



cnda

COLLEGE OF NATUROPATHIC  
DOCTORS OF ALBERTA

May 19, 2020

Dr. Omar Rafai  
XXXXXXXXXX

BY EMAIL: XXXXXXXXXXXXXXXX

Dear Dr. Rafai:

Re: Formal Complaint of Unprofessional Conduct by Dr. Rafai  
File number: CR 2020 – 002

Further to a Notice of Complaint and a Notice to Produce Information dated January 21, 2020, I have now completed, under s.55(2)(d) of the *Health Professions Act*, an investigation into this matter. I have determined that you have failed to meet the minimum standards as set out in the following standards of practice:

- a. CNDA Standard of Practice: Advertising and Marketing;

Additionally, I have found that you have failed to meet the requirements of the CNDA Code of Ethics.

Your website, at the relevant times, listed you as Dr. Omar Rifai, Naturopathic Doctor, with an address of XXX Ontario showing on your website. Adding the qualification “licenced in Alberta” does not negate the fact that you held yourself out, or could be perceived to be misleading the public, as a naturopathic doctor in Ontario without the authority to do so and with a name that was not a registered name with the CNDA.

Your obligations to comply with the regulations of all jurisdictions is upheld by the CNDA Code of Ethics and was made pertinent to you in your communications with Kristen Tanaka at the time of your registration with the CNDA. She advised you that registering in Alberta would absolutely not permit you to hold yourself out in any way as an ND in Ontario.

I find that there are reasonable grounds that your conduct constitutes unprofessional conduct as defined by the *Health Professions Act*, RSA 2000, sections 1(1)(pp)(i) and (ii).

Given your willingness to cooperate with the CNDA in this investigation and the fact that you quickly resolved the advertising concerns, I am prepared to resolve this complaint with you by way of an undertaking which will include the following terms:

1. This letter will serve as a formal reprimand on your file;

2. You will refrain from using any name other than Omar Rafai in your advertising and marketing without first obtaining consent (and meeting any requirements set out for you) of the Registrar;
3. You will pay a fine of \$500 on or before December 31, 2020;
4. You will pay a portion of the investigation costs, \$250, on or before December 31, 2020;
5. You acknowledge that any future failure to comply with the terms herein will result in immediate suspension of your practice permit and referral to the complaints process;
6. You acknowledge that the terms of this agreement will be used in any future discipline proceedings with the CNDA; and,
7. You agree to publication of this matter.

Please provide your response on or before May 31, 2020.

You are entitled to seek legal advice before agreeing to the terms of this undertaking.

Please communicate any questions or concerns to me at [registrar@cnda.net](mailto:registrar@cnda.net).

Yours truly,

Cherie Baruss

Complaints Director and Investigator for File Number 2020-002

I, Omar Rafai, have sought legal advice with respect to the terms of the above-referenced undertaking or have explicitly waived my right to legal advice and I agree to be bound by the terms of this undertaking. Failure to comply with the terms of the undertaking will be deemed unprofessional conduct and result in the immediate suspension of my practice permit.

DATE: May 20, 2020

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Witness: (please sign & print name)

**OMAR RAFAI**

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Member: Omar Rafai