

# iNformeD

Newsletter of the College of Naturopaths of Ontario

The 2017

SPRING

Issue

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# Registrar's Message

## Registration renewal - a commitment to professionalism

This year 96% of College Members renewed their registration by the April 3, 2017 deadline. For many regulatory colleges, an 80% renewal rate is the norm.

Why is 96% so impressive? Registration renewal is so much more than filling out a form or paying of necessary fees. It represents a Naturopathic Doctor's commitment to providing the public with safe, competent and ethical care. It reflects their dedication to continually improving their practice and their adherence to standards and policies created with the interests of their patients. It also demonstrates significant Member engagement in this aspect of the regulatory process.

While our role is to regulate naturopathy in the public interest, we also want to facilitate our Members'

interaction with us at all levels, whether they want to register, volunteer on a committee, or connect with us about other activities that support their practice as a regulated health professional.

Our success this year also had a lot to do with Member feedback about ways to improve the renewal process. We acted on what we heard and made significant changes to our forms, guides and FAQs, and we created an online video tutorial with step-by-step instructions.

On the administrative side, on-time renewals result in less follow-up which helps us make efficient use of Members' registration fees. As an example, a late renewal triggers a requirement for us to issue a suspension notice to the Member in order to comply with our legislation. This process, including reinstatement, requires staff time and College funds.

During this renewal process, the staff of the College had many opportunities to speak directly with Members. Overwhelmingly, the staff have been treated with the utmost respect by the Members and speaking with Members has been very rewarding.

As Registrar, my responsibility is to oversee these processes while not necessarily being directly involved in their planning and execution. I would like to thank the staff who were involved, in particular Anna Jeremian, Membership Manager; Shelley Ledger, Acting Communications Manager; Britny Suresh, Membership Coordinator; and Michelle Tsang, Membership Administrative Assistant. I would also like to express my thanks to Members of the profession and our website programming partners for their support in this essential process. Working together helps us build public confidence in the practice of naturopathy through excellence in regulation.

Andrew Parr, CAE  
Registrar & CEO



“...we want to facilitate our Members' interaction with us at all levels, whether they want to register, volunteer on a committee, or connect with us about other activities that support their practice as a regulated health care professional.”

# Council Election Results

On December 6, 2016, the College of Naturopaths of Ontario initiated the call for nominations for 2017 elections in Districts 7 (East) and 8 (North) as required under its by-laws. At the close of nominations, the College received one nomination for members from District 7 and, after a supplemental call for nominations, one nomination for members from District 8. As a result, no voting was conducted for these Districts and the nominees were acclaimed to Council.

## Election Results

### District 7 (East)

**George Tardik (acclaimed)**

### District 8 (North)

**Jordan Sokoloski (acclaimed)**

## Executive Committee Elections and Council Appointments

On April 26, 2016 the Council of the College of Naturopaths of Ontario held its annual Executive Committee Elections.

The following Executive members were elected/acclaimed:

Tara Gignac, ND, President (acclaimed)

Deborah Haswell, public member, Vice President (elected)

Kim Bretz, ND, professional member-at-large (acclaimed)

Shelley Burns, ND, professional member-at-large (acclaimed)

Dianne Delany, public member-at-large (acclaimed)

The Executive Committee is a statutory Committee

established under the *Health Professions Procedural Code (Schedule 2 of the Regulated Health Professions Act, 1991)*. It exercises the full authority of the Council between meetings as well as oversees strategic, governance and financial planning for the Council. The Executive Committee must be made up of three professional Members elected to the Council and two public members of the Council appointed by the Lieutenant Governor in Council, with a public member in either the President or Vice President position.

Also at its meeting, the Council appointed members of the Council and Members of the profession not on Council to serve on Committees of the Council.

The committees play an important role in the effective governance of the naturopathic profession to protect the public interest and support the right to safe, competent, and ethical care.

## Statutory and Non-Statutory Committee Appointments

Statutory Committees are established under the *Health Professions Procedural Code (Schedule 2 of the Regulated Health Professions Act)*. Non-statutory Committees are appointed by the Council and are established under either a regulation made under the *Naturopathy Act*, or under the authority given to Council in the College by-laws.

Members of Statutory and Non-Statutory College Committees are listed on the following pages.



Statutory Committees	
From the Council	From the Profession
Discipline & Fitness to Practise Committees	
R. Gail Goodman, Public Member (Chair) Kim Bretz, ND Shelley Burns, ND Harpal Buttar, Public Member Dianne Delany, Public Member Karim Dhanani, ND Tara Gignac, ND Deborah Haswell, Public Member Rosemary Hnatiuk, ND Danielle O'Connor, ND Jordan Sokoloski, ND Barry Sullivan, Public Member George Tardik, ND	Jonothon Mainland, ND Jenna McNamee, ND Rick (Enrique) Olazabal, ND
Executive Committee (Elected)	
Tara Gignac, ND: President Deborah Haswell, Public Member: Vice President Kim Bretz, ND: Professional Member Shelley Burns, ND: Professional Member Dianne Delany: Public Member	
Inquiries, Complaints and Reports Committee (ICRC)	
Kim Bretz, ND Karim Dhanani, ND Barry Sullivan, Public Member	Erin Psota, ND (Chair) Glenda Clark, ND Sylvi Martin, ND
Quality Assurance Committee	
Barry Sullivan, Public Member (Chair) Kim Bretz, ND Dianne Delany, Public Member Tara Gignac, ND Jordan Sokoloski, ND	Dielle Raymond, ND
Registration Committee	
Danielle O'Connor, ND (Chair) Shelley Burns, ND Dianne Delany, Public Member R. Gail Goodman, Public Member Rosemary Hnatiuk, ND	Jacob Scheer, ND
Patient Relations Committee	
Shelley Burns, ND (Chair) Deborah Haswell, Public Member	Alison Chen, ND

Non-Statutory Committees	
From the Council	From the Profession
Audit Committee	
Harpal Buttar, Public Member Jordan Sokoloski, ND	Elena Rossi, ND (Chair)
Examination Appeals Committee	
George Tardik, ND (Chair) Harpal Buttar, Public Member	Vaishna Sathiamoorthy, ND
Nominations and Elections Committee	
Karim Dhanani, ND (Chair) R. Gail Goodman, Public Member	Gudrun Welder, ND
Scheduled Substance Review Committee	
Deborah Haswell, Public Member (Chair) Harpal Buttar, Public Member Karim Dhanani, ND George Tardik, ND	Jean-Jacques Dugoua, ND Anthony Moscar, ND
Inspection Committee	
Rosemary Hnatiuk, ND Barry Sullivan, Public Member	Sean Armstrong, ND (Chair)



The College governs Ontario naturopaths in the public interest.



# Do You Know the Difference?

## Delegations, Referrals, Consultations and Assignment of Care

In this article, we build on our story from the May 2016 edition of *iNformed* that discussed the criteria that must be met to make and accept a delegation. It is equally necessary to understand when the action a Naturopathic Doctor (ND) is interested in taking is in fact a delegation or is actually something else, such as a referral, consultation or an assignment of care.

This article outlines the differences between these terms and demonstrates their application in scenarios that NDs may encounter in the course of providing patient care.

### Definitions

#### Assignment of Care:

The process whereby a regulated health professional assigns the performance of a procedure that is not a controlled act, such as taking blood pressure or a health history, to another person, typically a staff member, who has received the appropriate training to provide the procedure.

#### Referral:

A request from one health professional to another to assume responsibility for management of one or more of a patient's health problems. The health professional accepting the referral has the knowledge, skill and judgment as well as their own authority to provide what they determine to be the appropriate assessments and/or treatments for the patient.

#### Consultation:

A request from one health professional to another for an advisory opinion. The requesting health professional may then incorporate the opinion received as well as any other factors (e.g., patient preferences, other consultations, comorbidities) when providing treatment to the patient.

#### Delegation:

A process whereby a Member authorized to perform a controlled act confers that authority to a person who is not a Member of the College and does not have their own authority to perform the procedure.

#### The Challenge:

The next page describes common scenarios of delegations, consultations, referrals and assignments of care that an ND may encounter in practice.

Do you know what is being described in each case?



# What am I? A Delegation, Referral, Consultation or Assignment of Care?



(Answers are on pages 7 - 9)

# Answers!

## Delegations, Referrals, Consultations and Assignment of Care

Check your answers to the situations on page 6 against these correct responses provided by our Regulatory Education Specialist, Dr. Mary-Ellen McKenna, ND (Inactive).



An ND who has met the standard of practice for Intravenous Infusion Therapy (IVIT) sends a patient to another ND who may perform IVIT.

1

### Referral

The ND who is providing the IVIT for this patient has the authority to perform IVIT and is therefore accepting a referral.

It is a common misunderstanding that this is a delegation. There is never a need for an ND to delegate to another ND. Both NDs have the same authority to perform the controlled acts as stated in the *Naturopathy Act, 2007* and the *General Regulation* provided all the requirements, such as the standards of practice for prescribing and IVIT, are met.



2

Staff who are not regulated health care providers monitor patients' BP, pulse and temperature during the administration of IVIT.

### Assignment of Care

The procedures involved are not controlled acts and the staff member - who is not a Member of a regulated health profession - does not have their own training nor the knowledge, skill and judgment to perform the procedures by their own authority.

3

A Medical Doctor (MD) has a standing order in place for a Registered Nurse (RN) to administer intravenous vitamin C treatments to patients as required by an ND who has met the standard of practice for Intravenous Infusion Therapy (IVIT).

### Delegation is allowed since there is an order in place from an MD

An RN does not have their own authority to administer a drug/substance by intravenous injection. The *Nursing Act, 1991* requires an order be in place by a health care provider who has the authority to make the order, such as an MD, to then allow the RN to be able to perform the controlled act of administering by injection. Since the ND is then having the RN perform a controlled act as per the MD's order, it is done through a delegation from the ND.

4

An ND sends a patient to a Registered Massage Therapist for treatment for chronic back pain.

### Referral

The massage therapist who is accepting the referral for this patient will be treating a specific health problem and providing treatment which they have the knowledge, skill and judgment to perform as a Member of the College of Massage Therapists of Ontario.

An ND requests clinical advice from another ND for treatment options for a patient with osteoarthritis, who had previously experienced a decrease in pain but has recently relapsed.

5

### Consultation

The ND is seeking professional advice from another health care provider (an ND in this case) regarding treatment for a patient who is no longer responding to the care being provided. The patient is not directly involved and is not being seen as a patient by the ND being consulted with (in which case this would be a referral).

6

An ND has a naturopathic college graduate conducting patient histories.

### Assignment of Care

The procedure involved is not a controlled act and while the graduate has completed training at a naturopathic college and therefore has the knowledge, skill and judgment to take a patient history, they are not a Member of a regulatory health college and are not to assess or treat patients on their own authority.

7

An ND sends an 8-year-old patient to another ND who has a special focus on children's health.

### Referral

The ND who is accepting the 8-year-old as a patient has the authority to provide the assessments and treatments they determine to be the most appropriate. Even if the ND accepting the referral performs a controlled act, they are doing it on their own authority, so there is no need for a delegation.

8

An ND who has met the standard of practice for IVIT sends a patient for IVIT treatment to an ND who is authorized to perform IVIT in the same clinic.

### Referral

The ND who is providing the IVIT for this patient has the authority to perform the controlled act and is accepting a referral. The fact that the NDs who are making and accepting the referral are in the same clinic is irrelevant. The same would apply if the NDs worked in different clinics.

9

An ND who does not do acupuncture sends a patient with frozen shoulder to another ND for acupuncture treatment.

### Referral

Both NDs have the same authority to perform the controlled act of acupuncture however the referring ND has chosen not to include acupuncture as a treatment they provide and therefore refers the patient to an ND who does.

10

An ND sends a patient to his MD with a request to order blood tests which the profession does not have the authority to order.

### Referral

The MD has the authority to order the blood tests, and is expected to determine whether or not the suggested tests are indicated based on his/her own knowledge, skill and judgment, as well as the information provided by the ND.

11

An ND reviews the subjective and objective information gathered by a naturopathic college graduate working at her clinic. Together, they reach a diagnosis and a course of treatment of dietary changes, a supplement of an essential fatty acid and acupuncture treatments. The ND then discusses the diagnosis and the proposed treatment plan with the patient and performs the acupuncture treatments.

## Assignment of Care

The gathering of the subjective and objective patient information is conducted by the graduate as an assignment of care, providing the gathering of the objective information did not require the performance of a controlled act such as conducting an internal examination, which can only be done through a delegation.

Both communicating a diagnosis and acupuncture are controlled acts that the ND is not allowed to delegate. Therefore, the ND - not the graduate - must discuss the diagnosis with the patient and perform the acupuncture treatment.

While the ND chose to discuss the dietary and supplement recommendations with the patient these are both forms of treatment that are considered to be in the public domain and could have been done by the graduate as an assignment of care, assuming the graduate has the knowledge, skill and judgment to do it.

12

An ND who has met the standard of practice for IVIT is considering whether she can delegate compounding a bag for a patient treatment to an ND in the same clinic who is not authorized to prescribe or administer IVIT. The ND makes a call to the Regulatory Education Specialist at the College to seek clarification.

### NOT delegation, assignment of care, referral or consultation.

The ND who has met the standard of practice for IVIT cannot delegate the controlled act of compounding to another ND. The other ND, who has not met the standards of practice for prescribing or IVIT, is not legally authorized to compound a bag for IVIT.

## Resources

**Guideline for Assignment of Care**

**Guideline for Referrals and Consultations**

**Standard of Practice for Delegation**



# New Graduates Working for a College Member

**D**uring the period between graduation from a naturopathic college and the day when the graduate becomes a Member of the College of Naturopaths of Ontario, many graduates look for opportunities to work with a registered Naturopathic Doctor (ND).

This article discusses important aspects of the relationship between the Member and new graduate, including business and patient care components of practice.

The phrase that is sometimes used when referring to this kind of opportunity is that the graduate is looking to “work under an ND’s licence”. The idea that a graduate can work under a Member’s “licence” is incorrect because NDs do not have a “license.” They receive a certificate of registration. Second, an ND does not have the unilateral ability to simply allow a graduate to work “under” them. There are regulatory and legal requirements that must be met before an ND can work with another person.

At the outset, the ND will want to consider the role of the graduate within the clinic. Will certain controlled acts be delegated to them or will the graduate simply observe? Will the graduate be expected to perform non-controlled acts? By clearly contemplating and planning for the graduate’s role in the clinic, the ND can ensure that all regulatory and legal requirements will be addressed.

The ND is also encouraged to speak with an employment lawyer to ensure they are complying with all legal requirements. For instance, a written employment contract is recommended for all employment relationships that an ND enters into. The ND should check with their professional liability insurance provider to ensure the proper coverage is in place.

The graduate may provide certain aspects of care for the Member’s patients, however keep in mind that the

graduate does not have their own patients.

Depending on the assessment or treatment, the graduate may provide care to the Member’s patients either through an assignment of care or a delegation from the Member.

Assignment of care refers to the process of a Member assigning the performance of a procedure that is not a controlled act to another person, in this case the graduate. Please refer to the [\*Assignment of Care Guideline\*](#) for more information.

Some examples of assessments and treatments that can be done through an assignment of care include:

- taking a patient’s history;
- performing a physical examination that excludes controlled acts; and
- recommending treatments that are in the public domain such as botanical and homeopathic remedies, nutritional supplements, or dietary changes.

The graduate may only perform a controlled act by accepting a delegation made by a Member provided all the criteria stated in Part III of the [\*General Regulation\*](#) and the [\*Standard of Practice for Delegation\*](#) are met. A graduate has no authority to perform a controlled act without receiving a delegation.

Delegation is a process whereby a Member who is authorized to perform a controlled act confers that authority to someone - regulated or unregulated - who is not so authorized and is not a Member of the College. See the College’s *Standard of Practice for Delegation*, as well as the article [\*Delegation in the Practice of Naturopathy\*](#) in the [\*Regulatory Guidance\*](#) section of our website for more information.

It is left to the judgment of the Member to determine when it is appropriate to make a delegation to the



graduate however, the Member is not allowed to delegate:

- communicating a naturopathic diagnosis, or
- acupuncture.

The reasons for these restrictions are:

- the **General Regulation** prohibits a Member of the College to delegate communicating a naturopathic diagnosis; and
- acupuncture is authorized to the profession through an exemption rather than in the *Naturopathy Act, 2007* and therefore cannot be delegated.

It is required that the Member and the graduate, being a possible future Member of the College, abide by all the requirements and expectations set by the College. Below, we clarify requirements around a number of inquiries we have received from Members and graduates about working together.

- A graduate cannot use the restricted title of Naturopath or Naturopathic Doctor or the acronym ND.
- The receipt provided to the patient includes the name of the treating Member - a Member is not to bill for assessments or treatments they did not personally provide. The receipt is to reflect who provided the different aspects of the patient's visit.
- Informed consent includes providing information to the patient prior to treatment as to who will be providing the patient's care and that the receipt will reflect who provided which service. This may affect whether or not the patient will be able to claim the naturopathic fees on their insurance.
- While the graduate may gather the subjective and objective information leading to the diagnosis, only the Member can communicate the diagnosis to the patient.
- The appropriate level of supervision will vary with the risks associated with the assessment or treatment and it is the responsibility of the Member to make that determination.

The College is aware that there are graduates who are looking to maintain their skills prior to becoming a Member, and that it can be done within the College's rules and regulations, however, it must always be done in a way that is in the best interest and needs of the patient.



For any questions on this or other practice related issues please contact the College's Regulatory Education Specialist,  
Dr. Mary-ellen McKenna, ND (Inactive) at [Maryellen.mckenna@collegeofnaturopaths.on.ca](mailto:Maryellen.mckenna@collegeofnaturopaths.on.ca)  
or 416-583-6020.

# Professional Conduct: ICRC Corner

The College has the role of protecting public interest and enhancing the Standards of Practice of the profession. Apart from complaints, the College's Inquiries, Complaints and Reports Committee (ICRC) considers Registrar's Reports about certain conduct or actions of Members of the College and reviews information resulting from investigations. In this edition of the newsletter, we

present and analyze a scenario based on a Report that will help Members identify areas of potential concerns within their own practice and become familiar with the investigation process and outcomes available to the ICRC. By law, cases under investigation are confidential; therefore, details of the case below have been altered to respect confidentiality.

## Summary of the Report

The College received information from an insurance company suggesting that a graduate of the Canadian College of Naturopathic Medicine was practising naturopathy prior to being registered with the College. Inquiries revealed that the graduate was listed as a naturopath on a website owned and operated by a Member of the College. As a result, investigators were appointed to ascertain whether the Member had committed acts of professional misconduct by permitting, counselling or assisting a person:

- i. who is not a member of this College to represent themselves as such, and
- ii. to perform controlled acts which the person is not authorized or does not have the knowledge, skill and judgment to perform.

As the College does not have jurisdiction over non-members, the graduate was issued a Cease and Desist letter and stopped practising as soon as they received the letter. The information pertaining to the graduate's advertising will be kept on file by the College and may be reviewed and considered by the Registration Committee at the time when the graduate applies to become a Member of the College.

The following information was obtained by the Investigator with regards to the Member:

- The graduate was employed by the Member;
- The Member confirmed that they were involved and had awareness of each of the patients seen by the graduate;
- According to the patient records obtained by the College, the graduate performed the exempted act of acupuncture under the Member's supervision;
- The graduate was listed as a Naturopathic Doctor on the Member's website by a staff member working at the Member's clinic. The Member stated that they were unaware of the advertising.

## Outcome

The ICRC was concerned that the Member might have failed to maintain the College's *Standards of Practice for Acupuncture and Delegation*, by delegating the controlled act of acupuncture, particularly to an individual who was not authorized to perform that controlled act or had no knowledge, skill and judgment to perform the controlled act.

**This ICRC scenario is about practising naturopathy although not being registered with the College.**



In addition, the Member failed to ensure that information in his/her advertising materials was accurate, true, verifiable, not misleading and was in compliance with the *Advertising Standard of Practice for the profession*.

Having considered the mitigating factors in this matter, the ICRC issued a Letter of Advice to the Member to prevent future occurrences of a similar nature.

The ICRC, nevertheless, advised the Member that if the College received further complaints or reports involving similar conduct, the ICRC could decide that they warrant more serious actions.

## Analysis

### Permitting, counselling or assisting a person who is not a member of this College to represent themselves as such.

The College has recently received an influx of complaints and reports about naturopathic students/graduates advertising

as naturopaths, offering naturopathic consultations and/or advertising services which non-members are not authorized to perform, including controlled acts of administering a prescribed substance, communicating a naturopathic diagnosis, taking blood samples, and/or performing the exempted act of acupuncture.

The *Naturopathy Act, 2007* states that only individuals registered with the College can hold themselves out as a person who is qualified to practise in Ontario as a naturopath, and/or use the title “naturopath” or its variations/abbreviations. Consequently, only Members of the College are allowed to advertise naturopathic services in the public domain.

Permitting, counselling or assisting a person, who is not a Member to represent themselves as such is an act of professional misconduct as per paragraph 13 of the *Professional Misconduct Regulation* under the Act.

In this case, even though the Member was not directly involved in placing the information about the graduate on the website, the ICRC advised the Member it was their responsibility, and not that of their employees, to ensure accurate and verifiable information was presented to the public, and that the Member was expected

to take reasonable steps to ensure that his/her advertisements met the standards of practice of the profession.

The Member was able to provide sufficient information to the College that they had taken steps to comply with the College’s Regulations and Standards of Practice, including attending an online course regarding advertising naturopathic services, and that the identified deficiencies had been corrected.

### Permitting, counselling or assisting an unregistered practitioner to perform controlled acts which the person is not authorized or does not have the knowledge, skill and judgment to perform.

According to section 30(5)(b) of the *Regulated Health Professions Act*, a person in the course of fulfilling the requirements to become a member of a health profession may treat a patient if the person is acting within

the scope of practice of the profession under the supervision or direction of a member of the profession.

This provision is under-

stood to only apply to students in a formal registered educational program and/or exam candidates. This “supervision” exception does not exist outside the student environment. As such, naturopathic graduates are only permitted to perform a controlled act when the act is delegated to them by a Member of the College who is authorized to perform the controlled act. Members are required to take reasonable steps to ensure sufficient safeguards and resources are available to the person receiving the delegation and that the controlled act may be performed safely and ethically. The Member must be satisfied that the person accepting the delegation has the knowledge, skill and judgement to perform the controlled act and must put in place a plan covering the management of any adverse events that may occur as a result of the delegation.

In the investigation of the second issue, the ICRC found sufficient information to support the concerns with respect to the Member permitting the graduate to perform the controlled act of acupuncture, which the Member was not authorized to delegate.

The *Standards of Practice for Delegation and Acupuncture* prohibit naturopaths from delegating the





performance of acupuncture to another individual. The *Naturopathy Act, 2007* does not authorize naturopaths to perform the act of acupuncture, which is an iteration of the controlled act of puncturing the dermis. However, naturopaths have an exemption for the purposes of performing acupuncture, authorized in the Controlled Acts Regulation under the *Regulated Health Professions Act, 1991*. As naturopaths are only allowed to perform acupuncture by an exemption, this controlled act cannot be delegated.

In making its decision, the ICRC concluded that the Member's response suggested that the circumstances leading to the Report were "an honest mistake". The ICRC, however, advised the Member that it was their responsibility to be familiar, and to comply, with the regulations and standards governing the profession that are in place for the benefit of the public's safety.

## Bottom line

While assisting students/graduates of naturopathic colleges to acquire the necessary experience is commendable and extensively supports profession, the best interests of the patient must be the primary consideration in all situations.

The following, when brought to the attention of the College, may be considered as acts of professional misconduct for naturopaths in Ontario:

- Advertising a non-member as a naturopath and/or advertising naturopathic services performed by a non-member on a member's/clinic's website;
- Scheduling patient appointments with a non-member;
- Scheduling future appointments for a naturopathic school graduate in anticipation of the person being registered with the College in the near future;
- Allowing a non-member to use the Member's College registration number for billing purposes;
- Failing to obtain informed consent from a patient or the patient's representative to a treatment/procedure performed by a non-member.

## Advertising:

Representing a non-member as a Naturopath registered to practice in Ontario is misleading to the public. As regulated health professionals, Members of the College must ensure that the information provided or made available to the general public is:

- accurate;
- not misleading by either omitting relevant information or including non-relevant information; and
- comprehensible to its intended audience.

## Delegation:

In the situation where a Member decides to delegate a controlled act, the Member is required by law to ensure that the delegated act is performed safely and knowledgeably. Quality of patient care must not be compromised by the delegation. In addition, the patient under the delegatee's care should be informed that the delegatee is not a regulated health care practitioner and must consent to the treatment.

It is important to remember that should the College receive a complaint about the patient care provided by a non-member under the delegation from a Member of the College, the College will investigate the conduct and actions of the delegating naturopath.

# NDs cannot



## College's costs

The investigation costs incurred by the College in regard to this matter were \$1,064.

# Professional Conduct: Discipline Decision

**D**iscipline is a critical aspect of self-regulation and maintaining the public trust. The College has the responsibility and the authority to investigate breach of a regulation or a professional standard by a naturopath, take action and assess a range of appropriate penalties.

Any decisions are made in the best interests of the public. Publishing summaries of the decisions in this newsletter is part of the transparency of the discipline process, and is intended to assist Members of the College in understanding what may constitute professional misconduct.

## Decision

**Member: Dr. Helen Cohen, ND, registration #0709**

**A**t an uncontested hearing on March 22, 2017, a Panel of the Discipline Committee of the College of Naturopaths of Ontario (the College) made findings of professional misconduct against Dr. Helen Cohen, ND (the Member) with respect to the following:

- contravening, by act or omission, a provision of the *Naturopathy Act, 2007*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts;
- practising the profession while the Member's certificate of registration has been suspended; and/or
- 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.

A Joint Submission as to Penalty and Costs had been agreed upon prior to the hearing. The parties submitted that the public was protected because the Member had accepted responsibility for her actions and had agreed to an appropriate penalty which provided for specific and general deterrence, rehabilitation and monitoring.

The Discipline Panel imposed an order:

1. Requiring the Member to appear before the Panel to be reprimanded immediately following the hearing.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of two months, commencing on a date to be approved by the Registrar, one month of which shall be remitted if the Member complies with the provisions of paragraph 3.
3. Imposing a term, condition and limitation on the Member's certificate of registration requiring that the Member successfully complete, to the satisfaction of the Registrar and at her own expense, a course in ethics and/or jurisprudence.
4. Requiring the Member to pay the College's costs fixed in the amount of \$6,500 within twelve months of the date of the order.



The Panel concluded that the proposed penalty was reasonable and in the public interest, and that it satisfied the principle of public protection.

At the conclusion of the hearing, the Panel delivered its reprimand to the Member, including the following:

- The Panel was profoundly concerned with the Member's conduct. They noted that the Member, while practising illegally, brought discredit to the profession and to herself, and that public confidence in the naturopathic profession had been put in jeopardy.
- The Panel emphasized that failure to maintain registration for non-payment of fees and continuing to represent oneself as a Naturopathic Doctor is conduct that cannot be taken lightly. Practitioners who practise as Naturopaths without valid registration erode the public trust and reflect poorly on the profession as a whole.
- The Panel clarified that though the penalty that it had imposed was fair, a more significant penalty would be imposed in the event that the Member was found to have engaged in professional misconduct again.

### College's costs

Section 53.1 of the *Health Professions Procedural Code* provides that, in an appropriate case, a discipline panel may make an order requiring a Member who the panel finds has committed an act of professional misconduct, to pay all or part of the College's costs and expenses. The panel awards costs on a case-by-case basis.

**Copies of the full discipline decisions are available on the public register on the Members' profiles.**

**You can also review all decisions in the [Resources](#) section of the College's website.**

The following costs and expenses were incurred by the College in regard to this matter:

- Legal costs and expenses: \$10,215
- Investigation costs: \$9,376
- Hearing costs: \$4,526

The Panel ordered the Member to pay the College's costs fixed in the amount of \$6,500, which amounted to 27% of the College's costs.

**Total cost to the College: \$17,617**





# Continuing Education

## Reporting Deadline: Group III

All Members who hold a General Class Certificate of Registration with the College of Naturopaths of Ontario (CONO) are required to participate in Continuing Education (CE) activities to comply with our Quality Assurance (QA) program requirements. This includes engaging in relevant activities, submitting a summary log of those activities, and submitting supporting documentation (where required) to verify participation.

Members who hold an Inactive Certificate of Registration are not required to participate in any component of the QA Program. However, all Members are always encouraged to participate in ongoing learning throughout their careers.

### Group III Reporting Requirements

Members in Group III are required to report CE credits obtained from April 1, 2014 – September 30, 2017. Any CE credits you collect on or after April 1, 2014 can be used to fulfill the credit requirements for your reporting cycle. Members in Group III should be actively working towards finishing all their requirements for the upcoming September 30 reporting deadline. There are a variety of learning opportunities for Members in order to comply with the mandatory CE Requirements.

### Which Group am I in and How do I Report?

Reporting cycles are determined by the Member's initial year of registration. For example, all Members who were registered in 2014 are in Group III and have a cycle reporting date of September 30, 2017. You can find out which group you are in by visiting the College's [Reporting Period](#) webpage.

To report CE and Professional Development (PD) hours to the College, Members are required to complete the applicable log forms and submit them to the College by the reporting deadline. This log form is a summary of the CE activities completed over the reporting period.

The CE and PD Log consists of three forms (one for Category A, one for Category B and one for IVIT). The log forms can be found in the [Resources](#) section of the College's website.

Log forms must be received by September 30, 2017 and may be submitted in the following ways:

### Mail/In-Person:

College of Naturopaths of Ontario  
c/o QA CE Reporting  
150 John Street, 10th Floor  
Toronto, ON  
M5V 3E3

Fax: 416-583-6011

Email: [QA@collegeofnaturopaths.on.ca](mailto:QA@collegeofnaturopaths.on.ca)

### Friendly Reminders about your CE Requirements:

- CE activities should be related to your professional interests, strengths and/or areas for growth in your practice.
- All Members are required to participate in a minimum of 70 hours of CE over a three-year cycle, as determined by the College.
- The cycle for all Members began April 1, 2014.
- During each three-year cycle, Members must:
  - Accumulate and document 30 Core (Category A) CE Credits (one hour = one CE credit).
  - Accumulate and document 40 Self-Directed (Category B) credits.
- Record participation in CE activities in the Continuing Education and Professional Development (CE and PD) Log, and retain supporting documentation in a Professional Portfolio for a minimum of two reporting cycles, or six years. Documentation may include certificates of completion from courses, lectures or seminars,

and any other documentation verifying participation in CE activities.

- CE credits cannot be carried over from one reporting period to another. The required 70 hours of CE and PD must be claimed in the reporting period during which they are earned.

### Questions?

Visit the [Continuing Education](#) section of our website or contact Jessica Maleganeas, Quality Assurance Administrator, at 416-583-6019 or [QA@collegeofnaturopaths.on.ca](mailto:QA@collegeofnaturopaths.on.ca).

## Category A Core Activities

Core activities are structured learning activities that address the clinical competencies of the profession. They should be relevant to the practice of Naturopathy, and help to enhance your competence and understanding of professional standards.

Topics might include: assessment and diagnostics, pharmacology, primary care management, patient-centered care, naturopathic modalities, and referrals to other practitioners. Core Activities include any courses that have been pre-approved by the College's Quality Assurance Committee (QAC). A full list is available on our [website](#).

## Category B

### Self-Directed Activities

Self-directed activities relate to the ND as a health professional, and emphasize community involvement.

Over a three-year period, Members must participate in a minimum of 40 CE credits through activities, such as (but not limited to), the following:

- Serving on Council or on a College committee, working group or task force;
- Serving on the board, committee, working group or task force of a professional association or educational institution;
- Supervising in a student clinic, providing a preceptorship, or overseeing an externship;
- Acting as a Peer Assessor;
- Writing and publishing articles or books about the practice of Naturopathy for any publication in North America;
- Reviewing professional journals, text books, literature, etc.;
- Acting as a presenter/lecturer for an approved or self-directed activity offered to NDs or other health care professionals; or
- Attending educational courses related to business practices or modalities complementary to the practice of the profession.

# Volunteer Spotlight: Barry Sullivan

Insightful, experienced and collaborative are just a few of the words used by his colleagues to describe this dedicated College volunteer. Barry's history with the College is significant. Appointed in 2009, he is one of the original public members of the transitional Council of the College and is one of only two original members who continue to serve on Council today.

In addition to his role on Council, Barry has chaired the Quality Assurance Committee for several years. He is a member of the Inquiry, Complaints and Reports Committee and the Inspection Committee, and along with all other members of Council, serves as a member of the Discipline and the Fitness to Practise Committees.

## **Why did you apply to be a Public member on the College Council? What was your original motivation?**

Having just retired from my 34-year career with the Ontario government in Adult Corrections and Youth Justice, I wanted to continue working on behalf of the public of Ontario in a related field if possible. I saw my appointment to the transitional Council as an interesting and challenging opportunity. I also had some

previous interest in the healthcare sector given that I had previously overseen clinical services departments in my role as administrator of several adult and youth facilities, my wife was a nurse, and my son - who is now a family physician - was attending medical school at the time.

## **You have been involved in significant progress and change over your years of involvement with the College. Is there any one achievement you are most proud of?**

Other than achieving proclamation, I am perhaps most proud of maintaining a leadership role on the Quality Assurance (QA) Committee over the past several years, working with other members to develop, implement and review the various components of the Quality Assurance Program.

A well-developed Program is one of the ways we help Members to ensure that their skills and practice are up-to-date. Professional development isn't something that is necessarily always top of mind. We believe the program we have created helps our Members by providing a structured and user-friendly approach to life-long learning.

We could not carry out our work without Members of the profession and public who regularly give of their valuable time and expertise in a variety of essential volunteer capacities. These individuals have been responsible for developing the framework of standards and rules by which naturopaths are governed in Ontario, for assisting the profession in meeting and maintaining these standards and rules, and for the overall governing of the profession.

In health care, self-regulation is a partnership between the public and the profession. Each regulatory college is run by a council, which is like a board of directors, and is made up of Members of the profession (elected by their peers) and members of the public (appointed by the provincial government).

Public members are part of every Council decision, so the public voice and interest are always heard.



**How has serving as a public member enriched you, and helped you to grow, professionally and personally?**

I have learned much more about the health care system, the *Regulated Health Professions Act* (RHPA) and health profession regulation in Ontario. I have learned much about the naturopathic profession; where it was pre-proclamation; where it is now; and its potential for the future. I have had the opportunity to meet and work alongside many fine and dedicated individuals associated with the College and the larger health care sector. My knowledge of governance and related skills achieved through involvement with other Boards, such as that of the Child and Family Centre in Sudbury, have been enhanced through my work with the College.

**Given your longstanding involvement with the College, what changes do you foresee in the organization's future?**

Now that we have achieved proclamation under the RHPA, the College can move forward with certainty into the future. It can continue to build its strength as an organization and concentrate its efforts on regulating the profession in the public interest. This is a job the College takes very seriously and it's a team effort in which everyone has a role to play.

**What's your message to people who might think about being part of the College Council or Committees? Why is it important to give back this way?**

I would recommend it for anyone who has an interest in the health care system, the RHPA and self-regulation. It is a great learning opportunity while being able to serve the public. The health care system will affect everyone, eventually!

**Why do you think it is important that the public be represented on Council and Committees?**

The self-regulation model in place in Ontario requires that the governing boards, councils and committees

of health professional regulatory Colleges have a certain number of public members. This provides for public representation in the regulation process. It ensures there are public voices involved in decision-making at the highest levels of the organization which, in turn, helps ensure that protection of the public is always the primary goal.



**“... regulating the profession in the public interest ... is a job the College takes very seriously and it's a team effort in which everyone has a role to play.”**

**Barry Sullivan**  
**Public Member of Council**

# The Registration Process

## A Brief Overview

**T**he mandate of the College of Naturopaths of Ontario is to protect the public by ensuring that naturopaths have the knowledge, skill and judgment to provide safe, competent, and ethical naturopathic care to Ontarians.

The public can be confident in the quality of care and services provided by Ontario's regulated naturopaths, under the auspices of the College.

Like other health regulatory Colleges, the College of Naturopaths of Ontario:

- sets requirements for entering the profession;
- establishes and maintains standards for practising the profession;
- operates a quality assurance program; and,
- holds its Members accountable for their conduct and practice.

As an applicant for registration with the College, it is critical to understand that this is a legal process and is therefore not the same as applying to an association or club for membership.

Each step in the registration process has been designed to gather information necessary to confirm that the applicant meets the requirements for registration. It is therefore important that applicants follow this process, as jumping ahead can result in extra fees being incurred, the need to have documents re-issued or the refusal of an application for registration if made before all the eligibility criteria have been met.

### Eligibility Criteria

To be eligible for registration with the College, applicants must have a) graduated from a CNME-accredited program in naturopathy, or b) have been deemed substantially equivalent via the College's Prior Learning Assessment and Recognition (PLAR) program, or c) be transferring their ND registration from another regulated Canadian jurisdiction as an inter-provincial transfer under the Agreement on Internal Trade (AIT).

All applicants must complete the College's Ontario Jurisprudence examination, and have completed the requisite entry-to-practise examinations. If applying as a CNME-program grad or via PLAR, the Ontario Clinical examinations, the NPLEX II Core Clinical Sciences exam and the Clinical Elective in Acupuncture exam are currently required.

### (Step 1)

#### Pre-Registration: Get Ready

The Application for Pre-Registration is the College's initial introduction to the applicant. Information gathered during Step 1 allows us to confirm identity, proficiency in either English or French, all names the applicant uses or has previously used, and tells us through what stream the applicant is applying (i.e., as a CNME-accredited program graduate, as a practitioner in another regulated Canadian jurisdiction, or through the College's PLAR Program).

In turn, the Application for Pre-Registration allows the applicant to establish a College profile, and provides access to the online application forms for steps 2 and 3.

*CNME-accredited program graduates looking to sit the Ontario Clinical Examinations will submit an Application for Pre-Registration and a copy of their photo identification as part of the Clinical exams registration process. Information regarding the Ontario Clinical Examinations is available under the **Become a ND** tab on the College website.*



## (Step 2)

### The Application for Registration: Get Set

The Application for Registration is an online form designed to capture required information to confirm eligibility for registration with the College. Such information will confirm naturopathic education, any current or past professional registrations, adequate/valid CPR certification, past conduct and good character.

At this stage, applicants must provide proof of

- valid HCP level CPR;
- an original Criminal Records Check, completed within the past six (6) months, which lists all names the applicant has ever had or been known by;
- a letter of standing from any current or past regulatory body in relation to any declared professional registration;
- documentation pertaining to any declared offences (e.g., academic offences, parking tickets, speeding tickets, etc.); and
- payment of the application fee.

Applicants are advised to obtain their criminal records check and submit an application for registration only **after** they have completed all of their entry-to-practise requirements.

Applicants are also advised that submitting an application for registration does not qualify as being regis-

tered to practise. Applicants may not use the protected title of Naturopathic Doctor (or any variation thereof) or practise the profession until they are officially Members of the College. Use of the protected title, or otherwise “holding out” as a ND prior to being registered with the College is taken seriously, and will delay the registration process.

## (Step 3)

### Issuance of a Certificate of Registration: Go

At Step 3, applicants have been deemed ‘eligible to register’, meaning that they have met all the Step 2 requirements. Prior to being issued a certificate of registration, applicants must:

- complete the Step 3 online form;
- provide proof of professional liability insurance, in accordance with the by-laws of the College; and
- a passport sized photo for the public register, accompanied by the College’s photo submission form, and pay the registration fee.

Applicants are advised to obtain documentation required as part of Step 3 only after they have received emailed confirmation from the College of their eligibility to complete Step 3.

Following receipt of the required documents and the fee, applicants will be deemed to be Members of the





College. A confirmation letter is issued by email, which contains the new Member's College ID #, and their profile becomes active on the public register. Upon receipt of this confirmation letter a new Member may start seeing patients, and using the titles "Dr." and "ND."

### Timelines for Completing the Process

Applicants who successfully complete Steps 2 and 3 can be registered in as little as 10-15 business days.

### Have Questions or Need Assistance?

#### We're Here to Help

We understand that this process carries with it some anxiety for applicants. To assist, the following

online resources are available on our website:

- the [\*Initial Registration Overview\*](#) under the Become a ND tab; and
- the [\*Application Handbook and the Application Checklist\*](#) (select 'Registration' under the 'Handbook, Tools, and Forms' option in the Resources tab drop-down menu).

College staff are also available to answer questions and provide clarification. If in doubt, please email us at [\*applications@collegeofnaturopaths.on.ca\*](mailto:applications@collegeofnaturopaths.on.ca).



## News and Events

### ONTARIO CLINICAL EXAMINATIONS FOR ENTRY-TO-PRACTISE

Registration Opened	May 15, 2017
Registration Closes	June 5, 2017
Exam Date	July 9, 2017
Registration Opens	July 31, 2017
Registration Closes	August 21, 2017
Exam Date	September 24, 2017

*[Click for examination details.](#)*

### COUNCIL MEETING

Our next regularly scheduled meeting of Council will be held on July 26, 2017 in the Council Chamber at the College. Observers are welcome. If you are interested in observing, please contact the College at [info@collegeofnaturopaths.on.ca](mailto:info@collegeofnaturopaths.on.ca) to register.

### DISCIPLINE HEARING

As a part of its transparency initiatives, the College ensures that the public is aware of the status of each matter being brought before the Discipline Committee. An uncontested hearing will be held at the College on June 21, 2017 in the matter of CONO vs. Dr. Karen Barnes, ND.

### CE REPORTING DEADLINE - GROUP III

September 30, 2017. *[Details here.](#)*

### NEW FEATURE: REGISTRAR'S BLOG

Current topics in naturopathy and regulation are featured in Andrew's Corner – blog of College Registrar and CEO Andrew Parr. Recent posts include *[Publishing Cease and Desist letters](#)*, and *[Can a vitamin be a drug?](#)*



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