

MEMORANDUM OF UNDERSTANDING

BETWEEN:

Dr. Balwinder Badhan ND
("Member")

- And -

Cherie Baruss
("Complaints Director")

WHEREAS:

- A. The College of Naturopathic Doctors of Alberta ("College") is a body incorporated pursuant to the Health Professions Act, R.S.A. 2000, c. H-7 ("HPA").
- B. On January 27, 2022, the Complaints Director received a referral from the Continuing Competence Committee regarding a rating of 4 on the Member's practice visit.
- C. The Member was a regulated member within the meaning of the HPA at all material times, and more particularly, was registered with College at the time of the complaint.
- D. The College is charged with the responsibility of protecting the public from unethical, unskilled or unsafe practice. The complaint has been processed in accordance with Part 4 of the HPA.
- E. The Complaints Director notified the Member of the complaint and that the matter was being referred for investigation in accordance with s. 55(2)(d) of the HPA.
- F. The Member's practice visit highlighted failures to meet the following Standards of Practice:
 - i. Failure to meet SOP: Records Keeping s. A.1.(a), (c), (d), and A.3.;
 - ii. Failure to meet SOP: Records Keeping s. B.1.(a), (b), (d), (e), (f), (g);
 - iii. Failure to meet SOP: Records Keeping s. D.2. (c), (d), (e), (h), (i), (j), (l), D.3. (a), (b), (d), (f), D.5., D.6.(a), (c), (d), and D.7.;
 - iv. Failure to meet SOP: Naturopathic Injection Therapy s. 5 (a), (b), (c), (d), (e), (f);
 - v. Failure to meet SOP: Intravenous Therapy s. 4(b), (c), (e), (f), (g); and,
 - vi. Failure to meet SOP: Acupuncture s. 4(a), (e).
- G. A further complaint was received, on May 6, 2022, according to the Standard of Practice: Duty to Report wherein it is alleged that the Member contravened the CNDA Standard of Practice: Advertising and Marketing by using the title of Dr. without also using ND, using "best naturopath", "best clinic", and "curative" in contravention of the standard.
- H. The Member acknowledges that there is sufficient evidence to support a finding of "unprofessional conduct" as defined in the HPA.

- I. Unrelated to these complaints, the Member wishes to resign his practice permit and cease the practice of naturopathic medicine. In order for the Member to resign in good standing, the Member wishes to resolve these complaints without further investigation or hearing.
- J. The Member and the Complaints Director have therefore agreed to resolve the complaint without proceeding to a Disciplinary Hearing under the authority of s. 55(2)(a.1) of the HPA.

THE PARTIES HEREBY AGREE TO THE FOLLOWING:

1. The Member will pay a portion the College's costs of the investigation and complaint process in the amount of \$500.00. The costs will be paid in full within twelve (12) months of the date of signing of this Memorandum of Understanding.
2. The College may publish the information related to the complaint and this Memorandum of Understanding, including the Member's name, in the College's Annual Report or any other College publications and communications.
3. Should the College receive an inquiry from any member of the public regarding the Member's complaint history, the College will be at liberty to provide a copy of this Memorandum of Understanding.
4. Should the College receive an inquiry from another regulatory body regarding the Member's complaint history, or should the College become aware that the Member is seeking registration with another regulatory body, the College will be at liberty to provide a copy of this Memorandum of Understanding.
5. The Member acknowledges that if a further complaint is received by the College after the date of this Memorandum of Understanding, and that complaint results in a hearing before a Hearing Tribunal with a finding of unprofessional conduct, that the circumstances surrounding the complaint and this Memorandum of Understanding may be considered by the Hearing Tribunal for the purposes of determining penalty, regardless of the passage of time.
6. The Member agrees that, should he wish to apply at any time in the future for reinstatement of his practice permit, he may be subject to an additional registration requirement of a prior learning assessment and recognition program such as <http://www.collegeofnaturopaths.on.ca/wp-content/uploads/2021/04/PLAR-Flowchart-1.pdf> or similar, at the sole discretion of the Registrar.

I, Balwinder Badhan, acknowledge that I have had the opportunity to consult with legal counsel. I hereby acknowledge that I voluntarily enter into this Memorandum of Understanding, and I understand that the successful completion of the Memorandum of Understanding will constitute a full and complete resolution of the complaint.

Sept 21, 2022

Date




Dr. Balwinder Badhan ND

September 22, 2022

Date

College of Naturopathic Doctors of Alberta

Per:



Cherie Baruss
Complaints Director