

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

PANEL:

Dr. Tara Gignac, ND, Chair
Dr. Rick Olazabal, ND
Harpal Buttar
Samuel Laldin

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

RAHIM KANJI ND

) REBECCA DURCAN for the
) College of Naturopaths of Ontario
)
) PATRICK SUMMERS for
) RAHIM KANJI ND
)
)
) LUISA RITACCA, Independent
) Legal Counsel
)
) Heard: April 9, 2018
)

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on April 9, 2018 at the College of Naturopaths of Ontario (“the College”) at Toronto.

The Allegations

The allegations against Rahim Kanji(the “Member”) as stated in the Notice of Hearing dated June 16, 2017 are as follows:

The Member

1. Dr. Rahim Kanji, ND (“Dr. Kanji, ND”) was a registrant of the Board of Directors of Drugless Therapy – Naturopathy (the “Board”) from November 1, 2011 until June 30, 2015.

2. Dr. Kanji, ND has been a member of the College since July 1, 2015.
3. As of today's date, Dr. Kanji, ND has not met the Therapeutic Prescribing Standard of Practice.

CONDUCT AS REGISTRANT OF THE BOARD

Patient A

4. On or about March 19, 2015, Patient A became a patient of Dr. Kanji, ND. Patient A advised Dr. Kanji, ND that she did not use birth control.

Prescribing a drug – First Treatment

5. On or about May 25, 2015, Dr. Kanji, ND discussed prescribing Vitamin A to Patient A as a result of her acne.
6. On or about June 23, 2015, Dr. Kanji, ND prescribed 300,000 IU daily of Vitamin A for Patient A (the "First Treatment").
7. The Prescription Drug List of the Food and Drugs Act, R.S.C., 1985, c. F-27 characterizes Vitamin A in any dose higher than 10,000 IU daily as a "drug".
8. Section 7 of the Drugless Practitioners Act, R.S.O. 1990, c. D.18 provides that, "Nothing in this Act ... authorizes a person ... to prescribe or administer drugs."
9. For each of these reasons, it is alleged that Dr. Kanji, ND engaged in 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 or 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
 - a. 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.

Birth Control

10. It is alleged that Dr. Kanji, ND did not advise Patient A on or about May 25 or June 23, 2015 that Patient A ought to be on birth control in advance of and while on the First Treatment.
11. In light of the risks of the First Treatment, Dr. Kanji, ND ought to have advised Patient A to be on at least one form of birth control before the First Treatment was prescribed.
12. For each of these reasons, it is alleged that Dr. Kanji, ND engaged in 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(e) - Providing inappropriate, deleterious, unnecessary or incompetent treatment or false or misleading information to the patient;
 - c. Paragraph 2(r) - Conduct or 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
 - d. Paragraph 2(w) -Contravening standards of practice or guidelines of practice set by the Board, specifically:
 1. BDDT-N's Standards of Practice,
 - a. 2.6 - Each naturopathic doctor shall deal honestly with all patients, colleagues... and refrain from giving any false, incomplete or misleading information; and/or
 - b. 2.11 - Each naturopathic doctor shall advise the patient regarding significant side effects from the treatment plan.

Informed Consent

13. Dr. Kanji, ND did not obtain informed consent from Patient A for the First Treatment as he failed to provide Patient A with the material risks and the material side effects of the First Treatment, such as:
 - a. Material Risk of Acute Vitamin A toxicity, side effects of which include:

- i. Anorexia;
 - ii. Altered mental status;
 - iii. Abdominal pain;
 - iv. Blurred vision;
 - v. Inflammation of eyes and/or
 - vi. Muscle pain and weakness.
 - b. Material Risk of Chronic Vitamin A toxicity, side effects of which include:
 - i. Skin peeling;
 - ii. Brittle nails;
 - iii. Anorexia;
 - iv. Hypercalcemia;
 - v. Hypoprothrombinemia;
 - vi. Bone abnormalities;
 - vii. Fever;
 - viii. Muscle pain;
 - ix. Birth Deformities;
 - x. Balding; and/or
 - xi. Inflammation of eyes.
14. For each of these reasons, it is alleged that Dr. Kanji, ND engaged in 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;
 - b. Paragraph 2(u) - Failure to obtain informed consent for diagnostic or treatment procedures;
 - c. Paragraph 2(r) - Conduct or 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
 - d. Paragraph 2(w) - Contravening standards of practice or guidelines of practice set by the Board, specifically:
 - 1. BDDT-N's Standards of Practice,
 - a. 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;

- b. 2.6 - Each naturopathic doctor shall deal honestly with all patients, colleagues... and refrain from giving any false, incomplete or misleading information; and/or
- c. 2.11 - Each naturopathic doctor shall advise the patient regarding significant side effects from the treatment plan.

Monitoring

- 15. Dr. Kanji, ND did not request Patient A to undergo pregnancy tests every month and/or cholesterol tests every three months, and advise him of the results, while she was on the First Treatment.
- 16. For this reason, it is alleged that Dr. Kanji, ND engaged in 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;
 - b. Paragraph 2(r) - Conduct or 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,
 - a. 2.12 - Each naturopathic doctor shall monitor each patient at a level consistent with the degree of management being exercised.

CONDUCT AS MEMBER OF THE COLLEGE

Failure to identify Vitamin A toxicity and to recommend cessation of First Treatment

- 17. It is alleged that Dr. Kanji, ND did not identify the symptoms of Chronic and/or Acute Vitamin A toxicity and/or advise or recommend to Patient A that she should cease the First Treatment in or about September, October or November, 2015 and that he ought to have done so as a result of the dosage and duration of the First Treatment.
- 18. It is alleged that in or around November 2015, Patient A's acne had resolved and Patient A advised Dr. Kanji, ND that she was suffering from dry skin.
- 19. It is alleged that Dr. Kanji, ND did not identify the symptoms of Chronic and/or Acute Vitamin A toxicity and/or did not advise or recommend to Patient A that she should cease, or decrease the dosage of, the First Treatment in or around November 2015 and that he ought to have done so as a result of

the dosage and duration of the First Treatment, and/or the information Patient A provided to him as set out in paragraph 18.

20. It is alleged that on or about February 22, 2016, Patient A inquired with Dr. Kanji, ND about stopping the First Treatment due to the following:

- a. Her dry skin was worse;
- b. She was suffering from low grade back pain; and/or
- c. She had dry brittle hair.

It is alleged that Dr. Kanji, ND encouraged Patient A to remain on the First Treatment until he could see the results of her blood work.

21. It is alleged that Dr. Kanji, ND did not identify the symptoms of Chronic and/or Acute Vitamin A toxicity and/or did not advise or recommend to Patient A that she should cease, or decrease the dosage of, the First Treatment on or about February 22, 2016 and that he ought to have done so as a result of the dosage and duration of the First Treatment, and/or the information Patient A provided to him as set out in paragraphs 18 and/or 20.

22. It is alleged that the above conduct constitutes professional misconduct pursuant to 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:

- a. Failing to identify the symptoms of Chronic and/or Acute Vitamin A toxicity in June, July, and/or November 2015, and/or February 2016; and/or

- b. Failing to cease or decrease the dosage of the First Treatment from September to November 2015.

- 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/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).

Prescribing a drug-Second Treatment

23. On or about February 22, 2016, it is alleged that Dr. Kanji, ND prescribed 250,000 IU of Vitamin A (the “Second Treatment”) and 800 IU of Vitamin E to Patient A despite being aware of the symptoms stated in paragraphs 18 and/or 20 and that Patient A had been on the First Treatment since approximately June 2015.
24. It is alleged that Dr. Kanji, ND did not retain a copy of the prescription of the Second Treatment in the patient chart.
25. It is alleged that the above conduct constitutes professional misconduct pursuant to 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. subsection 3(1) para 4 and 3(1) para 6 of the General Regulation;
 - ii. subsection 9(1), 9(2) paras 3, 4, and 5, 9(3), 9(4) and s. 9(5) of the General Regulation;
 - iii. Failing to identify the symptoms of Chronic and/or Acute Vitamin A toxicity in June, July, and/or November 2015, and/or February 2016; and/or
 - iv. Prescribing the Second Treatment to Patient A after she has been on the First Treatment for approximately 8 months.
 - 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 10 (Performing a controlled act that the member is not authorized to perform);
 - d. Paragraph 23 (Failing to keep records in accordance with the standards of the profession); and/or
 - e. 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).

Failure to discuss pregnancy risks

26. It is alleged that in or about February 2016 Dr. Kanji, ND discussed with Patient A the importance of being on birth control during the Second Treatment. However, it is alleged that Dr. Kanji, ND did not

provide sufficient information to Patient A on the risks of becoming pregnant while on the Second Treatment.

27. It is alleged that the above conduct constitutes professional misconduct pursuant to the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Naturopathy Act, 2007:
 - a. Paragraph 3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic or other health-related purpose except with the informed consent of the patient);
 - 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).

Informed Consent

28. It is alleged that Dr. Kanji, ND did not obtain informed consent from Patient A for the Second Treatment as he failed to provide Patient A with the material risks and the material side effects of the Second Treatment, such as:
 - a. Material Risk of Acute Vitamin A toxicity, side effects of which include:
 - i. Anorexia;
 - ii. Altered mental status;
 - iii. Increased intracranial pressure;
 - iv. Abdominal pain;
 - v. Blurred vision;
 - vi. Inflammation of eyes and/or
 - vii. Muscle pain and weakness.
 - b. Material Risk of Chronic Vitamin A toxicity, side effects of which include:
 - i. Skin peeling;
 - ii. Brittle nails;
 - iii. Anorexia;
 - iv. Hypercalcemia;
 - v. Increased intracranial pressure;
 - vi. Hypoprothrombinemia;
 - vii. Bone abnormalities;

- viii. Fever;
- ix. Muscle pain;
- x. Birth Deformities;
- xi. Balding; and/or
- xii. Inflammation of eyes.

29. It is alleged that as a result of the First Treatment and/or the Second Treatment, Patient A proceeded to suffer from chronic and/or acute vitamin A toxicity and its side effects, including but not limited to extreme hair loss, skin sensitivity and back pain.
30. It is alleged that the above conduct constitutes professional misconduct pursuant to 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. subsection 3(1) para (2) and para (3), 3(1) para 4 and 3(1) para 6 of the General Regulation;
 - b. Paragraph 3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic or other health-related purpose except with the informed consent of the patient); 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).

Monitoring

31. It is alleged that Dr. Kanji, ND did not request Patient A to undergo pregnancy tests every month and/or cholesterol tests every three months, and advise him of results, while she was on the First and/or Second Treatment.
32. It is alleged that the above conduct constitutes professional misconduct pursuant to 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. Failing to recommend a pregnancy test every month and a cholesterol test every three months for Patient A while on the First Treatment or the Second Treatment;
- 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).

Inaccurate Information by the Member

- 33. *Allegation Withdrawn*
- 34. *Allegation Withdrawn*
- 35. *Allegation Withdrawn*
- 36. *Allegation Withdrawn*

Failure to respond to Patient A's concerns

- 37. On or about May 6, 2016, Patient A emailed Dr. Kanji, ND and expressed her concern with the care provided to her. She advised Dr. Kanji, ND that her other health care practitioners were also concerned about the care provided.
- 38. It is alleged that Dr. Kanji, ND did not respond to this email of Patient A.
- 39. It is alleged that the above conduct constitutes professional misconduct pursuant to the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Naturopathy Act, 2007:
 - a. 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 disgracefulⁱ, dishonourable or unprofessional).

Member's Plea

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

The panel received a written plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

ⁱ The College indicated that it sought to withdraw the allegation that the conduct described at paragraphs 37 and 38 could reasonably be regarded as "disgraceful"

Agreed Statement of Facts (Exhibit #2)

BACKGROUND

The Member

1. Dr. Rahim Kanji, ND (“Dr. Kanji, ND”) was a registrant of the Board of Directors of Drugless Therapy – Naturopathy (the “Board”) from November 1, 2011 until June 30, 2015.
2. Dr. Kanji, ND has been a member of the College since July 1, 2015. However, since August 2017, Dr. Kanji, ND has voluntarily paused practising naturopathy.
3. On or about November 24, 2017, Dr. Kanji, ND completed the Prescribing Course and Examination.

CONDUCT AS REGISTRANT OF THE BOARD

Patient A

4. On March 19, 2015, Patient A was a 34 year old woman in a common law relationship. On or about March 19, 2015 Patient A became a patient of Dr. Kanji, ND in order to treat her acne. Patient A advised Dr. Kanji, ND that she did not use birth control.

Prescribing a drug – First Treatment

5. On May 25, 2015, Dr. Kanji, ND discussed prescribing Vitamin A to Patient A as a result of her acne.
6. According to Health Canada, the Recommended Dietary Allowance (RDA) of Vitamin A is 2333 IU daily with a maximum upper limit of 10,000 IU daily.
7. Vitamin A is a known teratogen (an agent that can disturb the development of the embryo or fetus).
8. On June 23, 2015, Dr. Kanji, ND prescribed 300,000 IU daily of Vitamin A for Patient A (the “First Treatment”). This dosage is in accordance with naturopathic practice to treat acne.
9. Vitamin A is included on the Prescription Drug List of the Food and Drugs Act, R.S.C., 1985, c. F-27 where it is “in oral dosage form containing more than 10,000 International Units of Vitamin A per dosage form or, where the largest recommended daily dosage shown on the label would, if consumed by a person, result in the daily intake by that person of more than 10,000 International Units of Vitamin A”. . .
10. Section 7 of the Drugless Practitioners Act, R.S.O. 1990, c. D.18 provided the following:

Nothing in this Act or the regulations authorizes a person, not being so expressly authorized under a general or special Act of the Legislature, to

prescribe or administer drugs for use internally or externally or to use or direct or prescribe the use of anesthetics for any purpose whatsoever or to practise surgery or midwifery.

11. Up until July 1, 2015, naturopaths were not authorized under a general or special Act of the Legislature, to prescribe or administer drugs listed as Prescription drugs under the Food and Drugs Act, R.S.C., 1985, c. F-27.
12. Dr. Kanji, ND believed that naturopathic doctors were permitted to prescribe Vitamin A in oral form in doses higher than 10,000 IU daily prior to July 1, 2015. If he were to testify, Dr. Kanji, ND would indicate that this belief arose from (a) his understanding that other naturopaths regularly “prescribed” Vitamin A in excess of 10,000 IU and (b) his review of certain naturopathic texts.
13. Dr. Kanji, ND now understands that he was in error and that Vitamin A in any dose higher than 10,000 IU daily was considered a prescription drug and that naturopaths were not in fact permitted to prescribe prescription drugs prior to July 1, 2015.
14. For each of these reasons, it is agreed that Dr. Kanji, ND engaged in 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 or 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:
 1. BDDT-N’s Standards of Practice,
 - a. 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.

Birth Control

15. It is agreed that Dr. Kanji, ND does not recall if he advised Patient A that she ought to be on birth control in advance of, and while on, the First Treatment until February 11, 2016 when he reached out to Patient A via email and stated the following:

Hi [REDACTED], I can't remember if we've discussed this but I want to make sure you are using some form of effective contraception while on the Vitamin A therapy. If you ever plan on have [sic] a baby or get pregnant, notify me and discontinue the vitamin A immediately. We will talk more at your next visit, but I was looking through your file and thought if prudent to clarify this!

16. In light of the risks of the First Treatment (including birth deformities), Dr. Kanji, ND ought to have advised Patient A to be on at least one form of birth control before the First Treatment was prescribed.
17. For each of these reasons, it is agreed that Dr. Kanji, ND engaged in 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(e) - Providing inappropriate, deleterious, unnecessary or incompetent treatment or false or misleading information to the patient;
 - c. Paragraph 2(r) - Conduct or 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
 - d. Paragraph 2(w) -Contravening standards of practice or guidelines of practice set by the Board, specifically:
 1. BDDT-N's Standards of Practice,
 - a. 2.6 - Each naturopathic doctor shall deal honestly with all patients, colleagues... and refrain from giving any false, incomplete or misleading information; and/or
 - b. 2.11 - Each naturopathic doctor shall advise the patient regarding significant side effects from the treatment plan.

Informed Consent

18. The Health Care Consent Act, 1996 S.O. 1996, c. 2 sets out the requisite components of informed consent. The Health Care Consent Act states that a practitioner cannot administer a treatment unless the patient has given consent. The elements of consent include the following:
 - a. The consent must relate to the treatment
 - b. The consent must be informed
 - c. The consent must be given voluntarily
 - d. The consent must not be obtained through misrepresentation or fraud.

19. In order for consent to be informed, the practitioner must provide the following information to the patient:
 - a. The nature of the treatment
 - b. The expected benefits of the treatment
 - c. The material risks of the treatment
 - d. The material side effects of the treatment
 - e. Alternative courses of action
 - f. The likely consequences of not having the treatment.
20. Dr. Kanji ND did inform Patient A of some of the potential side effects of the First Treatment. He documented that he discussed dry skin, dry hair, headache, nausea, vomiting, hair shedding and liver inflammation with Patient A. It is admitted that Dr. Kanji, ND did not list all of the material risks, most notably birth deformities.
21. Dr. Kanji, ND did not advise Patient A that a material risk of the First Treatment was acute and/or chronic Vitamin A toxicity.
22. Dr. Kanji, ND did not obtain informed consent from Patient A for the First Treatment as he failed to provide Patient A with the material risks and all of the material side effects of the First Treatment, such as:
 - a. Material Risk of Acute Vitamin A toxicity, the serious or common side effects of which include:
 - i. Anorexia;
 - ii. Altered mental status;
 - iii. Abdominal pain;
 - iv. Blurred vision;
 - v. Inflammation of eyes and/or
 - vi. Muscle pain and weakness.
 - b. Material Risk of Chronic Vitamin A toxicity, the serious or common side effects of which include:
 - i. Skin peeling;
 - ii. Anorexia;
 - iii. Bone abnormalities;
 - iv. Fever;
 - v. Muscle pain;
 - vi. Birth Deformities; and/or
 - vii. Balding.

23. For each of these reasons, it is agreed that Dr. Kanji, ND engaged in 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;
 - b. Paragraph 2(u) - Failure to obtain informed consent for diagnostic or treatment procedures;
 - c. Paragraph 2(r) - Conduct or 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
 - d. Paragraph 2(w) - Contravening standards of practice or guidelines of practice set by the Board, specifically:
 - 1. BDDT-N's Standards of Practice,
 - a. 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;
 - b. 2.6 - Each naturopathic doctor shall deal honestly with all patients, colleagues... and refrain from giving any false, incomplete or misleading information; and/or
 - c. 2.11 - Each naturopathic doctor shall advise the patient regarding significant side effects from the treatment plan.

Monitoring

24. Dr. Kanji, ND did not request Patient A to undergo pregnancy tests every month and advise him of the results, while she was on the First Treatment.
25. For this reason, it is agreed that Dr. Kanji, ND engaged in 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;
 - b. Paragraph 2(r) - Conduct or 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:

1. BDDT-N's Standards of Practice,

a. 2.12 - Each naturopathic doctor shall monitor each patient at a level consistent with the degree of management being exercised.

CONDUCT AS MEMBER OF THE COLLEGE

Failure to identify Vitamin A toxicity and to recommend cessation of First Treatment

26. As of November 16, 2015, Patient A had been on the First Treatment for five months. Her acne had completely resolved. Patient A advised Dr. Kanji, ND that she was suffering from dry skin. Instead of recommending a cessation or tapering of the First Treatment, Dr. Kanji, ND recommended that Patient A take fish oil and an enzyme test.
27. As of February 22, 2016, Patient A had been on the First Treatment for eight months. Her acne had completely resolved.
28. It is agreed that on February 22, 2016, there was a telephone discussion between Dr. Kanji ND and Patient A about whether Patient A should stop the First Treatment due to the following:
 - a. Her dry skin was worse;
 - b. She was suffering from low grade back pain; and
 - c. She had dry brittle hair.
29. It is agreed that by the end of the telephone discussion, Dr. Kanji, ND told Patient A to reduce her Vitamin A intake to 250,000 IU until he could see the results of her blood work.
30. It is agreed that Patient A was suffering from Chronic Vitamin A toxicity on February 22, 2016.
31. It is agreed that Dr. Kanji, ND did not recommend that Patient A cease or taper the First Treatment on November 16, 2015.
32. It is agreed that Dr. Kanji, ND did not identify the symptoms of Chronic Vitamin A toxicity and/or did not advise or recommend to Patient A that she should cease the First Treatment on February 22, 2016 and that he ought to have done so as a result of the dosage and duration of the First Treatment, and/or the information Patient A provided to him as set out in paragraphs 26, 27 and 28.

33. It is agreed that the above conduct constitutes professional misconduct pursuant to 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:
 - a. Failing to cease or decrease the dosage of the First Treatment in November 2015;
 - b. Failing to identify the symptoms of Chronic Vitamin A toxicity on February 2016; and
 - c. Failing to cease the First Treatment in February 2016.
 - 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).

Prescribing a drug-Second Treatment

34. Despite being aware of the symptoms stated in paragraph 28 and that Patient A had been on the First Treatment since June 2015, it is agreed that Dr. Kanji, ND reduced the dosage of Vitamin A for Patient A to 250,000 IU of Vitamin A daily and that this constituted a new prescription (the "Second Treatment").
35. It is agreed that Dr. Kanji, ND did not retain a copy of the prescription of the Second Treatment in the patient chart, though the change of dosage is written in his clinical notes.
36. It is agreed that the above conduct constitutes professional misconduct pursuant to 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. subsection 3(1) para 4 and 3(1) para 6 of the General Regulation;
 - ii. subsection 9(1), 9(2) paras 3, 4, and 5, 9(3), 9(4) and s. 9(5) of the General Regulation;
 - iii. Failing to identify the symptoms of Chronic and/or Acute Vitamin A toxicity in November 2015, and/or February 2016; and

- iv. Prescribing the Second Treatment to Patient A after she has been on the First Treatment for approximately 8 months.
- 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 10 (Performing a controlled act that the member is not authorized to perform);
- d. Paragraph 23 (Failing to keep records in accordance with the standards of the profession); and/or
- e. 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).

Failure to discuss pregnancy risks

- 37. As indicated in paragraph 15, it is agreed that on or about February 11, 2016 Dr. Kanji, ND discussed with Patient A the importance of being on birth control while on the First Treatment.
- 38. In response to Dr. Kanji's, ND email, Patient A indicated that she was aware and that she was not planning to be pregnant for another 6 months to a year. However, it is agreed that Dr. Kanji's ND email of February 11, 2016 was not sufficient information on the risks of becoming pregnant (namely birth deformities), while on the Second Treatment.
- 39. It is agreed that the above conduct constitutes professional misconduct pursuant to the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Naturopathy Act, 2007:
 - a. Paragraph 3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic or other health-related purpose except with the informed consent of the patient); 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 disgraceful, dishonourable or unprofessional).

Informed Consent

- 40. It is agreed that Dr. Kanji, ND did not obtain informed consent from Patient A for the Second Treatment as he failed to provide Patient A with the material risks and the material side effects of the Second Treatment, such as:
 - a. Material Risk of Chronic Vitamin A toxicity, the serious or common side effects of which include:
 - i. Skin peeling;
 - ii. Anorexia;
 - iii. Bone abnormalities;

- iv. Fever;
 - v. Muscle pain;
 - vi. Birth Deformities; and/or
 - vii. Balding.
41. It is agreed that as a result of the First Treatment and/or the Second Treatment, Patient A proceeded to suffer from chronic vitamin A toxicity and its side effects, including but not limited to extreme hair loss and skin sensitivity.
42. It is agreed that the above conduct constitutes professional misconduct pursuant to 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. subsection 3(1) para (2) and para (3), 3(1) para 4 and 3(1) para 6 of the General Regulation;
 - b. Paragraph 3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic or other health-related purpose except with the informed consent of the patient); 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).

Monitoring

43. It is agreed that Dr. Kanji, ND did not request Patient A to undergo pregnancy tests every month, and advise him of the results, while she was on the Second Treatment.
44. It is agreed that the above conduct constitutes professional misconduct pursuant to 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. Failing to recommend a pregnancy test every month for Patient A while on the Second Treatment; 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 disgraceful, dishonourable or unprofessional).

Failure to respond to Patient A's concerns

45. On May 6, 2016, Patient A emailed Dr. Kanji, ND and expressed her concern with the care provided to her. She advised Dr. Kanji, ND that her other health care practitioners were also concerned about the care provided.
46. It is agreed that Dr. Kanji, ND did not respond to this email of Patient A as he felt that Patient A was threatening litigation and that she was no longer intending to seek Dr. Kanji's services. However, it is agreed that Dr. Kanji, ND ought to have at the very minimum confirmed receipt of Patient A's email
47. It is agreed that the above conduct constitutes professional misconduct pursuant to the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Naturopathy Act, 2007:
 - a. 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).

ADMISSION OF PROFESSIONAL MISCONDUCT

48. By this document, Dr. Kanji, ND admits to the truth of the facts referred to in paragraphs 1 to 47 above (the "Agreed Facts").
49. By this document Dr. Kanji, ND states that:
 - (a) he understands fully the nature of the allegations against him;
 - (b) he has no questions with respect to the allegations against him;
 - (c) he understands that by signing this document he is consenting to the evidence as set out in the Agreed Facts being presented to the Discipline Committee;
 - (d) he understands that by admitting the allegations, he is waiving his right to require the College to prove the case against him and the right to have a hearing;
 - (e) he understands that depending on the penalty ordered by the Discipline Committee, the decision of the Committee and a summary of its reasons, including reference to his name, may be published in the College's annual report and any other publication or website of the College;
 - (f) he understands that any agreement between him and the College with respect to the penalty proposed does not bind the Discipline Committee;
 - (g) he understands and acknowledges that he is executing this document voluntarily, unequivocally, free of duress, free of inducement or bribe, and that he has been advised of his right to seek legal advice and that he has received such advice.

50. In light of the Agreed Facts and the admission of professional misconduct, the College of Naturopaths of Ontario and Dr. Kanji, ND submit that the Discipline Committee should find that Dr. Kanji, ND has committed professional misconduct.

Decision

The panel considered the Agreed Statement of Facts and concludes that the facts support a finding of professional misconduct and, in particular, finds that the Member committed acts of professional misconduct as admitted by the Member in the Agreed Statement of Facts.

The panel granted the College leave to withdraw the allegations set out at paragraphs 33-36 of the Notice of Hearing, as marked above.

Reasons for Decision

The panel considered the Agreed Statement of Facts and the Member's plea and finds that the facts of this case support the findings of professional misconduct both while he was a member of the Board of Directors of Drugless Therapy – Naturopathy up to and including June 30, 2015, as well as a current member of College of Naturopaths of Ontario, starting July 1, 2015 to the present.

This panel has the regulatory authority to make findings based on conduct for both the BDDT-N and CONO as per the *Naturopathy Act*, S.O., Chapter 10, Schedule P, 13 (4.1) (a).

As a member of the BDDT-N he:

- prescribed a drug that he had no authority to prescribe.
- did not manage the risk of using that drug. Vitamin A at doses over 10,000IU/day is teratogenic to a developing fetus. Dr Kanji ND did not manage this significant risk of harm at the onset of treatment and with respect to ongoing monitoring of the treatment.

- did not get proper informed consent because he did not discuss the above risks with the patient. Nor did he discuss the many potential side effects of taking vitamin A at high doses.

As a member of the College of Naturopaths of Ontario he:

- failed to recognize the symptoms of vitamin A toxicity. The Member failed to do so, even after multiple interactions with the patient over several months. Members of this profession would reasonably regard this conduct as both dishonourable and unprofessional
- prescribed a drug (vitamin A at a dose greater than 10,000IU/day), without meeting the regulatory requirements to access the *Controlled Act of Prescribing a Drug*. Again, this conduct would reasonably be regarded as both dishonourable and unprofessional. The Member knew or ought to have known that he was obligated to meet the regulatory requirements for prescribing, before doing so.
- did not maintain the appropriate records when prescribing a drug, which is both a breach of the professional misconduct regulation and would be regarded as unprofessional
- did not manage the risk of using vitamin A. Vitamin A at doses over 10,000IU/day is teratogenic to a developing fetus. Dr Kanji ND did not manage this significant risk of harm, which is both dishonourable and unprofessional
- did not get proper informed consent because he did not discuss the above risks with the patient. Nor did he discuss the many potential side effects of taking vitamin A at high doses, which is dishonourable and unprofessional.
- did not communicate with the patient once she became angry and called his actions into question. Not taking responsibility for the mistake immediately was both dishonourable and 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:

1. Requiring Dr. Kanji, ND to appear before the panel to be reprimanded on a date to be scheduled.
2. Directing the Registrar to suspend Dr. Kanji's, ND certificate of registration for a period of six (6) months, immediately following this hearing of the Discipline Committee.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on Dr. Kanji's, ND certificate of registration:
 - a. Requiring that Dr. Kanji, ND successfully complete by November 30, 2018 the satisfaction of the Registrar and at his own expense, the ProBe course in ethics and/or jurisprudence;
 - b. Requiring that Dr. Kanji, ND successfully complete by November 30, 2018, to the satisfaction of the Registrar and at his own expense, the Medical Records Course at the University of Toronto; and
 - c. Requiring that Dr. Kanji, ND successfully complete, to the satisfaction of the Registrar and at his own expense, up to three (3) meetings with a Regulatory Expert within twelve (12) months following the lifting of the suspension.
4. Dr. Kanji, ND shall pay the College's costs fixed in the amount of \$13,000 on a schedule to be determined by the Registrar.
5. Dr. Kanji, ND acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
6. Dr. Kanji, ND acknowledges that he has had the opportunity to receive, and has in fact received, independent legal advice.

The parties submitted that the Joint Submission met the sentencing goals of deterrence and rehabilitation. Counsel argued that the Joint Submission was in the public interest and was the product of lengthy negotiations. Counsel reminded the panel that it not depart from the Joint Submission unless accepting it would bring this process into disrepute or otherwise be contrary to the public interest.

Penalty and Costs Decision

The panel accepts the Joint Submission and accordingly orders:

1. Requiring Dr. Kanji, ND to appear before the panel to be reprimanded on a date to be scheduled.
2. Directing the Registrar to suspend Dr. Kanji's, ND certificate of registration for a period of six (6) months, immediately following this hearing of the Discipline Committee.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on Dr. Kanji's, ND certificate of registration:
 - a. Requiring that Dr. Kanji, ND successfully complete by November 30, 2018 the satisfaction of the Registrar and at his own expense, the ProBe course in ethics and/or jurisprudence;
 - b. Requiring that Dr. Kanji, ND successfully complete by November 30, 2018, to the satisfaction of the Registrar and at his own expense, the Medical Records Course at the University of Toronto; and
 - c. Requiring that Dr. Kanji, ND successfully complete, to the satisfaction of the Registrar and at his own expense, up to three (3) meetings with a Regulatory Expert within twelve (12) months following the lifting of the suspension.
4. Dr. Kanji, ND shall pay the College's costs fixed in the amount of \$13,000 on a schedule to be determined by the Registrar.
5. Dr. Kanji, ND acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.

6. Dr. Kanji, ND acknowledges that he has had the opportunity to receive, and has in fact received, independent legal advice.

Reasons for Penalty Decision

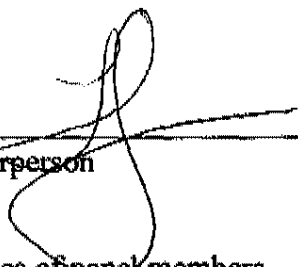
In considering the appropriateness of the joint penalty proposed, the panel was mindful of its obligations when asked to review a joint submission. The panel understands that it should not depart from a joint submission on penalty unless accepting it would bring the administration of this process into disrepute or otherwise be contrary to the public interest.

In this case, the panel is satisfied that the proposed penalty satisfies the 4 pillars of a reasonable penalty; it provides specific deterrence to the Member and general deterrence to the other members of the profession. It offers robust remediation to ensure the Member actively learns from his mistake and will protect the public and enhance public confidence in the ability of the College to regulate its members effectively.

The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty has accepted responsibility. Dr. Kanji ND voluntarily stopped practicing in the fall of 2017 and had not returned to the practise as at the date of the hearing. He has already taken the prescribing course and passed the prescribing exam. Dr. Kanji ND has agreed to a 6 month suspension of his certificate of registration. Dr. Kanji ND has agreed to complete courses in ethics and jurisprudence, and medical record keeping. Dr. Kanji ND has agreed to meet with a regulatory expert after the lifting of his suspension. Dr. Kanji ND has also agreed to pay \$13,000 in costs to the College. Dr. Kanji ND has agreed to schedule an oral reprimand. He no longer lives in the province of Ontario and is ensuring that he is working toward scheduling this when he is back in the province.

The panel concluded the proposed penalty is reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty has accepted responsibility. The panel finds that the penalty satisfies the principles of specific and general deterrence, rehabilitation and remediation, and public protection.

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:



Chairperson

Date Apr 24 2018
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Names of panel members

Dr. Tara Gignac, ND, Chair
Dr. Rick Olazabal, ND
Harpal Buttar
Samuel Laldin

COLLEGE OF NATUROPATHS OF ONTARIO v. RAHIM KANJI

As you know, Dr. Kanji, 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 multiple different ways.

The purpose of this oral reprimand to ensure that you understand that it is a matter of profound concern to this panel that you have engaged in these forms of professional misconduct. And to make clear it 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 the use of a vitamin at toxic doses for a prolonged period of time, in a patient with known risk factors in which that toxic dose could have caused serious harm.

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

Fortunately, your misconduct, did not result in the “worst case scenario”, but quite frankly, that was just luck and just because the worst case scenario didn’t happen does not mean that your actions haven’t let down the public, the profession, and we hope, yourself.

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 and a joint submission on penalty, which in any event, was agreed to by you and your counsel.

Thank you for attending today.