

Professional Misconduct and/or Incompetence

Pursuant to:

Drugless Practitioners Act, R.S.O. 1980, c.127, s.6(d),(g),(h)

Drugless Practitioners Regulations (General), R.R.O. 1980, Reg. 250, s.30(a), 35(1),2

The Board will define Misconduct and Incompetence as:

1. Contravention of any provision of the DPA and its regulations, of the Food and Drug Act and its regulations, or any other act regulating the practice of Drugless Therapy-Naturopathy; (in the rest of the text, the terms naturopathic doctor and naturopathic medicine will be used exclusively to refer to both types of practitioners and practices.)
2.
 - a. Failure to maintain adequate records in accordance with Board policy;
 - b. Failure to communicate appropriately with other health professionals concerned in the care of a patient of a member, and provide relevant information respecting the condition of the patient and treatment given;
 - c. Accepting or performing professional responsibilities which are beyond the scope of practice of a naturopathic doctor;
 - d. Failure to refer a patient to an appropriate health care practitioner when indicated;
 - e. Providing inappropriate, deleterious, unnecessary or incompetent treatment or false or misleading information to a patient. A naturopathic doctor is incompetent if she or he displays in her or his professional care of a patient a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates she or he is unfit to continue in practice;
 - f. Having been found guilty of an offence relevant to his or her suitability to practice naturopathic medicine or contravening while engaged in the practice of naturopathic medicine any federal, provincial or municipal law, regulation or rule designed to protect the public health;

- g. Engaging in the practice of naturopathic medicine while the ability to perform any professional service is impaired by any intoxicant;
- h. Sexual impropriety with a patient;
- i. Making a record or signing or issuing a certificate, report, account or similar document that is false, misleading, incomplete or otherwise improper;
- j. Giving personally identifiable information concerning a patient's condition or any professional services performed for a patient to any person other than the patient, or, where appropriate, another professional involved in the treatment of a patient without the prior consent of the patient unless required to do so by law, or selling a professional account to a third party;
- k. Failing to provide within a reasonable time and without cause, any report, certificate or itemized account requested by a patient or his authorized agent in respect of an examination or treatment performed by the naturopathic doctor;
- l. Failure to advise the patient of the fees charged by the naturopathic doctor or charging a fee for services not performed;
- m. Sharing fees with any person who has referred a patient or receiving fees from any person to whom a naturopathic doctor has referred a patient or requesting or accepting a rebate or commission for the referral of a patient;
- n. Publishing, displaying, distributing or using or permitting directly or indirectly the publishing, display, distribution or use of any advertisement relating to the practice of naturopathic medicine by a naturopathic doctor or a naturopathic doctor associating with or being employed by any person or institution which:
 - i. is false, fraudulent, deceptive, misleading, sensational, flamboyant, self-laudatory or has a tendency to mislead the public;
 - ii. uses testimonials;
 - iii. guarantees any service;
 - iv. makes any claim as to the quality or efficacy of the services rendered;
 - v. promotes the excessive or unnecessary use of such services; or
 - vi. contravenes the Board's advertising policy.
- o. Refusing to allow an authorized representative of the Board to enter at a reasonable time the premises in which the naturopathic doctor is engaged

in the practice of naturopathic medicine for the purposes of inspecting the naturopathic doctor's practice, professional records and equipment;

- p. Failing to reply promptly or appropriately to any written communication from the Board or its officers, employees and agent;
- q. Failure to report to the Board on the conduct or actions of another naturopathic doctor relevant to the practice of naturopathic medicine where such conduct or actions provide evidence that the naturopathic doctor is guilty of misconduct or has displayed ignorance or incompetence;
- r. Conduct or an act relevant to the practice of naturopathic medicine that, having regard to all the circumstances, would reasonably be regarded by naturopathic doctors as unprofessional or incompetent;
- s. Having a conflict of interest which is detrimental to a patient's care;
- t. Failure to obtain and maintain sufficient malpractice insurance to cover your practice needs;
- u. Failure to obtain informed consent for diagnostic or treatment procedures or plan of treatment,
- v. Failure to comply with the Board's policy on Continuing Education; and
- w. Contravening standards of practice or guidelines of practice set by this Board.

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