



AGREEMENT AND UNDERTAKING

BETWEEN:

Dr. Ryan Best, ND, #1913
(the "Registrant")

- and -

Complaints Director of the College of Naturopathic Doctors of Alberta
(the "Complaints Director")

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WHEREAS:

- a) The College of Naturopathic Doctors of Alberta (the "College") is a body incorporated pursuant to the *Health Professions Act*, R.S.A. 2000, c. H-7 ("HPA").
- b) The Registrant is a regulated member of the College and was a regulated member at all material times.
- c) The Registrant is employed at Neurvana Naturopathic Medicine in Calgary, Alberta.
- d) On September 22, 2022, the College received a complaint that the Registrant was using a device that was not licensed under the *Medical Devices Regulations*.
- e) The former complaints director initiated an investigation into the Registrant's use of the device.
- f) The investigation confirmed the Registrant was using the device in his practice.
- g) The investigation revealed the Registrant knew the College Registrar determined the device could not be used until it was licensed.
- h) The Registrant acknowledged his conduct:
 1. Displayed a lack of judgment in the provision of professional services by failing to adequately assess all information regarding the device before using the device; and
 2. Contravened the College's *Code of Ethics* and *Standards of Practice* by procuring an unlicensed device and then using the unlicensed device despite knowledge of its unlicensed status and the restrictions put in place by the Registrar.
- i) The Complaints Director determined there was sufficient evidence of unprofessional conduct to refer the complaint to a hearing, but no referral has been made as of yet and a hearing has not been held.
- j) The Complaints Director, under the authority of s. 55(2)(a.1) of the *HPA* wishes to resolve the complaint and the concerns identified during the investigation as an alternative to this matter proceeding to a hearing.

IN CONSIDERATION OF the terms and conditions set out herein, the parties hereby agree as follows:

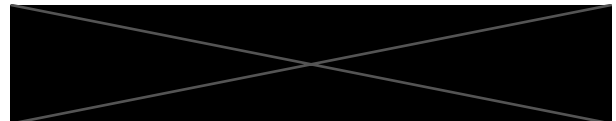
1. The Registrant acknowledges and admits that his behaviour constituted unprofessional conduct;

2. The Registrant will not use the device until (a) the device receives a license under the *Medical Devices Regulations*, (b) the Registrar permits the Registrant to use the device, or (c) the Council permits the Registrant to use the device;
3. The Registrant will take a Complaints Director approved refresher course on professionalism and provide evidence to the Complaints Director of course completion on or before September 1, 2023;
4. The Registrant will pay a portion of the costs of the College's investigation and complaint process in the amount of \$1,000 on or before June 1, 2023;
5. Provided that the Registrant complies with all the terms of this Agreement and Undertaking, and successfully completes the requirements outlined in paragraphs 3 and 4 above within the specified time frames, the Complaints Director will stay the investigation and will not refer the complaint or any of the concerns regarding the Registrant's conduct to a hearing;
6. In the event the Registrant fails to comply with the terms of this Agreement and Undertaking, the Complaints Director may refer that non-compliance and/or the complaint and any concerns regarding the Registrant's conduct to a Hearing Tribunal pursuant to Part 4 of the *HPA*, notwithstanding non-adherence to any time limit set out in the *HPA*;
7. The College may publish information related to the complaint, including this Agreement and Undertaking with the Registrant's name and practice location, until December 31, 2028.
8. Should the College receive an inquiry from another regulatory body regarding the Registrant's complaint history within the next ten years, or should the College become aware that the Registrant is seeking registration with another regulatory body within the next ten years, the College will be at liberty to provide a copy of this Agreement and Undertaking;
9. The Registrant acknowledges that the circumstances surrounding the complaint and this Agreement and Undertaking, will be used in any future discipline proceedings with the College, regardless of the passage of time; and
10. The Registrant acknowledges that the terms of this Agreement and Undertaking will be considered formal reprimand on his file.

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

April 1st, 2023

Date



Dr. Ryan Best

April 4, 2023

Date

College of Naturopathic Doctors of Alberta

Per:



**Morgan
Complaints Director**