

**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.

BETWEEN:

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 May 2, 2022. 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 Gary Srebrolow. Lonny Rosen acted as independent legal counsel (“ILC”) to the Panel.

ALLEGATIONS

The Notice of Hearing, dated December 9, 2021, was filed as Exhibit 1 and set out the following:

The Registrant

1. Dr. Natasha Turner, ND (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 of Naturopaths of Ontario (the “College”) on July 1, 2015.
2. The Registrant has not successfully completed a course on prescribing approved by Council and/or an examination on prescribing administered or approved by Council and therefore is not authorized to prescribe drugs and/or substances.
3. At all relevant times, the Registrant worked at and/or owned Clear Medicine in Toronto, Ontario (the “Clinic”).

Prescribing and/or Selling

4. It is alleged that between approximately March 1, 2018 and February 24, 2021, the Registrant:
 - a. Recommended and/or prescribed and/or sold Vitamin D to their patient(s) in excess of 1000 IU; and/or
 - b. Recommended and/or sold Vitamin D to the public in excess of 1000 IU and/or other treatments or substances via their Clinic website.
5. It is alleged that the Registrant prescribed or sold a drug or a substance for an improper purpose including but not limited to recommending or selling “treatment-specific kits” on the Clinic website and not within the context of a registrant-patient relationship and/or without conducting an assessment.

Recommending non-scheduled substances

6. It is alleged that the Registrant offered and/or sold and/or recommended non-scheduled products and/or services and/or drugs to the public on the Clinic website and not within the context of a registrant-patient relationship and/or without conducting an assessment.

Advertising

7. It is alleged that the Registrant permitted statements to be posted on their social media and/or Clinic website as a guarantee of success including but not limited to the following:
 - a. “The book is based on their successful clinical approach for creating hormonal balance to gain strength, lose fat and live younger longer. Their second book,

- The Supercharged Hormone Diet, an accelerated 30 day plan to restore your metabolism and look younger longer, became a #1 national bestseller on its first day of release in March 2011"; and/or
- b. The Hormone Diet will result in eating less and exercising more.
8. It is alleged that the Registrant permitted the use of testimonial(s) from a patient, former patient and/or other person in respect of their practice and/or products on the Clinic website.
9. It is alleged that the Registrant indicated and/or implied that they were a specialist in the profession including but not limited to publishing the following:
- "one of North America's leading naturopathic doctors";
 - "natural health expert";
 - "health expert";
 - "a leader in her field"; and/or
 - "endorsed by New York Times best selling authors."
10. It is alleged that the Registrant advertised a comparative or superlative statement about their service, quality, products or people including but not limited to publishing the following:
- "one of North America's leading naturopathic doctors ... natural health expert .. a leader in her field ..endorsed by New York Times best selling authors ..." and/or
 - "With now over 1000 successfully transformed bootcampers, we are proud to say that The Hormone Diet Bootcamp is one of the top wellness programs in Canada."
11. It is alleged that the Registrant made a claim respecting a drug, substance, remedy, treatment, device or procedure other than a claim that can be supported as a reasonable professional opinion including but not limited to publishing the following:
- "The book is based on her successful clinical approach for creating hormonal balance to gain strength, lose fat and live younger longer. Her second book, The Supercharged Hormone Diet, an accelerated 30 day plan to restore your metabolism and look younger longer, became a #1 national bestseller on its first day of release in March 2011".
12. It is alleged that the Registrant permitted advertising of their practice in a manner that was false or misleading and/or that includes statements that are not factual and verifiable including but not limited to publishing the following:
- "one of North America's leading naturopathic doctors ...";
 - "The book is based on her successful clinical approach for creating hormonal balance to gain strength, lose fat and live younger longer. Her second book, The Supercharged Hormone Diet, an accelerated 30 day plan to restore your metabolism and look younger longer, became a #1 national bestseller on its first day of release in March 2011"; and/or

- c. Immune Support Kit – “aids in immune function; provides natural antiviral support; useful for those who are immune compromised or HIV positive.”

13. It is alleged that the Registrant endorsed drugs, products and/or brands of equipment, including but not limited to “Clear” drugs, products and/or brands of equipment,” used in their practice.

Fees and Billing

14. It is alleged that the Registrant charged block fees for the Hormone Diet Bootcamp and/or Clear Medicine Wellness Program.

15. It is alleged that the Registrant permitted the issuance of inaccurate and/or misleading naturopathic receipts in their name and/or in the name of the Clinic.

Acts of Professional Misconduct

16. 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. Core Competencies;
 - ii. Advertising;
 - iii. Fees and Billing;
 - iv. Prescribing;
 - v. Recommending Non-Scheduled Substances; and/or
 - vi. Selling.
- b. **Paragraph 8** – Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member’s knowledge, skill or judgment;
- c. **Paragraph 10** – Performing a controlled act that the member is not authorized to perform;
- 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;
- g. **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;
- h. **Paragraph 28** – Using or permitting the use of a testimonial from a patient, former patient or other person in respect of the member’s practice;

- i. **Paragraph 31** – Inappropriately using a term, title or designation indicating or implying a specialization in the profession;
- j. **Paragraph 36** – Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts including but not limited to Regulation 168/15 and/or s. 4 of the Act;
- k. **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
- l. **Paragraph 47** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

ADMISSION AND PLEA INQUIRY

The Registrant admitted to all of the allegations of professional misconduct set out in the Notice of Hearing.

The Panel conducted an oral plea inquiry at the outset of the hearing 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. The Registrant has not successfully completed a course on prescribing approved by Council or an examination on prescribing administered or approved by Council and therefore is not authorized to prescribe drugs or substances.
3. At all relevant times, the Registrant worked at and owned the Clinic.

Prescribing and Selling

4. It is agreed that between approximately March 1, 2018 and February 24, 2021, the Registrant did the following:
 - a. Recommended, prescribed and sold Vitamin D to her patients in excess of 1,000 International Units ("IU") without authorization.

- b. Recommended and sold Vitamin D to the public via the Clinic website in excess of 1000 IU without authorization.
 - c. Recommended and sold other treatments or substances via her Clinic website without authorization.
5. It is agreed that prescribing, dispensing, selling or compounding a drug is a controlled act, in accordance with section 27(2) of the *Regulated Health Professions Act, 1991*.
6. Registrants are authorized to prescribe dispense, compound or sell a drug designated in the regulations in the course of engaging in the practice of naturopathy subject to the terms, conditions and limitations imposed on his or her certificate of registration, in accordance with section 4(1) of the *Naturopathy Act, 2007* (the "Act").
7. It is agreed that the Registrant failed to comply with section 4 of the Act when she prescribed Vitamin D as indicated in paragraph 4(a) above.
8. Vitamin D requires a prescription if it is prescribed in an oral dosage containing more than 1,000 ID per dosage or, where the largest daily dosage would, if consumed by a patient, result in the daily intake by that patient of more than 1,000 IU of Vitamin D, in accordance with Table 3 of O. Reg 168/15: General under the Act (the "General Regulation"). On or about February 24, 2021, the Prescription Drug List established under the *Food and Drugs Act* (Canada) was amended such that Vitamin D under 2500 IU per daily dose no longer required a prescription. As set out in section 2(2) of Ontario Regulation 168/15, where there is a conflict between Regulation 168/15 and a law of Canada, the law of Canada prevails.
9. A registrant may only prescribe a drug designated in Table 3 of the General Regulation, including Vitamin D, if all of the standards of practice of the profession set out in section 9 of the General Regulation are met.
10. It is agreed that the Registrant failed to comply with section 9 of the General Regulation when she prescribed Vitamin D as indicated in paragraph 4(a) above, which was prior to February 24, 2021.
11. A registrant may only sell a Vitamin D in an oral dosage containing more than 1,000 ID per dosage or, where the largest daily dosage would, if consumed by a patient, result in the daily intake by that patient of more than 1,000 ID of Vitamin D if all of the standards of practice of the profession set out in section 12 of the General Regulation are met. On or about February 24, 2021, the Prescription Drug List established under the *Food and Drugs Act* (Canada) was amended such that Vitamin D under 2500 IU per daily dose no longer required a prescription. As set out in section 2(2) of Ontario Regulation 168/15, where there is a conflict between Regulation 168/15 and a law of Canada, the law of Canada prevails.

12. It is agreed that the Registrant failed to comply with section 12 of the General Regulation when she sold Vitamin D as indicated in paragraph 4(a) and (b) above, which was prior to February 24, 2021.
13. It is further agreed that the Registrant prescribed and sold a drug or a substance for an improper purpose, including but not limited to recommending or selling “treatment-specific kits” on the Clinic website.
14. It is agreed that the conduct described in paragraph 4 above was not done within the context of a registrant-patient relationship and was done without conducting an assessment.
15. It is further agreed that the conduct described in paragraph 4 is a breach of the College's standards of practice on Core Competencies, Prescribing, Recommending Non-Scheduled Substances and Selling.

Recommending Non-Scheduled Substances

16. It is agreed that the Registrant offered, sold and recommended non-scheduled products, services and drugs to the public on the Clinic website.
17. It is further agreed that the conduct described in paragraph 16 above was not done within the context of a registrant-patient relationship and was done without conducting an assessment.
18. It is agreed that the conduct described in paragraph 16 above is a breach of the College's standards of practice on Recommending Non-Scheduled Substances.

Advertising

19. It is agreed that the Registrant permitted statements to be posted on her social media and on the Clinic website that amount to a guarantee of success, including but not limited to the following statements:
 - a. “The book is based on her successful clinical approach for creating hormonal balance to gain strength, lose fat and live younger longer. Her second book, *The Supercharged Hormone Diet*, an accelerated 30 day plan to restore your metabolism and look younger longer, became a #1 national bestseller on its first day of release in March 2011”.
 - b. "My own new personal approach and that used with my patients is still based on balancing hormones but is now also based on a philosophy that is simple: when you exercise less, I want to help you to eat less; and when you exercise more, I will help you chose the right foods to eat more. According to the latest research, about 96 percent of people tend to gain weight back—plus more—with the typical approach of cutting calories/exercising more. Clearly, this does not work and only

leads to future weight gain, to say nothing of metabolic damage as the stress it causes only furthers a greater drop in thyroid hormones drop and loss of precious metabolically active muscle. You will never again – eat less and exercise more! [...]"

20. It is further agreed that the statement at paragraph 19(a) above constitutes a claim respecting a treatment other than a claim that can be supported as a reasonable professional opinion.
21. It is agreed that the Registrant permitted the use of testimonials from a patient, former patient or other person in respect of her practice and products on the Clinic website.
22. It is agreed that the Registrant indicated and implied that she is a specialist in the profession, including but not limited to by publishing the following statements:
 - a. "Dr. Natasha Turner ND a New York Times bestselling author and one of North America's leading naturopathic doctors, a sought-after speaker, natural health expert and the founder of Clear Medicine Wellness Boutique in Toronto. In 2014 she was recognized by her professional organization as a leader in her field and in 2016 was awarded the top spot on a list of North America's Most Innovative Health Experts. [...] Her work has been endorsed by New York Times bestselling authors, Suzanne Somers, Dr. William Davis, and Dr. Christine Northrup, as well as Dr. Mache Seibel faculty member, Harvard Medical School and bestselling author of *The Estrogen Window*".
 - b. A "health expert".
 - c. An "expert".
23. It is further agreed that the statement at paragraph 22(a) above constitutes advertising with a comparative or superlative statement. It is agreed that the Registrant also published the following superlative statement on her Clinic website:
 - a. "With now over 1000 successfully transformed bootcampers, we are proud to say that The Hormone Diet Bootcamp is one of the top wellness programs in Canada."
24. It is agreed that the Registrant permitted advertising of her practice in a manner that was false or misleading and that included statements that are not factual and verifiable, including but not limited to publishing the following statements:
 - a. "one of North America's leading naturopathic doctors ...".
 - b. "The book is based on her successful clinical approach for creating hormonal balance to gain strength, lose fat and live younger longer. Her second book, *The Supercharged Hormone Diet*, an accelerated 30 day plan to restore your metabolism and look younger longer, became a #1 national bestseller on its first day of release in March 2011".
 - c. The Immune Support Kit "aids in immune function; provides natural antiviral support; useful for those who are immune compromised or HIV positive."

25. It is agreed that the Registrant endorsed drugs, products and brands of equipment, including but not limited to “Clear” drugs, products and brands of equipment used in her practice.
26. It is further agreed that the conduct described in paragraphs 19-25 above, is a breach of the College's standards of practice on Advertising.

Fees and Billing

27. It is agreed that the Registrant charged block fees for the Hormone Diet Bootcamp and Clear Medicine Wellness Program.
28. It is further agreed that the Registrant permitted the issuance of inaccurate and misleading naturopathic receipts in her name and in the name of the Clinic. Specifically, the Registrant issued receipts for naturopathic services in her name and through the Clinic to participants of her Hormone Diet Boot Camp. It is agreed that the Hormone Diet Boot Camp is actually a group lecture series based on the Registrant's books.
29. It is further agreed that the conduct described in paragraphs 27-28 above, is a breach of the College's standards of practice on Fees and Billing.

Prior History

30. The Registrant has a prior history with the College.
31. 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 Specified Continuing Education or Remediation Program (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.
32. In October 2021, the Registrant was found to have engaged in professional misconduct by a panel of the Discipline Committee relating to advertising and selling “immune boost” kits that allegedly prevented COVID-19. The Registrant admitted that she contravened the advertising and conflict of interest standards, recommended ineffective treatment, provided services beyond her knowledge skill or judgement, sold a substance for an improper purpose, acted in a conflict of interest, made claims that could not be supported as a reasonable professional opinion, and engaged in unprofessional conduct. The penalty proceeded by way of agreement and included a reprimand, three (3) month

suspension, terms, conditions and limitations ("TCLs") including the PROBE course in ethics and boundaries, a reflective essay, a fine, and costs in the amount of \$5,000.

Admissions of Professional Misconduct

33. 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 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. Core Competencies;
 - ii. Advertising;
 - iii. Fees and Billing;
 - iv. Prescribing;
 - v. Recommending Non-Scheduled Substances; and
 - vi. Selling.
 - b. **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;
 - c. **Paragraph 10** – Performing a controlled act that the member is not authorized to perform;
 - 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 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;
 - h. **Paragraph 28** – Using or permitting the use of a testimonial from a patient, former patient or other person in respect of the member’s practice;

- i. **Paragraph 31** – Inappropriately using a term, title or designation indicating or implying a specialization in the profession;
- j. **Paragraph 36** – Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, including but not limited to the General Regulation and section 4 of the Act;
- k. **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 and unprofessional.
- l. **Paragraph 47** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

Acknowledgements

34. By this document, the Registrant states that:

- a. She understands fully the nature of the allegations made against her;
- b. She has no questions with respect to the allegations against her;
- c. She admits to the truth of the facts contained in this Agreed Statement of Facts and that the admitted facts constitute professional misconduct;
- d. She understands that by signing this document she is consenting to the evidence as set out in the Agreed Statement of Facts being presented to the Discipline Committee;
- e. She understands that by admitting the allegations, she is waiving her right to require the College to prove the allegations against her at a contested hearing;
- f. She understands that the decision of the Committee and a summary of its reasons, including reference to her name, will be published in the College's annual report and any other publication or website of the College;
- g. She understands that any agreement between her and the College with respect to the penalty proposed does not bind the Discipline Committee; and
- h. She understands and acknowledges 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 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 Panel made its decision for the following reasons:

The Registrant admitted that she engaged in the following acts of professional misconduct, referencing the paragraphs of section 1 of Ontario Regulation 17/14 made under the Act (the “Misconduct Regulation”):

- 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. Core Competencies;
 - ii. Advertising;
 - iii. Fees and Billing;
 - iv. Prescribing;
 - v. Recommending Non-Scheduled Substances; and
 - vi. Selling.
- b. **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;
- c. **Paragraph 10** – Performing a controlled act that the member is not authorized to perform;
- 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 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;
- h. **Paragraph 28** – Using or permitting the use of a testimonial from a patient, former patient or other person in respect of the member’s practice;
- i. **Paragraph 31** – Inappropriately using a term, title or designation indicating or implying a specialization in the profession;
- j. **Paragraph 36** – Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, including but not limited to the General Regulation and section 4 of the Act;

- k. **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 and unprofessional; and
- l. **Paragraph 47** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession

Core Competencies

The standard of practice relating to core competencies provides that the competent Naturopathic Doctor conducts an assessment to formulate a diagnosis, and formulates diagnoses based on a clinical assessment including but not limited to a medical history, physical examination and diagnostic testing. This standard further provides that registrants must comply with federal, provincial and municipal legislation, regulations and bylaws, and understand and comply with the RHPA, the Act, and all College regulations and standards of practice. The Registrant breached this standard when she recommended, prescribed and sold Vitamin D to her patients in excess of 1,000 IU without authorization. She further contravened these standards when she recommended and sold Vitamin D in excess of 1,000 IU as well as other treatments and substances to the public via her Clinic website without authorization. In these cases, the Registrant sold and made substances available to members of the public without conducting an assessment or formulating a diagnosis, contrary to the standards of practice of the profession relating to core competencies.

Prescribing and Selling

The standard of practice relating to prescribing provides that prior to prescribing drugs or substances, a registrant will achieve and maintain all prerequisites required for performing the procedure including the successful completion of a course on prescribing and an examination on prescribing administered or approved by the Council of the College. A performance indicator is that the registrant has a Naturopathic Doctor-patient relationship with the patient for whom the drug or substance is being prescribed, and before prescribing a drug or substance, the registrant assesses the patient and conducts laboratory and diagnostic investigations as appropriate, determines that the patient's condition warrants prescribing the drug or substance, having considered the risks and benefits and other circumstances relevant to the patient, documents symptoms and/or conditions being treated and reviews the patient's available medication history. The standard of practice relating to prescribing further provides that registrants prescribe drugs or substances in compliance with any limitations and in accordance with the route of administration and dosage specifications included in Table 3 of the General Regulation. Among other steps, registrants are required to inform each patient that they have a choice where they can purchase the prescribed drug or substance, provide a written prescription; document the drug or substance prescribed in the patient record, provide relevant information about drugs or substances, including but not limited to risks, contraindications, and proper usage, to the patient

and/or authorized patient representative, and notify the patient's other primary health care providers, if any, of the details of the prescription, with the patient's consent.

The standard of practice relating to selling is intended to advise registrants of the requirements to sell drugs, substances and devices safely, ethically and competently. 'Substances' is defined in the Standard of Practice to mean anything that is publicly available and not listed in the General Regulation, which may include botanical tinctures, botanical powders or loose herbs, fluid/solid extracts, base creams, salves and ointments, homeopathic remedies, pharmaceutical grade ethyl alcohol, vitamins, minerals and amino acids. This standard of practice provides that registrants are in compliance with the Prescribing Standard prior to selling drugs, and that they will minimize the risks to patients, self and others that are associated with the selling of drugs, substances or devices. Performance indicators include that the registrant has a Naturopathic Doctor-patient relationship with the patient, or if no such relationship exists then that the registrant possesses the prescription/recommendation from another registrant for the drug/substance, and verifies and documents the accuracy and validity of the prescription/recommendation prior to selling the drug or substance.

The Registrant contravened each of these standards when she recommended, prescribed and sold Vitamin D to her patients in excess of 1,000 IU without authorization. She further contravened these standards when she recommended and sold Vitamin D in excess of 1,000 IU and other treatments and substances to the public via her Clinic website without authorization. In these cases, the Registrant sold and made substances available to members of the public without conducting an assessment or formulating a diagnosis, contrary to the standards of practice of the profession relating to core competencies and prescribing.

The Registrant agreed that prescribing, dispensing, selling or compounding a drug is a controlled act, in accordance with section 27(2) of the *Regulated Health Professions Act, 1991* (the "RHPA"). Subsection 4(1) of the Act provides that registrants are authorized to prescribe, dispense, compound or sell a drug designated in the regulations in the course of engaging in the practice of naturopathy subject to the terms, conditions and limitations imposed on their certificates of registration. Registrants of the College are permitted to prescribe drugs and other substances, but they must do so in accordance with the terms, conditions and limitations on their individual certificates of registration, and if all prerequisite certifications for prescribing are obtained, including that they have met all standards of practice for prescribing and have an established naturopath-patient relationship or a prescription from another registrant. By prescribing Vitamin D in excess of 1,000 IU between March 1, 2018 and February 24, 2021, the Registrant failed to comply with subsection 4(1) of the Act because at that time, Vitamin D required a prescription if prescribed in an oral dosage containing more than 1,000 IU. This was in breach of the standards of practice relating to core competencies, prescribing and selling.

The Registrant also agreed that she prescribed and sold a drug or a substance for an improper purpose, including but not limited to recommending or selling "treatment-specific kits" on the Clinic website. This was not done within the context of a registrant-patient relationship and was

done without conducting an assessment. This was a breach of the College's standards of practice on Core Competencies, Prescribing, Recommending Non-Scheduled Substances and Selling.

By prescribing a substance that the Registrant was not authorized to prescribe and/or prescribing for an improper purpose, she engaged in professional misconduct pursuant to paragraphs 10, 14 and 17 of the Misconduct Regulation. Paragraph 10 makes it an act of misconduct to perform a controlled act that the registrant is not authorized to perform. Paragraph 14 makes it an act of misconduct to prescribe, dispense, compound or selling a drug or a substance for an improper purpose. Paragraph 17 provides that it is an act of misconduct for a registrant to act in a conflict of interest when acting in a professional capacity. By selling her own Clear line of products through the Clinic website, the Registrant put her own interests above those of her consumers/patients, which amounts to a conflict of interest.

Additionally, by prescribing a substance that she was not authorized to prescribe, the Registrant engaged in professional misconduct pursuant to paragraph 36 of the Misconduct Regulation: 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 the General Regulation and section 4 of the Act.

Recommending Non-Scheduled Substances

The College's Standard of Practice: Recommending Non-Scheduled Substances provides that the registrant conducts an assessment and formulates a working diagnosis based on subjective and/or objective findings, prior to recommending non-scheduled substances. Performance indicators include that the registrant recommends non-scheduled substances within the context of the doctor-patient relationship and, before recommending a non-scheduled substance, assesses the patient and conducts laboratory and diagnostic investigations as appropriate, documents symptoms and/or conditions being treated, and reviews the patient's available medication history.

The Registrant offered, sold and recommended non-scheduled products, including various supplements, such as omega and melatonin among others, to the public on the Clinic website. This was not done within the context of a registrant-patient relationship and was done without conducting an assessment, in breach of the College's standards of practice on Recommending Non-Scheduled Substances.

Advertising

The intent of the College's Standard of Practice: Advertising is to advise registrants on the appropriate and acceptable methods of advertising that may be used as a part of their practice, to communicate the type and availability of services to the public or other health care professionals so that potential and existing patients and referral sources can make choices based on their respective needs. It defines advertisement as any message communicating information about a registrant's practice and/or the professional services they offer, the content of which they control or influence to influence choice, communicated in any public medium. It provides

that advertisements are accurate, verifiable, comprehensible, professionally appropriate and in compliance with the standards of practice of the profession. Registrants must ensure that the information in advertisements is accurate, true, verifiable, not misleading by either omitting relevant information or including non-relevant information, professional, comprehensible to its intended audience and in accordance with the generally accepted standards of good taste.

Advertisements must not include:

- any endorsement by a Naturopathic Doctor including an expressed or implied endorsement or recommendation for the exclusive use of a drug, product or brand of equipment used in their practice;
- a guarantee of the success of the service provided;
- a comparative or superlative statement about service quality, products or people;
- a direct, indirect or implied testimonial by any patient, former patient or other person in respect of the registrant's practice

The Registrant agreed that she permitted statements to be posted on her social media and on the Clinic website that amounted to a guarantee of success and that constituted a claim respecting a treatment other than a claim that can be supported as a reasonable professional opinion, contrary to the Advertising Standard. This conduct also constituted professional misconduct pursuant to paragraph 26 of the Misconduct Regulation, in that the Registrant made a claim respecting a drug, substance, remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion.

The Registrant permitted the use of testimonials from a patient, former patient or other person in respect of her practice and products on the Clinic website, contrary to the Advertising Standard. This conduct also constituted professional misconduct pursuant to paragraph 27 of the Misconduct Regulation, in 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.

The Registrant indicated and implied in her advertising that she is a specialist in the profession. This was a contravention of the Advertising Standard as well as an act of misconduct pursuant to paragraph 31 of the Misconduct Regulation, as the Registrant inappropriately used a term, title or designation indicating or implying a specialization in the profession.

The Registrant also published statements on her website and in social media that constitutes advertising with a comparative or superlative statement and advertising of her practice in a manner that was false or misleading and that included statements that are not factual and verifiable, contrary to the Advertising Standard.

Finally, the Registrant endorsed drugs, products and brands of equipment, including but not limited to "Clear" drugs, products and brands of equipment used in her practice. In particular, the Registrant published a statement on her website claiming that:

The Immune Support Kit "aids in immune function; provides natural antiviral support; useful for those who are immune compromised or HIV positive."

This was in breach of the College's standards of practice on Advertising. It also constituted professional misconduct pursuant to paragraph 8 of the Misconduct Regulation: 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.

This conduct also constituted professional misconduct pursuant to paragraph 28 of the Misconduct Regulation, which makes it an act of professional misconduct to use or permit the use of a testimonial from a patient, former patient or other person in respect of a registrant's practice.

Fees and Billing

The Registrant agreed that she charged block fees for the Hormone Diet Bootcamp and Clear Medicine Wellness Program. She also permitted the issuance of inaccurate and misleading naturopathic receipts in her name and in the name of the Clinic. Specifically, the Registrant issued receipts for naturopathic services in her name and through the Clinic to participants of her Hormone Diet Boot Camp, when in fact the Hormone Diet Boot Camp is actually a group lecture series based on the Registrant's books. This conduct constituted a breach of the College's standards of practice on Fees and Billing, which provides that registrants must establish and maintain fair and ethical billing practices. Performance indicators include that the registrant ensures that the fees charged are an accurate reflection of the services provided to each patient and that the registrant does not charge a block fee.

Disgraceful, Dishonourable or Unprofessional Conduct and Conduct Unbecoming a Registrant

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 and unprofessional is an act of misconduct pursuant to Paragraph 46 of the Misconduct Regulation. The Registrant admitted to having charged block fees and issued receipts for naturopathic services to individuals who attended a lecture series; she prescribed without being authorized to do so, and made unverifiable claims in her advertising. The Registrant has a prior history, and in 2017 was warned about performing a controlled act that she was not authorized to perform, contravening standards of the profession, using or permitting the use of a testimonial from a patient, former patient, or other person in respect of the Registrant's practice in her advertising, and was directed to review the Advertising and Conflict of Interest Standards, but engaged in similar conduct between 2018 and 2021. The Registrant agreed, and the Panel found that she engaged in conduct that other registrants would reasonably regard as disgraceful, dishonourable and unprofessional.

The Registrant was found to have engaged in misconduct outside of the scope of her naturopathic practice, including particularly selling drugs and substances via her website, outside of the context of a naturopath-patient relationship. The Panel found that in so doing, she engaged in conduct that would reasonably be regarded by members as conduct unbecoming a member of

the profession, an act of professional misconduct pursuant to Paragraph 47 of the Misconduct Regulation.

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. The College and the Registrant agree and jointly submit that the following would be an appropriate order as to penalty:
 - a. Requiring the Registrant to appear before the Panel to be reprimanded immediately following the hearing of this matter;
 - b. Directing the Chief Executive Officer to suspend the Registrant's certificate of registration for a period of twelve (12) months with six (6) months remitted, to commence on the date of the hearing in this matter; and
 - c. Requiring the Registrant to pay a fine in the amount of \$350.00 to the Minister of Finance within two (2) months of the date of the hearing of this matter.
2. The Registrant acknowledges that this Joint Submission on Penalty and Costs is not binding upon the Discipline Committee.
3. The Registrant acknowledges and understands that she is executing this document voluntarily, unequivocally, free of duress and free of bribe and that she has obtained legal advice.

The parties advised that the joint submission outlined above was signed by the Registrant on April 4, 2022. On the same date, the Registrant executed an Acknowledgment and Undertaking (the “Undertaking”), filed as Exhibit 4, which provided as follows:

I, DR. NATASHA TURNER, ND, hereby acknowledge and undertake as follows:

The Registrant

1. I registered with the Board of Directors of Drugless Therapy – Naturopathy on or about October 28, 1999. I then became registered with the College on July 1, 2015.
2. I have not successfully completed a course on prescribing approved by Council or an examination on prescribing administered or approved by Council and am therefore not authorized to prescribe drugs or substances.
3. I work at and own Clear Medicine in Toronto, Ontario (the “Clinic”).

Allegations of Professional Misconduct

4. I acknowledge that allegations of professional misconduct against me have been referred to the College's Discipline Committee in File No 20-021R (the "Discipline Matter"). A copy of the Notice of Hearing is attached to this Undertaking.

Resignation

5. I undertake to resign my certificate of registration with the College on the date of the Discipline Committee's order in the Discipline Matter and to never apply for registration with CONO in the future.

Other Acknowledgments

6. I acknowledge that if I breach this Acknowledgment and Undertaking, including but not limited to by engaging in clinical practice and/or failing to resign as indicated above, the College will be entitled to prosecute me for that breach and that such a prosecution may proceed (in accordance with section 14 of the Code) even though I may have resigned my certificate of registration with the College.

7. I further understand, acknowledge and agree that:

- a. I fully understand the terms of this Acknowledgment and Undertaking;
- b. I am signing this Acknowledgment and Undertaking voluntarily and without compulsion or duress; and
- c. I have obtained legal advice.

The College submitted that the Proposed Order satisfied the principles of specific deterrence, general deterrence, and maintenance of public confidence in the College. The College submitted that the fourth principle of sentencing, remediation, was less important given the Registrant's resignation from the College. The College submitted that the Proposed Order accounted for the mitigating and aggravating factors. The mitigating factors included that the Registrant admitted her conduct and saved the College the time and expense of a contested hearing. The aggravating factors included the nature of the misconduct (that it was part of a pattern, rather than a single instance, and was broad in scope) and the Registrant's prior history with the College. This included a decision of the ICRC in 2017 and a decision of the Discipline Committee in 2021. The ICRC decision related to concerns that the Registrant: performed a controlled act that she was not authorized to perform, contravened the standards of the profession; and 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 prior Discipline Committee decision relating to the Registrant was issued in October 2021 and found that the Registrant engaged in professional misconduct by advertising and selling "immune boost" kits that allegedly prevented COVID-19. In that case, the Registrant admitted that she contravened the advertising and conflict of interest standards, recommended ineffective treatment, provided services beyond her knowledge skill or judgement, sold a substance for an improper purpose, acted in a conflict of interest, made claims that could not be supported as a reasonable professional opinion, and

engaged in unprofessional conduct. The penalty imposed was agreed to between the College and the Registrant, and included a reprimand, a three (3) month suspension, terms, conditions and limitations ("TCLs") including PROBE and a reflective essay, and a fine. The Discipline Committee also ordered that the Registrant pay costs in the amount of \$5,000. While the College acknowledged that some of the conduct at issue in the present matter occurred before the October 2021 decision of the Discipline Committee, the Registrant's prior history is a serious aggravating factor, showing disregard for her professional obligations and the limitations on her certificate of registration.

The College referred to several cases¹ to demonstrate that the Proposed Order was proportionate and within the range of penalties awarded by this and other Discipline Committees for similar conduct in the past. The College also submitted that guidance from the Supreme Court of Canada's decision in *R. v. Anthony-Cook*², adopted in the disciplinary context in Ontario in the case of *Timothy Edward Bradley v. Ontario College of Teachers*³, provides that joint submissions on penalty are to be accepted "unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest"⁴.

The Registrant tendered a letter of support from a patient of 20 years and submitted that the Registrant had had a long career in naturopathy, during which she had contributed significantly to the profession. She also urged the panel to accept the Proposed Order.

DECISION AND REASONS ON PENALTY AND COSTS

The Panel accepted the parties' joint submission and decided to impose 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 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.

¹ *College of Naturopaths of Ontario v Blaszczyk, 2021, Ontario (College of Traditional Chinese Medicine Practitioners & Acupuncturists of Ontario) v Cheung, 2018 ONCTCMPAO 22 (merits) and 2018 ONCTCMPAO 27 (penalty), Ontario (College of Physiotherapists of Ontario) v Munro, 2018 ONCPO 20 and TCM v Rea, 2017 (merits) and (penalty).*

² *[Anthony Cook] 2016 SCC 43.*

³ *[Bradley] 2021 ONSC 2303.*

⁴ *Anthony Cook* at para 32; *Bradley* at para 11.

The Panel was satisfied with this penalty because the Registrant signed the undertaking to resign and never reapply for registration with the College. This was a significant factor in the Panel's decision to accept the parties' joint submission as to penalty.

The Panel found that the Proposed Order was 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 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; and
- b) the Registrant's acceptance of responsibility, signaled by her admitting to the conduct as set out in the Agreed Statement of Facts and entering into a joint submission with respect to penalty.

Among the aggravating factors considered were the serious nature of the conduct itself, the fact that members of the public were/could have been harmed by the Registrant's conduct, and the Registrant's prior discipline history. The Registrant's conduct was broad in scope and involved a pattern of repeated misconduct, rather than a single incident.

The Panel noted that the Registrant had previously received a caution and undergone remediation relating to concerns that she performed a controlled act that she was not authorized to perform. The Registrant contravened the standards of the profession by using testimonial from a patient, or other person in respect of her advertising.

The Proposed Order was within the range of penalties that have previously been ordered by this and other Discipline Committees for similar conduct. Further, the Proposed Order was agreed to by the parties and must therefore be accepted unless granting it would be contrary to the public interest, which was not the case here.

ORDER

The Panel stated its findings in its written order of May 2, 2022 (the "Order"), in which the Panel directed as follows on the matter of penalty and costs:

1. The Registrant is required to appear before the panel to be reprimanded following the hearing of this matter.
2. The Chief Executive Officer ("CEO") of the College is directed to suspend the Registrant's certificate of registration for a period of twelve (12) months with six (6) months remitted, to commence on the date of the hearing of this matter.
3. The Registrant is required to pay a fine of \$350.00 to the Minister of Finance within two (2) months of the date of the hearing of this matter.

Dated in Ontario on June 27, 2022

DISCIPLINE PANEL

Lisa Fenton - public member, Chair
Dr. Jonathan Beatty, ND – professional member
Paul Phillion – public member
Samuel Laldin – public representative

A handwritten signature in black ink that reads "L. Fenton". The signature is written in a cursive style with a large, prominent "L" and "F".

Signed: _____
Lisa Fenton, Chair

**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, Ms. Turner, 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 duty to comply with the standards of the profession. This was demonstrated by your agreement and admission of the facts pertaining to your professional misconduct.

Your misconduct has warranted a twelve (12) month suspension, albeit with six (6) months remitted, which you would have served had you not agreed to resign your certificate of registration with the College and to never apply for registration with the College in the future. This is a significant penalty, but one that is deserved as a result of your conduct.

The particulars of your misconduct are as follows:

- You were not permitted to sell, dispense, or compound a drug, but you prescribed and sold Vitamin D in a quantity more than the permitted limit. You also prescribed and sold a substance for an improper purpose, by recommending or selling “treatment-specific kits” on your Clinic website outside of the context of a registrant-patient relationship and without conducting an assessment. This put patients at risk and undermined the regulatory scheme governing registrants of this College.

- You offered, sold, and recommended non-scheduled products, services, and drugs to the public on your Clinic website, outside of the context of a registrant-patient relationship and without conducting an assessment, contrary to the College's standards of practice on Recommending Non-Scheduled Substances. Standards of Practice are designed to protect the public and ensure that registrants are practicing in a safe and ethical manner. You undermined the regulatory scheme, disregarded and breached the standards of practice and in doing so, put the public at risk.
- Registrants of our profession are required to adhere to the College's standards and rules with respect to advertising to ensure that members of the public receive information from naturopathic doctors that is accurate, verifiable, comprehensible, professionally appropriate and in compliance with the standards of practice of the profession.
 - You permitted statements to be posted on your social media and on the Clinic website that amount to a guarantee of success.
 - You made claims respecting a treatment that could not be supported as a reasonable professional opinion.
 - You permitted the use of testimonials from a patient, former patient or other person in respect of your practice and products on the Clinic website.
 - You indicated and implied that you are a specialist in the profession.
 - You used a comparative or superlative statement in your advertising, and
 - You permitted advertising of your practice in a manner that was false or misleading and that included statements that are not factual and verifiable, all in breach of the College's standards of practice on Advertising.
- You charged block fees and permitted the issuance of inaccurate and misleading naturopathic receipts in your name and in the name of the Clinic, in a breach of the College's standards of practice on Fees and Billing.

By continuing to violate the standards of the profession, you have breached a trust with the public.

This is not your first time appearing in front of a Discipline Panel. There is prior history with the College, with a similar pattern of misconduct.

You have put your own self interests above the interests of the public and the profession. It is for these reasons this Discipline Panel on behalf of CONO, has agreed to accept your resignation, with the understanding that you will never re-apply for registration with the College in the future.

This concludes our reprimand.