

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

PANEL:

Dr. Danielle O'Connor, ND– Chair,  
Dr. Jordon Sokoloski, ND  
Dr. Rick Olazabal, ND  
Dean Catherwood  
Lisa Fenton

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

DR. HELEN COHEN

) REBECCA DURCAN for the  
) College of Naturopaths of Ontario  
)  
)  
) Self-Represented,  
) HELEN COHEN  
)  
)  
) LUISA RITACCA, Independent  
Legal Counsel  
)  
) Heard: September 28, 2020

**DECISION AND REASONS  
(DC-19-04)**

This matter came on for hearing before a panel of the Discipline Committee on September 28, 2020. The matter was heard electronically.

**The Allegations**

The allegations against Helen Cohen (the “Registrant”) as stated in the Notice of Hearing dated July 10, 2019 are as follows:

*The Registrant*

1. Dr. Helen Cohen, ND (the “Registrant”) registered with the Board of Directors of Drugless Therapy – Naturopathy on January 1, 1991. The Registrant then became

registered with the College of Naturopaths of Ontario (the “College”) on July 1, 2015.

*Failure to comply with order of a panel of the ICRC*

2. In September 2017, a panel of the Inquiries, Complaints and Reports Committee (“ICRC”) ordered the Registrant to successfully complete a Specified Continuing Education or Remediation Program (“SCERP”), at her own expense.
3. The deadline for the completion of the SCERP was on or about December 12, 2018 (the “Order”).
4. It is alleged that as of May 30, 2019 the Registrant has failed to successfully complete all components of the SCERP.

*Acts of Professional Misconduct*

5. It is alleged that the above noted conduct constitutes professional misconduct pursuant to section 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 41 (failing to comply with an order of a panel of the College) and/or
  - 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 disgraceful, dishonourable or unprofessional).

### **Registrant’s Plea**

The Registrant admitted the allegations as set out in the Notice of Hearing.

The panel conducted an oral plea inquiry and was satisfied that the Registrant’s admission was voluntary, informed and unequivocal.

### **Agreed Statement of Facts (Exhibit #2)**

#### **BACKGROUND**

*The Registrant*

1. Dr. Helen Cohen, ND (the “Member”) was initially registered with the Board of Directors of Drugless Therapy – Naturopathy (the “Board”) on January 1, 1991. The Member became a member of the College in the General class of registration on July 1, 2015, as a result of the proclamation of the Naturopathy Act, 2007. Attached as Tab “A” is a printout from the College Naturopathic Doctor Register.

2. At the relevant times, the Member's private clinic was Woman & Child Naturopathic Clinic Inc.

*Failure to Comply with an Order of a Panel of the ICRC*

3. On September 7, 2017, a panel of the Inquiries, Complaints and Reports Committee ("ICRC") ordered the Member to successfully complete a Specified Continuing Education or Remediation Program ("SCERP"), at her own expense (the "Order"). Attached as Tab "B" is a copy of the Decision and Reasons of the ICRC that sets out the Order.
4. The SCERP was to involve the following:
  - a. Successful completion of University of Toronto's Medical Record Keeping Course within 6 months of the date of the Decision and Reasons, at her own expense; and
  - b. Within 6 months of completing the Medical Record Keeping Course, an inspection of patient records with a focus on financial records and consent, at her own expense.
5. The deadline for the completion of the SCERP was December 12, 2018.
6. The Decision and Reasons contained an appendix, which described how the Member was to comply with the SCERP (see Tab "B"). With respect to the inspection component, the Member would need to provide a name and resume of a proposed inspector at least 60 days prior to the SCERP deadline. A week ahead of the inspection, the Member was to provide the inspector with the Decision and Reasons of the ICRC. The inspector was to review 10 files completed after the Medical Record Keeping Course. Within one month of the inspection, the inspector would submit a report to the Registrar.
7. Of note is that the instructions explicitly state that the "inspection shall be conducted at the Member's expense." This reflects the language of the SCERP as set out above at paragraph 4.
8. It is agreed that the Member attended and completed the Medical Record Keeping Course on March 8, 2018. On June 12, 2018, the Member was provided with her accreditation letter and report card. The Member promptly provided these documents to the College.
9. On November 2, 2018, the College followed up with the Member and reminded her of the inspection component of the SCERP. The deadline to provide the name and resume of a proposed inspector had passed. The College encouraged the Member to provide this to them as soon as possible. The Member responded that day. She thanked the College for reminding her. She advised the College that she had just started working after her suspension (in relation to another discipline matter) and likely only had three or four files to inspect.
10. On November 5, 2018, the College responded and said that would be fine but that she needed to send in the name of a proposed inspector. The Member responded that day and provided a name of a proposed inspector.

Further discussion occurred between the College and the Member throughout November 5, 2018.

11. On November 23, 2018, the Member wrote to the College and advised that the proposed inspector would no longer be able to do the inspection. The College responded that day and asked for another name to be provided.
12. The Member did not respond until December 10, 2018. She advised the College that she had run out of people to ask as all of her colleagues felt conflicted. The College responded that day and provided the name of another proposed inspector (Dr. S, ND). The College suggested that the Member reach out to Dr. S, ND and discuss the inspection and cost. The College advised the Member that there was no need to obtain the resume of Dr. S, ND as the College already had it on file. The Member responded that day and thanked the College. However, she wrote, "This is the first time someone mentions 'the cost.'"
13. The College responded the next day (December 11, 2018) and reminded the Member of the Order, which explicitly states that the cost of the SCERP (including the inspection) is the responsibility of the Member. The Member responded that day and said that she did complete the \$700 course "at my expense." The College responded that day and advised the Member that the issue of costs would need to be discussed between the Member and Dr. S, ND.
14. The next day, December 12, 2018, was the deadline set by the ICRC for the SCERP to be concluded. The College wrote to the Member and advised her of the deadline and to write to the Registrar setting out her reasons for the delay. The Member responded the same day with a letter to the Registrar. The Member advised the Registrar of her difficulties in finding an impartial inspector. She said she had reached out to Dr. S, ND and was waiting for his response. The Member also stated that she had not practised since she lost her job in 2017 and only recently started to work. She asked the Registrar for an extension and reassured him that she had learned a great deal in the Medical Record Keeping Course. She explained that she had designed a different set of invoices to address financial concerns. She provided a sample to the Registrar for his review.
15. On December 14, 2018, the Member wrote to the College and advised that she had received a response from Dr. S, ND. Dr. S, ND had advised her that his cost to perform the inspection would be \$1,130.00. The Member explained to the College that she could not afford Dr. S, ND. She said that she could barely pay her rent. She sent another email explaining her personal situation (difficult divorce) and asked for the deadline to be moved to January 2019.
16. Attached as Tab "C" is a copy of the relevant correspondence between the College and the Member.
17. It is agreed that as of May 30, 2019, the Member had failed to successfully complete all components of the SCERP.

*Admissions of Professional Misconduct*

18. It is agreed that the above conduct constitutes professional misconduct pursuant to subsection 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, and as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Naturopathy Act, 2007:
  - a. Paragraph 41 (Failing to comply with an order of a panel of the College); 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 or unprofessional).

*Acknowledgement*

19. By this document, the Member 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 to the truth of the facts contained in this Agreed Statement of Facts and 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 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 her 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, and free of bribe and that she has been advised of her right to seek legal advice.

## **Decision**

The Panel finds that the Registrant committed acts of professional misconduct as admitted by the Registrant in the Agreed Statement of Facts.

## **Reasons for Decision**

Dr. Cohen ND failed to abide by an order of the ICRC. Professional regulation is predicated on compliance by its members, and this conduct alone is an aggravating factor as it falls below the standards of the profession. This was a breach of the governing legislation and ultimately is regarded by the members of the College as dishonourable and unprofessional.

The panel was satisfied that Dr. Cohen ND was aware of the deadline to complete the educational program and inspection as directed by the ICRC, but chose to not fully complete it in a timely manner. The College provided her support and multiple opportunities to comply. As such, the panel finds the Registrant's conduct would be reasonably regarded as unprofessional and dishonourable.

## **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. Helen Cohen (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 Registrar to suspend the Registrant’s certificate of registration for a period of at least four (4) months, to commence on the date of the hearing of this matter and continuing for four (4) months or until the Registrant completes the requirements as set out in the Order made by the Inquiries, Complaints and Reports Committee on September 7, 2017, whichever is longer.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on the Registrant’s certificate of registration:
  - a. Requiring that the Registrant unconditionally pass the PROBE ethics course, which is to be taken at her own expense, by a date selected by the Registrar;
  - b. Requiring that the Registrant successfully complete, to the satisfaction of the Registrar and at her own expense, the College’s Jurisprudence course by a date selected by the Registrar; and

- c. Requiring that the Registrant write an essay between 1000 and 1500 words in length, and provide it to the Registrar, no later than a date selected by the Registrar; that shall be published by the College at a time and in a format determined by the Registrar, on the lessons she learned in completing the PROBE course and jurisprudence course.
- 4. Requiring the Registrant to pay of fine of not more than \$350 to the Minister of Finance within two (2) months of the date of the hearing of this matter.
- 5. The Registrant shall pay the College's costs fixed in the amount of \$3,500, payable on a schedule to be set by the Registrar.
- 6. The Registrant acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
- 7. The Registrant acknowledges and understands and acknowledges that she is executing this document voluntarily, unequivocally, free of duress and free of bribe and that she has been advised of her right to seek legal advice.

### **Penalty and Costs Decision**

The panel accepts the Joint Submission and accordingly orders:

- 1. The Registrant to appear before the panel to be reprimanded immediately following the hearing of this matter.
- 2. The Registrar is directed to suspend the Registrant's certificate of registration for a period of at least four (4) months, to commence on the date of the hearing of this matter and continuing for four (4) months or until the Registrant completes the requirements as set out in the Order made by the Inquiries, Complaints and Reports Committee on September 7, 2017, whichever is longer.
- 3. The Registrar is directed to impose the following specified terms, conditions and limitations on the Registrant's certificate of registration:
  - a. Requiring that the Registrant unconditionally pass the PROBE ethics course, which is to be taken at her own expense, by a date selected by the Registrar;
  - b. Requiring that the Registrant successfully complete, to the satisfaction of the Registrar and at her own expense, the College's Jurisprudence course by a date selected by the Registrar; and
  - c. Requiring that the Registrant write an essay between 1000 and 1500 words in length, and provide it to the Registrar, no later than a date selected by the Registrar; that shall be published by the College at a time and in a format determined by the Registrar, on the lessons she learned in completing the PROBE course and jurisprudence course.

4. The Registrant shall pay of fine of not more than \$350 to the Minister of Finance within two (2) months of the date of the hearing of this matter.
5. The Registrant shall pay the College's costs fixed in the amount of \$3,500, payable on a schedule to be set by the Registrar.

### **Reasons for Penalty Decision**

In considering the appropriateness of the joint penalty proposed, the panel was mindful of its obligations when asked to review a joint submission. The panel understands that it should not depart from a joint submission on penalty unless accepting it would bring the administration of the process into disrepute or otherwise be contrary to the public interest. In this case the panel is satisfied that the proposed penalty is reasonable and is in the public interest. The penalty acts as a general and specific deterrent and it will provide the Registrant with an opportunity to learn from her actions.

It is of significant concern to the panel that the Registrant chose not to comply with an order of the ICRC. This conduct suggests lack of governability on the Registrant's part. The suspension, costs issued, fine, and oral reprimand serve as a deterrent for the Registrant. The penalty sends a clear message to the membership that failing to comply with an order of any statutory committee will not be tolerated. The decision by the panel serves to protect the public.

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

I, Dr. Danielle O'Connor, N.D. 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:



October 28, 2020

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Chairperson

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Date

Dr. Jordan Sokoloski, N.D.  
 Dr. Rick Olazabal, N.D.  
 Dean Catherwood  
 Lisa Fenton



**REPRIMAND**

Dr. Cohen, you have been found to have engaged in professional misconduct by this Discipline Panel on two separate matters, both of which have been addressed today. As part of the penalty ordered in both matters, you are now before the panel to be reprimanded. You agreed to this term of order in both matters.

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 decisions made by the Discipline Panel, nor a time for you to debate the merits of our decisions.

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

- A) You contravened the standards of practice in place at the time you were a member of the Board of Drugless Practitioners. The contravention included behaving in an unprofessional manner and dealing dishonestly in your communications with an insurer.
- B) You failed to comply with an order of a panel of the ICRC.
- C) You engaged in conduct which would reasonably be regarded by other Registrants of the profession as dishonourable and 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 involved:

1. A failure to properly respond to inquiries by an insurance company, which undermines the credibility of the profession and could affect patients' ability to access naturopathic care;
2. A failure to comply with an order of a panel of the College, which calls into question your governability;
3. A disregard for the authority of the regulatory body, the College of Naturopaths of Ontario, which not only puts the public at risk, but is disrespectful to both the public and your fellow Registrants.

Consequently, it is necessary for us to take steps to impress upon you the severity 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, this is the third time you have appeared before a panel of the Discipline Committee. We expect you will take this opportunity to significantly improve your conduct and that you will never again appear before a panel of this Committee.

As I have already stated, this is not an opportunity for you to review the decisions or debate their correctness, which in any event, were agreed to by you.

However if you wish to make a comment, you may do so now.

Thank you for attending today. We are adjourned.