



cnda

COLLEGE OF NATUROPATHIC
DOCTORS OF ALBERTA

April 29, 2022

Personal and Confidential

Shannon Ferguson
[REDACTED]
[REDACTED]

VIA EMAIL: [REDACTED]

Dear Dr. Ferguson:

Re: Formal Complaint of Unprofessional Conduct by Dr. Ferguson
File number: CR 2020-025

On January 11, 2021 the CNDA communicated with you concerns regarding compliance with a number of CNDA Standards of Practice and the investigation of a formal complaint against you for unprofessional conduct for failure to comply with the CNDA Code of Ethics and Standards of Practice: General, Collaboration in Patient Care, Consent, IV Therapy, Naturopathic Injection Therapy, and Records Keeping; for failing to do proper intakes, assessments, and chart objective findings; and for allegations of signing false receipts for naturopathic services knowing they were cosmetic treatments exclusively and not part of a naturopathic treatment plan.

We have now completed, under s.55(2)(d) of the HPA, 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 Code of Ethics;
- b. CNDA Standard of Practice: General;
- c. CNDA Standard of Practice: Collaboration in Patient Care;
- d. CNDA Standard of Practice: Consent;
- e. CNDA Standard of Practice: IV Therapy;
- f. CNDA Standard of Practice: Naturopathic Injection Therapies; and,
- g. CNDA Standard of Practice: Records Keeping.

With respect to the failure to meet the minimum requirements of the above noted CNDA Standards of Practice, I summarize the findings of the investigation as follows:

- a. CNDA Code of Ethics requires that an ND comply with all governing legislation, standards of practice, policies, bylaws and guidelines approved by the CNDA council for which failure to comply was noted due to the insufficiencies detailed below;
- b. CNDA Code of Ethics requires that an ND only recommend diagnostic procedures and treatments that are believed to be necessary and beneficial for the well-being of the patient, for which failure to comply was noted due to the lack of proper intake and assessment notes;

- c. CNDA Code of Ethics requires that an ND practice with integrity for which failure to comply was noted due to signing false receipts;
- d. CNDA Code of Ethics requires that an ND only enter contracts that maintain professional integrity for which failure to comply was noted due to signing an employment contract that is in contravention of numerous CNDA Standards of Practice;
- e. CNDA Standard of Practice: General requires that an ND critically evaluate medical information to address clinical questions for which failure to comply was noted due to the lack of proper intake and assessment notes;
- f. CNDA Standard of Practice: General requires that an ND formulate a relevant assessment and diagnosis for which failure to comply was noted due to the lack of proper intake and assessment where 15-minute acute initials were provided without proper evidence as to the necessity for an acute initial;
- g. CNDA Standard of Practice: General requires that an ND maintain clear and adequate patient care records for which failure to comply was noted due to the lack of full intakes for patients, and failure to provide the information required on the patient invoices according to the CNDA Standards of Practice;
- h. CNDA Standard of Practice: Collaboration in Patient Care requires that an ND collaborates with other health care professionals in a manner consistent with the CNDA Code of Ethics and the CNDA Standards of Practice for which failure to comply was noted due to a lack of evidence of continued assessment and relevant communications between health care professionals before administering treatment;
- i. CNDA Standard of Practice: Consent requires that an ND must receive informed consent from patients prior to an examination, procedure or treatment and will do so in a clear and responsible manner for which failure to comply was noted due to a lack of informed consent obtained with regards to the management of patient files and confidential information;
- j. CNDA Standard of Practice: IV Therapy requires that an ND ensure proper documentation of intravenous therapy treatments in the patient medical record in accordance with the CNDA Standard of Practice: Records Keeping for which failure to comply was noted due to a lack of subjective information provided by the patient, relevant objective findings, assessment notes and details, an assessment of the information and any diagnosis and proposed treatment plan;
- k. CNDA Standard of Practice: Naturopathic Injection Therapies requires that an ND ensure proper documentation of naturopathic injection therapy treatments in the patient medical record in accordance with the CNDA Standard of Practice: Records Keeping for which failure to comply was noted due to a lack of subjective information provided by the patient, relevant objective findings, assessment notes and details, an assessment of the information and any diagnosis and proposed treatment plan;
- l. CNDA Standard of Practice: Records Keeping requires that an ND include in all patient medical records, subjective information provided by the patient, relevant objective findings, initial assessment notes and details, an assessment of the information and any diagnosis and proposed treatment plan. Failure to comply was noted in the lack of sufficiency in charting; and,

- m. CNDA Standard of Practice: Records Keeping requires that an ND maintains comprehensive billing records for which failure to comply was noted due to nondescript and improper itemization of invoices.

Given your willingness to resolve these failures to comply with CNDA obligations, and given that the matters herein are significant enough to amount to reasonable grounds that your conduct constitutes unprofessional conduct, I am prepared to resolve this complaint with you by way of an undertaking which will include the following terms:

1. You agree that your conduct amounts to unprofessional conduct for failure to comply with the CNDA Standards of Practice;
2. You will undertake a review of all of the Standards of Practice and report to the CNDA Registrar that you have done so on or before June 30, 2022;
3. You will provide written confirmation to the CNDA Registrar on or before June 30, 2022, that evidences your understanding that as a regulated member, you are solely responsible for your practice and cannot delegate without oversight;
4. You will provide written confirmation to the CNDA Registrar on or before June 30, 2022, that you have retrieved and will maintain all of your patient charts, including appointment and billing records, created within the last ten years;
5. You will take a CNDA-approved refresher course on Records Keeping and provide evidence to the CNDA Registrar of your completion of the course on or before September 30, 2022;
6. You will pay a portion of the costs of the CNDA investigation in the amount of \$500 on or before July 30, 2022;
7. You will pay a fine amounting to \$1000 on or before July 30, 2022;
8. 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;
9. You acknowledge that the terms of this agreement will be used in any future discipline proceedings with the CNDA;
10. You agree to publication of this matter, including your name and practice location; and,
11. You agree that this undertaking, once signed, will be considered a formal reprimand on your file.

Should I not receive this signed undertaking by 4:00 pm on May 20, 2022, I will refer this matter to a hearing. If you accept these terms, please sign below in front of a witness and return the original of this letter to me by the deadline above.

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.

Yours truly,



Cherie Baruss
Complaints Director for File Number 2020-025

I, Shannon Ferguson, 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 ____, 2022

Witness:
