

SPRING 2020

# INFORMED

NEWSLETTER OF THE COLLEGE OF NATUROPATHS OF ONTARIO

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In this issue.

- 2 Renew your ND registration today!
- 4 New: Advertising self-assessment
- 5 Advertising – the public's perspective
- 7 Discipline Summaries – 3 recent cases
- 14 Volunteers needed!
- 14 News & Events
- 15 ICRC Corner – Advertising
- 19 Thank you volunteers!
- 20 Insights from Peer & Practice Assessments
- 23 Governance Review update
- 24 Students' Corner FAQ

PAGE 2

**Registration renewal  
closes March 31, 5 p.m.**



## REGISTRATION RENEWAL

# 2020 registration renewal closes March 31 at 5 p.m. EST

## TWO PARTS TO RENEWAL



1.

Paying your  
registration fee



2.

Completing the online  
Information Return form



Both parts must  
be completed by  
the deadline for  
your renewal to be  
successful.



### ACCESS THE RENEWAL LINK

Visit the [renewal webpage](#) for full details and to access the Information Return form. Registration fees can be paid through your member account after logging in.

Note: The College will process your submitted Information Return form and follow up with you after April 1, 2020 if more information is needed. If any incorrect or inconsistent information is identified, you will be issued a Notice of Correction and directed on how to correct the error. As set out in the by-laws, there is an administrative fee of \$50 + HST (\$56.50) associated with this notice. This is neither a late fee nor a penalty but rather, it covers the costs of issuing a notice. Please take the time needed to complete all elements of the Information Return form accurately.

## FEES & PAYMENT

Class	Fee*
General	\$1,818.17
Inactive	\$911.91

## ABOUT LATE FEES

Members who miss the renewal deadline will automatically be charged a late fee of \$322.05\* and a Notice of Intent to Suspend providing 30 days to pay all fees. Members who do not pay the fees by the 30-day deadline and who seek to pay after this time, will be required to pay a registration reinstatement fee of \$279.11\* in addition to the late fee noted above. These fees apply to both the General and Inactive classes.

*\*HST included*

## REGISTRATION RENEWAL

### HOW TO PAY



#### Online

Members can pay their 2020 registration fees online before or after submitting their Information Return form, or at any time by clicking on the cart on their account page.



#### Cheque or money order

Members who are not paying online must ensure their cheque, money order or bank draft is received by the College **by 5 p.m. on March 30, 2020** (note this is one day before the March 31 renewal deadline).

### HELP IS A CLICK AWAY!



Online resources include [Renewal Guidebooks](#) for General and Inactive classes of registration, a [pre-recorded webinar](#), including tips for newly-registered NDs who are renewing for the first time, and our [Renewal Schedule](#) which lists important dates and deadlines.

#### Before you start: check your web browser!

The online renewal portal and the Information Return form are not fully supported by all web browsers and are specifically not compatible with Internet Explorer. The College recommends using Google Chrome or Firefox to access the form and website.

### NEW:

## Important changes this year



#### Registration class changes

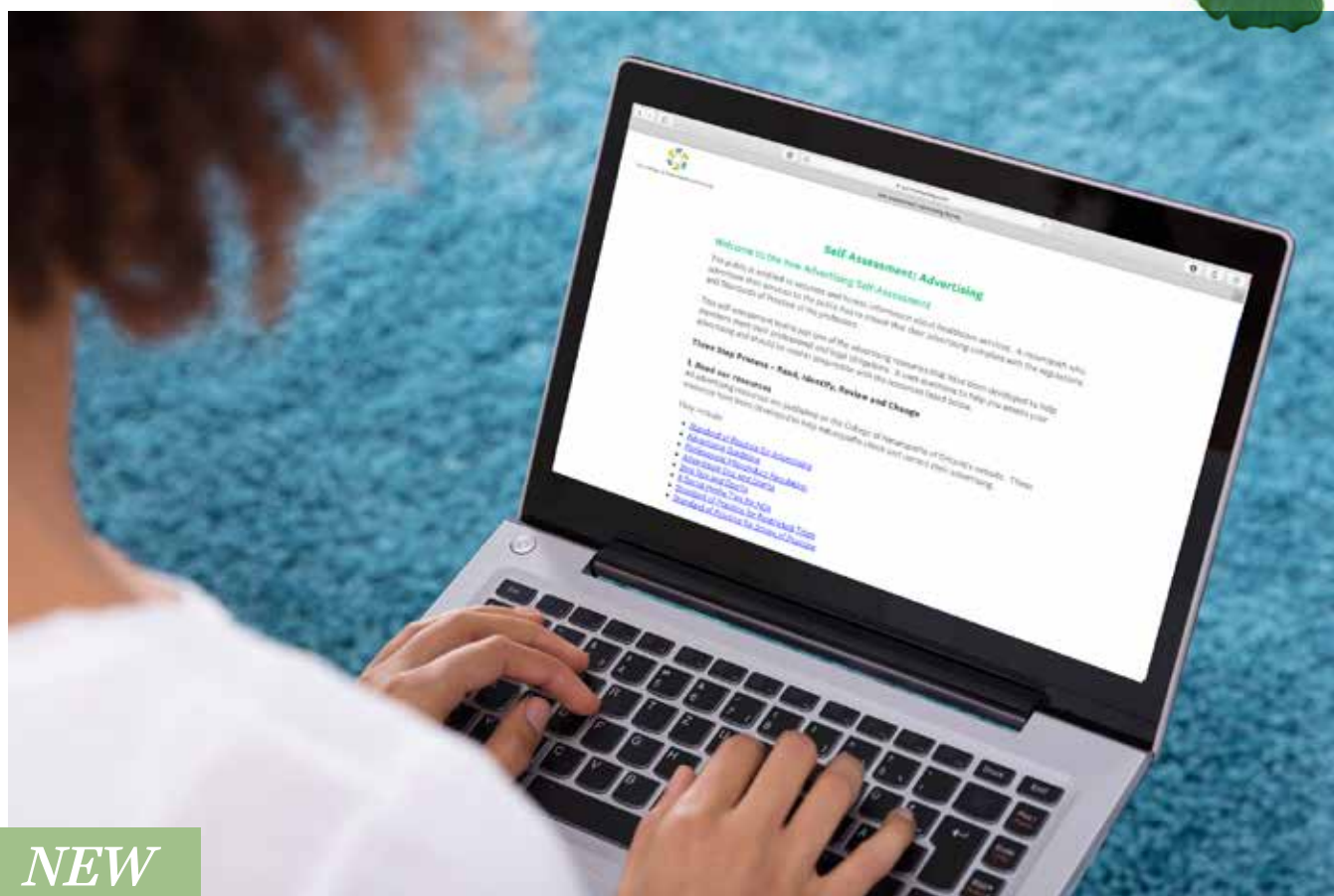
March 17, 2020 is the deadline for [class change applications](#) (General and Inactive). Class changes must be approved before you can renew your registration in the new, requested class. Otherwise you will have to renew in your current class and may end up having to pay more (e.g., if changing from General to Inactive class). Registration renewal fees are non-refundable. Class change applications received after March 17, 2020 will not be processed until April 1, 2020.



#### New Mandatory Self-Assessment

The College has created a new Self-Assessment tool focused on advertising. The online questionnaire must be completed and reported on as part of each Member's annual registration renewal. This new questionnaire replaces the previous Self-Assessment tool that focused on core competencies and standards of practice. [Visit our website](#) for full details or to [access the questionnaire](#).

From start to finish, the renewal process takes about an hour to complete. If you have questions, contact us by e-mail to [members@collegeofnaturopaths.on.ca](mailto:members@collegeofnaturopaths.on.ca) or by phone at 416 583-6002.



NEW

## Mandatory Advertising Self-Assessment Questionnaire

In case you missed our last News Bulletin, all NDs renewing their registration in General class for 2020 must complete the new Advertising Self-Assessment Questionnaire. Completion of the online questionnaire must be declared in the renewal Information Return form. The new questionnaire replaces the previous Self-Assessment tool that focused on core competencies and standards of practice.



Access the  
questionnaire



Read full details  
on our website





# Advertising

## – the public’s perspective

False or misleading advertising continues to be a popular topic for some social media influencers and journalists, including posts that have called out regulated health professionals for not following the rules. The College has also seen an increase in the number of complaints received about advertising.

To broaden our view on this topic, the College wanted to hear what the public thought about advertising by regulated health professionals. At the end of 2019 we partnered with three other health regulators\* to explore the topic with the Citizen Advisory Group (CAG). The CAG includes 50 public volunteers from wide-ranging backgrounds who help bring the patient voice and perspective to health care regulation. The CAG is led by a partnership of 18 Ontario health regulators.

Thirty-one members of the CAG shared their views with us either via an online survey or by attending an in-person meeting. We present highlights below.

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**“The vast majority of Canadians (96%) believe it is very or somewhat important that there be rules and regulations for advertisers to follow, and this number has been increasing year-over-year.”**

Consumer Perspectives on Advertising 2018,  
Advertising Standards Canada

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### “GIVE ME THE BASICS”

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People generally want to know basic information from a health professional’s advertising. This includes the provider’s experience and years in practice, the services offered and associated costs—including whether these are covered by OHIP—and contact information. Patients also want to know what to expect during treatment and any limitations of a specific approach, service or product.

### UPSIDES AND DOWNSIDES

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Those in favour of advertising say it helps inform people about their health care options, services, providers, and how and where they can access care. On the other hand, about half the respondents noted some downsides, including how advertising:

- could encourage or convince patients to want services they do not really need,
- might cause the public to lose respect for a profession if the advertising is unprofessional, and
- has potential to exploit the vulnerability of patients who are unwell.

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\* The College of Audiologists and Speech-Language Pathologists of Ontario, the College of Optometrists of Ontario, and the College of Physicians and Surgeons of Ontario.

## ADVERTISING

### HIGHER STANDARDS FOR REGULATED PROFESSIONALS

Almost all respondents agreed that advertising by health care professionals needs to be held to a higher standard than other types of advertising. Because health care is seen to be linked to a person's overall well-being, it should not be treated like a commodity or consumer product. Again, CAG members stressed how important it is to consider the vulnerability that some patients may feel when seeking health care related to an illness or disease.

About half the respondents expressed concerns about advertising for elective services and felt these should be held to a higher standard than those deemed to be "medically necessary". This is because of the potential to exploit patients or induce them to seek services they may not need.

### LANGUAGE & TESTIMONIALS

CAG members are generally not in favour of comparative statements, sensational claims or unrealistic results. However, they do appreciate explanations of what individual professions offer, e.g., the difference between an optician and optometrist, or a naturopath and a family physician.

Overall, research participants expect language and statements used in all health professionals' advertising to be verifiable, professional, realistic, proven and in good taste.

They appreciate specific information about pricing, services, products and treatments because it helps them make informed choices.

### WHAT'S THE RISK IN ADVERTISING?

We gave respondents an explanation of risk-based regulation\*\* and asked them to consider a range of serious issues that Colleges must deal with. They were then asked to rank advertising on a scale from low to high risk among the issues presented. Two-thirds viewed advertising as being somewhere between neutral-high risk and high risk, with some respondents recognizing that it would depend on the ad content and its potential for harm or negative influence on patient choice and care.

### PATIENT'S RIGHT TO FILE A COMPLAINT

A number of participants stressed the importance of raising public awareness about the complaints process for regulated health professionals, including when and how a College responds. They also suggested Members/Registrants be required to include information about their College on their websites to explain that patients have the right to submit a complaint.



**WHAT DO YOU THINK?**

**Take our anonymous 3-question survey on advertising.**

\*\* A risk-based approach focuses on identifying and managing risks that are considered to be the most harmful to the public, rather than spending large amounts of resources (in both staff time and money) ensuring that all rules and regulations are being strictly complied with, if no significant harm is being done. It also involves the Colleges working with the professionals they regulate in order to prevent harm to the public.

## DISCIPLINE OUTCOMES



## Discipline Outcomes

Discipline is a critical aspect of self-regulation and maintaining public trust. The College has the responsibility and the authority to investigate breach of a regulation or a professional standard by a naturopath, and to 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 help readers understand what may constitute professional misconduct.

### Recent Outcomes

p8 Michael Bohdan  
**Yarish**

p10 Anthony James  
**Yores**

p12 Salfe Anne  
**Elizalde**

## DISCIPLINE OUTCOMES

**Member:**  
**MICHAEL BOHDAN YARISH,**  
**REGISTRATION #1577**

Hearing Date: July 25, 2019

**SUMMARY OF ALLEGATIONS**

- Failing to comply with the *Standard of Practice for Injections* and for *Infection Control*, specifically, injecting a patient with a potentially contaminated needle previously used on another patient.
- Failing to comply with the *Standard of Practice for Intravenous Infusion Therapy (IVIT)*, specifically, failing to ensure and supervise appropriate administration of the IVIT.
- Failing to comply with the *Standard of Practice for Conflict of Interest*, specifically, providing B12 injections to a patient who is also an employee of the Member.
- Failing to comply with the *Standards of Practice for Injections* and for *Compounding*, and the *College Policy on Laminar Air Flow Hood*, specifically, failing to use a laminar air flow hood when compounding sterile injectables for the purpose of IVIT.

The Agreed Statement of Facts and the Joint Submission as to Penalty and Costs had been agreed upon before the hearing. The Discipline Panel found that the Member committed acts of professional misconduct as admitted by the Member.

**CHRONOLOGY**

**August 2017:** The Member administered an injection of Vitamin B12 to three employees of the Clinic. The Member did not consider one or more of these persons as a patient and/or did not have a naturopath–patient relationship with them. The Member admitted to administering the injection to one of the employees using the needle previously used for another person. The Member did not create an incident report following his administration of the injection.

**March 2018:** The College received a complaint from a former employee of the Member describing the incident above and, in addition, alleging that before the date of complaint:

- the Member did not install and utilize a laminar air flow hood when compounding for IVIT at the clinic and did not maintain the required equipment records related to the laminar air flow hood;
- the Member would leave the clinic while IVIT was being administered to patients and did not arrange for appropriate supervision of the patients undergoing IVIT while he was not at the clinic.

**ADMISSION OF  
PROFESSIONAL MISCONDUCT**

The parties agreed that the public was protected because the Member had accepted responsibility for his actions and had agreed to an appropriate penalty which provided for specific and general deterrence, rehabilitation and monitoring.



## DISCIPLINE OUTCOMES

### ORDER

The Discipline Panel imposed an order:

1. Requiring the Member to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of six months.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member's certificate of registration:
  - a. Requiring that the Member successfully complete the PROBE course in ethics and boundaries;
  - b. Requiring that the Member successfully complete the Medical Records Course at the University of Toronto;
  - c. Requiring that the Member successfully complete the IPAC Core Competencies program provided by Public Health Ontario;
  - d. Requiring that the Member write an essay, that shall be published by the College at a time and in a format determined by the Registrar, on the following issues:
    - i. The lessons he learned in completing the educational courses in paragraphs a. through c.; and
    - ii. The methods he will incorporate into his practice to ensure proper infection control, including but not limited to his provision of IVIT.
4. Requiring the Member to pay the fine of \$350 to the Minister of Finance.

5. Requiring the Member to pay the College's costs fixed in the amount of \$3,500 payable in a schedule determined by the Registrar.

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

*The full discipline decision is available on the [Public Register](#) in the Member's profile. All decisions can also be reviewed in the [Resources section](#) of the College's website.*

### 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.

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

- Legal costs and expenses: \$13,800
- Investigation costs: \$3,500
- Other costs: \$2,000

As previously noted, the Panel ordered the Member to pay the College's costs fixed in the amount of \$3,500, which amounted to 18% of the College's costs.

## DISCIPLINE OUTCOMES

### Member: **ANTHONY JAMES YORES, REGISTRATION #1250**

Hearing Date: August 22, 2019

#### SUMMARY OF ALLEGATIONS

- Breaching an undertaking that the Member signed with the CEO of the clinic, specifically, by receiving direct payment from patients for cannabis oil, providing home visits to patients, and receiving direct payment for those visits.
- Prescribing, dispensing, compounding or selling a drug or a substance for an improper purpose.
- Administering an unauthorized drug and substance, specifically, administering by IVIT Dichloroacetate (DCA) and alpha lipoic acid.
- Failing to disclose to patients during home visits that he was not attending as a representative of the clinic and not disclosing to the clinic any information about home visits to the clinic's patients, thus misleading patients and the clinic.

The Agreed Statement of Facts and the Joint Submission as to Penalty and Costs had been agreed upon before the hearing. The Discipline Panel found that the Member committed acts of professional misconduct as admitted by the Member.

#### CHRONOLOGY

**In June 2015** the Member signed an undertaking to the clinic agreeing that all payments for services provided to, or products sold to, clinic patients should be billed by and paid directly to the clinic.

**In June 2017** the College received a complaint raising concerns that the Member was accepting direct payments from clinic patients, seeing clinic patients in their homes without the clinic's authorization or knowledge, selling cannabis oil to clinic patients, and removing medications and/or IV supplies from the clinic's stock.

The investigation confirmed that between **March 2015 and January 2017**, the Member made home visits to three of the clinic's patients. The Member did not disclose to one of these patients that he was not a representative of the clinic. The Member proceeded to accept direct payments from the patients and did not remit the payments to the clinic.

Further, it was confirmed that **between December 2016 to January 2017**, the Member administered intravenously substances not authorized for injections in the *General Regulation* under the *Naturopathy Act*, including Dichloroacetate (DCA) and alpha lipoic acid.

Additionally, **between March 2013 and January 2017**, the Member sold cannabis oil to patients that was obtained from a personal source and not a licensed producer. The Member also failed to document the sale of cannabis oil to patients.

#### ADMISSION OF PROFESSIONAL MISCONDUCT

The parties agreed that the public was protected because the Member had accepted responsibility for his actions and had agreed to an appropriate penalty which provided for specific and general deterrence, rehabilitation and monitoring.

## DISCIPLINE OUTCOMES

### ORDER

The Discipline Panel imposed an order:

1. Requiring the Member to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of seven months.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member's certificate of registration:
  - a. Requiring that the Member unconditionally pass at his own expense, the PROBE course in ethics and/or jurisprudence;
  - b. Requiring that the Member successfully complete the College IVIT Course;
  - c. Requiring that the Member successfully complete the College Jurisprudence Course;
  - d. Requiring that the Member successfully complete the Medical Records Course at the University of Toronto;
  - e. Requiring that the Member successfully complete up to one meeting with a regulatory expert approved by the Registrar; and
  - f. Requiring that the Member write an essay that shall be published by the College at a time and in a format determined by the Registrar, on the lessons the Member learned in completing the PROBE, IVIT, Jurisprudence, and Medical Records courses and the meeting with the regulatory expert.

4. Requiring the Member to pay the fine of \$350 to the Minister of Finance.
5. Requiring the Member to pay the College's costs fixed in the amount of \$5,000 payable in a schedule determined by the Registrar.

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

*The full discipline decision is available on the [Public Register](#) in the Member's profile. All decisions can also be reviewed in the [Resources section](#) of the College's website.*

### 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.

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

- Legal costs and expenses: \$26,600
- Investigation costs: \$8,800
- Other costs: \$4,600

As previously noted, the Panel ordered the Member to pay the College's costs fixed in the amount of \$5,000, which amounted to 12.5% of the College's costs.

## DISCIPLINE OUTCOMES

**Member:**  
**SALFE ANNE ELIZALDE,**  
**REGISTRATION #3081**

Hearing Date: November 6, 2019

### SUMMARY OF ALLEGATIONS

- Issuing an invoice, bill or receipt that the Member knows or ought to know is false or misleading.
- Signing or issuing, in her professional capacity, a document that the Member knows or ought to know contains a false or misleading statement.
- Failing to keep records in accordance with the standards of the profession.
- 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.

The Agreed Statement of Facts and the Joint Submission as to Penalty and Costs had been agreed upon prior to the hearing. The Discipline Panel found that the Member committed acts of professional misconduct as admitted by the Member.

### CHRONOLOGY

**September 2017:** A patient received naturopathy services from the Member and osteopathy services from the Member's spouse. In the documents issued to an insurer, the Member indicated that all services provided to the patient were naturopathy services, as the Member believed that she could refer or assign this service to her spouse and still have it considered as a naturopathic service. The osteopathy services were ineligible for reimbursement by the insurer.

**November 2017:** The Member was contacted by the insurer with regard to excessive naturopathic claims being submitted for a specific plan member. It was noted that the Member modified her billing pattern to circumvent the insurer's coverage allowance of \$40 per visit.

**December 2017:** The Member's e-Claims access was restricted for the clinic and an audit letter was sent to the Member. The insurer noticed that the Member began to submit claims from her residential address even though all services were provided at the clinic.

**May 2018:** The College received a complaint from the insurer alleging that the Member submitted and issued false claims.

### ADMISSION OF PROFESSIONAL MISCONDUCT

The parties agreed 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.



## DISCIPLINE OUTCOMES

### ORDER

The Discipline Panel imposed an order:

1. Requiring the Member to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of five months.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member's certificate of registration:
  - a. Requiring that the Member unconditionally pass the PROBE course in ethics and/or jurisprudence;
  - b. Requiring that the Member successfully complete the College Jurisprudence Course;
  - c. Requiring that the Member successfully complete a medical records course approved by the Registrar;
  - d. Requiring that the Member write an essay that shall be published by the College at a time and in a format determined by the Registrar, regarding the lessons she learned in completing the PROBE, College Jurisprudence and medical records courses.
4. Requiring the Member to pay the fine of \$350 to the Minister of Finance.

5. Requiring the Member to pay the College's costs fixed in the amount of \$4,000 payable on a schedule determined by the Registrar.

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

*The full discipline decision is available on the [Public Register](#) in the Member's profile. All decisions can also be reviewed in the [Resources section](#) of the College's website.*

### 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.

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

- Legal costs and expenses: \$19,300
- Investigation costs: \$4,400
- Other costs: \$3,000

As previously noted, the Panel ordered the Member to pay the College's costs fixed in the amount of \$4,000, which amounted to 15% of the College's costs.

# Volunteers needed!

## Interested? Want to know more?

Visit our [website](#) for details  
or e-mail us:  
[volunteers@collegeofnaturopaths.on.ca](mailto:volunteers@collegeofnaturopaths.on.ca)

### Upcoming exam dates & deadlines

Exam	Exam Date	Registration Opens	Registration Closes*
Ontario IVIT Exam	May 24, 2020	March 23, 2020	April 13, 2020
Ontario Prescribing Exam	June 21, 2020	May 4, 2020	May 27, 2020
Ontario Clinical Practical	July 19, 2020	May 26, 2020	June 19, 2020

\* Any requests for exam accommodations must also be received by the College by this date.

### Upcoming Council Meeting

**Next Council meeting:** April 29, 2020.  
Meetings are open to the public and College Members. Seating is limited, so please [register in advance](#) if you would like to attend.

### Read our latest blog posts if you haven't already

[5 reasons to volunteer for the College](#)

[9 things to know about renewing your registration for the first time](#)

[Fact & stats from our last fiscal year](#)

[Myth Busters – common misperceptions](#)

## ICRC CORNER



In 2019 the College conducted 22 investigations, including 9 formal complaints and 13 Registrar's Inquiries, arising from concerns related to naturopaths' advertising.

The Inquiries, Complaints and Reports Committee (ICRC) understands the importance of professional advertising in the era of increasing commercialization of health services. Nevertheless, NDs are required to ensure that their advertising helps the public make informed decisions about their healthcare, rather than harming it by promoting unnecessary services, publishing misleading information or appealing to the public's fears.

This complaint summary describes several concerns about a Member's practice that were brought to the College of Naturopaths of Ontario's (CONO's) attention by the College of Physicians and Surgeons of Ontario (CPSO). By law, cases under investigation are confidential; therefore, details of the case below have been altered to respect confidentiality.

## ICRC CORNER

### CPSO INVESTIGATION

The CPSO received an anonymous complaint about a naturopath who allegedly was holding themselves out to the public as a physician authorized to practise medicine in the Province of Ontario. Having investigated the concerns, the CPSO issued a letter to the naturopath reminding them that while naturopaths have a right to use the title “Dr.”\*, this right requires the use of the immediate qualifier “naturopathic doctor” or “ND”.

In addition, it was discovered during the CPSO investigation that the naturopath may have been performing controlled acts that they were not authorized to perform. As the CPSO has limited statutory powers with respect to the performance of controlled acts by other regulated health professionals, including naturopaths, these concerns were brought to the attention of CONO for review and consideration.

### SUMMARY OF THE REGISTRAR’S REPORT

Having reviewed the information shared with our College by the CPSO, as well as the Member’s online advertising, the Registrar, with the approval of the ICRC, appointed investigators to collect additional information about:

- advertising, treating or advising outside the naturopathic scope of practice;
- advertising laboratory tests that the Member is not authorized to requisition or perform

under the *Laboratory and Specimen Collection Centre Licensing Act, 1990*;

- using direct patient testimonials on the Member’s professional website;
- offering incentives (Loyalty Program) to patients to encourage business transactions; and
- charging block fees for services.

### ANALYSIS

#### **Services and tests outside the scope**

In the course of investigation, the Member acknowledged that their clinic advertised testosterone therapy and DNA genetic testing which are outside the scope of practice for naturopaths. However, the Member explained that the clinic was multidisciplinary, and these services were in fact provided by a Medical Doctor (MD) and/or a Nurse Practitioner working at the clinic. The Member’s explanation was reinforced by the information recorded in the patient files and confirmed by the practitioners employed by the clinic.

Nevertheless, the ICRC was concerned that neither the MD nor any other medical practitioner was listed as a staff member on the clinic website, in spite of there being a disclaimer that the program was offered by an MD. This made it impossible for patients potentially interested in genetic testing to confirm the name of the MD and whether they were duly registered with the

\* in accordance with Section 33 (1.2) of the *Regulated Health Professions Act, 1991*



## ICRC CORNER

CPSO. The description also failed to note that this was not a service provided by the ND at the clinic.

For reasons outlined above, the ICRC issued a Letter of Counsel to the Member reminding them that as per the *Standard of Practice for Advertising* Members are required to ensure that the information in their advertisements is:

- accurate;
- not misleading by either omitting relevant information or including non-relevant information;
- comprehensible to its intended audience; and
- in compliance with the standards of practice of the profession.

### ***Loyalty Program***

The Member was aware that NDs were not permitted to offer financial incentives to patients, but the Member did not consider offering a discount for each tenth supplement purchased by a patient to be a financial incentive. Upon receiving the notice of investigation and realising that the Loyalty Program was an issue, the Member removed all references from the website and terminated the program.

The College's *Conflict of Interest Guidelines* state that a conflict of interest exists when a patient is influenced by gifts or other inducements. Patients should be free to choose their ND based on relevant criteria such as reputation, skill,

location, or practice style. A conflict of interest exists when a naturopath offers incentives to encourage business transactions, including sale of supplements or devices. Acting in a conflict of interest is professional misconduct and is not permitted. As a health care practitioner, it is the duty of the ND to place the interest of the patient above personal financial gain.

### ***Block Billing***

The Member acknowledged that there was reference to a Combined Care Program on the fee schedule page of the Clinic's website. They explained that the program was listed on the website to make it easier for patients to see what a combined care program entailed for a particular treatment, along with the fee for the entire program.

Upon receiving the notice of investigation, the Member removed all references to the program from the website. The Member confirmed that the program was not intended to be block billing but an easy method to communicate the individual services and fees as well as the total services.

The Member accepting responsibility for their actions and taking immediate action to remedy the errors was a mitigating factor in this matter. However, the ICRC remained concerned that the Member knew, or ought to have known, that charging block fees contravened the College's *Standard of Practice for Fees and Billing*. The Standard defines a block fee as a flat fee charged for a predetermined set of services or unlimited

## ICRC CORNER

services, and states that Members must not charge block fees. Additionally, it requires that receipts and invoices issued to patients clearly record:

- the name of the service provider;
- date of service; and
- nature of services billed.

### **Testimonials**

The Member explained that before receiving the notice of the investigation, they were not aware that testimonials were being used on the website and corrected this immediately. The ICRC, however, noted that the clinic's Facebook page also contained reviews and testimonials about the Member. The Panel remained concerned that the Member's advertising in social media appeared to be in contravention of the *Standard of Practice for Advertising*.

## OUTCOME

Having completed its investigation into this matter, the ICRC issued a Letter of Counsel to the Member in order to ensure the Member's compliance with the standards of practice for:

- Advertising,
- Conflict of Interest, and
- Fees and Billing.

## BOTTOM LINE

As regulated health professionals, Members are responsible for any and all advertising and marketing about their services or practice. This includes information posted on social media channels as well as other advertising made on a Member's behalf via websites belonging to, or operated by, third parties. Providing the public with accurate, factual, objective and verifiable information to make an informed choice in health care is in the public's best interest.

Professional, comprehensive and informative advertising benefits patients and may help avoid unnecessary investigations of a Member's conduct and practice.

The investigation described above involved two regulatory colleges. The total cost of the CONO investigation was over \$6,000 which was, in essence, paid for by the membership of the College. The costs incurred by our College as a result of this investigation, and the use of CPSO's resources, could have been avoided or minimized had it not been for the Member's failure to review their advertising and ensure its compliance with the standards of practice.

When advertising their services and engaging in use of public media, Members of the College are expected to be fully knowledgeable of, and comply with, the existing professional expectations, including those set out in the *Regulated Health Professions Act, 1991*, the *Naturopathy Act, 2007* and all College regulations and standards of practice.

# THANK YOU COLLEGE VOLUNTEERS!

## WE COULDN'T DO IT WITHOUT YOU.

National Volunteer Week April 19–25

**80+**  
volunteers

**60+**  
meetings/year

**40,000+**  
hours/year

**Supporting the College  
and regulation of naturopathy  
through service as**

- Council members
- Committee members
- Exam item writers
- Examiners
- Exam Committee members
- Exam Steering Committee members
- IVIT Premises Inspectors
- Peer and Practice Assessors
- PLAR Assessors
- PLAR Working Group members

***Interested in volunteering?  
Learn more.***



Insights from Peer & Practice Assessments:

# Record keeping tips for NDs

Peer and Practice Assessments are a component of the College's Quality Assurance (QA) Program that helps to protect the public by making sure that naturopaths (NDs) provide safe, ethical and competent naturopathic care throughout their careers.

College-trained peer assessors meet with naturopaths in their clinics in order to provide a positive learning experience that is relevant to the naturopath's practice and helps them identify areas of strength and opportunities for improvement. The process is designed to be transparent, educational and supportive.

The College has conducted over 175 Peer and Practice Assessments since implementing them in 2017. Overall, naturopaths are meeting most of the components reviewed in the assessment and see it as a positive and helpful learning experience done with a supportive peer.

However, our assessors have noted a number of common issues, all of which relate to record keeping. We summarize these issues below and explain what is expected in practice.



## RECORD KEEPING TIPS

## REQUIREMENT

**Maintain a record of any product recalls or alerts provided by Health Canada.**

Naturopaths should be aware of health product recalls and safety alerts issued by [Health Canada](#) as these can impact patients. There is a Health Canada [app](#) that lists the most recent recalls and advisories, and provides tools to report product health and safety concerns.

## REQUIREMENT

**Have a legend of abbreviations or codes readily available when other than generally accepted medical abbreviations are used.**

The use of abbreviations and short form notations in a patient record is acceptable. However, to ensure that anyone reviewing the patient record is able to understand the abbreviations used there must be an abbreviations legend readily available, especially when the abbreviations are different from those that are generally accepted.

## REQUIREMENT

**Ensure there is a record of the patient providing informed consent to the treatment plan.**

Informed consent is an ongoing event and does not just occur at the initial visit once the patient has signed a consent form. Because treatments and assessments are conducted in follow-up visits, there should continue to be an informed consent discussion that is documented in the patient chart. Both the discussion and the documentation of informed consent should occur at every visit.

## REQUIREMENT

**Document the route of administration for recommended drugs and substances.**

All routes of administration for any drug or natural health product that is part of the patient's treatment are to be included in the patient chart including when it is to be taken orally, if applicable.

## RECORD KEEPING TIPS

## REQUIREMENT

**Document discussions with patients about their assessment and diagnosis, treatment plan, and associated risks and benefits.**

Many naturopaths talk to patients about their assessment of the patient's health concerns, their diagnosis and treatment plans and possible associated risks. However these are often not documented. Documenting information given to patients is crucial to ensure continuity of care. Patients may not return for a follow-up appointment until sometime later. If there is no or incomplete documentation of what was talked about in the previous visit, it is less likely that the naturopath will be able to continue where they left off. Also, if a patient record is reviewed as part of a complaint, something that was not documented cannot be confirmed to have happened.

## REQUIREMENT

**Ensure appointment records and patient financial records are complete, in accordance with the *Standard of Practice for Record Keeping*.**

All required information is to be consistently recorded in the appointment and financial records, whether they are paper or electronic. The *Standard of Practice for Record Keeping* lays out all the information that is to be included. The most common information not included is:

- the name of the clinic from the appointment record,
- the patient's phone number on the financial record, and
- the method of payment on the financial record.

**Visit our website for more Peer and Practice Assessment resources.**

ND's can log in to their account to access our blog post *Peer & Practice Assessments – Separating Fact from Fiction* (May 22, 2018).

Members of the public can also quickly sign up to view the blog post and to leave comments.

## Envisioning the future: *Governance Review update*

College Council members recently participated in a facilitated workshop to examine some of the top governance trends in the world of health care regulation. Multiple topics were considered—ranging from whether Council members (who make the rules) should serve on adjudicative committees (which apply the rules) to whether the College should change its name to better reflect its regulatory role.

The workshop was part of a Governance Review launched last spring to explore how current regulatory changes and best practices might further enhance Ontarian's trust and safety in the governance of naturopathy.

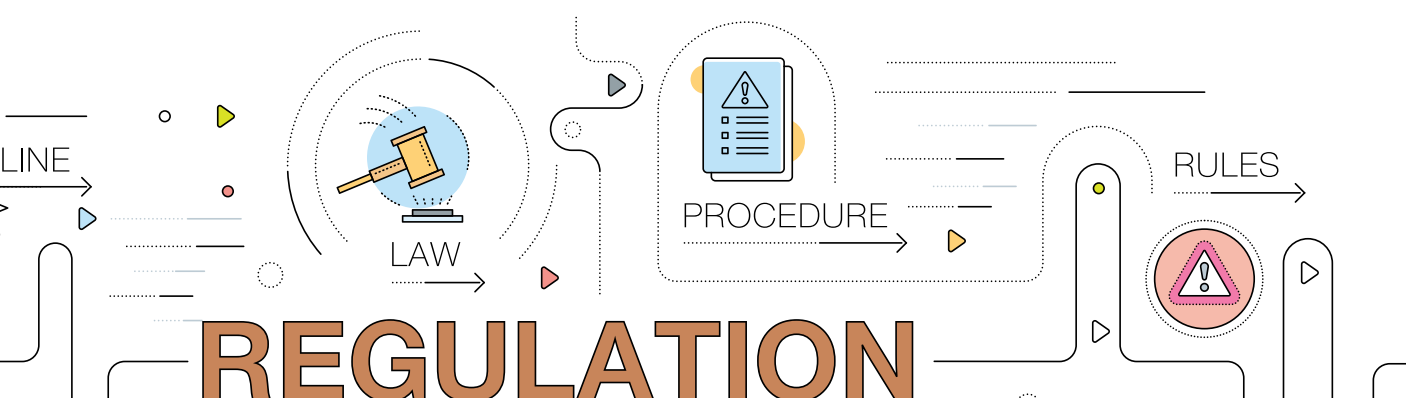
"Council initiated the review as a preventive, proactive approach to ensuring the health of the College," says President Dr. Kim Bretz, ND. "We recognize that being part of change is far more effective than reacting to it."

She explained that the purpose of the review is to scan the environment, ask some critical questions about regulation, and identify what—if anything—can be improved on or shifted to help the College be a more effective regulator.

The Governance Review process has included several activities designed to engage discussion and feedback.

- A literature review of regulatory trends and best practices was summarized into a core document of key concepts, options and questions which was used as the basis for stakeholder consultations and the Council workshop (*Regulatory Governance – Key Concepts & Questions*).
- Three Ontario regulatory Colleges were invited to present to Council about their experiences in conducting recent governance reviews of their own.
- Consultations were initiated with naturopathic stakeholder organizations, the public, and College Members to get their input on the governance concepts and options included in the Council workshop.

What's next? A draft report and accompanying implementation plan are being prepared based on the workshop outcomes and will be reviewed by the Council at its April 29, 2020 meeting. The results of the Governance Review will ultimately be shared with stakeholders and government.



## STUDENTS' CORNER

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# Frequently Asked Questions

***What should I do if I see something that I'm not sure aligns with how NDs are allowed to practise in Ontario? If something doesn't seem right, I don't want to assume it's ok just because someone else is already doing it.***

We always encourage students to reach out to the College's Manager of Professional Practice with questions big or small. Dr. Mary-Ellen McKenna, ND (Inactive) receives over 950 calls and e-mails each year from students, practising NDs and others who have questions about everything from advertising to telemedicine.

"We would much rather hear from you proactively when you have a question rather than having a conversation with you after you may have done something that doesn't meet the requirements," she says.

Reach her by e-mail at [maryellen.mckenna@collegeofnaturopaths.on.ca](mailto:maryellen.mckenna@collegeofnaturopaths.on.ca) or phone at 416 583 6020.