



The College of Naturopaths of Ontario

Regulatory Guidance

New Graduates Working for a College Registrant

In between graduation from a naturopathic college and achieving registration with the College of Naturopaths of Ontario, some graduates look for opportunities to work with a registered Naturopathic Doctor. There are several important aspects of the relationship between the registrant and new graduate, including business and patient care components of practice, that must be considered.

At the outset, the registrant will want to consider the role of the graduate within the clinic. For example, will the graduate:

- Only support the workings of the ND or clinic behind the scenes, e.g., general office duties)?
- Merely observe patient interactions between the ND and their patients?
- Provide certain aspects of patient care that do not carry a risk to the patient, e.g., assignment of care?
- Be delegated to perform certain controlled acts?

Each of these approaches will be reviewed briefly below. By clearly contemplating and planning for the graduate's role in the clinic, the registrant can ensure that all regulatory, legal and insurance requirements will be addressed.

The registrant is also encouraged to speak with an employment lawyer to ensure they are in compliance with any legal requirements. For instance, a written employment contract is recommended for all employment relationships that a registrant enters into. The registrant should also check with their professional liability insurance provider to ensure that proper coverage is in place.

Graduates providing general support

If a new graduate is employed by a registrant to provide general support to the ND or the clinic, it is assumed that they are having only indirect contact with patients and that their focus is on the clinic, supplies, organization and administration. In this scenario, the only regulatory, legal or insurance considerations are employment relationship questions, and general commercial general liability coverage (CGL) for the clinic (ensuring it is covering all employees).

Observing patient care

If a new graduate is observing patient care, the primary regulatory, legal or insurance concerns relate to patient consent for the graduate to access the patient file and

observe the patient interaction, in addition to the employment and CGL coverage concerns above.

Providing Limited Patient Care

If the new graduate is providing certain aspects of patient's care that do not carry a significant risk of harm to patients, then the ND is assumed to be "assigning care" responsibilities to the new graduate.

Assignment of care refers to the process of a registrant assigning the performance of a procedure that is not a controlled act to another person, in this case the graduate. Please refer to the *Assignment of Care Guideline* for more information.

Some examples of assessments and treatments that can be done through an assignment of care include:

- taking a patient's history,
- performing a physical examination that excludes controlled acts, and
- recommending treatments that are in the public domain such as botanical and homeopathic remedies, nutritional supplements, or dietary changes.

The primary regulatory, legal and insurance considerations are now expanded. Although the graduate is providing some limited care, the naturopath-patient relationship is between the registrant and their patient. All assigned care is the responsibility of the ND to have properly supervised the graduate to ensure adequate care is provided. As such, the registrant will want to have advised their insurance provider of the relationship to ensure their own professional liability insurance covers any care provided by the graduate. As is the case with the prior scenario, patient consent is required as are the considerations surrounding employment and CGL considerations.

Performing Delegated Controlled Acts

If the registrant is intending to allow the graduate to perform certain controlled acts on patients, the registrant has some additional regulatory, legal and insurance responsibilities. As with the assignment of care, the naturopath-patient relationship is between the registrant (not the graduate) and the patient. As such, the registrant is responsible for the performance of the controlled act on the patient.

The graduate may only perform a controlled act by accepting a delegation made by a registrant provided all the criteria stated in Part III of the *General Regulation* and the *Standard of Practice for Delegation* are met. A graduate has no authority to perform a controlled act without receiving a delegation.

Delegation is a process whereby a registrant who is authorized to perform a controlled act confers that authority to someone - regulated or unregulated - who is not so authorized and is not a registrant of the College. See the College's *Standard of Practice for Delegation*, as well as the article *Delegation in the Practice of Naturopathy* in the *Regulatory Guidance* section of our website for more information.

It is up to the registrant to use sound judgement in determining when it is appropriate to make a delegation to the graduate and whether the graduate has the appropriate

knowledge, skill and judgement, however, the registrant is not allowed to delegate:

- communicating a naturopathic diagnosis, or
- acupuncture.

The reasons for these restrictions are:

- the *General Regulation* prohibits a registrant of the College from delegating the communication of a naturopathic diagnosis, and
- acupuncture is authorized to the profession through an exemption rather than in the *Naturopathy Act, 2007* and therefore cannot be delegated.

The primary regulatory, legal and insurance matters in this scenario include ensuring the graduate has the necessary knowledge, skill and judgement to perform any controlled acts, proper delegation of the controlled acts in accordance with the standards of practice, appropriate supervision of the performance of the controlled acts by the registrant, patient consent, proper record keeping and ensuring that both PLI and CGL insurance providers are informed of the graduate's work and that insurance coverage is assured.

Other considerations

The registrant and the graduate, being a possible future registrant of the College, must abide by all the requirements and expectations set by the College. The following clarifies other considerations based on a number of inquiries we have received from registrants and graduates about working together.

- The receipt provided to the patient includes the name(s) of the provider(s) - a registrant is not to bill for assessments or treatments they did not personally provide. The receipt is to reflect who provided the different aspects of a patient's visit. This includes indicating which services were provided by a graduate (whether through assignment of care or delegation), even though the registrant is still legally responsible.
- Informed consent includes providing information to the patient prior to treatment as to who will be providing the patient's care and ensuring that the patient is comfortable and agreeing to have some aspects of care provided by a graduate. Of course, the patient should be made aware that the receipt for services will reflect who provided which services as this may affect whether or not the patient will be able to claim the naturopathic fees through their insurance.
- While the graduate may gather the subjective and objective information leading to the diagnosis, only the registrant can communicate the diagnosis to the patient.
- The appropriate level of supervision will vary with the risks associated with the assessment or treatment, and the specific needs of the patient; it is the responsibility of the registrant to make that determination. As such, controlled acts which are by their very nature considered high risk procedures require a high degree of supervision by the registrant over the work completed by the graduate.

We are aware that there are graduates looking to maintain their skills prior to becoming a registrant, and that it can be done within the College's rules and regulations, however, it must always be done in a way that is in the best interest and needs of the patient.

Resources:

Assignment of Care Guideline

Delegation in the Practice of Naturopathy

General Regulation

Naturopathy Act, 2007

Standard of Practice for Delegation

Standard of Practice for Informed Consent

Informed Consent Guideline