

MEMORANDUM OF UNDERSTANDING

BETWEEN:

Dr. Eugene Quan
("Member")

- And –

Cherie Baruss
("Complaints Director")

WHEREAS:

- A. The College of Naturopathic Doctors of Alberta ("College") is a body incorporated pursuant to the *Health Professions Act*, R.S.A. 2000, c. H-7 ("*HPA*").
- B. On January 14, 2020, the College became aware of information relating to the Member's practice of IV therapy and related to prescribing Schedule 1 drugs without authorization and sterile compounding issues from the Complaints Director of the Alberta College of Pharmacy. On January 15, 2020, the Complaints Director treated the information as a complaint pursuant to s. 56 of the *HPA*.
- C. The Member was a regulated member within the meaning of the *HPA* at all material times, and more particularly, was registered with College at the time of the complaint.
- D. The College is charged with the responsibility of protecting the public from unethical, unskilled or unsafe practice. The complaint has been processed in accordance with Part 4 of the *HPA*.
- E. The Complaints Director notified the Member of the complaint and that the matter was being referred for investigation in accordance with s. 55(2)(d) of the *HPA* on January 15, 2020 and suspended the Member's authorization to perform restricted activities requiring authorization pending the outcome of the investigation.
- F. Upon initial investigation, the Complaints Director discovered additional concerns and the member's practice permit was suspended.
- G. An objective investigation into the complaint was conducted and an investigation report was submitted.
- H. The Complaints Director conducted an objective review of the complaint, and the information gathered in the investigation to determine if there was evidence of "unprofessional conduct" and whether to refer the matter to a Disciplinary Hearing or resolve the matter by consent resolution. Specifically, "unprofessional conduct" is defined in s. 1(1)(pp) of the *HPA* and

includes a contravention of the College's Code of Ethics and Standards of Practice in effect at the time of the conduct, as well as a contravention of the *HPA* or another enactment that applies to the profession.

- I. The Complaints Director has determined there was sufficient evidence that the Member's behaviour constituted "unprofessional conduct". The matter has not yet been referred to a hearing.
- J. The Member acknowledges that there is sufficient evidence to support a finding of "unprofessional conduct" as defined in the *HPA*. The Member has accepted responsibility for his practice and has expressed a clear understanding of the conduct and accepted responsibility for his actions, and acknowledges that he is accountable for safe and competent care.
- K. There are mitigating factors to be considered in determining what action to take to resolve the Complaint.
- L. The Member and the Complaints Director have agreed to resolve the complaint without proceeding to a Disciplinary Hearing under the authority of s. 55(2)(a.1) of the *HPA*.

THE PARTIES HEREBY AGREE TO THE FOLLOWING:

- 1. The Member's practice permit is cancelled effective as of the date of signing of this Memorandum of Understanding.
- 2. The Member undertakes not to reapply to the College for a period of 5 years.
- 3. The Member will pay a portion the College's costs of the investigation and complaint process in the amount of \$500.00. The costs will be paid in full within twelve (12) months of the date of signing of this Memorandum of Understanding.
- 4. Provided that the Member successfully completes the requirements outlined above in paragraphs 1 to 3 within the specific time frames, the Complaints Director will not refer the complaint or any of the concerns regarding the Member's conduct to a hearing.
- 5. The College may publish the information related to the complaint and this Memorandum of Understanding, including the Member's name, in the College's Annual Report or any other College publications and communications.
- 6. Should the College receive an inquiry from any member of the public regarding the Member's complaint history, the College will be at liberty to provide a copy of this Memorandum of Understanding.

7. Should the College receive an inquiry from another regulatory body regarding the Member's complaint history, or should the College become aware that the Member is seeking registration with another regulatory body, the College will be at liberty to provide a copy of this Memorandum of Understanding.
8. The Member acknowledges that if a further complaint is received by the College after the date of this Memorandum of Understanding, and that complaint results in a hearing before a Hearing Tribunal with a finding of unprofessional conduct, that the circumstances surrounding the complaint and this Memorandum of Understanding may be considered by the Hearing Tribunal for the purposes of determining penalty, regardless of the passage of time.

I, Eugene Quan, acknowledge that I have had the opportunity to consult with legal counsel. I hereby acknowledge that I voluntarily enter into this Memorandum of Understanding, and I understand that the successful completion of the Memorandum of Understanding will constitute a full and complete resolution of the complaint.

Date

Dr. Eugene Quan

**College of Naturopathic Doctors of
Alberta**

Date

Per: _____
Cherie Baruss
Complaints Director