

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

)
)
)
)
)

TUESDAY, THE 7th
DAY OF DECEMBER, 2020

B E T W E E N:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

YELENA DESHKO

ORDER

THIS HEARING was held electronically in Toronto, Ontario.

ON READING the Notice of Hearing, the Agreed Statement of Facts and the Joint Submission as to Penalty and Costs, and on hearing the submissions of counsel for the College of Naturopaths of Ontario (“College”) and counsel for the Registrant:

A. THE DISCIPLINE COMMITTEE FINDS that the Registrant committed acts of 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 the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*: **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 but not limited to sections 3(1), 3(1)(6), 3(2), 3(3), 3(4), 5(1), 5(3), 8(1), 8(2)(5), 11(2)(2), and 11(2)(6) of the General Regulation; and the Delegation, Record Keeping, Fees and Billing, Point of Care Testing, Requisitioning Laboratory Tests, Collecting Clinical Samples, Advertising, and Consent Standards of Practice); **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); **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); **Paragraph 10** (Performing a controlled act that the Member is not authorized to perform); **Paragraph 18** (Issuing an invoice, bill or receipt that the Member knows or ought to know is false or misleading); **Paragraph 23** (Failing to keep records in accordance with the standards of the profession); **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); **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, including but not limited to sections 2(1), 15, 17(1)(a), 17(1)(b), 17(1)(h), 19 and 21 of the General Regulation); and **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), of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007* and s. 4(3) of the *Naturopathy Act, 2007*.

B. THE DISCIPLINE COMMITTEE FINDS that the Registrant committed acts of professional misconduct pursuant to section subsection 4(3) of the *Naturopathy Act, 2007*.

C. THE DISCIPLINE COMMITTEE MAKES AN ORDER:

1. Requiring the Registrant to appear before the panel to be reprimanded on a date to be set by the Chair of the Discipline Committee.
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 two months of the hearing of this matter.

6. The Registrant shall pay the College's costs fixed in the amount of \$11,000 payable on a schedule determined by the Chief Executive Officer.

December 7, 2020

Date: _____



Dr. Jacob Scheer, ND
Chair, Discipline Panel

DISCIPLINE COMMITTEE OF THE
COLLEGE OF NATUROPATHS
OF ONTARIO

ORDER

STEINECKE MACIURA LEBLANC

Barristers & Solicitors
401 Bay Street, P.O. Box 23
Suite 2308
Toronto, ON M5H 2Y4

Rebecca Durcan

Telephone:(416) 644-4783
Facsimile: (416) 593-7867

Lawyers for the College of Naturopaths
of Ontario