - g. Paragraph 46- Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.
66. It is also agreed that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

ADMISSION OF PROFESSIONAL MISCONDUCT

67. By this document, the Registrant admits to the truth of the facts referred to in paragraphs 1 to 66 above (the “Agreed Facts”).
68. By this document, the Registrant states that:
 - a. She understands fully the nature of the allegations made against her;
 - b. She has no questions with respect to the allegations against her;
 - c. She admits that the admitted facts constitute professional misconduct;
 - d. She understands that by signing this document she is consenting to the evidence as set out in the Agreed Statement of Facts and Admission of Professional Misconduct being presented to the Discipline Committee;
 - e. She understands that by admitting the allegations, she is waiving her right to require the College to prove the allegations against her at a contested hearing;
 - f. She understands that the decision of the Committee and a summary of its reasons, including reference to his name, will be published in the College’s annual report and any other publication or website of the College;
 - g. She understands that any agreement between her and the College with respect to the penalty proposed does not bind the Discipline Committee; and
 - h. She understands and acknowledges that she is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that she has been advised of her right to seek legal advice.
69. In light of the Agreed Facts and Admission of Professional Misconduct, the College and the Registrant submit that the Discipline Committee should find that the Registrant has committed professional misconduct.

Decision

The Panel finds that the Registrant committed acts of professional misconduct as admitted by the Registrant and as are described more fully in the Agreed Statement of Facts.

Reasons for Decision

Having considered the agreed facts, Dr. Deshko’s admissions and the relevant legislation, the Panel is satisfied that the conduct admitted to amounts to professional misconduct.

Dr. Deshko’s conduct breached the scope and standard of the practice of a naturopathic doctor in the province. The extent, nature, and frequency of the misconduct as described in the Agreed Statement of Facts were significant and would reasonably be regarded by other registrants of the profession as, dishonourable and unprofessional. The seriousness of the allegations

consequently, undermine the profession in the eyes of the public, stakeholders, regulated health care providers, and colleagues.

In summary, Dr. Deshko's misconduct included: improper delegation; charging block fees; laboratory non-compliance; advertising and administration concerns; and providing services, that are beyond the registrant's knowledge, skill or judgement.

Penalty Submissions

Counsel for the College advised the panel that a Joint Submission on Order and Costs had been agreed upon (Exhibit #3). The Joint Submission provides as follows:

The College of Naturopaths of Ontario and Dr. Yelena Deshko, ND (the "Registrant") agree and jointly submit that the Discipline Committee make an order:

1. Requiring the Registrant to appear before the panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Chief Executive Officer to suspend the Registrant's certificate of registration for a period of five months, on a schedule to be set by the Chief Executive Officer, two (2) months of which shall be remitted if the Registrant complies with the provisions of paragraph 3(a) through 3(c) no later than five months from the date of the order of the Discipline Committee.
3. Directing the Chief Executive Officer to impose the following specified terms, conditions and limitations on the Registrant's certificate of registration:
 - a. Requiring that the Registrant unconditionally pass, and at her own expense, the ProBe course in ethics and boundaries, no later than six months from the date of the order of the Discipline Committee;
 - b. Requiring that the Registrant successfully complete, to the satisfaction of the Chief Executive Officer and at her own expense, the College's Jurisprudence course, no later than six months from the date of the order of the Discipline Committee;
 - c. Requiring that the Registrant successfully complete, to the satisfaction of the Chief Executive Officer and at her own expense, a record-keeping course, approved by the Chief Executive Officer, no later than six months from the date of the order of the Discipline Committee;
 - d. Requiring the Registrant to submit to, and at her own expense, three practice inspections to be completed within two years following her return to practice.
4. For greater certainty, the Registrant's obligation to comply with the proposed terms, conditions and limitations on her certificate of registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.

5. Requiring the Registrant to pay of fine of not more than \$350 to the Minister of Finance within one month of the date of this order.
6. The Registrant shall pay the College's costs fixed in the amount of \$11,000 payable on schedule set by the Chief Executive Officer.

Penalty and Costs Decision

The panel accepts the Joint Submission and accordingly orders:

1. The Registrant to appear before the panel to be reprimanded on a date to be fixed by the Chair of the Discipline Committee².
2. The Chief Executive Officer is directed to suspend the Registrant's certificate of registration for a period of five months, on a schedule to be set by the Chief Executive Officer, two (2) months of which shall be remitted if the Registrant complies with the provisions of paragraph 3(a) through 3(c) no later than five months from the date of the order of the Discipline Committee.
3. The Chief Executive Officer is directed to impose the following specified terms, conditions and limitations on the Registrant's certificate of registration:
 - i. Requiring that the Registrant unconditionally pass, and at her own expense, the ProBe course in ethics and boundaries, no later than six months from the date of the order of the Discipline Committee;
 - ii. Requiring that the Registrant successfully complete, to the satisfaction of the Chief Executive Officer and at her own expense, the College's Jurisprudence course, no later than six months from the date of the order of the Discipline Committee;
 - iii. Requiring that the Registrant successfully complete, to the

² As a result of prior commitments, the Registrant was unable to receive her reprimand immediately following the hearing. The panel and parties agreed to schedule the reprimand on a later date.

satisfaction of the Chief Executive Officer and at her own expense, a record-keeping course, approved by the Chief Executive Officer, no later than six months from the date of the order of the Discipline Committee;

- iv. Requiring the Registrant to submit to, and at her own expense, three practice inspections to be completed within two years following her return to practice.
- 4. For greater certainty, the Registrant's obligation to comply with the proposed terms, conditions and limitations on her certificate of registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.
- 5. The Registrant shall pay of fine of not more than \$350 to the Minister of Finance within one month of the date of this order.
- 6. The Registrant shall pay the College's costs fixed in the amount of \$11,000 payable on schedule set by the Chief Executive Officer.

Reasons for Penalty Decision

The panel understood that it should not interfere with a joint proposal on penalty unless accepting it would bring this discipline process into disrepute or otherwise be contrary to the public interest. The panel had no trouble concluding that the proposed penalty and costs ordered were well within an acceptable range and serve the public interest..

The panel was satisfied that the penalty is fair, considered and appropriate and takes both mitigating and aggravating factors into account. It speaks to all four principles of sanctioning and ensures the public's trust in the profession, the College and the College's disciplinary process.

The Registrant's misconduct not only reflects poorly on herself, but on the profession as a whole. The profession suffers if the public loses confidence.

The panel agreed that a suspension (a minimum of three months to a maximum of five months, subject to the Registrant addressing the terms, conditions and limitations) was reasonable and

appropriate. The panel acknowledged that a suspension of (at least) three months was not insignificant. A suspension of that length, with the attendant financial hardship, as a result of not being able to work in one's chosen profession, will serve to remind the Registrant that her behaviour was professional misconduct. The suspension also informs the profession as well as the public that conduct of this nature will be taken seriously by the College.

The panel agreed that the ProBE course addresses all four principles of sanctioning. The tailored course provides a remedial opportunity that will allow the Registrant to reflect on the conduct that brought her to this point and provide guidance and education as she continues to advance her practice. The ProBe course is a rigorous program, with heightened expectations. Successful completion of this course will require work, insight and reflection on the part of the Registrant.

Further, the College's Jurisprudence Course and a record-keeping course (approved by the Chief Executive Officer) will help to ensure that the Registrant continues to learn and grow from this experience and will not find herself in a similar situation again.

Lastly, the requirement of the Registrant to submit to three practice inspections within two years following her return to practice will allow her to monitor and reinforce all that she has learned through her remedial coursework.

The imposition of these terms, conditions and limitations (in the form of three courses and three practice inspections over a period of two years) speaks to the profession as a whole and sends a strong message to the public. It assures the public that its confidence in the profession is well placed.

In awarding costs, the panel was cognizant that costs are not meant to be punitive but are appropriate and often necessary in smaller Colleges. And while the Registrant has the right to a thorough investigation and the right to a hearing, she also bears some responsibility for the overall cost. The panel is satisfied that the costs ordered are fair and appropriate.

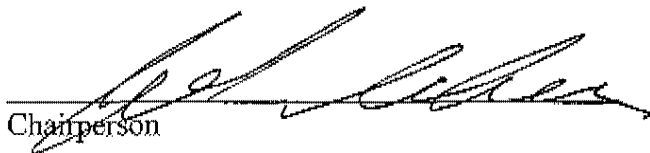
As a reference and to reassure the Panel that the College's JSP was reasonable, proportionate and fair, College Counsel provided the panel with a Case Law and Authority Brief. This brief containing nine cases from six different regulatory colleges that College Counsel submitted

contained similarities to the current matter. The panel reviewed the cases and agreed that the proposed JSP fell within a reasonable and acceptable range.

The panel is satisfied that the penalty is fair, considered and appropriate. It speaks to all four principles of sanctioning and ensures the public's trust in the profession, the College and the College's disciplinary process.

At the conclusion of the hearing, having confirmed that the Registrant waived any right to appeal, the Panel delivered its reprimand.

I, Jacob Scheer, Chair, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:


Chairperson

March 1, 2021

Date

Names of panel members

Vaishna Sathananthan, ND

Dianne Delany

Lisa Fenton

Hanno Weinberger

REPRIMAND

As you know, Dr.Deshko, as part of its penalty order this Discipline Panel has ordered that you be given an oral reprimand. You agreed to this term of order as part of your joint submission on penalty filed during the course of the hearing.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

Although you will be given an opportunity to make a statement at the end of the reprimand, this is *not* an opportunity for you to review the decision made by the Discipline Panel, *nor* a time for you to debate the merits of our decision.

The Panel has found that you have engaged in professional misconduct in the following ways:

- A) You contravened a standard of the profession and failed to maintain the standard of practice of the profession – including the Scope of Practice Standard, Consent Standard, IV IT Standard, and Performing Authorized Acts
- B) You provided services or treatment that you knew or ought to have known to be beyond your knowledge, skill or judgment
- C) And you engaged in conduct that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional

It is a matter of profound concern to this Panel that you have engaged in these forms of professional misconduct.

Moreover, the result of your misconduct is that you have let down the public, the profession and yourself.

We need to make it clear to you that your conduct is unacceptable.

Of special concern to us is that fact that the professional misconduct in which you engaged has put at risk the public's confidence in the profession's ability to govern itself and erodes the profile of this profession in the minds of the public and other regulated health care professionals.

Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which you have engaged.

We also want to make it clear to you that while the penalty that this Panel has imposed upon you is a fair penalty, a more significant penalty will be imposed by another Discipline Panel in the event that you are ever found to have engaged in professional misconduct again.

As I have already stated, this is not an opportunity for you to review the decision or debate the correctness of the decision, which in any event, was agreed to by you and your counsel.

However, do you wish to make any comments?

Thank you.