

IN THE MATTER OF a Hearing of Vera Baraz, pursuant to the
Health Professions Act, RSA 2000 c. H-7

**DECISION
OF THE HEARING TRIBUNAL OF THE
COLLEGE OF DIETITIANS OF ALBERTA**

I. HEARING

1. The hearing was conducted pursuant to the Health Professions Act (“**HPA**”) and virtually on May 20, 2021 with the following individuals participating:

Hearing Tribunal: (the “**Hearing Tribunal**”)

- Megan Beggs, R.D., Chair
- Paula Bownan, R.D.
- June MacGregor (public member)
- Jim Lees (public member)

Independent Legal Counsel to Hearing Tribunal

- Blair E. Maxston, Q.C.

College of Dietitians of Alberta (the “**College**”)

- Douglas Cook, Complaints Director
- Gregory Sim and Alisha Hurley, Legal counsel for the Complaints Director

Investigated Member

- Vera Baraz
- Daniel Calcines, Representative for Ms. Baraz

Observer

- ██████████, Privacy Officer for Covenant Health
- Amanda Antler, Field Law
- Lisa Omerzu, Hearings Director
- Janet Belma, Court Reporter

II. PRELIMINARY MATTERS

2. At the commencement of the hearing, the Chair made opening comments, including introductions of the parties and a brief review of the charges in the Notice of Hearing, Notice to Attend and Notice to Produce dated February 5, 2020 (the “**Notice of Hearing**”). The Notice of Hearing was amended by a December 7, 2020 email from the College’s Hearings Director to reflect May 20 and 21, 2021 hearing dates.
3. There were no objections to conducting the hearing virtually or to the composition of the Hearing Tribunal. No Hearing Tribunal members identified a conflict of interest and there were no objections to the jurisdiction of the Hearing Tribunal to proceed.
4. Ms. Baraz advised that she was aware of her right to have legal counsel present but agreed to proceed without legal counsel and have Mr. Calcines represent her.
5. The liability aspect of the hearing proceeded as a consent hearing by way of an Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct document.

Accordingly, no witnesses were called to give evidence during the hearing. The parties were not able to present a joint penalty proposal and the penalty phase of the hearing was contested.

III. EXHIBITS

6. The following exhibits were entered with the consent of both parties at the hearing:

Exhibit 1: The Notice of Hearing

Exhibit 2: Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct;

Exhibit 3: May 22, 2019 Covenant Health Letter of Expectation

Exhibit 4: December 12, 2019 OIPC Letter

Exhibit 5: September 15, 2020 Letter from Covenant Health Legal Counsel.

7. During the course of the hearing Mr. Calcines asked that the following two additional documents be entered as exhibits:

- Email from Ms. Baraz to Mr. Cook
- Email from ~~Mr. Calcines~~ to Ms. Baraz.

8. Ms. Calcines argued that the letters were relevant to the hearing, however, Mr. Sim objected to them on the basis that they were hearsay, not sworn and that he would not be able to cross-examine the authors of the documents. Mr. Sim also stated that the Hearing Tribunal is to decide penalty and that character letters and information are not needed since Ms. Baraz' character is not an issue.

9. After privately deliberating the Hearing Tribunal agreed with Mr. Sim and determined that it would not accept the additional documents as exhibits.

10. The Hearing Tribunal also received and considered written submissions from both parties concerning sanctions.

BACKGROUND

11. The facts in this matter are not in dispute, are set out in detail in the Agreed Statement of Facts and do not need to be repeated in detail in this Decision.

12. Briefly, and as reflected in the remaining two allegations in the Notice of Hearing, Ms. Baraz improperly accessed health information and failed to report those accesses to her employer.

IV. ALLEGATIONS

13. The two (2) remaining allegations are set out in the Notice of Hearing as follows:
1. Accessing health information via Netcare about herself or about immediate family members, or both on one or more occasions without proper authority or reason to do so, particulars of which are set out in Appendix A.
 2. Withdrawn.
 3. Failing to report improper accesses to health information set out in Appendices A and B to the appropriate authorities prior to her employer's investigation of such improper accesses in or around May, 2019.
 4. Withdrawn.

V. ADMISSION OF UNPROFESSIONAL CONDUCT

14. Section 70 of the HPA permits an investigated member to make an admission of unprofessional conduct. An admission under section 70 of the HPA must be acceptable in whole or in part to the Hearing Tribunal.
15. In the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct, Ms. Baraz made admissions to both of the two (2) remaining allegations and acknowledged that her conduct amounts to unprofessional conduct within the meaning of section 1(1)(pp) of the HPA.

VI. SUBMISSIONS OF THE PARTIES

A. Submissions from the Complaints Director: Liability Phase of Hearing

16. Mr. Sim's submissions on behalf of his client can be summarized as follows:
- Mr. Sim reviewed the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and advised that allegations two and four were withdrawn by the Complaint's Director as he determined there was insufficient evidence to proceed with those allegations.
 - Mr. Sim confirmed that Ms. Baraz admits to allegations 1 and 3.
 - Mr. Sim then reviewed section C of the Agreed Statement of Facts and the background information relating to the allegations, including that Ms. Baraz was a 21-year employee of Covenant Health and was required to complete privacy training on a regular basis.
 - Mr. Sim also reviewed part D of the Agreed Statement of Facts and emphasized that there were at least nine (9) instances of unauthorized access and that Ms. Baraz failed to disclose those matters to her employer.

- Ms. Sim submitted that there was more than ample information to support findings of unprofessional conduct concerning the allegations, including the admission of Ms. Baraz.

B. Submissions from Ms. Baraz: Liability Phase of Hearing

17. Mr. Calcines' submissions were brief and he emphasized that the two allegations of unprofessional conduct were admitted to by Ms. Baraz from the onset of the hearing process.

C. Findings of the Hearing Tribunal

18. After private deliberations, the Hearing Tribunal reconvened and advised both parties that it accepted the admissions of unprofessional conduct and had made findings of unprofessional conduct concerning the two (2) remaining allegations.

VII. SUBMISSIONS ON SANCTIONS

(a) Submissions from the Complaints Director

19. Ms. Sim advised that on page 2 of his client's written submissions on sanctions, there is an incorrect reference to admissions regarding allegations 1 and 4. That should read allegations 1 and 3.
20. Ms. Sim reviewed his client's written submissions on sanctions and costs.
21. Mr. Sim stated that his client was proposing the following penalty orders:
1. Ms. Baraz shall receive a reprimand with the Hearing Tribunal's decision to serve as the reprimand;
 2. Ms. Baraz's practice permit shall be suspended for two (2) months from the date of the Hearing Tribunal's written decision;
 3. Ms. Baraz shall complete, at her own cost, and provide evidence of having successfully completed either of the following courses prior to the reinstatement of her practice permit. [**Note:** At the end of the hearing, this was verbally amended by the Complaints Director to propose completion of the course within one year of the date of the written decision]:

- i. ADL 213 – Ethics for Professional Practice at the University of Calgary;
or
- ii. PHIL 333 – Professional Ethics at Athabasca University

4. For eighteen (18) months from the date of the Hearing Tribunal's written decision Ms. Baraz shall provide the Complaints Director with confirmation that she has provided any new dietetics employer with a copy of the Hearing Tribunal's written decision.
 5. Ms. Baraz shall pay the costs of the investigation and hearing in installments acceptable to the Complaints Director commencing upon the reinstatement of her practice permit.
22. Mr. Sim's submission on sanctions on behalf of the Complaints Director can be summarized as follows:
- The primary purpose of sanctions is to protect the public by sanctioning unprofessional conduct and deterring others from similar conduct.
 - The case of *Jaswal v. Newfoundland*, 1996 CanLII 11630 ("*Jaswal*") was cited to refer to the factors for a Hearing Tribunal to consider when determining sanctions.
 - **Nature and Gravity of the Proven Allegations:** The allegations that Ms. Baraz has admitted to cannot be considered minor and must be considered serious. It would be tempting, but incorrect, to think that the privacy breaches were not serious because Ms. Baraz only accessed her, her husband's and her son's confidential information, but Ms. Baraz and all regulated members of profession are entrusted with access to highly confidential information which requires tremendous trust and responsibility. Any privacy breach breaks the public's trust in the health profession which could reasonably result in loss of Netcare access to all dietitians. This, in turn, would be harmful to the profession and the public.
 - **Ms. Baraz' Age and Experience:** Ms. Baraz is a senior member of the profession and, therefore, bears a greater burden for maintaining the reputation of the profession. Senior members should endure harsher sanctions (citing *Merchant v. Law Society of Saskatchewan*, 2014 SKCA 56).
 - Ms. Baraz also completed privacy training which reinforced the importance of confidentiality.
 - **Ms. Baraz' Previous Character:** Ms. Baraz has no prior discipline history.

- **The Number of Times the Offense Was Proven to Have Occurred:** Ms. Baraz' unprofessional conduct occurred on 9 occasions.
- **Ms. Baraz's Role in Acknowledging What Occurred:** Ms. Baraz admitted to the allegations and that they were unprofessional.
- **Other Serious Penalties as a Result of the Allegations:** Ms. Baraz' employer, Covenant Health, has required her to undergo remedial privacy training which would have also been sought by the Complaints Director. Mr. Sim submitted that this remedial training was insufficient to protect the public and deter future unprofessional conduct.
- **The Impact on Ms. Baraz and the Need for Specific and General Deterrence:** Ms. Baraz has been impacted by this matter and is unlikely to repeat her unprofessional conduct. However, serious sanctions must be imposed to denounce her conduct to the public and the profession and to deter others from similar abuses.
- **The Need to Maintain Public Confidence in the Profession:** Imposing only remedial sanctions would undermine public confidence in the profession.
- **Degree Proven Conduct is Regarded as Unprofessional:** Ms. Baraz admitted that her conduct was unprofessional. It was argued that this case is therefore similar in nature to that of the College of Dietitians of Alberta discipline hearing related to Jocelyn Cassidy.
- **Range of Sanctions in Previous Cases:** Appendix A to Complaints Director's written submissions makes reference to previous cases which demonstrate that the Complaints Director's proposed sanctions are proportionate to the unprofessional conduct. However, the Hearing Tribunal must assess what is appropriate today based on the public's expectations.
- In terms of costs, Section 82(1)(j) of the HPA states that the Hearing Tribunal may order the investigated person to pay all or part of the costs of the investigation and hearing. Ms. Baraz should bear the costs of the hearing and investigation because she made the choice to engage in unprofessional conduct and it would be unfair to ask the College and other members of the profession to bear these costs. Reference was made to the *Jaswal* case at paragraph 50, which sets out the factors that may be taken into consideration in assessing orders for costs. Mr. Sim argued that the hearing costs have been kept as low as possible. There is no evidence of Ms. Baraz' actual financial circumstances. The overall cost of the hearing is estimated at \$25,000.

(b) Submissions of Ms. Baraz

23. Mr. Calcines reviewed his client's written submissions on sanctions and costs.

24. Mr. Calcines stated that his client was proposing the following penalty orders:
1. The Hearing Tribunal decision will serve as a reprimand.
 2. Mrs. Baraz will complete ADL 213 Ethics for Professional Practice at the University of Calgary at her own cost and provide satisfactory evidence of having successfully completed the course to the Complaints Director within 12 months from the date of the hearing.
 3. Mrs. Baraz will receive a suspension of her practice permit for a period of 30 days, all of which should be held in abeyance pending completion of ADL 213 Ethics for Professional Practice at the University of Calgary satisfactory to the Complaints Director and there being no further privacy concerns coming to the attention of the Complaints Director. If the Complaints Director receives a new complaint about privacy related to Mrs. Baraz, the Complaints Director shall then be at liberty to impose the 30 day suspension of the practice permit. If no further privacy concerns come to the attention of the Complaints Director within 12 months from the date the Hearing Tribunal issues its decision, the period of suspension shall then expire.
 4. For 18 months following the decision of the Hearing Tribunal, Mrs. Baraz will provide the Complaints Director with confirmation that she has provided any new employer with a copy of the Hearing Tribunal's decision.
 5. Mrs. Baraz shall pay up to \$5,000.00 towards the costs of the investigation and hearing with payments acceptable to the Complaints Director commencing within 6 months of the decision of the Hearing Tribunal.
25. Mr. Calcines' submission on sanctions on behalf of Ms. Baraz can be summarized as follows:
- The purpose of sanctions on unprofessional conduct are to protect the public and should be reformatory and rehabilitative and not punitive.
 - The *Jaswal* case was cited to refer a list of factors for a Hearing Tribunal to consider when determining sanctions as addressed in the following sections.
 - **Nature and Gravity of the Proven Allegations:** Citing the Agreed Statement of Facts, Covenant Health is a "custodian" of health information pursuant to the Alberta Health Information Regulation, Alta. Reg. 70/2001. Ms. Baraz is an "affiliate" of a custodian of health information due to her employment with Covenant Health, as defined by section 1(1)(a) of the Health Information Act, R.S.A. 2000, c. H-05. Covenant Health investigated the claim and deemed the appropriate action to be a letter of expectation outlining actions that Ms. Baraz fulfilled.

- The Office of the Information and Privacy Commissioner of Alberta (OIPC) found that Covenant Health's actions were appropriate and had no further recommendations.
- It was argued that Ms. Baraz only accessed health information for herself and immediate family with their permission and so public safety and privacy were never at risk.
- **Mrs. Baraz' Age and Experience:** Ms. Baraz has been a Registered Dietitian for 30 years and has been the recipient of many accolades. She is recognized as a specialist in her field and has no prior record of misconduct.
- **The Number of Times the Offence Was Proven to have Occurred:** Ms. Baraz accessed the health information of herself and her family members a total of nine times but these were specifically motivated one-offs and did not reflect a pattern.
- **Other Serious Penalties as a Result of the Allegations:** Ms. Baraz has completed the required remedial privacy training and both Covenant Health and the OIPC believe that Ms. Baraz' transgressions were not severe.
- **The Impact on Ms. Baraz and the Need for Specific and General Deterrence:** This matter has impacted Ms. Baraz and she is not likely to repeat the unprofessional conduct. Therefore, severe sanction would not be appropriate.
- **The Need to Maintain Public Confidence in the Profession:** Two other organizations tasked with protecting public health information (Covenant Health and OIPC) concluded that public privacy was never at risk.
- **Degree Proven Conduct is Regarded as Unprofessional:** It was argued that the case of Ms. Baraz and a previous case of Ms. Jocelyn Cassidy are not similar. Ms. Cassidy accessed health records of members of the public outside of her family over 100 times and a span of over 6 years. Ms. Baraz accessed the information of herself and her family and only during a period of personal stress. Her professional reputation has already been damaged and she is remorseful. It was argued that a suspension of her practice permit would not be appropriate given that there was never a threat to the public.
- **Range of Sanctions in Previous Cases:** Reference was made without citation to previous hearings of unprofessional conduct where fines of up to \$2000 were given and a physician who received a 30 day suspension and no fine. It is argued that a two month suspension and paying 100% of costs is too severe for Ms. Baraz based on previous Hearing Tribunal decisions.
- It was argued that due to Ms. Baraz' distinguished service, lack of any previous disciplinary history with the College and the particular facts of this case, the sanctions proposed by the College are punitive and extremely disproportionate.

- In terms of costs, Mr. Calcines argued that the costs of the current case will be greater than necessary due to actions of the College to not take into consideration the conclusions of Covenant Health and the OIPC in this matter, including an attempt to have the matter heard by Alternative Complaint Resolution. It was argued that the College refused repeated attempts at resolution of an agreed statement of facts and joint submission on sanction without an explanation.
- It was argued that the costs proposed by the College are extremely harsh and that the prolonged investigation has caused Ms. Baraz psychological and financial hardship. It was requested that the tribunal consider that Ms. Baraz' husband has recently lost his job.

26. Ms. Baraz addressed the Hearing Tribunal and her statement can be summarized as follows:

- Ms. Baraz has been a Registered Dietitian in Alberta since 1990 and has expertise in eating disorders and mental health and is recognized by fellow health professionals.
- Ms. Baraz accessed health records of herself and her husband and son which was noted on a regular audit. When advised of an investigation she admitted the conduct and took full responsibility.
- At the time of the unprofessional conduct she was under stress related to her own health and was unable to book appointments with her family physician for weeks at a time. At that same time, her son was struggling with health concerns and needed x-ray records to see a health practitioner. Her husband needed results of blood work required to not lose his citizenship in another country and their physician was not available.
- The investigation into Ms. Baraz' conduct was initiated in May 2019 but no inappropriate record accesses were flagged after February 2019 and she argued that the unprofessional conduct was one-offs.
- Ms. Baraz expressed that she now understands that her actions were improper and that she will not engage in this behaviour again.
- Ms. Baraz expressed that a suspension will be hard for her family financially.
- Ms. Baraz expressed that the wording of the College's proposed sanction on completing a university ethics course prior to reinstating her license will prolong a suspension for up to half a year for the time necessary to complete the course.

(c) **Final Submissions by Mr. Sim for the Complaints Director**

27. Mr. Sim made final submissions as follows:

- Ordering a suspension in abeyance is problematic. There is no clear mechanism if the Complaints Director and Ms. Baraz disagree on a complaint and no way to undo a suspension if a complaint turned out to be without merit.
- It is not correct to classify Ms. Baraz' conduct as one-offs. She did not continue the conduct but at the same time was aware of an investigation. There were nine occasions of unprofessional conduct over a period of months.
- Alternative Complaints Resolution is an option if the Complaints Director agrees but it was not appropriate in this case and is meant to be more of a mediation to resolve disputes, not to address serious privacy issues.
- The OIPC did not explicitly state that public was never at risk but stated that they thought that Covenant Health's actions were reasonable.
- The College should not determine sanctions based on what employers do. It is up to the College to regulate the conduct of its members.
- It was argued that the proposed sanctions of the Complaints Director are not a marked departure from previous cases.
- It was argued that the prolonged course to get to the hearing was in part due to actions of Ms. Baraz and her prior legal counsel.
- It was questioned that Ms. Baraz' statement that a health practitioner wouldn't have access to her son's health records would indicate that the practitioner was someone outside of the traditional healthcare system. It was further pointed out that Ms. Baraz could have obtained this information under the Health Information Act.
- Mr. Sim agreed to be flexible on the proposed time for Ms. Baraz to complete an ethics course.

(d) **Final Submissions by Mr. Calcines for Ms. Baraz**

28 Mr. Calcines made final submissions as follows:

- The delay to hearing was in part due to the refusal of the College to withdraw allegation #4 until three weeks prior to the hearing.

- Ms. Baraz understands that her conduct was improper and she is embarrassed by the effects of the incident.
- It is of note that Ms. Baraz' employer addressed the error in a non-disciplinary manner.
- It was argued that the public was not under threat due to Ms. Baraz' actions where she had permission from her husband and son to access their health records.
- It was argued that Ms. Baraz' behaviour was a breach of policy and not a breach of privacy.
- It was argued that the purpose of sanctions is to protect the public and rehabilitate the member and that the College's proposed sanctions are too severe.
- Mr. Calcines requested that the Hearing Tribunal consider the financial circumstances presented in Ms. Baraz' submission.

VIII. FINDINGS DECISION OF THE HEARING TRIBUNAL AND REASONS

29. The Hearing Tribunal is faced with a two-part task in considering whether an investigated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make findings as to whether the facts of the alleged unprofessional conduct occurred. If the Hearing Tribunal finds that the alleged conduct did occur, it must then proceed to determine whether that conduct rises to the level of unprofessional conduct under the circumstances and as defined in the HPA.
30. With respect to the first task, the Hearing Tribunal carefully reviewed all of the exhibits and the verbal submissions of both parties, as well as Ms. Baraz' admission of unprofessional conduct. There is no disputing the facts relating to the events that took place and the Hearing Tribunal finds that the facts support the allegations admitted by Ms. Baraz.
31. With respect to the second task, the Hearing Tribunal accepts Ms. Baraz' admission of unprofessional conduct based on the evidence as set out in the Agreed Statement of Facts including the acknowledgement of responsibility by Ms. Baraz.
32. The Hearing Tribunal members, when presented with the Agreed Statement of Facts, found there was sufficient evidence to show that Ms. Baraz' actions were unprofessional and harmful to the dietitian profession in Alberta. By not meeting her professional obligations, the actions of Ms. Baraz eroded the trust placed in her by her patients and by extension, the greater public.
33. The Hearing Tribunal finds that the conduct admitted to by Ms. Baraz clearly meets the threshold for unprofessional conduct as defined in the HPA

IX. PENALTY DECISION OF THE HEARING TRIBUNAL

34. During its deliberations, the Hearing Tribunal carefully considered all of the information before it, including the factors cited in *Jaswal*.
35. Mr. Calcines argued that Covenant Health and OIPC were satisfied with actions taken to date as outlined in the Agreed Statement of Facts. However, the Hearing Tribunal recognizes the independent jurisdiction and responsibility of the College to uphold its Standards of Practice and to regulate the actions of its members. Therefore, the hearing was appropriately heard in front of the Tribunal.
36. **Nature and Gravity of the Proven Allegations:** The Hearing Tribunal considered the proven allegations to be serious incidents of unprofessional conduct that were not just “policy breaches” but indeed constituted serious and unauthorized privacy breaches.
37. **Mrs. Baraz’ Age and Experience:** The Hearing Tribunal recognizes the years of service and experience held by Ms. Baraz. However, the Hearing Tribunal was also very concerned that, as a senior dietitian, Ms. Baraz should model all standards and ethics of the profession.
38. **Ms. Baraz’ Previous Character:** While Ms. Baraz has no prior findings of unprofessional conduct, the Hearing Tribunal believes that with her years of experience should come a high level of understanding of professional obligations and ethics.
39. **The Number of Times the Offence Was Proven to have Occurred and The Impact on Ms. Baraz:** The Hearing Tribunal questioned whether Ms. Baraz fully understood the seriousness of her actions. Whereas Ms. Baraz and her representative claimed that her behaviour was a series of “one-offs”, the Hearing Tribunal concluded that the behaviour constituted a pattern and that each offense was not a “one-off”. A two-month suspension was, therefore, considered to be an appropriate sanction.
40. **Ms. Baraz’s Role in Acknowledging What Occurred:** The Hearing Tribunal recognizes that Ms. Baraz admitted to and acknowledged her unprofessional conduct, all of which allowed for a less costly and more efficient hearing.
41. **The Need for Specific and General Deterrence:** Sanctions must balance protection of the public and fairness to the individual. The Hearing Tribunal must consider specific steps necessary to protect the public. Factors to consider include deterrence of Ms. Baraz from further unprofessional conduct, deterrence of other College members from engaging in such conduct, rehabilitation of Ms. Baraz and the need to maintain the public’s confidence in the integrity of the profession. The Hearing Tribunal was satisfied that its penalty orders were serious and consequential and would satisfy both elements of deterrence.

42. **The Need to Maintain Public Confidence in the Profession:** The Hearing Tribunal considered a suspension of practice permit and the other penalty orders to be an appropriate sanction with the aim of deterring Ms. Baraz and other College members from engaging in unprofessional conduct as well as conveying to the public the seriousness of the offense in order to maintain the integrity of the profession. The Hearing Tribunal believes that a suspension in abeyance is not an appropriate sanction to convey to regulated members or the public the need to maintain the highest standards when dealing with confidentiality and privacy matters.
43. **The degree to which the offensive conduct that was found to have occurred was clearly regarded, by consensus, as being the type of conduct that would fall outside the range of permitted conduct:** Registered Dietitians are responsible for knowing and adhering to the College's Standards of Practice and Code of Ethics, must comply with a mandatory annual Continuing Competence Program and must complete a jurisprudence learning module every five years which covers professionalism. This reinforces the importance of only accessing patient information for legitimate and permitted purposes.
44. The proven allegations clearly fall outside of the range of permitted conduct, breach the obligations of a regulated member of the College and breach privacy legislation.
45. **Range of Sanctions in Previous Cases:** The Hearing Tribunal agreed with Mr. Sim that the cases on penalties provided by Mr. Calcines were of little weight as they arose from different circumstances and were presented in isolation and, in some cases, without context or particulars. The Hearing Tribunal believes that its orders are appropriate sanctions bearing in mind the range of sanctions in previous relevant and applicable cases.
46. **Whether the member has already suffered other serious financial or other penalties as a result of the allegations having been made:** Both parties agreed that Ms. Baraz should be required to pay some amount of the costs incurred for the investigation and hearing. The Hearing Tribunal wished to avoid a costs order that was too high and therefore punitive. The Hearing Tribunal concluded that any delay in the hearing was due to actions of both parties (including what appeared to be lengthy and challenging settlement negotiations). Accordingly, the Hearing Tribunal decided that Ms. Baraz should pay 50% of the costs and that an amount of more than \$10,000 would be unreasonably harsh. The Hearing Tribunal decided that providing a 24 month timeframe for repayment was prudent while also not imposing an unreasonable burden on Ms. Baraz.

X. ORDERS OF THE HEARING TRIBUNAL

47. After carefully considering the submissions from both parties, the Hearing Tribunal makes the following orders pursuant to s. 82 of the HPA:
1. Mr. Baraz shall receive a reprimand with the Hearing Tribunal's decision to serve as the reprimand;
 2. Mrs. Baraz's practice permit shall be suspended for two (2) months, to start 7 days from the date of the Hearing Tribunal's written decision;
 3. Ms. Baraz shall complete, at her own cost, and provide evidence of having successfully completed either of the following courses within twelve (12) months of the date of the Hearing Tribunal's written decision:
 - i. ADL 213 – Ethics for Professional Practice at the University of Calgary; or
 - ii. PHIL 333 – Professional Ethics at Athabasca University
 4. For eighteen (18) months from the date of the Hearing Tribunal's written decision Ms. Baraz shall provide the Complaints Director with confirmation that she has provided any new dietetics employer with a copy of the Hearing Tribunal's written decision.
 5. Ms. Baraz shall pay fifty percent (50%) the costs of the investigation and hearing to a maximum of \$10,000 within 24 months of the date of reinstatement of her practice permit.
 6. If Ms. Baraz fails to comply with the above orders, this matter may be referred back to a Hearing Tribunal of the College to make further orders that it considers appropriate, or the Complaints Director may treat Ms. Baraz' non-compliance as information under s. 56 of the Act.

DATED the 21 day of June, 2021 in the City of Edmonton, Alberta.



Megan Beggs, Chair,
On behalf of the Hearing Tribunal