COLLEGE OF
NATUROPATHIC PHYSICIANS
OF BRITISH COLUMBIA

Suite 840-605 Robson Street
Vancouver, BC V6B 5J3
www.cnpbc.bc.ca

Public Notification

Dr. Allan Strauss, ND

Date of action: October 2015

Description of action taken:

The Inquiry Committee of the College of Naturopathic Physicians of British Columbia (the "College") has entered into a Consent Order with Dr. Allan Strauss, ("the Registrant"), license # 524, under sections 33(6) and 36(1)(b), (c), and (d) of the *Health Professions Act,* RSBC 1996, c 183 (the "*Act*"), on the following terms:

1) The Registrant admitted and undertook not to repeat the conduct of:

    a. failing to meet the standard of care in his treatment of patients, including by
        i. administering counterfeit medical devices and/or substances to patients; and
        ii. failing to exercise reasonable care and diligence in notifying patients who might be adversely affected by treatment with a non-sterile, counterfeit, injectible product labelled "Juvederm"(the "Product"); and
    b. teaching a course and/or practicing in a treatment modality outside of his scope of practice.

2) The Registrant consented to the suspension of his practice of naturopathic medicine and undertakes not to engage in the practice of naturopathic medicine for a period of seven (7) days from October 18 to October 25, 2015.

3) The Registrant consented and undertook to pay a fine of $10,000 to the College within thirty (30) days of the date of the Consent Order.

4) The Registrant consented to be reprimanded for having purchased and injected counterfeit products into patients, and having failed to exercise appropriate diligence in notifying those patients.

5) The Registrant consented and undertook to satisfactorily complete a six (6) week correspondence course in ethics for naturopathic doctors, such course to be approved in advance in writing by the Registrar of the College, within six (6) calendar months of the Consent Order.

6) The Registrant consented and undertook to write an open letter to the profession which summarizes his experience with purchasing and administering a counterfeit product, and warning the profession about the risks of purchasing and using unlicensed medical products.

7) The Registrant consented and undertook to send a monthly patient notification progress report to the College which will include an update on the Registrant's efforts to contact patients who received the counterfeit Product, including any additional patients who may have received the counterfeit Product from shipments not yet accounted for.

8) The Registrant consented and undertook to provide a monthly list to the College containing the contact information of each patient he provided services to that month for a period of twelve (12) months following the date of the Consent Order.

9) The Registrant consented to random spot audits by an Inspector appointed by the Inquiry Committee at any time during the two (2) year period following the date of the Consent Order, to review his clinical records for the purpose of ensuring that his practice remains consistent with the standards of practice for naturopathic doctors in British Columbia. The frequency and timing of the audits is at the sole discretion of the Inquiry Committee.

10) The Registrant consented and undertook that his future practice of naturopathic medicine and professional conduct will be above reproach.

Reasons for action taken:

The College received a written complaint filed by the Health Products and Food Branch Inspectorate of Health Canada alleging that the Registrant had imported and used the non-sterile, counterfeit, injectable Product in his practice. The complaint was forwarded to the Inquiry Committee, which commenced an investigation into the complaint.

As a result of its investigation, the Inquiry Committee observed that:

1) there were inconsistencies in the Registrant's records regarding the number of shipments and number of syringes of the Product he had received;
2) there were inconsistencies as to how much the Registrant had paid for the Product and the amount of taxes he paid based upon the value of the Product;

3) the Registrant's clinical records did not include records of him seeking informed consent from his patients for the treatment; and

4) the Registrant had not contacted all patients who had received the Product, nor had he taken any steps to identify or notify patients who may have been affected by any additional shipments of the Product.

Dr. Strauss admitted to and expressed an understanding of his misconduct and provided an assurance that he would not repeat the conduct in the future. However, the Committee was concerned that Dr. Strauss' conduct fell well below the standard of a naturopathic physician, and that he had not been diligent in his efforts to notify his patients.

The Committee determined, under section 33(6)(c) of the *Act*, that this would be an appropriate case in which to seek a consent order under section 36(1) of the *Act* with comprehensive terms to address the Registrant's failure to meet the standards of practice of the profession because:

1) the Registrant had admitted to, and expressed an understanding of, the seriousness of the conduct at issue;
2) the Registrant was willing to take rehabilitative and remedial action, including a reprimand, temporary suspension and a fine, additional education in professional ethics, and agree to supervision by the College in his further efforts to notify patients injected with the Product; and
3) adequate steps could be taken to monitor the Registrant's practice, as well as to assess his ongoing ethical and professional development.