

**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 -

NATASHA TURNER

DECISION AND REASONS

A panel of the Discipline Committee of the College of Naturopaths of Ontario (the “Panel”) held a hearing on October 29, 2021. The hearing proceeded electronically pursuant to the *Regulated Health Professions Act, 1991*, Schedule 2, the Health Professions Procedural Code (the “Code”), the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the Discipline Committee Rules.

Anastasia Maria Hountalas was counsel to the College of Naturopaths of Ontario (the “College”). Andrew Parr attended on behalf of the College. Dr. Natasha Turner, ND (the “Registrant”) was represented by Symon Zucker. Elyse Sunshine acted as independent legal counsel (“ILC”) to the Panel.

ALLEGATIONS

The Notice of Hearing, dated September 30, 2020, was filed as Exhibit 1 and set out the following:

1. The Registrant was registered with the Board of Directors of Drugless Therapy – Naturopathy on or about October 28, 1999. The Registrant then became registered with the College on July 1, 2015.

Advertising protection against and treatment of COVID-19

2. As of March 1, 2020 Ontario and Canada were responding to the evolving COVID-19 pandemic.
3. As of March 1, 2020 there was no known cure to COVID-19 and/or immunization to COVID-19.
4. On or around March 23, 2020 the Registrant posted or permitted to be posted the following information on the website, www.drnatashaturner.com:

“We are also providing an immune boost kit found on shop.drnatashaturner.com. Dr. Turner, ND created a researched based selection of products that can help to protect you from the virus and also to be taken in higher doses should you test positive.”

5. On or around March 23, 2020 the Registrant posted or permitted to be posted the following information on the website, www.drnatashaturner.com about the benefits of the immune boost kit:

COVID-19 Prevention Build-Your-Own Kit (Science-Based) 1-2 months supply –
Recommend 3 months

- a. ✓ Aids In Immune Function
- b. ✓ Provides Antioxidant Activity
- c. ✓ Provides Natural Antiviral Support Due To The Olive Leaf Extract In The Clear Immune Essential
- d. ✓ Can Protect Against The COVID-19 Virus Due To Immune And Antiviral Support
- e. ✓ Suggested For Use During The Pandemic
- f. ✓ Can Help To Treat The Symptoms Should An Infection Arise.
- g. ✓ Safe For Use For Men And Women. If You Are Taking Immuno-Suppressive Drugs Contact Your Medical Professional
- h. ✓ Exception For Those Who Are Immune Compromised Or HIV Positive.

Acts of Professional Misconduct

6. 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 Naturopathy Act, 2007:
 - a. Paragraph 1 - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, including but not limited to the following:

- i. Advertising standard of practice; and/or
 - ii. Conflict of Interest standard of practice;
- b. Paragraph 7 - Recommending or providing treatment that the Registrant knows or ought to know is unnecessary or ineffective;
- c. Paragraph 8 - Providing or attempting to provide services or treatment that the Registrant knows or ought to know to be beyond the Registrant's knowledge, skill or judgment.
- d. Paragraph 14 - Prescribing, dispensing, compounding or selling a drug or a substance for an improper purpose.
- e. Paragraph 17 - Acting in a conflict of interest when acting in a professional capacity;
- f. Paragraph 26 - Making a claim respecting a drug, substance, remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion; and/or
- 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 Registrants as disgraceful, dishonourable or unprofessional.

ADMISSION AND PLEA INQUIRY

The Registrant admitted the allegations set out in the Notice of Hearing at paragraph 6. With the permission of the Panel, the allegation contained in paragraph 6 (g) was changed to "unprofessional" only, and the terms "disgraceful" and "dishonourable" were removed.

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 registered with the Board of Directors of Drugless Therapy – Naturopathy on or about October 28, 1999. The Registrant then became registered with the College on July 1, 2015
2. At the relevant times, the Registrant owned and worked at Clear Medicine and was responsible for the website www.drnatashaturner.com (the “website”).

Advertising protection against and treatment of COVID-19

3. As of March 1, 2020, Canada and the province of Ontario were responding to the evolving COVID-19 pandemic. It is agreed that, at all material times, there was no known cure to COVID-19 and/or immunization to COVID-19.
4. On or about March 24, 2020, the College received a complaint that the Registrant was promoting an immune boosting kit to help prevent and protect individuals from COVID-19.
5. It is agreed that the Registrant posted and/or permitted to be posted the following information on her website:

“We are also providing an immune boost kit found on shop.drnatashaturner.com. Dr. Turner, ND created a researched based selection of products that can help to protect you from the virus and also to be taken in higher doses should you test positive.”

6. It is agreed that the information identified in paragraph 5 remained on the Registrant’s website from on or about March 14, 2020 until March 25, 2020.
7. It is agreed that the Registrant posted and/or permitted to be posted the following information on her website about the alleged benefits of the “immune boost kits”:

“COVID-19 Prevention Build-Your-Own Kit (Science-Based) 1-2 months’ supply – Recommend 3 months

- ✓ Aids In Immune Function
- ✓ Provides Antioxidant Activity
- ✓ Provides Natural Antiviral Support Due To The Olive Leaf Extract In The Clear Immune Essential
- ✓ Can Protect Against The COVID-19 Virus Due To Immune And Antiviral Support
- ✓ Suggested For Use During The Pandemic
- ✓ Can Help To Treat The Symptoms Should An Infection Arise.
- ✓ Safe For Use For Men And Women. If You Are Taking Immuno-Suppressive Drugs Contact Your Medical Professional
- ✓ Exception For Those Who Are Immune Compromised Or HIV Positive.”

8. It is agreed that the information identified in paragraph 7 remained on the Registrant's website from on or about March 14, 2020 until March 25, 2020, and that sales of the "immune boost kits" remained active during that time.
9. It is agreed that between March 14, 2020 and March 25, 2020, the Registrant sold approximately 5 of the "immune boost kits" through Clear Medicine.
10. It is agreed that the "immune boost kits" are a substance and that the Registrant sold them for an improper purpose.
11. It is agreed that the information identified in paragraphs 5 and 7 above:
 - a. is not accurate, verifiable, comprehensible or professionally appropriate;
 - b. appeals to the public's fears about COVID-19;
 - c. is unnecessary and ineffective; and
 - d. cannot be supported as reasonable professional opinion.
12. It is agreed that the treatment of COVID-19 is beyond the Registrant's knowledge, skill or judgment.
13. It is further agreed that the Registrant acted in a conflict of interest by engaging in advertising that could improperly influence her professional judgement and duty to act in the best interest of her patients.

Confirmation to the College's CEO

14. On or about March 25, 2020, the Chief Executive Officer of the College (the "CEO") wrote a letter to the Registrant, and requested that she do the following:
 - a. immediately cease and desist any advertising related to the COVID-19 pandemic; and
 - b. sign a confirmation that she read and understood the letter, and had ceased advertising and making public statements about the prevention and/or treatment of COVID-19.
15. On or about March 26, 2020, the Registrant returned the signed confirmation to the College.

Prior History

16. The Registrant has a prior history with the College, which included concerns with the Registrant's compliance with the Advertising Standards and Guidelines. On November 2, 2017, the Inquiries, Complaints and Reports Committee ("ICRC") of the College considered concerns that the Registrant was performing a controlled act that she was not authorized to perform, that the Registrant contravened the standards of the profession and that the Registrant used or permitted the use of a testimonial from a patient, former patient or other person in respect of the Registrant's practice in her advertising. The ICRC ordered the Registrant to complete a SCERP, including requiring the Registrant to review the Advertising and Conflict of Interest Standards, complete a report of 750-1000 words providing an analysis of her online presence, and her compliance with the standards and guidelines. The ICRC also ordered the Registrant to attend for an oral caution.

Admissions of Professional Misconduct

17. It is agreed 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 the following paragraphs of section 1 of Ontario Regulation 17/14 made under the Naturopathy Act, 2007:
- a. Paragraph 1 – Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, including but not limited to the following:
 - i. Advertising standard of practice;
 - ii. Scope of Practice standard of practice; and
 - iii. Conflict of Interest standard of practice;
 - b. Paragraph 7 – Recommending or providing treatment that the Registrant knows or ought to know is unnecessary or ineffective;
 - c. Paragraph 8 – Providing or attempting to provide services or treatment that the Registrant knows or ought to know to be beyond the Registrant's knowledge, skill or judgment;
 - d. Paragraph 14 – Prescribing, dispensing, compounding or selling a drug or a substance for an improper purpose;
 - e. Paragraph 17 – Acting in a conflict of interest when acting in a professional capacity;

- f. Paragraph 26 – Making a claim respecting a drug, substance, remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion; and
- 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 Registrants as unprofessional.

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 in the Agreed Statement of Facts.

The Panel made its decision for the following reasons:

1. Treatment of the virus that causes COVID-19 is not within the scope of practice of naturopathic doctors in Ontario nor is there sufficient evidence to claim that natural substances are effective treatments for COVID-19. Therefore, the statements of this nature made by the Registrant on her website are inaccurate and unverifiable. By promoting, recommending and selling treatment for COVID-19, the Registrant is in contravention of the Advertising and Scope of Practice Standards.
2. The Registrant would benefit financially from any sales of COVID-19 prevention kits made on her website. This is a conflict of interest and would be in contravention of that Standard of Practice.
3. The Panel agreed that recommending treatment during the early stages of the COVID-19 pandemic took advantage of the state of anxiety and vulnerability being experienced by much of the general public at that time. For this reason, and after considering all of the information as well as the Registrant's prior complaints history with the College, the Panel agreed that this conduct would reasonably be regarded by other Registrants of the profession to be unprofessional.

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 3 and included the following:

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

2. Directing the Chief Executive Officer to suspend the Registrant's certificate of registration for a period of three (3) months, to commence on the date of the hearing of this matter.
3. Directing the Chief Executive Officer to impose the following specified terms, conditions and limitations on the Registrant's certificate of registration:
 - a. Requiring that the Registrant unconditionally pass, and at her own expense, the ProBe course in ethics and boundaries, no later than six (6) months from the date of the order of the Discipline Committee; and
 - b. Requiring that the Registrant write an essay between 1000 and 1500 words in length, and provide it to the Chief Executive Officer, no later than a date selected by the Chief Executive Officer that shall be published by the College at a time and in a format determined by the Chief Executive Officer, on the following issues:
 - i. The lessons she learned in completing the ProBe course; and
 - ii. The methods she will incorporate into her practice to ensure proper compliance with the standards and her obligations as a member of the College.
4. Requiring the Registrant to pay a fine of not more than \$350.00 to the Minister of Finance within two (2) months of the date of the hearing of this matter.
5. The Registrant shall pay the College's costs fixed in the amount of \$5,000.00, payable on a schedule to be set by the Chief Executive Officer.
6. The Registrant acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
7. The Registrant acknowledges and understands that she is executing this document voluntarily, unequivocally, free of duress and free of bribe and that she has been advised of her right to seek legal advice.

DECISION AND REASONS ON PENALTY AND COSTS

The Panel accepted the Proposed Order, finding it to be in the public interest, proportionate to the misconduct and consistent with previous orders of this Discipline Committee in cases involving similar misconduct.

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 achieves. 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 was satisfied that a reprimand and a 3-month suspension would discourage other Registrants from engaging in similar misconduct and demonstrate to the public that this Committee takes conduct of this nature seriously and will sanction practitioners who engage in such conduct accordingly, including with a temporary removal from practice.

The 3-month suspension, in combination with a reprimand and continuing education through completion of the ProBe course in ethics and boundaries, would achieve remediation and specific deterrence by affording the Registrant an opportunity to improve her understanding of the College's standards and reflect on the consequences of her misconduct. This requirement for additional training also promotes public confidence in the College's ability to regulate the profession and ensures that the Registrant will have the ability to adhere to established Standards of Practice.

In making its determination, the Panel considered the aggravating and mitigating factors present in this case. The following mitigating factors were considered:

- a) 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;
- b) the Registrant's acceptance of responsibility, signaled by her admitting to the conduct and entering into a joint submission with respect to penalty. This indicated that she was serious about returning to practice in an ethical manner and committed to learning from her error and improving her practice.

Among the aggravating factors considered were the nature of the conduct itself, the fact that the Registrant took advantage of the public's vulnerability by making unverifiable claims during a time of uncertainty, as well as her prior complaints history with the College.

The Proposed Order was within the range of penalties that have previously been ordered by this Discipline Committee for similar conduct.

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. The proposed amount appropriately reflected the Registrant's cooperation through the investigation and prosecution of this matter. It also fell within the range of costs awarded by previous panels in similar matters.

ORDER

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

1. The Registrant shall appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. The Chief Executive Officer is directed to suspend the Registrant’s certificate of registration for a period of three (3) months, to commence on the date of the hearing of this matter.
3. Directing the Chief Executive Officer to impose the following specified terms, conditions and limitations on the Registrant’s certificate of registration:
 - a. Requiring that the Registrant unconditionally pass, and at her own expense, the ProBe course in ethics and boundaries, no later than six (6) months from the date of the order of the Discipline Committee; and
 - b. Requiring that the Registrant write an essay between 1000 and 1500 words in length, and provide it to the Chief Executive Officer, no later than a date selected by the Chief Executive Officer that shall be published by the College at a time and in a format determined by the Chief Executive Officer, on the following issues:
 - i. The lessons she learned in completing the ProBe course; and
 - ii. The methods she will incorporate into her practice to ensure proper compliance with the standards and her obligations as a member of the College.
4. Requiring the Registrant to pay a fine of not more than \$350.00 to the Minister of Finance within two (2) months of the date of the hearing of this matter.
5. The Registrant shall pay the College’s costs fixed in the amount of \$5,000.00, payable on a schedule to be set by the Chief Executive Officer.

At the conclusion of the hearing, having confirmed that the Registrant waived any right to appeal, the Panel delivered its reprimand.

I, Dr. Jordan Sokoloski, ND sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below:

DISCIPLINE PANEL

Dr. Jordan Sokoloski, ND – Chair, professional member
Dr. Enrique (Rick) Olazabal, ND – non-council professional member
Dean Catherwood – public member
Lisa Fenton - public member



Signed: _____
Dr. Jordan Sokoloski, ND, Chair

Dated in Ontario on November 26, 2021

**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 -

NATASHA TURNER

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 as alleged in the Notice of Hearing.

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

- Enhance the care and safety of your patients because you made inaccurate and unverifiable claims about the prevention and treatment of COVID-19;

- Abide by the Standards of the College, including the Scope of Practice, Advertising, and Conflict of Interest Standards;
- Conduct yourself in a manner that is professional and becoming of a Registrant of this College.

Of particular concern is that:

- You took advantage of the fear and vulnerability of the general public in the early stages of the COVID-19 pandemic;
- The professional misconduct in which you engaged has put at risk the public's confidence in the profession's ability to govern itself and therefore could erode the profile of the profession in the minds of the public and other regulated health care professionals;
- And although this is the first time you have appeared before a panel of the DC, you have a complaints history with this College and have appeared before the ICRC in the past for a similar breach of a Standard.

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

The Panel acknowledges that you took responsibility for your actions and admitted to the allegations in the Notice of Hearing. However, your actions were inappropriate.

The Panel would like to remind you that being a registered naturopathic doctor is a privilege and not a right. The Panel is satisfied that by completing the ProBe course and remediation ordered you will be able to return to the profession and practice safely, ethically and professionally within the Province of Ontario.

This concludes our reprimand. We trust that we will not see you before us again.