



## Public Notification

### **Dr. Andrew “Andy” Somody, ND**

Date of action: November 6, 2014

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 the Dr. Andrew Somody, (“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 has admitted and undertaken not to repeat the conduct of:
  - a) engaging in sexual misconduct with a patient and violating patient boundaries;
  - b) improperly disclosing confidential patient information to a third party; and
  - c) conducting inappropriate internet or other research into a patient’s personal information.
  
- 2) The Registrant has consented to a suspension to continue until such time as
  - a) the Registrant has completed a six-week course in Ethics and Professionalism; and
  - b) the Registrar has approved a supervision arrangement under which the Registrant’s practice will be clinically supervised by a senior, experienced naturopathic doctor for a period of twenty-four calendar months following the date of the Consent Order, and the Registrant will be chaperoned during all visits with female patients for a period to be reviewed at one year after the date of the Consent Order. A notice that “All female patients will be accompanied by a chaperone at all times for their comfort and safety without exception” will be placed in a conspicuous location in the Registrant’s examination room for as long as the Committee requires the Registrant’s practice with female patients to be chaperoned. The supervisor and chaperone will report to the College on a monthly basis regarding the Registrant’s practice.
  
- 3) In addition to his clinical supervision, the Registrant has consented and undertaken to attend at least 48 meetings of a duration of at least 30 minutes with

- his practice supervisor in the 24 months following the date of the Consent Order to review challenging cases and discuss other difficulties and challenges of the practice of naturopathic medicine, including issues such as boundaries, dual relationships, professionalism, power imbalances, the importance of restricting practice to areas of competence, billing practices, length of treatment sessions, confidentiality, and record keeping.
- 4) The Registrant has consented and undertaken to provide to the College a list of all of the patients he has treated in the previous week each Monday morning, for a period of three (3) years following the date of the Consent Order.
  - 5) The Registrant has consented and undertaken to undergo weekly counseling sessions for a minimum of one year, with his counselor to provide quarterly reports to the Committee, and to undergo two evaluations by an independent psychologist in order to assist the Committee in determining when and if some of the restrictions on the Registrant's practice might safely be lifted, such evaluations to take place at twelve and eighteen months following the date of the Consent Order.
  - 6) The Registrant has consented to random spot audits of his clinical records by an Inspector appointed by the Inquiry Committee, at any time during the five-year period following the date of the Consent Order. In the event that any areas of deficiency are identified by the inspector during the audits, the Registrant will carry out additional remedial work or training directed by the Committee.
  - 7) The Registrant has consented to be reprimanded for his
    - a) sexual misconduct and failure to observe professional boundaries; and
    - b) improper disclosure of confidential information to a third party.
  - 8) The Registrant has consented and undertaken that his future practice of naturopathic medicine and professional conduct will be above reproach.

Reasons for action taken:

The Committee considered that the Registrant had admitted: (a) sexual and other boundary violations with one patient in a therapeutic context; (b) the breach of patient confidentiality in disclosing his clinical records to a third party; and (c) diagnostic, therapeutic, and clinical record-keeping practices that failed to meet or were contrary to the standards of practice required of naturopathic physicians. It also considered the Registrant's admission that he had accessed the Complainant's website "every few days" for a period of just over a month between 2013 and 2014. Given the sexual content of the Complainant's website, the Committee was of the view that this also constituted a boundary violation.

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 Dr. Somody's failure to meet the standards of practice of the profession because:

- 1) Dr. Somody admitted to, and expressed an understanding of, the seriousness of the conduct at issue;
- 2) Dr. Somody was willing to take rehabilitative and remedial action, including counseling, clinical supervision, and additional education, in order to raise his understanding of the doctor-patient relationship, professional boundaries, ethics, and standards of practice to the requisite level and to ensure that the conduct admitted would not be repeated in the future; and
- 3) adequate steps could be taken to monitor the Registrant's practice, as well as to assess his ongoing ethical, and professional development, in order to ensure that the Committee's mandate to protect the public safety is met.

The Inquiry Committee and Registrant agreed that the appropriate remedial action was a Consent Order pursuant to section 36(1) of the *Act*, which would enable to College to monitor the Registrant's practice to protect the public safety and require the Registrant to undertake further remedial steps and to bring his professionalism and standard of practice into alignment with that of the profession.

This Notice replaces the Notice of Temporary Suspension under section 35 of the *Act*, regarding Dr. Somody dated June 2014, below.