

**IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*, being Chapter H-7
of the Revised Statutes of Alberta, 2000**

**AND IN THE MATTER OF an Investigation into a Complaint against
DR. JASMINE HALL**

**DECISION OF THE HEARING TRIBUNAL OF THE
COLLEGE OF NATUROPATHIC DOCTORS OF ALBERTA**

The hearing of the Hearing Tribunal was held on January 29, 2024 via Zoom.

Present were:

The members of the Hearing Tribunal of the College of Naturopathic Doctors of Alberta (the "CNDA"):

Emeka Ezike-Dennis, Public Member and Tribunal Chair
Sarah Gingrich, Public Member
Dr. Derek Cook, ND, Regulated Member
Dr. Cindy Chervenka, ND, Regulated Member

Logan Corkin, Complaints Director for the CNDA
Colleen Wetter, Legal Counsel for the Complaints Director

Dr. Jasmine Hall, ND, Investigated Member
Cecilia Hoover, Legal Counsel for the Investigated Member

Annabritt Chisholm, Independent Legal Counsel for the Hearing Tribunal

The hearing was recorded by a court reporter.

Opening of Hearing

1. The hearing opened and the Chair introduced all persons present for the record. The Hearing Tribunal confirmed that none of its members were aware of any bias or conflict of interest that would impact their role on the Hearing Tribunal.
2. The Hearing Tribunal was advised that there were no objections to the members of the Hearing Tribunal and that no preliminary or jurisdictional issues were being raised. The hearing was open to the public, but no members of the public were present.

3. Pursuant to section 78 of the *Health Professions Act*, RSA 2000, c H-7 (the "HPA"), the hearing was open to the public. There was no application by either party to close the hearing.

4. The Hearing Tribunal received an Agreed Statement of Facts and Admission of Unprofessional Conduct, which was marked as Exhibit 1 and enclosed 17 tabs of documents:

- Tab 1:** Copy of Dr. Hall's Canadian College of Naturopathic Medicine transcript
- Tab 2:** Copy of Syllabus and proof of Dr. Hall's successful completion of the International IV Nutritional Therapy Global Physician Education training
- Tab 3:** CNDA Approved Course List for Activities Requiring Authorization and the CNDA Administrative Policy: Applying for Restricted Activities Requiring Authorization (the "CNDA Approved Course List")
- Tab 4:** Copies of the July 2017, January 30, 2018, and May 16, 2018 communications from the CNDA to regulated members
- Tab 5:** Notice of Hearing dated September 1, 2023
- Tab 6:** Amended Notice of Hearing dated November 8, 2023
- Tab 7:** CNDA Standard of Practice: General
- Tab 8:** CNDA Standard of Practice: Naturopathic Injection Therapies
- Tab 9:** Undertaking signed by Dr. Hall on May 16, 2022 (the "2022 Undertaking")
- Tab 10:** Copy of NB's patient record for appointment on February 24, 2023, highlighting that "patient consent obtained"
- Tab 11:** Copy of SR's patient record for appointment on February 24, 2023, highlighting that "patient consent obtained"
- Tab 12:** Documents collected from SR in relation to Dr. Hall's February 24, 2023 appointment with SR
- Tab 13:** CNDA Standard of Practice: Consent
- Tab 14:** Copy of AF's patient record for appointment on January 21, 2023 signed on March 30, 2023
- Tab 15:** CNDA Standard of Practice: Records Keeping
- Tab 16:** Copy of SR's patient record for appointment on February 24, 2023 signed on March 16, 2023, and highlighting SR received products by an intravenous push in the left cubital vein
- Tab 17:** Copy of NB's patient record for appointment on February 24, 2023 signed on March 16, 2023, and highlighting NB received products by an intravenous push in the left cubital vein

Notice of Hearing

5. The Notice of Hearing set out seven allegations (the "Allegations") against Dr. Hall, including that she:

1. did on or about January 21, 2023 administer naturopathic injection therapies without authorization contrary to the CNDA Standards of Practice: General and/or the CNDA Standards of Practice: Naturopathic Injection Therapies.
2. did on or about February 24, 2023 administer naturopathic injection therapies without authorization contrary to the CNDA Standards of Practice: General and/or the CNDA Standards of Practice: Naturopathic Injection Therapies.
3. did on or about January 21, 2023 breach your undertaking dated May 16, 2022 by continuing to administer naturopathic injection therapies without authorization.
4. did on or about February 24, 2023 breach your undertaking dated May 16, 2022 by continuing to administer naturopathic injection therapies without authorization.
5. did on or about February 24, 2023 administer a naturopathic injection therapy with consent that was not fully informed or obtained through misrepresentation, contrary to the CNDA Standards of Practice: Consent.
6. did on or about January 21, 2023 fail to keep accurate patient medical records that documented your method of administering naturopathic injections, contrary to the CNDA Standards of Practice: General, the CNDA Standards of Practice: Naturopathic Injection Therapies and/or the CNDA Standards of Practice: Records Keeping.
7. did on or about February 24, 2023 fail to keep accurate patient medical records that documented your method of administering naturopathic injections, contrary to the CNDA Standards of Practice: General, the CNDA the Standards of Practice: Naturopathic Injection Therapies and/or the CNDA Standards of Practice: Records Keeping.

Submissions on the Allegations

Submissions of the Complaints Director

6. On behalf of the Complaints Director, Ms. Wetter stated that the parties would be submitting an Agreed Statement of Facts and Admission of Unprofessional Conduct (Exhibit 1).
7. Ms. Wetter submitted that the Hearing Tribunal must determine whether the facts in the Agreed Statement of Facts are proven on a balance of probabilities and whether the conduct is serious enough to constitute unprofessional conduct. If findings of unprofessional conduct are made, the Hearing Tribunal must address sanctions.
8. Ms. Wetter provided that the Allegations concern the treatment of three patients on January 21, 2023 and February 24, 2023.
9. Ms. Wetter noted that on July 14, 2017, the CNDA communicated with regulated members about proposed changes to continuing competency requirements and authorization for naturopathic injection therapies. On January 30, 2018, and May 16, 2018, the CNDA again notified regulated members of the new requirements for authorization and competency. The communications set a deadline for December 15, 2018 for steps that naturopathic doctors had to take to receive authorization.
10. Ms. Wetter submitted that despite Dr. Hall's formal training and education, she failed to seek and obtain authorization from the CNDA to perform naturopathic injection therapy in Alberta, contrary to the CNDA Standards of Practice. In 2021, during a practice visit audit, it was discovered that Dr. Hall was administering naturopathic injection therapies without authorization and, as a result, Dr. Hall signed an undertaking with the CNDA on May 16, 2022, including the following terms:
 1. Dr. Hall will discontinue offering naturopathic injection therapies immediately and may not offer naturopathic injection therapies until she is duly authorized by the Registrar to do so;
 2. A reprimand will be placed on Dr. Hall's registration file;
 3. Dr. Hall will pay a fine of \$1,000 on or before July 31, 2022;
 4. Dr. Hall will pay a portion of the CNDA investigation costs amounting to \$1,000 on or before July 31, 2022;
 5. Dr. Hall agreed to a suspension of her practice permit and authorization to practice for a period of one month from June 1, 2022 to June 16, 2022 and July 2, 2022 to July 17, 2022;

6. Dr. Hall acknowledged that any future failure to comply with the terms of the 2022 Undertaking will result in immediate suspension of her practice permit and referral to the complaints process;
 7. Dr. Hall acknowledged that the terms of the 2022 Undertaking will be used in any future discipline proceedings with the CNDA; and
 8. Dr. Hall agreed to publication of this matter, including her name and clinic name.
11. Ms. Wetter reviewed the Agreed Statement of Facts and Admission of Unprofessional Conduct and indicated the following:
- a. On March 7, 2023, Dr. Hall was notified by letter that the Complaints Director was initiating a complaint pursuant to section 56 of the HPA because of concerns that she was administering naturopathic injection therapies without authorization outside of her scope of practice and in breach of the 2022 Undertaking.
 - b. The March 7, 2023, letter also advised Dr. Hall that the Complaints Director will be investigating the Complaint. The Complaints Director directed Dr. Hall to immediately cease all naturopathic injection therapies.
 - c. The March 7, 2023, letter from the Complaints Director to Dr. Hall included a first Notice to Produce.
 - d. On March 8, 2023, Dr. Hall enrolled in a two-day CNDA approved course entitled Clinical Intravenous and Naturopathic Injection Therapy Training and paid the requisite fee. The course was scheduled for April 28 to 30, 2023.
 - e. On March 9, 2023, Dr. Hall emailed her initial response to the Complaint to the Complaints Director and in her reply wrote:

I changed my practice in Alberta to do IV pushes of nutrients or add vitamin shots to IV bags until I took the requisite course.
 - f. On March 14, 2023, Dr. Hall sent another email to the Complaints Director and wrote:

In response to the CNDA's Notice to Produce, I have not administered Naturopathic Injections since May 16, 2022, and therefore do not have any patient charts to produce.

- g. On March 15, 2023, the Complaints Director sent a second Notice to Produce to Dr. Hall requesting a sample of records to verify her response.
- h. On March 19, 2023, Dr. Hall submitted the records sought by the Complaints Director in the second Notice to Produce. The records included those of SR, NB, and AF. Ms. Wetter submitted that the records clearly proved and established intramuscular injection therapies were provided to the patients on January 21 and February 24, 2023.
- i. On March 24, 2023, the Complaints Director submitted a recommendation for an interim suspension to the Interim College Registrar and the Interim College Registrar suspended Dr. Hall.
- j. On April 30, 2023, Dr. Hall completed the Clinical Intravenous and Naturopathic Injection Therapy Training Course.
- k. On August 21, 2023, Dr. Hall entered into a Supervising Declaration for Naturopathic Doctor Direct Supervision agreement resulting in her suspension being lifted with conditions on her practice permit on August 22, 2023.

12. In relation to Allegations 1 and 2, Ms. Wetter indicated that Dr. Hall admitted to administering a naturopathic injection therapy three times on two separate dates without authorization from the Registrar contrary to the CNDA Standard of Practice: General and/or the CNDA Standard of Practice: Naturopathic Injection Therapies and that the conduct amounts to unprofessional conduct within the meaning of sections 1(1)(pp)(ii) and (xii) of the HPA.

13. Dr. Hall admitted to the conduct in Allegations 3 and 4 as a breach of the 2022 Undertaking and that the conduct amounted to unprofessional conduct within the meaning of sections 1(1)(pp)(i) and (xii) of the HPA. Ms. Wetter submitted that the College must be able to rely on undertakings that members of the profession make and that a failure to do so clearly displays a lack of judgment by Dr. Hall.

14. In relation to Allegation 5, Dr. Hall admitted to administering naturopathic injection therapy to patients, SR and NB, with consent that was not fully informed or obtained through misrepresentation. Dr. Hall did not inform the patients that she was not authorized to administer naturopathic injections and that it would be in breach of her 2022 Undertaking, contrary to the CNDA Standard of Practice: Consent. Dr. Hall further admitted that her conduct amounted to unprofessional conduct within the meaning of sections 1(1)(pp)(i), (ii), and (xii) of the HPA.

15. Ms. Wetter emphasized that patient, SR, was a nervous patient. SR was concerned about the treatment and Dr. Hall assured SR that naturopathic doctors are very well regulated, without advising them that she did not have authorization to

perform the procedure and was in breach of the 2022 Undertaking. Ms. Wetter submitted that Dr. Hall's conduct was clearly a misrepresentation to obtain consent.

16. Dr. Hall admitted to Allegation 6 and that she failed to keep accurate patient medical records that documented her method of administering products and the injection administration site of a naturopathic injection, contrary to the CNDA Standard of Practice: General, the CNDA Standard of Practice: Naturopathic Injection Therapies and/or the CNDA Standard of Practice: Records Keeping. Dr. Hall acknowledged that her conduct amounted to unprofessional conduct within the meaning of sections 1(1)(pp)(ii) and (xii) of the HPA.

17. Concerning Allegation 7, Dr. Hall admitted to administering an intramuscular naturopathic injection to patient SR and NB in the gluteus maximus, but that her records on February 24, 2023 indicated that she administered the injection in the left cubital vein. Dr. Hall recognized she failed to keep accurate patient medical records for SR and NB that documented her method of administering products and the injection administration sites of naturopathic injections, contrary to the CNDA Standard of Practice: General, the CNDA Standard of Practice: Naturopathic Injection Therapies and/or the CNDA Standard of Practice: Records Keeping. Dr. Hall acknowledged that her conduct amounted to unprofessional conduct within the meaning of sections 1(1)(pp)(ii) and (xii) of the HPA.

Submissions of Dr. Hall

18. On behalf of Dr. Hall, Ms. Hoover thanked Ms. Wetter for her submissions on the Agreed Statement of Facts and Admission of Unprofessional Conduct.

19. Ms. Hoover directed the Hearing Tribunal to Dr. Hall's transcripts from when she completed her education at the Canadian College for Naturopathic Medicine and noted that Dr. Hall was trained in intramuscular and intravenous therapies. Dr. Hall attended a four-day course in January 2015 on Fundamentals and Clinical Applications of IV Nutrient Therapies and took the course again in 2022. Dr. Hall has also supervised and taught students in intramuscular injections. Dr. Hall's educational background is relevant as the course taken in January 2015 was a specifically authorized course under the CNDA Approved Course List. Dr. Hall could have provided her transcript to the CNDA to receive authorization in accordance with the requirements set out in the CNDA communications to members of the profession.

20. Ms. Hoover submitted that Dr. Hall's omission in providing transcripts to CNDA for authorization does not excuse her conduct but emphasized that Dr. Hall was trained, skilled, and knowledgeable in providing treatment. Therefore, Dr. Hall was not placing the public in danger by providing treatment, rather this was an administrative failure by Dr. Hall to provide the CNDA with her transcripts.

21. Ms. Hoover noted Dr. Hall was very responsive, cooperative, and proactive when her lack of authorization was brought to her attention, making several attempts to have courses accepted by the Complaints Director. An issue for Dr. Hall was that some courses were not available during COVID, so Dr. Hall sought permission from the Complaints Director to take certain approved courses either in the United States or remotely but was declined. Ms. Hoover clarified that this is not an excuse but provides context for Dr. Hall's conduct.

22. Ms. Hoover stated that Dr. Hall practiced in both British Columbia and Alberta and that roughly 50 percent of her livelihood depends on her Alberta practice providing intravenous and intramuscular therapies. As a result, a big portion of Dr. Hall's income was restricted, and the lack of available courses deprived her of the ability to rectify the situation. When Dr. Hall breached the 2022 Undertaking she was desperate and exasperated but also fully trained, skilled, and knowledgeable in providing treatment.

23. Concerning Allegation 5, Ms. Hoover submitted that Dr. Hall disclosed the purpose of treatment, benefits, and potential side effects to the patients but did not disclose that she was not authorized to provide the treatment in Alberta. Dr. Hall acknowledged that this conduct demonstrated a lack of judgment and that she should have been forthright and honest with her patients about her lack of authorization.

Reply of the Complaints Director

24. Ms. Wetter clarified that naturopathic injection therapies, specifically intramuscular injections, are restricted activities which require authorization by the CNDA. Authorization is only granted if the member is current and up to date as provided under the CNDA's continuing competency rules. Ms. Wetter noted that currency is not a one-and-done event, but a continuing requirement.

25. In concluding her submissions, Ms. Wetter reminded the Hearing Tribunal to focus on the facts provided in the Agreed Statement of Facts and Admission of Unprofessional Conduct as they are the facts the parties have agreed to.

Decision of the Hearing Tribunal on the Issue of Unprofessional Conduct

26. The Hearing Tribunal adjourned to consider the parties' submissions. When it returned, the Hearing Tribunal stated that it found the allegations had been factually proven and that the conduct did rise to the level of unprofessional conduct.

27. The Hearing Tribunal invited the parties to make submissions on sanctions.

The Joint Submission on Sanction

28. The parties presented a Joint Submission on Sanction for the Hearing Tribunal's consideration. The Joint Submission on Sanction requested that the Hearing Tribunal make the following sanction orders:

1. Dr. Hall will receive a reprimand and the Hearing Tribunal's written decision will serve as a reprimand.
2. Dr. Hall's practice permit will be suspended for 6 months which the Complaints Director considers served by the interim suspension issued prior to this hearing.
3. Dr. Hall will practice under direct supervision for 6 months on the terms set out in the Supervising Declaration for Naturopathic Doctor Direct Supervision dated August 21, 2023. From August 21, 2023 to January 28, 2024, Dr. Hall has been supervised and this time shall count toward the calculation of the 6 months.
4. Dr. Hall will pay a fine of \$4,500.00. within 12 months of the date of the Hearing Tribunal's written decision.
5. By July 31, 2024, Dr. Hall will complete at her own expense, the Medical Ethics and Professionalism ME-15 one day course delivered by PBI Education and provide a certificate of successful completion of same to the Complaints Director.
6. By October 1, 2024, Dr. Hall will write and submit to the Complaints Director for approval an original 2000 word reflection paper not generated from AI or ChatGPT in any way. The self-reflection paper must address the importance of professional regulation for naturopathic doctors and naturopathic medicine and specifically how naturopathic medicine is regulated in Alberta. Dr. Hall must reflect on how these apply to the facts of this hearing, her past conduct and how she will affect her behaviour in the future so as to ensure this conduct does not happen again. For assistance, Dr. Hall is directed to the video found at <https://www.yorku.ca/health/project/pat/self-reflection/> that sets out the expectations and goals of a self-reflection paper.
7. Dr. Hall will pay 40 percent of the costs of the investigation and hearing within 12 months of the date of the Hearing Tribunal's written decision. The costs of the investigation and hearing are capped at \$30,000.00. If the costs of the investigation and hearing are less than \$30,000. Dr. Hall will pay 40 percent of the actual costs. If the costs of the investigation and hearing are more than \$30,000, Dr. Hall will pay 40 percent of \$30,000.

Submissions of the Complaints Director

29. Ms. Wetter reviewed the sanctions proposed by the Complaints Director and Dr. Hall in the Joint Submission on Sanction.

30. Ms. Wetter provided that the purpose of sanction is to protect the public, maintain the integrity of the profession, be fair to regulated members, and serve specific and general deterrence, where specific deterrence is to deter the conduct of, in this case, Dr. Hall and general deterrence is to deter members of the profession and provide notice concerning what is and is not appropriate behaviour and the Standards of Practice.

31. Ms. Wetter referred the Hearing Tribunal to the case of *Jaswal v Newfoundland Medical Board*, 1996 CanLII 11630 (NL SC) ("*Jaswal*"), which describes factors for a hearing tribunal to consider when determining appropriate sanctions orders. Ms. Wetter applied several factors from *Jaswal* that were relevant to this hearing:

1. *Nature and gravity of the proven allegations* – Dr. Hall was found to have engaged in unprofessional conduct with respect to all seven of the Allegations. The Allegations are very serious, involving the breach of an undertaking, failure to obtain authorization to perform a restricted activity, record-keeping issues, and obtaining informed consent through misrepresentation.
2. *Age and experience of the regulated member* – Dr. Hall has been registered with the CNDA since 2014. This matter is not a situation involving a new member who has only started practicing in the profession.
3. *Previous character of the regulated member and the presence or absence of any prior complaints* – Dr. Hall had signed the 2022 Undertaking and faced several penalties, including a suspension, fine, costs, and restrictions to her practice requiring the appropriate authorization.
4. *Role of the regulated member in acknowledging what had occurred* – Dr. Hall acknowledged her conduct, spent a lot of time working towards proceeding with this hearing by agreement, and fully cooperated throughout this process. This is a mitigating factor that the Hearing Tribunal should weigh in Dr. Hall's favour.
5. *Whether the regulated member suffered other serious financial or other penalties as a result of the allegations having been made* - Dr. Hall was suspended for five months after the investigation began and suffered some

financial consequences as a result. However, Dr. Hall also charged patients when performing unauthorized restricted activities.

6. *Need for specific and general deterrence to protect the public and ensure the safe and proper treatment of patients* – Ms. Wetter noted the need for specific and general deterrence, considering the CNDA has an obligation to follow the HPA and ensure restricted activities that require authorization are complied with and that members follow the Standards of Practice and respect the authority of the CNDA.
7. *Range of sentences in similar cases* – Ms. Wetter submitted that there are no factually similar decisions from the CNDA or decisions involving another naturopathic doctor in Canada. However, the proposed sanctions are proportionate to other disciplinary decisions, including previous CNDA decisions.

32. Ms. Wetter referred the Hearing Tribunal to the case of *Jinnah Alberta Dental Association and College, 2022 ABCA 336* ("*Jinnah*"), where the Court of Appeal of Alberta held that colleges bear the responsibility of the costs of hearings and that substantial costs should not be ordered against a member unless there are compelling factors that exist, including where the member engages in serious unprofessional conduct and where the member engages in unprofessional conduct on more than one occasion.

33. Ms. Wetter submitted that Dr. Hall has engaged in serious unprofessional conduct and that she has engaged in unprofessional conduct on more than one occasion, justifying the cost order that Dr. Hall will pay 40 percent of the costs, up to a maximum of \$12,000.

34. Ms. Wetter referred the Hearing Tribunal to the case of *R v Anthony Cook, 2016 SCC 43* ("*Anthony Cook*"), which provides the test for the Hearing Tribunal to follow if they reject the Joint Submission on Sanction.

Submissions of Dr. Hall

35. Ms. Hoover acknowledged and agreed with Ms. Wetter's submissions and requested the Hearing Tribunal carefully consider the Joint Submission on Sanction.

36. Ms. Hoover submitted that the proposed sanctions are severe in terms of deterrence, and recognized Dr. Hall's acknowledgement of her unprofessional conduct and her commitment to be better moving forward.

Decision of the Hearing Tribunal on the Joint Submission on Sanction

37. The Hearing Tribunal advised the parties that it would accept the Joint Submissions on Sanction.

Reasons of the Hearing Tribunal

Unprofessional Conduct

38. The Hearing Tribunal considered the Agreed Statement of Facts and Admission of Unprofessional Conduct and the 17 tabs of documents enclosed with it, including Dr. Hall's transcripts and proof of training, communications from the CNDA to members of the profession, the Amended Notice of Hearing, the CNDA Standards of Practice, and copies of Dr. Hall's patient records.

39. Based on Dr. Hall's Agreed Statement of Facts and Admission of Unprofessional Conduct, the Hearing Tribunal finds all seven allegations proven on a balance of probabilities such that the allegations constitute unprofessional conduct as defined by sections 1(1)(pp)(i), (ii), and (xii) of the HPA.

40. Dr. Hall clearly engaged in unprofessional conduct that may reasonably be seen to harm the integrity of the profession. The Hearing Tribunal finds Dr. Hall failed to meet several CNDA Standards of Practice, including the Standard of Practice: General, Standard of Practice: Naturopathic Injection Therapies, Standard of Practice: Consent, and CNDA Standard of Practice: Records Keeping. These Standards of Practice are foundational to the practice of naturopathic doctors in Alberta and are in place to ensure the interests of the patients are protected and to maintain the relationship of trust between them and members of the professions.

41. Dr. Hall ought to have known the significance of breaching the 2022 Undertaking and that her failure to abide by the conditions would have resulted in a finding of unprofessional conduct. Dr. Hall's defiance of the 2022 Undertaking demonstrates a lack of appreciation of the CNDA's authority and a serious lack of judgment. The Hearing Tribunal notes the importance of holding members of the profession accountable to their undertakings, as a failure to do so undermines the public's confidence in the CNDA to regulate the profession.

42. A function of self-regulated professions is that a college must trust its regulated members to abide by and uphold the expectations and requirements of the profession. Regulated members must have authorization from the CNDA before providing naturopathic injection therapies. Such therapies cannot simply be provided based on a member's belief that they are qualified to provide it, otherwise the nature of self-regulation will erode.

43. Likewise, Dr. Hall failed to meet a basic expectation of a naturopathic doctor to provide informed consent and forthrightly represent her qualifications and authorizations to patients. By engaging in Allegation 5 she failed to do so in this case.

44. The Hearing Tribunal is further concerned that after providing naturopathic injection therapies in breach of the 2022 Undertaking, without authorization and without receipt of informed consent for patients, Dr. Hall then failed to create and maintain appropriate records documenting the treatments she provided as set out in Allegations 6 and 7. The Hearing Tribunal views this conduct to be very serious unprofessional conduct warranting a finding of unprofessional conduct and sanctions.

Joint Submission on Sanction

45. The Hearing Tribunal has the authority to order sanctions under section 82 of the HPA. The Hearing Tribunal finds that the proposed sanctions in the Joint Submission on Sanction fall within its authority to order.

46. The Hearing Tribunal accepts that it has a duty to carefully consider a joint submission on sanction made by a member and the Complaints Director per *R v Anthony Cook*. The Hearing Tribunal considered the Joint Submission on Sanction and the submissions made on behalf of both parties. Within those submissions, the Hearing Tribunal reflected on the factors in *Jaswal*, including the seriousness of the conduct, Dr. Hall's history and the 2022 Undertaking, the need for specific and general deterrence, and Dr. Hall's cooperation in this process.

47. The Hearing Tribunal finds the proposed sanctions are reasonable having regard to the evidence presented in this case and the admitted and proven conduct. The Hearing Tribunal is satisfied that the proposed sanctions are not contrary to the public interest, will provide the necessary specific and general deterrence to protect the public and will also enhance the public's confidence in the ability of the CNDA to regulate naturopathic doctors.

48. The Hearing Tribunal is satisfied that Dr. Hall should receive a reprimand for her conduct. It is incumbent on members of the profession to know and follow the Standards of Practice. Failure to do so harms the integrity of the profession.

49. Concerning the proposed orders that Dr. Hall be suspended and practice under supervision for 6 months, the Hearing Tribunal is satisfied that these sanctions have been served prior to the Hearing Tribunal's written decision. The Hearing Tribunal recognizes that although these sanctions have been served, it is important to communicate these sanctions in the written decision to send a message to the public and the profession that such conduct warrants a significant suspension and with accompanying supervisory conditions on a regulated member's practice permit after a return to practice.

50. The Hearing Tribunal also accepts the fine of \$4,500.00 and the cost order for Dr. Hall to pay 40 percent of the investigation and hearing to be paid within 12 months of the date of the Hearing Tribunal's written decision. The Hearing Tribunal finds that Dr. Hall's unprofessional conduct was serious, and she engaged in unprofessional conduct on more than one occasion, warranting a substantial cost order under the *Jinnah* decision. The Hearing Tribunal notes that the proposed fine alone would be regarded as low in light of Dr. Hall's conduct, but when considered alongside the cost order, the financial penalties and impact on Dr. Hall are fair and not insignificant.

51. The Hearing Tribunal accepts the order that Dr. Hall successfully complete the Medical Ethics and Professionalism ME-15 course delivered by PBI Education. The Hearing Tribunal also accepts the order that Dr. Hall write and complete a reflection paper addressing the importance of professional regulation for naturopathic doctors. The Hearing Tribunal believes the course and reflection paper will provide Dr. Hall with a remedial opportunity to demonstrate that she has taken steps to improve her awareness of the importance of abiding by the Standards of Practice. These remedial sanctions will also send a message to the public and profession in general that the CNDA expects its members to uphold the CNDA Standards of Practice.

52. The Hearing Tribunal recognizes the importance of deference to be paid to the Joint Submission on Sanctions brought forth by the parties. While the Hearing Tribunal finds the proposed sanctions to be reasonable and fair, it notes that had the parties not agreed to a Joint Submission on Sanction, it would have considered a further condition on Dr. Hall's practice permit requiring periodic chart audits to ensure Dr. Hall is meeting the standards expected of members of the profession and to ensure that similar conduct does not occur in the future.

53. As a result, the Hearing Tribunal accepts the Joint Submission on Sanction and will make the requested orders.

Conclusion

54. For the reasons set out above, the Hearing Tribunal finds that the Allegations against Dr. Hall have been proven on a balance of probabilities and constitute unprofessional conduct as defined by sections 1(1)(pp)(i), (ii), and (xii) of the HPA.

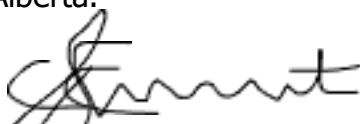
55. The Hearing Tribunal makes the following orders on sanction under section 82 of the HPA:

1. Dr. Hall will receive a reprimand and the Hearing Tribunal's written decision will serve as a reprimand.

2. Dr. Hall's practice permit will be suspended for 6 months which the Complaints Director considers served by the interim suspension issued prior to this hearing.
3. Dr. Hall will practice under direct supervision for 6 months on the terms set out in the Supervising Declaration for Naturopathic Doctor Direct Supervision dated August 21, 2023. From August 21, 2023 to January 28, 2024, Dr. Hall has been supervised and this time shall count toward the calculation of the 6 months.
4. Dr. Hall will pay a fine of \$4,500.00. within 12 months of the date of the Hearing Tribunal's written decision.
5. By July 31, 2024, Dr. Hall will complete at her own expense, the Medical Ethics and Professionalism ME-15 one day course delivered by PBI Education and provide a certificate or successful completion of same to the Complaints Director.
6. By October 1, 2024, Dr. Hall will write and submit to the Complaints Director for approval an original 2000 word reflection paper not generated from AI or ChatGPT in any way. The self-reflection paper must address the importance of professional regulation for naturopathic doctors and naturopathic medicine and specifically how naturopathic medicine is regulated in Alberta. Dr. Hall must reflect on how these apply to the facts of this hearing, her past conduct and how she will affect her behaviour in the future so as to ensure this conduct does not happen again. For assistance, Dr. Hall is directed to the video found at <https://www.yorku.ca/health/project/pat/self-reflection/> that sets out the expectations and goals of a self-reflection paper.
7. Dr. Hall will pay 40 percent of the costs of the investigation and hearing within 12 months of the date of the Hearing Tribunal's written decision. The costs of the investigation and hearing are capped at \$30,000.00. If the costs of the investigation and hearing are less than \$30,000. Dr. Hall will pay 40 percent of the actual costs. If the costs of the investigation and hearing are more than \$30,000, Dr. Hall will pay 40 percent of \$30,000.

Dated this 29th day of April 2024.

Signed on behalf of the Hearing Tribunal of the College of Naturopathic Doctors of Alberta.



E. Ezike-Dennis, Chair