

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

IN THE MATTER OF a hearing directed
by the Inquiries, Complaints and Reports Committee of
the College of Naturopaths of Ontario
pursuant to Section 26(1) of the Health Professions Procedural Code
being Schedule 2 of the *Regulated Health Professions Act, 1991*,
S.O. 1991, c. 18, as amended.

B E T W E E N:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

ANNA BLASZCZYK

DECISION AND REASONS

A panel of the Discipline Committee of the College of Naturopaths of Ontario (the “Panel”) held a hearing on March 19, 2021. The hearing proceeded electronically pursuant to the *Regulated Health Professions Act, 1991* - Health Professions Procedural Code, the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the Discipline Committee Rules.

Rebecca Durcan represented the College of Naturopaths of Ontario (the “College”). Andrew Parr attended on behalf of the College. Anna Blaszczyk (the “Registrant”) was self-represented. Elyse Sunshine acted as independent legal counsel (“ILC”) to the Panel.

ALLEGATIONS

The Notice of Hearing, dated November 16, 2020 was filed as Exhibit 1 and set out the following:

The Registrant

1. The Registrant was registered with the Board of Directors of Drugless Therapy – Naturopathy on or about September 1, 1991. The Registrant then became registered with the College on July 1, 2015.

Failing to co-operate with the Quality Assurance Committee

2. In or about July 2019, the Registrant was randomly selected to undergo a 2019- 2020 Peer & Practice Assessment (“PPA”) in accordance with Section 7(2) of the College’s Quality Assurance (“QA”) Regulation.
3. It is alleged that the Registrant failed to complete the PPA and/or failed to meet with and/or co-operate with the QA assessor.

Acts of Professional Misconduct

4. It is alleged that the above noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”) as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007* (the “Act”):
 - a. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the Regulated Health Professions Act, 1991 (the “RHPA”) or the regulations under either of those Acts, including but not limited to s. 4 and s. 7 of the QA Regulation;
 - b. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
5. It is also alleged that the above noted conduct constitutes professional misconduct pursuant to section 51(1)(b.0.1) of the Code.

Practising while suspended

6. On April 2, 2020 the Registrant’s certificate of registration was suspended for her failure to maintain professional liability insurance.
7. It is alleged that, despite her suspension, the Registrant continued to identify herself as a naturopathic doctor and/or used protected titles and designations on social media.
8. It is alleged that the Registrant also identified herself as a “dermatologist” on social media.
9. It is alleged that in or around June 2020 an undercover investigator of the College (using the alias ZB) called the Registrant. It is alleged that the Registrant advised ZB that:
 - a. She was a dermatologist;

- b. She specialized in skin and sexually transmitted diseases; and/or
 - c. She could be called “Dr. Blaszczyk”.
10. It is alleged that on or about July 15, 2020 ZB attended at the Registrant’s home for a scheduled appointment. It is alleged that the following occurred:
- a. The Registrant asked ZB to complete an intake form which stated the Registrant’s name and the title “Naturopathic Doctor”;
 - b. ZB noted several forms which identified the Registrant as a naturopathic doctor and/or as being authorized to use protected titles and designations;
 - c. The Registrant advised ZB that he was experiencing insomnia and low energy;
 - d. The Registrant used a machine called a “MORA” to check the electricity in ZB’s organs;
 - e. Following this assessment, the Registrant informed ZB that he had food allergies, candida, weak adrenals, hypoglycemia, and/or a weak gall bladder;
 - f. The Registrant advised a change in diet and stated that the reason he was experiencing insomnia and low energy was because of these issues; and/or
 - g. The Registrant charged ZB \$150.00 for the appointment.
11. It is alleged that after the Registrant became aware of the College investigation she called ZB and advised him that if the College called him, he should say the following:
- a. That he visited her as a “friend of a friend”;
 - b. That he did not pay her; and/or
 - c. That he knew the Registrant was not practising as a naturopathic doctor.

Acts of Professional Misconduct

12. It is alleged that the above noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Act:
- a. Paragraph 1 – Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, including but not limited to the following:

- i. Advertising standard of practice; and/or
 - ii. Restricted Titles standard of practice;
- b. Paragraph 27 - Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
- c. Paragraph 30 - Inappropriately using a term, title or designation in respect of the member's practice;
- d. Paragraph 36 - Contravening, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts, including but limited to s. 4 and s. 8 of the Act;
- e. Paragraph 39 - Practising the profession while the member's certificate of registration has been suspended;
- f. Paragraph 40 - Directly or indirectly benefiting from the practice of the profession while the member's certificate of registration is suspended unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee;
- g. Paragraph 46 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and/or
- h. Paragraph 47 - Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

13. It is also alleged that the above noted conduct constitutes professional misconduct pursuant to s. 4(3) of the Act.

ADMISSION AND PLEA INQUIRY

The Registrant admitted to the allegations of professional misconduct set out the Notice of Hearing, with the exception of allegation 12 (a), which was withdrawn with the permission of the panel.

The Panel received a written plea inquiry which was signed by the Registrant. The Panel also conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed and unequivocal.

AGREED STATEMENT OF FACTS

The College advised the Panel that the evidence would be provided by way of an Agreed Statement of Facts, which was filed as Exhibit 2, and set out the following:

The Registrant

1. The Registrant was registered with the Board of Directors of Drugless Therapy – Naturopathy on or about September 1, 1991. The Registrant became registered with the College on July 1, 2015.
2. The Registrant was suspended on or about April 2, 2020 for failure to maintain professional liability insurance.
3. As of February 12, 2021, the Registrant has tendered her resignation and undertaking to never reapply by way of a signed Undertaking.

Failing to co-operate with the Quality Assurance Committee

4. In or about July 2019, the Registrant was randomly selected to undergo a 2019-2020 PPA in accordance with Section 7(2) of the College's QA Regulation, under the Act.
5. It is agreed that section 4 of the Regulation stipulates that all Registrants in the General Class must participate in the QA Program.
6. It is agreed that the Registrant failed to complete the PPA, failed to meet with and failed to co-operate with the QA assessor. In particular,

Random Selection to Undergo the PPA

- a. On or about July 8, 2019, the Registrant was notified by email that she was randomly selected to undergo a 2019-2020 PPA.
- b. The same day, the Registrant responded to the College that she was "currently 70 yrs old and soon will finish my practice. So you can use your resources toward someone who is in the peak of the naturopathic practice. I work recently only 2-3 hours per week, just to keep my licence valid [sic]".
- c. On or about July 9, 2019, the Registrant submitted the completed Pre-Assessment and Conflict of Interest Forms. The College advised the Member that only the QA Committee can determine whether the Member is not required to complete the PPA and that she may submit an extension/deferral request.

The First Extension Request

- d. Between on or about July 10 and 17, 2019, the Registrant submitted a request for an extension and/or deferral of the PPA for the QA Committee's review and consideration (the "First Extension Request"). The Registrant initially submitted an incomplete Extension Request Form, but ultimately provided the missing information.
- e. As part of her First Extension Request, the Registrant included a photo of a UHN patient card and an Accessible Parking Permit.
- f. On or about August 29, 2019, the Registrant was notified by email that the QA Committee asked that she collect and submit additional information to support a review of her First Extension Request. The Registrant did not respond to this correspondence.
- g. On or about September 13, 2019, College staff followed up with the Registrant by email regarding the submission of additional information. The Registrant then spoke to College staff and the Deputy Registrar on the phone and stated that she had nothing more to provide in support of her First Extension Request.
- h. On or about September 24, 2019, the QA Committee reviewed the Registrant's First Extension Request with no additional information and denied it.
- i. On or about October 1, 2019, the Registrant was notified by email that her First Extension Request was denied and that she would be assigned a Peer Assessor.
- j. On or about November 14, 2019, the Registrant sent an email to the College stating, "I would like to let you know that I'm terminating my naturopathic practice by March 31, 2020."
- k. On or about November 14, 2019, College staff emailed the Registrant to clarify her resignation request and to provide information regarding the process to resign. Despite being advised about the process for resignation, the Registrant did not resign.

Non-Compliance with the Peer Assessor

- l. On or about December 1, 2019, the assigned Peer Assessor notified the College that the Registrant had not responded to the Peer Assessor's attempts to make contact.
- m. On or about December 1, 2019, College staff sent an email reminder to the Registrant about her obligation to comply with the PPA. On or about December 4, 2019, the Registrant responded, stating that she was suffering from health issues and stated, "Also I let The Naturopathic Board know that I'm terminating my licence on

march 31, 2020. It's good idea to spend resources on some other ,younger naturopathic doctors I was 30 years in the naturopathic practice and 15 in the medical practice and I don't think I need this assessment while I'm not practicing [sic]."

- n. On or about December 6, 2019, College staff contacted the Registrant by email to provide additional information about the process to resign. Despite being advised again about the process for resignation, the Registrant did not resign.

The Second Extension Request

- o. On or about December 11, 2019, the Registrant submitted another request for an extension and/or deferral of the PPA for the QA Committee's review and consideration (the "Second Extension Request"). The Second Extension Request included the same materials identified at paragraph 5(e) above. The College subsequently encouraged the Registrant to submit additional supporting documentation for consideration as part of the Second Extension Request.
- p. On or about January 7, 2020, the Registrant emailed the College stating that she sent a copy of an "assessment from car insurance". The College staff responded that no such documentation was received.
- q. On or about January 13, 2020, the Registrant provided a letter from her physiotherapist confirming that she was undergoing physiotherapy treatment from a motor vehicle accident.
- r. On or about January 21, 2020, the QA Committee reviewed and denied the Second Extension Request as there is insufficient information to support that the Registrant was not practising. Specifically, the Registrant stated that she would cease practising in March 2020, but remained active in the General Class.

Further Non-Compliance

- s. On or about February 2, 2020, after a number of attempts by the Peer Assessor to schedule the PPA, the Registrant notified the College by email that she was chronically ill and was terminating her license.
- t. On or about February 26 and March 23, 2020, the Registrant was notified that the College had not received any application for her resignation and that she had not completed the PPA as required. The Registrant was advised that if she failed to meet the requirements by March 23, 2020, the matter would be referred to the ICRC. The Registrant did not respond to this correspondence.

Acts of Professional Misconduct

7. It is agreed that the above noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Act:
 - a. **Paragraph 36** - Contravening, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts, including but not limited to section 4 and section 7 of the QA Regulation; and
 - b. **Paragraph 46** - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
8. It is also agreed that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(b.0.1) of the Code, which relates to when a registrant has failed to cooperate with the QA Committee or any assessor appointed by that committee.

Practising while suspended

9. On or about April 2, 2020, the Registrant's certificate of registration was suspended for her failure to maintain professional liability insurance.
10. It is agreed that, despite her suspension, the Registrant continued to identify herself as a naturopathic doctor and used protected titles and designations on social media.
11. It is agreed that the Registrant also identified herself as a "dermatologist" on social media before and during her suspension.
12. It is agreed that in or around June 2020, an undercover investigator of the College (using an alias) called the Registrant. It is agreed that the Registrant advised the investigator that:
 - a. She was a dermatologist;
 - b. She specialized in skin and sexually transmitted diseases; and
 - c. She could be called "Dr. Blaszczyk".
13. It is agreed that on or about July 15, 2020, the investigator attended at the Registrant's home for a scheduled appointment. It is agreed that during the appointment:
 - a. The Registrant asked the investigator to complete an intake form which stated the Registrant's name and the title "Naturopathic Doctor";

- b. The Registrant had several forms at her home office which identified her as a naturopathic doctor and as being authorized to use protected titles and designations;
 - c. The Registrant communicated a naturopathic diagnosis when she advised the investigator the reasons why, in her professional opinion, he was experiencing insomnia and low energy;
 - d. The Registrant used a machine called a "MORA" to check the electricity in the investigator's organs;
 - e. Following this assessment, the Registrant communicated a naturopathic diagnosis when she informed the investigator that he had food allergies, candida, weak adrenals, hypoglycemia, and a weak gall bladder;
 - f. The Registrant advised a change in diet and stated that the reason the investigator was experiencing insomnia and low energy was because of these issues; and
 - g. The Registrant charged and received from the investigator \$150.00 for the appointment. A receipt was not provided.
14. It is agreed that after the Registrant became aware of the College investigation, she called the investigator and advised him that if the College called him, he should say the following:
- a. That he visited her as a "friend of a friend";
 - b. That he did not pay her; and
 - c. That he knew the Registrant was not practising as a naturopathic doctor.

Acts of Professional Misconduct

15. It is agreed that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code as set out in one or more of the following paragraphs of section 1 of the Regulation Ontario Regulation 17/14 made under the Act
- a. Paragraph 27** - Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
 - b. Paragraph 30** - Inappropriately using a term, title or designation in respect of the member's practice;

- c. Paragraph 36** - Contravening, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts, including section 4 and section 8 of the Act and section 33 of the RHPA);
- d. Paragraph 39** - Practising the profession while the member's certificate of registration has been suspended;
- e. Paragraph 40** - Directly or indirectly benefiting from the practice of the profession while the member's certificate of registration is suspended unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee;
- f. Paragraph 46** - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and
- g. Paragraph 47** - Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that there were two groups of misconduct at issue: the first relating to the Registrant's failure to cooperate with the Quality Assurance Committee and the second, relating to the Registrant practising while suspended. The College submitted that facts and evidence contained in the Agreed Statement of Facts supported the findings of misconduct that the parties were asking the Panel to make. The Registrant admitted to this conduct and acknowledged that such conduct constituted professional misconduct. The College submitted that the burden rests on the College to establish the acts of misconduct on a balance of probabilities and that the College had met this burden.

The Registrant apologized for her conduct.

DECISION AND REASONS ON LIABILITY

The Panel accepted as correct all of the facts set out in the Agreed Statement of Facts. The Panel found that the evidence contained in that document proved, on a balance of probabilities, the allegations alleged in the Notice of Hearing and admitted to in the Agreed Statement of Facts.

The allegation that the Registrant contravened s. 4 and s. 7 of the QA Regulation, as set out in section 4(a) of the Notice of Hearing, is supported by the evidence in paragraphs 4, 5, 6 and 7 (u) of the Agreed Statement of Facts.

The allegation that the Registrant engaged in conduct or performed 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, as set out in Section 4(b) of the Notice of Hearing is supported by the evidence in paragraphs 4, 5, 6, 7 (u) of the Agreed Statement of Facts.

The allegation that the Registrant permitted the advertising of her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable, in 12(b) of the Notice of Hearing, is supported by evidence in paragraphs 9, 10, 11 and 15 (a) in the Agreed Statement of Facts.

The allegation that the Registrant Inappropriately used a term, title or designation in respect of the member's practice, in 12(c) of the Notice of Hearing, is supported by evidence in paragraphs 9, 10, 11, 12, 13 and 15 (b) in the Agreed Statement of Facts.

The allegation that the Registrant contravened, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts, including but limited to s. 4 and s. 8 of the Act, in 12(d) of the Notice of Hearing, is supported by evidence in paragraphs 9, 10, 11, 12, 13 and 15 (c) in the Agreed Statement of Facts.

The allegation that the Registrant practised the profession while her certificate of registration has been suspended, in 12(e) of the Notice of Hearing, is supported by evidence in paragraphs 9, 12, 13, 14 and 15 (d) in the Agreed Statement of Facts.

The allegation that the Registrant directly or indirectly benefited from the practice of the profession while her certificate of registration is suspended unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee, in 12(f) of the Notice of Hearing, is supported by evidence in paragraphs 9, 13 (g) and 15 (e) in the Agreed Statement of Facts.

The allegation that the Registrant engaged 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, in 12(g) of the Notice of Hearing, is supported by evidence in paragraphs 9, 10, 11, 12, 13, 14, 15 (f) and 15 (g) in the Agreed Statement of Facts.

The allegation that the Registrant engaged in conduct that would be reasonably regarded by members as conduct unbecoming a member of the profession, in 12(h) of the Notice of Hearing, is supported by evidence in paragraphs 9, 10, 11, 12, 13, 14, 15 (f) and 15 (g) in the Agreed Statement of Facts.

POSITION OF THE PARTIES ON PENALTY AND COSTS

The parties made a joint submission as to an appropriate order for penalty and costs (the “Proposed Order”), which was filed as Exhibit 4 and included the following:

1. Requiring the Registrant to appear before the panel to be reprimanded immediately following the hearing of this matter.

SUBMISSIONS OF THE PARTIES ON PENALTY AND COSTS

The College submitted that because the Registrant had entered into an Acknowledgement and Undertaking (the “**Undertaking**”), Exhibit 3, where she agreed to resign from the College and never to reapply, impacted on how the College viewed an appropriate resolution to this matter. The College was satisfied that in considering the Undertaking and general sentencing principles, no additional penalty was required, other than a reprimand. The College submitted that by virtue of the Undertaking, the Registrant not only agreed to resign, but also never to reapply which was an outcome outside of the jurisdiction of the Panel and would provide the greatest level of public protection because the Registrant was permanently banned from practising the profession. This also would accomplish general deterrence because it sends a message to the profession as to how seriously these kinds of concerns were taken. The College assured the Panel that had the Registrant not entered into the Undertaking, the College would be seeking a significant suspension. The College advised the Panel that because the Registrant had left the profession, remediation was not a practical consideration.

The College stated that the mitigating factors in this matter included the fact that the Registrant admitted to the allegations and she voluntarily agreed to resign. This was also the Registrant’s first time before the Discipline Committee.

The College provided case law to assist the Panel in considering the proposed penalty and demonstrating proportionality, including:

1. College of Nurses of Ontario v O’Neill, 2016 CanLII 102078 (ON CNO)
2. Ontario (College of Physicians and Surgeons of Ontario) v. Ng, 2016 ONCPSD 12
3. Ontario (College of Physicians and Surgeons of Ontario) v. Sweet, 2017 ONCPSD 40

With respect to costs, the College advised that while costs would regularly be sought, in this particular case, the College took into account certain factors and elected not to seek costs. Such factors included the fact the Registrant was required to purchase professional liability enduring “tail” insurance because of her resignation. The College elected not to seek costs so the Registrant had money to purchase the tail insurance.

The Registrant made no further submissions with respect to the joint submission on penalty and costs.

DECISION AND REASONS ON PENALTY AND COSTS

The Registrant has agreed to resign from the profession of naturopathy and has entered into an Undertaking that she will never seek to re-register in Ontario again. As a result of this action, the Panel accepted the Proposed Order on penalty and costs.

In accepting the Proposed Order, the Panel was mindful that a penalty should, first and foremost, achieve the goal of public protection, while also accounting for other generally established sanctioning principles, which this joint submission would achieve. As such, the Panel found no reason to depart from the Proposed Order, accepting the College's argument that joint submissions should not be interfered with lightly and may be rejected only if it is truly unreasonable or unconscionable.

The Panel accepted the Proposed Order as being proportionate to the severity of the misconduct, while also reflecting aggravating and mitigating factors present in this case.

The following mitigating factors were considered:

- a) the absence of a prior discipline history;
- b) the Registrant's cooperation with the College throughout the investigation and prosecution of the allegations, which saved the College the time and expense of a contested hearing;
- c) the Registrant's acceptance of responsibility, signaled by her admitting to the conduct and entering into a joint submission with respect to penalty; and
- d) the Registrant's agreement to resign from the profession and never to reapply.

The Proposed Order was within the range of penalties that have previously been ordered by other Discipline Committees when a registrant agreed to resign from the profession.

With respect to costs, the Panel accepted that it has the authority to award costs under section 53.1 of the Code to ensure that the entire financial burden of investigating and prosecuting registrants who engage in professional misconduct does not rest on the general membership of this profession. No costs were awarded in this case and the Panel accepted this aspect of the Proposed Order. It was more important for the public interest that the Registrant could ensure she had the financial ability to purchase tail insurance.

ORDER

The Panel stated its findings in its written order of March 19, 2021 (the "Order"), in which the Panel directed as follows on the matter of penalty and costs:

1. Requiring the Registrant to appear before the panel to be reprimanded immediately following the hearing of this matter.

Dated in Ontario on April 7, 2021.

DISCIPLINE PANEL

Dr. Tara Gignac, ND, Chair
Dr. Jacob Scheer, ND
Lisa Fenton, public member of Council
Dean Catherwood, public member of Council
Samuel Laldin, public representative

A handwritten signature in black ink, appearing to be 'T. Gignac', written over a horizontal line.

Signed: _____
Dr. Tara Gignac, ND, Chair

REPRIMAND

As part of our penalty order this Discipline Panel has ordered that you be given an oral reprimand.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

The Panel has found that you have engaged in professional misconduct.

It is clear to the Panel, that you have not upheld your professional commitment to:

- be a positive reflection of the profession
- conduct yourself in a manner that is honourable and professional
- abide by the laws, rules, guidelines and requirements of the College
- comply with the standards expected of our profession

Of particular concern is that

- the professional misconduct in which you engaged has put at risk the public's confidence in the profession's ability to govern itself and erodes the profile of this profession in the minds of the public and other regulated health care professionals.
- Your failure to adhere to the College's standard of practice places clients at risk of harm and impacts the public's confidence in the profession and jeopardizes the relationship between naturopaths and the public.

The Panel acknowledges that you took responsibility for your actions and admitted to the allegations, however, it's important for you to understand that your actions were inappropriate.

This concludes our reprimand.