

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

PANEL:

Tara Gignac – Chair
Shelley Burns
Samuel Laldin
Dianne Delany
Laure Sbeit

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

LESLIE Yan Wan Ee

) REBECCA DURCAN for the
) College of Naturopaths of Ontario
)
)
)
) JUSTIN NASSERI and OWEN
) GODDARD for LESLIE EE
)
)
) LUISA RITACCA, Independent
Legal Counsel
)
) Heard: April 7, 2020
)

DECISION AND REASONS

This matter came on for hearing before a Panel of the Discipline Committee on April 7, 2020.
The matter was heard electronically.

The Allegations

The allegations against Leslie Ee (the “Member”) as stated in the Notice of Hearing dated February 13, 2019 are as follows:

1. Dr. Leslie Yan Wan Ee, ND (the “Member”) registered with the Board of Drugless Therapy-Naturopathy (the “Board”) on or about March 17, 1998. In July

1, 2015 the Member became a member of the College of Naturopaths of Ontario (the “College”).

2. The Member has not met the Standard of Practice for Prescribing.

Undertaking

3. On or about March 5, 2014 the Member signed an Undertaking agreeing:
 - a. To refrain from performing and/or supervising intravenous therapy until he successfully completed the Board therapy verification course and examination; and
 - b. To complete the next available Board intravenous therapy verification course and examination.
4. The Discipline Committee of the Board ordered the Member to comply with the terms of the Undertaking.

The Member performed and/or supervised intravenous therapy

5. It is alleged that the Member never successfully completed the Board therapy verification course and examination.
6. It is alleged that the Member performed and/or supervised intravenous therapy on the following patients on or after March 5, 2014:
 - a. SC;
 - b. HH;
 - c. NB;
 - d. ZF; and/or
 - e. UP.
7. It is alleged that the Member offered to perform and/or supervise intravenous therapy on patient AM after March 5, 2014.

8. It is alleged that the Member held himself out to patient AM as a person who was authorized to perform and/or supervise intravenous therapy.
9. It is alleged that the Member did not advise the patients described in paragraphs 6 and/or 7 that he was not authorized to perform and/or supervise intravenous therapy.
10. *Allegation Withdrawn.*

The Member did not complete the next available course and examination

11. It is alleged that the Member did not register for the Board therapy verification course until approximately April 2017.
12. It is alleged that the Member did not attempt the Board therapy verification examination until May 2018.
13. It is alleged that there were earlier opportunities to register and/or attempt the Board therapy verification course and examination.

Allegations of professional misconduct as a Registrant of the Board

14. It is alleged that the conduct which occurred from March 5, 2014 to June 30, 2015 constitutes misconduct pursuant to subsection of 30(1) of Ontario Regulation 278, R.R.O. 1990, as defined in Professional Misconduct/Incompetence established by the Board:
 - a. Paragraph 1 - Contravention of any provision of the Drugless Practitioners Act and its regulations, of the Food and Drug Act and its regulations, or any other act regulating the practice of Drugless Therapy-Naturopathy;
 - b. Paragraph 2(r) - Conductor an act relevant to the practice of naturopathic medicine that, having regard to all the circumstances, would reasonably be regarded by naturopathic doctors as unprofessional or incompetent; and/or

- c. Paragraph 2(w) - Contravening standards of practice or guidelines of practice set by the Board, specifically:

- 1. BDDT-N's Standards of Practice,

- 1. 2.1 –Each naturopathic doctor shall have knowledge of and comply with the laws and regulations governing the practice of naturopathic medicine in the jurisdiction of practice; and/or
 - 2. 2.6 -Each naturopathic doctor shall deal honestly with all patients, colleagues...and refrain from giving any false, incomplete or misleading information.

Allegations of professional misconduct as Member of the College

- 15. It is alleged that the conduct which occurred post July 1, 2015 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 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. *Allegation Withdrawn*; 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).

Alleging that another member performed and/or supervised intravenous therapy

16. *Allegation Withdrawn;*

17. *Allegation Withdrawn.*

Member's Plea

The Member admitted the allegations set out in the Notice of Hearing save for those the College sought to withdraw as set out above.

The Panel conducted an oral plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

Further, the Panel was satisfied that it was appropriate to allow the withdrawal of the allegations as requested by the College, with the consent of the Member.

Agreed Statement of Facts (Exhibit #2)

BACKGROUND

The Member

1. Dr. Leslie Yan Wan Ee, ND (the "Member") registered with the Board of Directors of Drugless Therapy-Naturopathy (the "Board") on or about March 17, 1998.
2. In July 1, 2015, the Member became a member of the College of Naturopaths of Ontario (the "College"). A copy of the Member's profile from the College's registry is attached as Tab "A".

3. The Member has not met the Standard of Practice for Prescribing. As a result, he is not authorized to perform intravenous infusion therapy (IVIT) nor to determine whether the patient's condition warrants IVIT.
4. IVIT as set out in the standard involves the compounding of one or more substances in a unique substance for use through intravenous injection and it also involves administering substances and/or drugs via an intravenous injection. 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. A copy of the Standard of Practice on Intravenous Infusion Therapy is attached at Tab "B".

Undertaking

5. When the Member was registered with the Board, he was subject to a disciplinary proceeding that resulted in a voluntary plea to professional misconduct. Pursuant to that plea, the Member signed an Undertaking (the "Undertaking") on March 5, 2014, a copy of which is attached as Tab "C", agreeing among other things:
 - a. Paragraph 5: I shall successfully complete, at my own expense, the next available Board IV Therapy Certification course (the "Course") and the Board's IV Therapy examination (the "Examination") but in any event, I shall successfully complete both the course and the certification examination prior to performing and/or supervising IV Therapy.
6. The Discipline Committee of the Board ordered the Member to comply with the terms of the Undertaking. A copy of the Decision and Reasons of the Discipline Committee dated March 5, 2014 is attached as Tab "D".
7. As noted above, the Undertaking signed by the Member and ordered by the Discipline Committee on March 5, 2014, mandated that until the Member successfully completed the both the Course and the Examination, he could not perform and/or supervise intravenous therapy.

8. Although the Member successfully completed an approved course in IVIT in May 2017, he never passed the Examination. As such, he is still prohibited from performing and/or supervising intravenous therapy.

The Member performed and/or supervised intravenous therapy

Patient SC

9. Sometime after March 5, 2014 – the date that the Member signed the Undertaking and was ordered by the Discipline Committee to comply with the Undertaking – the Member assisted with a needle insertion while patient SC was receiving IVIT from a nurse and Dr. X, a naturopathic doctor who was authorized to perform and supervise IVIT. The Member admits that he assisted in the performance of IVIT but states that he assisted in order to avoid harm to the patient because Dr. X and the nurse were having difficulty with the needle insertion.

Patient HH

10. On May 2 and 14, 2014, the Member performed IVIT on HH. When the Member was asked about the administration of IVIT to HH by an agent of the College, the Member stated that he had misinterpreted section 5 of his Undertaking and believed he could assist with the IV until his suspension began. The Member apologized to the College for this incident.
11. It is agreed that, as a result, the Member did not advise HH that he was not authorized to perform and/or supervise IVIT or that he was unable to determine whether her condition warranted the performance of IVIT.

The Timeless Health Clinic and the Treatment of Patients NB, ZF, and UP

12. The Member worked as a Naturopath at the Timeless Health Clinic after his suspension. During this time, the Member saw patients with whom he discussed IV therapy. In some instances, the Member would refer the patient's file to Dr. X, a duly registered Naturopath who was qualified to supervise, delegate, and administer IV therapy.

13. The Member followed a protocol that was in operation by the Clinic and authorized by Dr. X. That protocol was as follows:
 - a. If, when performing a consult with a patient, IV therapy came up as a viable treatment, the Member would refer the patient's file to Dr. X. Dr. X would assess whether IV treatment was indicated, and if it was, Dr. X would fill out an order for the specific combination of substances to be administered through IV. The IV sheet was created on a computer that Dr. X operated. The nurses at the Timeless Health Clinic would then administer the IV therapy.
 - b. In respect of three patients, after Dr. X approved and made an order for IV therapy, the Member would relay this information to the nurses on Dr. X's behalf, and provide them with the order document that Dr. X had created. On some occasions, the Member would be present while nurses administered the IV therapy.

Patient NB

14. On October 18, 2017, patient NB received IV therapy which was approved by Dr. X. The Member requested the nurse to perform the IVIT and was present during the administration of this therapy by nurses.
15. It is agreed that the Member supervised the administration of IVIT to NB.
16. When interviewed, NB did not recall being informed about a referral to Dr. X for her IVIT, nor did she state the Member advised her that he was not authorized to perform, delegate and/or supervise IVIT or that he was unable to determine whether her condition warranted the performance of IVIT. However, the patient advised that the IVIT was performed by nurses.

Patient ZF

17. In August 2016, ZF attended at the clinic for IVIT. Patient ZF met with the Member, received treatment from the nurses, and then met with the Member again. The Member's chart indicates that the IV treatment was

referred to and approved by Dr. X. The Member asked the nurse to perform the IV.

18. It is agreed that the Member supervised the provision of IVIT to ZF.
19. When interviewed, ZF did not recall being informed about a referral to Dr. X for IVIT, nor did she state the Member advised her that he was not authorized to perform, delegate and/or supervise IVIT or that he was unable to determine whether her condition warranted the performance of IVIT. However, the patient advised that the IVIT was performed by nurses.

Patient UP

20. On February 23, 2017, March 11, 2017, May 3, 2017, June 29, 2017, July 27, 2017, September 1, 2017, and January 25, 2018, UP attended at the clinic for IVIT. On each occasion she would meet with the Member to discuss her urine results, receive the IVIT from the nurses, provide another urine sample, and then meet with the Member again. Invoices in UP's chart indicate that Dr. X was responsible for authorizing IV treatment.
21. It is agreed that the Member supervised the provision of IVIT to UP. It is agreed that by requesting a nurse to perform IVIT he was responsible for the supervision of the IVIT as set out in section 16(1) of the General Regulation (Ontario Regulation 168/15) made under the Naturopathy Act, 2007.
22. When interviewed, UP did not recall being informed about a referral to Dr. X for IVIT, nor did she state the Member advised her that he was not authorized to perform, delegate and/or supervise IVIT or that he was unable to determine whether her condition warranted the performance of IVIT. However, the patient advised that the IVIT was performed by nurses.

Patient AM

23. In January 2018 an undercover investigator called the clinic where the Member was working and asked to make an appointment with the Member. The investigator said she was interested in receiving the Adrenal Fatigue IV and the Immune Boosting IV. The receptionist said that the Member did not perform IVIT himself but that she would contact the Member for his availability. An appointment was made for January 25, 2018 under the alias AM. The receptionist said that there would be an assessment with the Member ahead of the IV Therapy and that a nurse would insert the needle. As noted above, the Member had not met the Standard of Practice for Prescribing and had not passed the Examination. As such, he did not have the knowledge, skill or judgment to make an assessment to determine whether the AM's condition warranted the performance of IVIT or to perform IVIT.
24. On January 25, 2018 AM arrived at the clinic. A receptionist provided her with intake forms. A separate woman attended and obtained the investigator's BP and oxygen saturation levels. The investigator was asked to provide a urine sample. Once this was completed the Member greeted the investigator and brought her to the consultation room. The Member reviewed the forms and asked the investigator to describe her symptoms. After a discussion the Member asked if the investigator wanted to see if she was a candidate for Adrenal IV. The investigator confirmed she was. The Member proceeded to explain Adrenal IV and described some risks. The Member explained why she was asked to provide a urine example and BP and confirmed that she was a good candidate. The Member proceeded to say that "we" have adrenal formulas for different body parts. The investigator asked about frequency and the Member said "I usually recommend people do an IV once a month." The Member confirmed that if she felt a stinging sensation she could alert the nurse or the two doctors. When the investigator said she wanted to do it that day the Member confirmed that a nurse would be present throughout the treatment. The

Member said the nurse would inject and that he had only done so on two difficult patients.

25. The investigator asked if the Member was going to watch and supervise her IV therapy.
26. The Member replied, “Yes, I am going to watch and supervise.”
27. At no point in time did the Member advise AM that he was not authorized to perform, and/or supervise intravenous therapy or that he was unable to determine whether her condition warranted the performance of IVIT.

Correspondence between the Member and the College re Course and Exam

28. On November 17, 2015, Andrew Parr, Registrar & CEO of the College (the “Registrar”), sent a letter to the Member confirming that, pursuant to the Order, three months of the Member’s suspension may be remitted if he successfully completed the remedial training specified in paragraphs 4, 5, and 6 of the Undertaking.
29. The Registrar confirmed that the Member completed the remedial training specified in paragraphs 4 and 6 of the Undertaking, but that the Course and Examination had not been offered since the date of the Undertaking. The Registrar advised that in fairness to the Member, the final three months of the Member’s suspension (November 15, 2015 up to and including February 14, 2016) would be remitted. The Member was still required to complete the Course and Examination. Further, in the letter the Registrar reminded the Member that under the General Regulation, members cannot practice IVIT until they have met the Standards of Practice for IVIT and Prescribing. A copy of the letter dated November 17, 2015 is attached as Tab “E”.
30. On October 14, 2016, the Registrar sent a letter to the Member reminding him of his obligations under paragraph 5 of the Undertaking. The Registrar noted that the Member may not have been able to register for the Examination offered on July 17, 2016 as it was overbooked. The Registrar requested an update from the Member regarding his registration status for

the next available Course and Examination. A copy of the letter dated October 14, 2016 is attached as Tab “F”.

31. After the Member did not immediately respond, On January 6, 2017, Natalia Vasilyeva, Complaints & Discipline Coordinator at the College (“Ms. Vasilyeva”), emailed the Member further to the Registrar’s October 14, 2016 letter. Ms. Vasilyeva requested that the Member advise her whether he was registered for the Course and Examination.
32. On January 9, 2017, the Member responded to Ms. Vasilyeva’s email and advised her that he did not see a Course offered in the near future. The Member requested that Ms. Vasilyeva provide upcoming dates.
33. On January 10, 2017, Ms. Vasilyeva responded to the Member’s email and provided a link to the Ontario Association of Naturopathic Doctors website where the Course was provided. Ms. Vasilyeva also included a link to the College’s Examination schedule and advised the Member that he would need to register for the Examination separately from the Course.
34. On January 12, 2017, the Member responded to Ms. Vasilyeva’s email and advised that he would register once registration opened on January 23, 2017. A copy of the email correspondence dated January 6 to 12, 2017 is attached as Tab “G”.
35. On February 14, 2017, the Member emailed Ms. Vasilyeva and confirmed that he was registered for the Course offered in April 2017. On February 15, 2017, Ms. Vasilyeva responded to the Member’s unrelated inquiries. A copy of the email correspondence dated February 14 to 15, 2017 is attached as Tab “H”.
36. On March 29, 2017, Ms. Vasilyeva emailed the Member to advise him that the registration for the May 7, 2017 Examination was now open. Ms. Vasilyeva provided a link for the Examination registration.
37. On March 31, 2017, the Member replied to Ms. Vasilyeva’s email and advised her that he was unable to register for the Examination as a result of other financial obligations. The Member advised that he hoped to

register for the May 7, 2017 Examination or, if there was no room left in the May 7, 2017 Examination, for the next available Examination. A copy of the email correspondence dated March 29 to 31, 2017 is attached as Tab “T”.

38. On April 19, 2017, Ms. Vasilyeva emailed the Member and reminded him that the Undertaking required that he complete the “first available” Course and Examination. Ms. Vasilyeva noted that the College had offered two sittings of the Examination since the Member signed the Undertaking. Ms. Vasilyeva advised the Member that registration for the May 7, 2017 Examination was now closed. Ms. Vasilyeva recommended that the Member complete the next available Course and register for the November 26, 2017 Examination. Ms. Vasilyeva reminded the Member that breaching an undertaking is a serious matter which may constitute professional misconduct.
39. On April 19, 2017, the Member replied to Ms. Vasilyeva’s email and advised that he would complete the Course over the following two weekends and register for the November 26, 2017 Examination. A copy of the email correspondence dated April 19, 2017 is attached as Tab “J”.
40. It is agreed that the Member completed the Course as required in April 2017, and that he complied with the requirement that he take the first available Course.
41. On December 22, 2017, Ms. Vasilyeva emailed the Member requesting an update regarding the Examination. The Member replied to Ms. Vasilyeva’s email and advised her that he did not complete the November 26, 2017 Examination as he was preparing to go to the World Orchid Conference in Ecuador. The Member advised that he would sign up for the next available Examination in 2018 and asked if that was okay. A copy of the email correspondence dated December 22, 2017 is attached as Tab “K”.

The Member did not complete the next available Examination

42. It is agreed that despite agreeing to complete the “next available” Examination, and despite the fact that this was ordered by the Discipline Committee, the Member did not do so.
43. It is agreed that the Member wrote and completed the May 27, 2018 Examination but did not pass. The Member did not register for the December 2018 Examination.

Admissions of Professional Misconduct as Registrant of the Board

44. It is agreed that the conduct which occurred from March 5, 2014 to June 30, 2015 constitutes misconduct pursuant to subsection of 30(1) of Ontario Regulation 278, R.R.O. 1990, as defined in Professional Misconduct/Incompetence established by the Board:
 - a. Paragraph 1 - Contravention of any provision of the Drugless Practitioners Act and its regulations, of the Food and Drug Act and its regulations, or any other act regulating the practice of Drugless Therapy-Naturopathy;
 - b. Paragraph 2(r) - Conduct an act relevant to the practice of naturopathic medicine that, having regard to all the circumstances, would reasonably be regarded by naturopathic doctors as unprofessional or incompetent; and
 - c. Paragraph 2(w) - Contravening standards of practice or guidelines of practice set by the Board, specifically:
 - i. BDDT-N’s Standards of Practice,
 1. 2.1 –Each naturopathic doctor shall have knowledge of and comply with the laws and regulations governing the practice of naturopathic medicine in the jurisdiction of practice; and
 2. 2.6 -Each naturopathic doctor shall deal honestly with all patients, colleagues...and refrain from giving any false, incomplete or misleading information.

Admissions of professional misconduct as Member of the College

45. It is agreed that the conduct which occurred post July 1, 2015 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 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. 3(1) para 6, of the General Regulation - 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. s. 5(4) of the General Regulation - It is a standard of practice of the profession that a member may only perform a controlled act described in subsection (1) if he or she has successfully completed, (a) a course on prescribing that has been approved by the Council; and (b) an examination on prescribing that is administered or approved by the Council;
 - iii. s. 5(5) of the General Regulation - Where the administration of a substance referred to in paragraph 2 of subsection (1) is by intravenous injection, it is a standard of practice of the profession that a member may only perform the controlled act if he or she has successfully completed, in addition to the requirements under clauses (4) (a) and (b), (a) a course on administering a substance by intravenous injection that is approved by the Council; and

- (b) an examination on administering a substance by intravenous injection that is administered or approved by the Council;
 - iv. Scope of Practice Standard;
 - v. Consent Standard;
 - vi. IVIT Standard; and
 - vii. Performing Authorized Acts.
- 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); and
- 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).

Acknowledgement

46. By this document, the Member states that:
- a. He understands fully the nature of the allegations made against him;
 - b. He has no questions with respect to the allegations against him;
 - c. He admits to the truth of the facts contained in this Agreed Statement of Facts and Admission of Professional Misconduct and that the admitted facts constitute professional misconduct;
 - d. He understands that by signing this document he 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. He understands that by admitting the allegations, he is waiving his right to require the College to prove the allegations against him at a contested hearing;
- f. He 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. He understands that any agreement between him and the College with respect to the penalty proposed does not bind the Discipline Committee; and
- h. He understands and acknowledges that he is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that he has been advised of his right to seek legal advice.

Decision

The Panel finds that the Member committed acts of professional misconduct as alleged in the Notice of Hearing, save for the allegations withdrawn and as more fully admitted by the Member in the Agreed Statement of Facts.

Reasons for Decision

The Panel is satisfied that the facts as admitted amount to professional misconduct. Members of this College have the responsibility and obligation to ensure that they are responsive to the standards set by the College. Having given an undertaking to the Board of Drugless Therapists promising to complete the necessary course work and examination for IV Therapy, the Member had an obligation to do so before involving himself in IV therapy with patients.

The Member admitted to performing and/or supervising IV therapy on a number of patients, when he knew or ought to have known that he did not have all of the necessary prerequisites to do so.

The Panel is satisfied that the Member's conduct fell below the standards of the College and amounts to professional misconduct.

Further, the Panel is satisfied that the Member's failure to abide by his undertaking and his breach of the standards would reasonably be regarded by other members of this College as disgraceful, dishonourable or unprofessional.

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. Leslie Ee, ND (the "Member") agree and jointly submit that the Discipline Committee make an order:

1. Requiring the Member to appear before the panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of six months, on a schedule to be set by the Registrar, two (2) months of which shall be remitted if the Member complies with the provisions of paragraph 3(a) through 3(c) no later than September 30, 2020.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member's certificate of registration:
 - a. Requiring that the Member unconditionally pass, and at his own expense, a course in ethics, no later than December 31, 2020;
 - b. Requiring that the Member successfully complete, to the satisfaction of the Registrar and at his own expense, the College Jurisprudence Course, no later than December 31, 2020;
 - c. Requiring that the Member write an essay between 1000-1500 words in length, and provide it to the Registrar, no later than one month from the date of completing the Ethics and Jurisprudence courses, that shall be published by the

College at a time and in a format determined by the Registrar, on the following issue:

- i. The lessons he learned during the investigation and hearing and in completing the ethics and Jurisprudence, courses; and
 - d. Prohibiting the Member from performing and/or supervising intravenous therapy.
4. For greater certainty, the Member's obligation to comply with the proposed terms, conditions and limitations on his certificate of registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.
5. Requiring the Member 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 Member shall pay the College's costs fixed in the amount of \$6,500 payable on a schedule determined by the Registrar.
7. The Member acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
8. The Member acknowledges and understands that he is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that he has been advised of his right to seek legal advice.

Penalty and Costs Decision

The panel accepts the Joint Submission and accordingly orders:

1. That the Member appear before the panel to be reprimanded immediately following the hearing of this matter.
2. That the Registrar is directed to suspend the Member's certificate of registration for a period of six months, on a schedule to be set by the Registrar, two (2) months of which shall be remitted if the Member complies with the provisions of paragraph 3(a) through 3(c) no later than September 30, 2020.

3. That the Registrar impose the following specified terms, conditions and limitations on the Member's certificate of registration:
 - a. The Member is required to unconditionally pass, and at his own expense, a course in ethics, no later than December 31, 2020;
 - b. The Member is required to successfully complete, to the satisfaction of the Registrar and at his own expense, the College Jurisprudence Course, no later than December 31, 2020;
 - c. The Member is required to write an essay between 1000-1500 words in length, and provide it to the Registrar, no later than one month from the date of completing the Ethics and Jurisprudence courses, that shall be published by the College at a time and in a format determined by the Registrar, on the following issue:
 - i. The lessons he learned during the investigation and hearing and in completing the ethics and Jurisprudence, courses; and
 - d. The Member is prohibited from performing and/or supervising intravenous therapy.
4. For greater certainty, the Member's obligation to comply with the proposed terms, conditions and limitations on his certificate of registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.
5. The Member is required 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 Member shall pay the College's costs fixed in the amount of \$6,500 payable on a schedule determined by the Registrar.
7. The Member acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.

8. The Member acknowledges and understands that he is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that he has been advised of his right to seek legal advice.

Reasons for Penalty Decision

The Panel considered the Joint Submissions as to Penalty and Costs, as well as submissions from the parties. The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member's practice.

The Panel also considered the principle that the Panel should accept a joint submission on penalty unless convinced that doing so would bring the process of this College into disrepute or would otherwise be contrary to the public interest.

In the circumstances of this case, the penalty proposed by the parties is reasonable and so ordered by the Panel.

The aggravating factors in this case include the nature of the conduct itself, in that the Member offered to perform and/or supervise intravenous therapy to many patients including the investigator, where the Member knew or ought to have known that he had not completed the necessary prerequisites in order to offer such a service. The Member failed to comply with the signed undertaking of successfully completing the IVIT examination.

The mitigating factors include the fact that the Member readily agreed to the allegations and was prompt in engaging in settlement resolution of this matter.

The penalty order meets the requirement of being both a specific deterrent to the Member, and a general deterrent to the profession for the following reasons.

The length of the suspension sends a message to both the Member and the membership at large that this kind of professional misconduct will result in a serious disruption to a person's practice.

Similarly, the fine, while not oppressively high, is an acknowledgment of the cost of regulation for the Province. The oral reprimand is an opportunity to make clear to the Member and the profession that members must be held to a high standard in keeping with the College's goal of public protection and accountability. Finally, the remedial terms will help to ensure that the Member learn from his misconduct and is able to return to practice safer and better equipped to treat his patients competently and safely.

The penalty order meets the requirement to preserve public confidence in the profession to properly regulate its members to serve and protect the public interest. The penalty order is robust and sends a clear message that this matter has been taken seriously.

While the costs ordered are not part of the penalty per se, they are reasonable in all of the circumstances. The College and the membership should not bear the full responsibility for the costs of the discipline process. It is fair to ask that the Member who has been found to have engaged in professional misconduct to share in a portion of the costs incurred in connection to the discipline hearing.

At the conclusion of the hearing, having confirmed that the Member waived any right to appeal, the Panel delivered its reprimand. A copy of the Reprimand is attached hereto as Schedule A.

I, Tara Gignac, 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:

Dr. Tara Gignac, ND



April 24, 2020

Chairperson

Date

Shelley Burns, ND
Samuel Laldin
Dianne Delany
Laure Sbeit, ND