

COLLEGE OF REGISTERED NURSES OF ALBERTA

DECISION OF THE HEARING TRIBUNAL

RE: CONDUCT OF **ASHLEY CLERK**, N.P., REGISTRATION **#84,088**

AS A RESULT OF A HEARING HELD BEFORE

THE HEARING TRIBUNAL

OF THE COLLEGE

11120 178 STREET

EDMONTON, ALBERTA

ON

OCTOBER 22, 23, 24, 2025

INTRODUCTION

A hearing was held on October 22, 23, 24, 2025 via Zoom videoconferencing by the Hearing Tribunal of the College of Registered Nurses of Alberta (the “**College**” or “**CRNA**”) to hear a complaint against Ashley Clerk, N.P. registration #84,088. The Hearing Tribunal met on December 1, 2025, to deliberate on the matter.

Those present at the hearing were:

a. Hearing Tribunal Members:

John Bradbury, RN Chairperson
Maggie Convey, RN
Shirley Pate, Public Member
Andrew Otway, Public member

b. Independent Legal Counsel to the Hearing Tribunal:

Julie Gagnon

c. CRNA Counsel:

James Hart, Conduct Counsel

d. Registrant Under Investigation:

Ashley Clerk (sometimes hereinafter referred to as “the **Registrant**”)

e. Registrant’s Legal Counsel:

Mylene Tiessen

f. CRNA Staff

Marina Skoreiko, Hearings Coordinator as Clerk supporting Chair of the Tribunal in procedural management of virtual proceeding technology.

PRELIMINARY MATTERS

- [1] Conduct Counsel and the Registrant’s Legal Counsel confirmed that there were no objections to the composition of the Hearing Tribunal or to the Hearing Tribunal’s jurisdiction to proceed with the hearing. No preliminary applications were made.
- [2] The Chairperson noted that pursuant to section 78 of the *Health Professions Act*, RSA 2000, c. H-7 (“**HPA**”), the hearing was open to the public. No application was made to close the hearing.
- [3] There were observers present during the hearing.

ALLEGATIONS

[4] The allegations (“**Allegations**”) in the Notice to Attend a Hearing (“**Notice to Attend**”) are as follows:

1. On or about between May of 2021 and May of 2022, the Registrant improperly referred to herself as “doctor” or DR.
2. On or about between May 2021 and December 2021, the Registrant failed to practice competently when she failed to:
 - i. obtain proper informed consent from the Complainant for the administration of Belkyra;
 - ii. safely administer Belkyra to the Complainant including administration of Belkyra incorrectly, failing to recognize a complication and not monitoring for side effects; and
 - iii. follow-up with the Complainant after reported complications by the Complainant with Belkyra treatments.

It is further alleged that the Registrant’s conduct constitutes “unprofessional conduct”, as defined in section 1(1)(pp)(i),(ii), and/or (xii) of the *Health Professions Act*, R.S.A. 2000, c. H-7 (the “HPA”), including:

- a. The conduct underlying Allegations 1 contravenes one or more of the following: the Code of Ethics (2017); the Practice Standards for Regulated Members (2013); the *Health Professions Act*, RSA 2000, c H-7 Section 128 (7); and
- b. The conduct underlying Allegations 2 contravenes one or more of the following: the Code of Ethics (2017); the Practice Standards for Regulated Members (2013); the Entry Level Competencies for Nurse Practitioners in Canada (2016); the Prescribing Standards for Nurse Practitioners (2021).

EVIDENCE

[5] The following documents were entered as Exhibits:

Exhibit #1 – Agreed Statement of Facts and Book of Exhibits

Tab A: Complaint dated August 23, 2023

Tab B: Notice to Attend

Tab C: Resume of Registrant and ongoing education for Registrant

Exhibit #2 – Bardot Beauty Chart

Exhibit #3 – Further Charting

Exhibit #4 – Booking Notice

Exhibit #5 – Dr. Ashley Reviews

Exhibit #6 – Dr. Ashley Online Advertisement Video

Exhibit #7 – Belkyra Consent

Exhibit #8 – Belkyra Product Monograph

Exhibit #9 – Belkyra Video #1

Exhibit #10 – Belkyra Video #2

Exhibit #11 - Belkyra Video #3
 Exhibit #12 – Timeline
 Exhibit #13 – Photographs before Belkyra
 Exhibit #14 – Photographs after Belkyra
 Exhibit #15 – Instagram April 21, 2021
 Exhibit #16 – Email with face chart
 Exhibit #17 – May 1, 2021 Photographs
 Exhibit #18 – Statement of Claim filed April 24, 2023
 Exhibit #19 – Jowl Reduction with Deoxycholic Acid
 Exhibit #20 – Improvement in Jowl fat following ATZ-101 Treatment
 Exhibit #21 – Bardot Statement of Account – J.S.
 Exhibit #22 – Bardot Chart – J.S.
 Exhibit #23 – May 13, 2021 Photographs
 Exhibit #24 – June 26, 2021 Photographs
 Exhibit #25 – July 24, 2021 Photographs
 Exhibit #26 – August 10, 2021 Photographs
 Exhibit #27 – September 15, 2021 Photographs
 Exhibit #28 – September 28, 2021 Photographs
 Exhibit #29 – Letter from abbvie – August 27, 2025
 Exhibit #30 – Open Forum – Review Article
 Exhibit #31 – Screenshots – CRNA
 Exhibit #32 – Instagram caption

- [6] In addition to the Agreed Statement of Facts, evidence was presented through the following individuals who were called as witnesses:

Witnesses called by the Complaints Director:

J.S., Complainant

Witnesses called by the Registrant:

Nadia Shawwa Jomaa
 Ashley Clerk, NP
 Hayne Kim, RN

- [7] Below is a summary of the evidence in the Agreed Statement of Facts and from the witnesses called during the hearing.

Agreed Statement of Facts:

- [8] The Agreed Statement of Facts sets out the following agreed facts:

1. On August 23, 2023, the Complaints Director received a written complaint (the “**Complaint**”) from a former patient J.S. (the “**Complainant**”). On November 7, 2024, following an investigation of the Complaint, the Complaints Director dismissed the Complaint (the “**Complaints Director’s Decision**”). The Complainant requested a review of the Complaints Director’s Decision. On March 3, 2025, the Complaint Review Committee confirmed the Complaints Director’s Decision to dismiss allegations c. and d. of the Complaint due to insufficient

evidence of unprofessional conduct and referred allegations a. and b. to the Hearings Director for a hearing pursuant to section 68(5)(a) of the HPA. The Complaint alleged concerns regarding the Registrant's use of the title Doctor and Dr. and the administration, monitoring and follow-up regarding the medication Belkya.

2. In May 2005, the Registrant graduated with a baccalaureate degree from Lakehead University. In August 2007, the Registrant registered as a Registered Nurse with the College. In 2012 the Registrant graduated with a Master of Nursing from the University of Calgary. In March 2013, the Registrant registered as a Nurse Practitioner with the College. In 2017 the Registrant graduated with a PhD in Health Sciences from Rhode Island College. The Registrant does not have a discipline history with the College, or its predecessor the Alberta Association of Registered Nurses.
3. The Registrant is a Registered Nurse ("**RN**") and Nurse Practitioner ("**NP**") and is a registered member of the College and was a RN/NP and a registered member of the College with an active practice permit at all material times of the Complaint.

J.S. (Complainant)

Examination in Chief

- [9] The Complainant provided her work history in relation to health and beauty. She has a massage therapeutic certificate and got into aesthetics in 2000 obtaining a nail technician certificate in 2022, a BB Glow facial treatment certificate in 2020, a dermaplaning certificate in 2020 and a medical administration certificate in 2023. She currently works in the area of child and youth services and has a child and youth service worker diploma from CDI College.
- [10] The Complainant reviewed her complaint, including that the Registrant misrepresented her title ("Dr. Ashley" or "Dr. Ashley Clerk"), performed a Belkya procedure on her incorrectly, and did not follow up on adverse reactions, side effects or complaints of pain.
- [11] The Complainant first met the Registrant at Bardot Beauty Boutique (the "**Clinic**") on April 28, 2021. The Registrant introduced herself as "Dr. Ashley" to the Complainant. The Registrant provided treatment as follows: Belkya treatment on May 1, June 5, and June 26 and thread lifts on July 24, 2021, which was her last treatment with the Registrant.
- [12] The Complainant stated that she thought that the Registrant was a medical doctor when she was receiving treatment. The Complainant testified that the Registrant introduced herself as "Dr. Ashley" and referred to herself on social media as "Dr. Ashley Clerk". The Complainant noted that the Booking Notice (Exhibit 4 pages 1 and 4) reference "Dr. Ashley Clerk". The Complainant was asked about online Google reviews (Exhibit 5) and noted that these referred to the Registrant as "Dr. Ashley". The Bardot Beauty Boutique (Owner) responds to the reviews as "Dr. Ashley" and is referred to as "Dr. Clerk" and "Dr. Ash".
- [13] An objection was raised by the Registrant's Legal Counsel regarding proposed evidence of appointment bookings outside of the time range in the Notice to Attend. After hearing submissions from the parties, the Hearing Tribunal determined that it would not enter the

document as an exhibit, given that it was not relevant to the Allegations in the Notice to Attend in terms of the timelines.

- [14] The Complainant identified a video advertisement (Exhibit 6), which identifies the Registrant as “Dr. Ashley” Medical Director.
- [15] The Complainant signed a consent form regarding the Belkyra treatment (the “**Consent Form**”) (Exhibit 7). The form indicates that for use of the product other than under the chin, it is off-label. The form does not indicate consent for off-label treatment. The Complainant stated that she had no discussions with the Registrant or anyone else at the Clinic regarding off-label use of Belkyra. The Complainant stated that she did not know what off-label use was and did not consent to off-label use.
- [16] The Complainant identified the Belkyra Product Monograph (“**Product Monograph**”) (Exhibit 8) which she reviewed. She identified videos of her first Belkyra treatment taken by a friend (Exhibits 9, 10 and 11). She described where she was injected, being 6 injections around the buccal and 6 around the side of her chin, around her neck. She was not injected under her chin. She reviewed the dosage received and the dosage in the Product Monograph.
- [17] The Complainant created a timeline of events (Exhibit 12). She stated that she reported complications to the Registrant who initially told her to trust the process. Then she went to the Clinic and the Registrant took her to the backroom and told her it was normal. The Complainant stated that she called and emailed and that she was eventually blocked from contacting them on Instagram where she had been communicating with them. The Complainant stated she reported adverse reactions and side effects. Photographs taken before the treatment and after the treatment by the Complainant were entered into evidence (Exhibits 13 and 14).

Cross-Examination

- [18] The Complainant stated that she obtained the Product Monograph around April 2022 by contacting the Belkyra manufacturing company.
- [19] The Complainant described previous cosmetic and plastic surgery treatments she received, including Botox for her “crows’ feet”, breast enhancement, a tummy tuck, she had her “nose done” after it was broken in a car accident and had a procedure where fat is transferred to your buttocks area (a BBL or Brazilian butt lift) which was done in Miami three months prior to meeting the Registrant.
- [20] The Complainant stated that she did not know which reviews were from 2021, 2022 or from 2023 for Exhibit 5. She clarified that Exhibit 6 is a Tiktok video from the Clinic’s Tiktok account. The Clinic uses Tiktok, Instagram and Facebook. She downloaded the videos in February 2022 as she felt devastated and hopeless and did not know what to do. She located the video for the purpose of her complaint to the College.
- [21] The Complainant confirmed she had an initial consultation with the Registrant on April 28, 2021. Her first Belkyra treatment was on May 1, 2021; her second was on June 5, 2021; and her third treatment was on June 26, 2021. The Registrant performed all the Belkyra treatments. The Complainant received Botox treatment from someone else at the Clinic on June 5, 2021. She had a thread lift on July 24, 2021, on both sides of her face, on the

recommendation of the Registrant to be a “filler model”. The Registrant did not do the secondary thread lift which was scheduled for August 10, 2021, because she told the Complainant her face was too swollen. August 10 was her last appointment with the Registrant. Her last appointment at the Clinic was on September 28, 2021, with another staff member.

- [22] The Complainant was 50 years old at the time of receiving treatment.
- [23] The Complainant stated she contacted the Clinic through Instagram to inquire if the thread lift treatments were FDA approved. She corrected her statement to say she contacted them by telephone rather than by Instagram about whether there was FDA approval. It was her assumption that when she was communicating on Instagram, she was communicating directly with the Registrant, as it stated “Owner”. When she called, she thought she was talking to the same person who was doing the procedure, but noted it was not a long conversation.
- [24] The Complainant stated that she was quite distraught at the time of making her complaint and so the “complaint might be all over the place. The timeline might be all over the place.” However, she then stated that the complaint and timeline were accurate.
- [25] The Complainant found the Clinic by googling doctors who did thread lifts. When she met the Registrant for the initial consultation, the Complainant indicated that she wanted a sharper jawline. The initial consultation was 15 minutes. The Registrant introduced herself as “Dr. Ashley” and asked the Complainant what her goal was and then recommended that she do the Belkyra procedure before the thread lifts, as that would achieve a better result and a sharper jawline. The Complainant stated that the Registrant said that if she “did the Belkyra injections under the chin, it will refine [her] jawline.” The Registrant did not recommend the options of surgery, or doing nothing. The Registrant said she would inject it under the chin and there would be a burning sensation that lasts for about 10 seconds. There was a discussion of having two Belkyra treatments. The Complainant stated that the Registrant did not discuss potential side effects of Belkyra at the initial consultation. The Complainant did not ask any questions as she was just following what was said. They also discussed thread lifts in the initial consultation and the Registrant stated that the thread lifts she uses are FDA-approved.
- [26] The Registrant did receive a pre and post treatment form that tells you what to expect. She clarified that she was referring to the aftercare instructions. The Complainant confirmed that she did not have any questions that were not answered by the Registrant.
- [27] The Complainant agreed to have the Belkyra treatment before having the thread lifts. She made the decision at the time of the consultation. The Registrant told her that doing it “under the chin” would refine her jawline more when the thread lifts are used.
- [28] After May 1, the Complainant was scheduled for another treatment on June 5, but the June 26 treatment was supposed to be a thread lift procedure. However, on June 26, the Registrant stated that the “jaw wasn’t dissolving” and recommended another Belkyra treatment that day.
- [29] The Complainant denied receiving a face chart similar to Exhibit 16 at the initial consultation.

- [30] The Complainant stated that her first appointment was on May 1. She completed the signature on the Consent Form on a tablet. She was told by someone at the Clinic that it was a standard form for treatment under the chin. She stated she did not read it before signing but then clarified that she read that the procedure was for submental fat and that anything other than underneath the chin is off-label. She did not believe she was having the procedure off-label, as it was recommended for under the chin. She testified that she did not understand at the time what off-label meant. She had been told she would be treated under the chin and then would have the thread lift procedures. The Complainant confirmed that the form does not state that the treatment is under the chin.
- [31] When asked about risks with the procedure, the Complainant stated she did not believe there would be risk if the Belkyra was injected under the chin. She was aware she would get swelling and bruising, as she was being injected. She was also aware there could be pain and numbness. She stated she had numbness under her chin that did not last long and around her jaw line that took weeks to resolve and that she contacted the Registrant about it and nothing was done.
- [32] The Complainant stated that she did not read the Consent Form for the side effect as she already knew she would have bruising, as she has had other cosmetic surgeries and treatments before. She did not recall if she read the Consent Form regarding the "less common potential side effects".
- [33] The Complainant acknowledged that the Registrant likely asked her about her medical history. A series of photographs were taken on May 1, 2021 (Exhibit 17). The Complainant did not ask any questions that morning as she understood the procedure would be quick injections under the chin, there would be a burning sensation and that the procedure dissolves the fat and will help with the thread lifts lifting her jaw, giving her a refined jawline. She felt the burning sensation in her whole face.
- [34] The Complainant acknowledged that she was given the Registrant's cell phone number but did not contact her by phone, but rather through Instagram. She returned to the Clinic on May 13, 2021, and saw the Registrant, who told her what was happening was normal. She had photographs taken by someone from the Clinic. She returned to the Clinic on June 5 for her next Belkyra treatment. Her next appointment was on June 26 for a thread lift, but the Registrant told her that her jowl was not dissolving and recommended another Belkyra treatment, which was done that day. On June 5, she did not have swelling, pain or numbness from the prior treatment. On June 26, she did not have swelling, numbness or pain prior to the treatment.
- [35] The Complainant had further treatments at the Clinic for filler on September 15 and 28. She stated that she sent multiple Instagram messages in October, November and December and then realized that she was blocked on Instagram on December 10. She started emailing the Clinic after that. She attended at the Clinic on December 22, 2021. The Registrant told her she could not be there as she did not have an appointment and the Complainant stated she pleaded with the Registrant to see her because of the pain she was having in her face. The Registrant asked the receptionist to call the police. The Complainant denied trying to use her phone to record other clients in the Clinic and stated there were no other clients in the Clinic.
- [36] The Complainant has started a lawsuit against the Registrant. She stated she has been devastated by this matter and cannot look in the mirror, does not date, does not like to go

out, is no longer a social person, has suffered depression and left her occupation. It has totally changed her life.

Re Examination

- [37] The Complainant stated that when she read about off-label treatment in the Belkya Consent Form (Exhibit 7), she understood this to mean that being injected anywhere other than under the chin was off-label.

Hearing Tribunal Questions

- [38] The Hearing Tribunal asked the Complainant at what point in the treatment she had concerns and to clarify the concerns. The Complainant noted that around the June 26 treatment and afterwards she started to see her skin falling. She had pain and discomfort as well as the skin was noticeably saggy and hollow-looking. She communicated the concerns on Instagram and after being blocked on December 10, she started communicating by email. Some of the emails were responded to by someone at the Clinic, but not by the Registrant.
- [39] Registrant's Legal Counsel put to the Complainant that the first time she complained about pain was in February 2022, which the Complainant denied.

Nadia Shawwa Jomaa

Examination in Chief

- [40] Ms. Shawwa Jomaa is employed at the Clinic and started working at the Clinic in December 2020. She is a medical aesthetician and patient navigator. As a patient navigator, she assists with patient flow, ensures the Consent Form is done, the patient profile is complete and in the system, she walks the patient to the treatment room, takes pictures and makes sure everything is ready for treatment. As a medical aesthetician, she does treatments such as facials, microneedling, lasers, for which she has certifications. She does not do Belkya treatments or other injections.
- [41] Ms. Shawwa Jomaa assists the Registrant with the consultation process, including bringing the aftercare instruction. She stated that the Registrant will walk into the room and introduce herself saying "Hi, I'm Ashley". Ms. Shawwa Jomaa refers to her as "Ashley" or "Dr. Ashley", which she uses out of professionalism. Ms. Shawwa Jomaa noted that she does this because the Registrant has a doctorate, but understands she is not a physician.
- [42] Ms. Shawwa Jomaa explained the process for taking photographs, which are taken before treatment, after the treatment and in the follow-up appointment for some procedures. An iPad is used to take photographs, using a ring light. Patients are always positioned in the same manner. The photographs are not changed or altered in any way.
- [43] Ms. Shawwa Jomaa testified that the Complainant was receiving treatment for the submental area, which is under the chin, and the buccal area. She was present for all of the Complainant's Belkya treatments.

- [44] Ms. Shawwa Jomaa described that she provides assistance to the Registrant during the procedure including by placing ice packs, a vibrating tool used for pain and taking notes.
- [45] Ms. Shawwa Jomaa recalled the Complainant coming to the Clinic without an appointment. She was in a treatment room with a patient and heard a commotion at the front. She came out of the treatment room and saw the Complainant with her phone pointing at the inside of the Clinic and she was saying “this is Bardot Beauty” and basically saying negative things. Ms. Shawwa Jomaa described that she was panicked, because they have patients in the Clinic. The Complainant was asked to leave the Clinic but would not leave and continued recording. Ms. Shawwa Jomaa walked up to the Complainant and asked her to leave. Ms. Shawwa Jomaa testified she believed the Complainant did leave after that. She did not recall the Complainant saying anything about pain, but rather that she wanted a refund.

Cross-Examination

- [46] Ms. Shawwa Jomaa confirmed that she is involved in obtaining the Consent Form. She does not recall specifically with the Complainant but noted that if a patient has not signed the form in advance of the appointment, she will provide them an iPad to sign it.
- [47] Ms. Shawwa Jomaa acknowledged that she has not seen the video of what the Complainant was recording when she came to the Clinic, however, it appeared that the Complainant was recording on her phone and wanted them to believe she was recording.
- [48] Ms. Shawwa Jomaa stated that using a ring light for photographs is to have clearer photographs with no shadowing.

Questions from the Hearing Tribunal

- [49] Ms. Shawwa Jomaa confirmed that a client can sign the Consent Form in advance. If the client has not signed it in advance, they will be given the iPad to read the form and any questions will be answered. She does not answer questions, it would be the Registrant who would answer questions.
- [50] Ms. Shawwa Jomaa confirmed that she has referred to the Registrant as “Dr. Ashley” in front of clients.

Ashley Clerk, NP

Examination in Chief

- [51] The Registrant reviewed her education and employment background. She completed the Nurse Practitioner program and has graduated with a Ph.D. She has taken didactic and clinic courses around the use of Botox, Belkyra and fillers.
- [52] In her testimony, the Registrant reviewed the consent procedure and noted that the person who does the treatment is responsible to ensure the patient is informed of the risks, benefits and alternatives, including the option of doing nothing. She noted that for medical aesthetics, the best-case scenario is that the patient looks better and so it is imperative that they make an informed decision, stating that one should not take major risks for the benefit of just looking better.

- [53] The Registrant noted that in the Clinic, informed consent conversations are a big part of the consultation process. In this case, the Registrant had a consultation with the Complainant where everything was explained in layman's terms. The Complainant would have been emailed the Consent Form once she booked an appointment for the procedure.
- [54] The Registrant described that Belkyra is a deoxycholic acid, which is something the body produces naturally from the pancreas and breaks down fat. It has been synthesized and is available in a syringe to be injected into patients to dissolve fat. In 2021, Belkyra was used submentally (under the chin) and for the jowls (buccal area). The clinical trials for submental use had on average six sessions and for off-label use in the jowl, on average three to four sessions.
- [55] The Registrant described the dosing of Belkyra and landmarking. Injections are roughly one centimetre apart and up to 100 milligrams, being 10 syringes of Belkyra total. That would be the maximum dose. The Registrant does not believe she has ever used the maximum dose.
- [56] The Registrant stated that she prepares every patient for bruising and swelling and pain. There can be numbness at the site, which in clinic trials resolves within three to six months, but some patients have paresthesia to the touch. For some patients, the site feels sensitive. There will be redness. If you inject too close to the marginal mandibula nerve, patients can have an asymmetrical smile.
- [57] The Registrant reviewed the Product Monograph (Exhibit 8), which is dated 2015. She noted that there have been at least two updates although there are no vivid changes between the two. The Registrant confirmed that she did not inject in any of the areas listed on the Product Monograph page 4, where no injections should be made.
- [58] The Registrant noted that she had done a literature review for the off-label use of Belkyra. The Registrant described that in using a drug off-label, the prescriber's responsibility is to make sure that there is good evidence to support using the drug outside of its indication or approval through Health Canada. Several drugs are used off-label, for example aspirin being used in the context of reduction of the risk of heart disease. Off-label use is a very common practice and is estimated to be approximately 70 percent of all prescriptions that are written in Canada. There is nothing illegal about off-label use. The Registrant reviewed articles regarding the use of deoxycholic acid for jowl reduction (Exhibits 19 and 20).
- [59] The Registrant noted that certain factors such as volume of fat tissue, age, skin condition and the patient's own aesthetic outcomes or expectations will impact the results of Belkyra. Budget is often a factor for patients as well. Belkyra does not do anything for skin tightening. Once the fat is dissolved, you have skin laxity or sagging skin overtop.
- [60] The Registrant described the consultation process in 2021. She described herself as a "Chatty Cathy" and noted that her consultation appointments are scheduled for 30 minutes. At the time, to schedule an appointment through the website, it was by clicking on her biography. Now there is a tab on the website to book an appointment.
- [61] The first appointment is to establish if someone is a candidate. She will review the medical intake form prior to going in to discuss with the patient. She will review with the patient things such as recent surgeries or any dental work, whether the patient is pregnant or

breastfeeding and what drugs they take. She then discusses with the patient their concerns and their goals. The jowl and jawline are very typical patient concerns. She will then do a good amount of teaching around the underlying pathology of what they are seeing in the mirror. She will discuss with a patient injectable options, such as Belkyra, filler, which the Complainant did get at a later date in the Clinic and a biostimulator such as threads for skin laxity. She also discusses with every patient the ability of consulting with a plastic surgeon for surgical options and energy-based devices for skin tightening.

- [62] The Registrant stated that she refers to herself as “Ashley” with her patients. Some of her patients call her “Dr. Ash”. Many of her patients are health care providers that she has known throughout her career. However, she noted that if a patient does not understand her designation, she will clarify it immediately.

- [63] The Registrant stated that the Complainant did not have any contraindications for Belkyra. They did discuss skin laxity but that is not a contraindication. That is why they discussed threads. In 2021, she recorded chart information through an assistant using the Jane App and also used a diagram for patients so that they could take it home. Sometimes the diagram was not uploaded to the chart since the patient had taken it home. A diagram would have been prepared for the Complainant. They have a “Bardot” branded folder that the documents go in for the patient to take home. For the Complainant, she would have had the face chart, information about treatments available from the Clinic, before and aftercare instructions, information about the drug and a business card with her phone number.

- [64] The Registrant testified that her standard practice was to have a conversation with the patient around off-label use. She will generally give the example of aspirin. She will tell the patient that for submental use, the clinical trials show that six sessions are needed and for buccal use, it is anywhere from two to four sessions from the clinical trials. She does not determine the end point of treatment. The patient determines the end point. She does not guarantee any kind of outcome.

- [65] The Registrant developed the Consent Form. She stated that consent forms do not typically include where a drug will be injected. The drug pharmacokinetics are the same regardless of any area you are injecting. The risks are also similar regardless of where you are injecting. The risks of Belkyra are noted in the Consent Form, and the risks are the same whether you inject it into the submental area or in the buccal or jowl area.

- [66] The Registrant described the process for the appointment for the first treatment. The front desk will mark the patient as arrived in the system. Ms. Shawwa Jomaa, or another staff, will come out and get the patient and bring the patient back to a treatment room. Ms. Shawwa Jomaa will have made sure the Consent Form has been completed or if not, that the Registrant has an opportunity to review it with the patient, if the patient has specific questions for her. Ms. Shawwa Jomaa will then take before pictures and will then advise the Registrant that the patient is ready. She will come into the room and ask the patient if they have any questions or concerns. She will talk to the patient about what they are going to do. She will describe the vibrator tool that is used for pain. She will sometimes use topical lidocaine. Moisturizer is cleansed before injecting. They will sometimes ice the patient before treatment. She will talk to the patient to explain the process and what to expect. She will landmark the patient. With experience, she now landmarks without the landmarking tool, because the dots can be painful to remove and there is a risk of tattooing the dots onto the patient’s skin. Instead, she uses a white makeup pencil to landmark. She

will place dots 1 centimetre apart and each dot represents a 0.2 of a cc of product injected. She advises patients they can take Tylenol or Advil for the pain and that they can ice the area. She gives them the aftercare instructions, and her cell phone number and business card.

- [67] The Registrant stated that the Complainant never contacted her by cell phone. She noted that there is always a follow-up appointment with Belkyra. After the first appointment, the follow-up is scheduled four weeks later. There may be reasons, such as swelling for not doing additional treatment. If treatment is provided, pictures are taken again. Any concerns are addressed with the patient and the process for treatment is essentially the same.
- [68] The Registrant reviewed the Complainant's statement of account (Exhibit 21), showing the dates of treatment and the patient chart (Exhibit 22).
- [69] The Registrant stated that she did not recall all of the details of the Complainant's first appointment, but she would have introduced herself as "Ashley". The Complainant did stand out to her because it is unusual in Calgary for patients to have had a Brazilian butt lift. The Complainant's concern was the jowl and the laxity to the submental area. The Registrant did a physical examination and then discussed the treatment, including the pros and cons of each option. She recommended deoxycholic acid for the fat component and a lift for the skin laxity component.
- [70] The Registrant stated that the Complainant's number one concern was the jowls, so injecting Belkyra submentally would not improve the jowls at all. Given this, there would have been a conversation about injecting Belkyra into the jowls. The Registrant had no concerns after the April 28 consultation about the Complainant's understanding of the treatment.
- [71] The Complainant attended the Clinic on May 13, 2021. The Registrant stated "so always when a patient is concerned, I'm concerned, so I see them in clinic." The Complainant attended at the Clinic without an appointment. Photographs were taken that day (Exhibit 23). The Registrant did not have concerns, as swelling is something that is expected. If she had concerns, she would have spoken to the Complainant.
- [72] The Registrant reviewed the next appointment on June 5, 2021. She did a higher dose of deoxycholic acid (Belkyra) into the jowl and submental. The Complainant also had Botox done at that time. There is no contraindication to doing both. Her third appointment for Belkyra was on June 26, 2021. The Registrant noted that nothing stands out from that appointment. The Complainant still had the jowl extending beyond the mandibular border and so they specifically targeted that area. Photographs were taken again at that appointment (Exhibit 24).
- [73] The Registrant was asked about the Complainant's testimony that there was too much swelling on June 26 to do threads and so Belkyra was suggested. The Registrant stated that she would not offer treatment if she felt that there was swelling from the previous treatment. After the June 26 treatment, she would have discussed with the Complainant whether to do more Belkyra or do the thread lifts.
- [74] Thread lifts were done on July 24, 2021. Photographs were taken (Exhibit 25). The Complainant was quite anxious and had significant discomfort when the sutures were placed. The Registrant noted that may be a component in the sutures not getting the

results the Registrant was hoping for, similar to difficult with an IV where a patient is moving.

- [75] The Complainant also had photographs taken at her next appointment on August 10, 2021 (Exhibit 26) for filler, likely because she did not tolerate the threads well. There was another appointment on September 15, 2021 for filler and photographs were taken (Exhibit 27). There is nothing in the photographs that were a concern for the Registrant. The Complainant's last appointment at the Clinic was on September 28, 2021. She was scheduled for a review of her filler. The Registrant believes that the Complainant became upset when discussing with one of her staff and so the Registrant went to see her. She recalls that the Complainant accused her of photoshopping the photographs and started to demand a refund or more treatments. She offered to have the Complainant book another appointment to discuss and her plan was to tell her then that she could no longer treat her as the nurse-patient relationship was broken, but the Complainant never booked another appointment.
- [76] The Complainant came unannounced to the Clinic in November and again in December, with no appointments and not wearing a mask, although this was during the COVID pandemic. In December, the Complainant was recording in the Clinic and the Registrant had concerns for patient privacy. She told her that if she did not stop recording patients she would call the police. The Registrant had a subsequent call with the Complainant who demanded a refund. The Registrant confirmed that she believes the Complainant was blocked from the Clinic's social media account. However, the Complainant was not blocked from making an appointment and could have done that online.
- [77] The Registrant reached out to the company that makes Belkyra to confirm that there are no published reports of patients having chronic pain following Belkyra injections (Exhibit 29).
- [78] The Registrant gave evidence regarding the use of "Dr." noting that she does not encourage her staff to refer to her as "Dr. Ashley". Many of her patients are classmates, students, neighbours and friends and they refer to her as "Dr. Ashley" but they are fully aware of her credentials.
- [79] The Registrant noted that she also had interactions with the College's Office of the Registrar and Complaints Director regarding the use of the title after a competitor made a complaint. That complaint was dismissed. She received feedback from the College regarding the website and biography and made revisions to these (Exhibit 31).
- [80] The Registrant stated that the video in Exhibit 6 would have been on their Instagram account, however, she was unaware how it made it on Tiktok as it appears to be on a numbered Tiktok account that does not belong to her or the Clinic. The original video (Exhibit 6) on Instagram had the caption "Dr. Ash, NP/PhD" (Exhibit 32).
- [81] The Registrant stated that at the Clinic the scrub tops have their name and designation. Hers states "Ash" or "Ashley" and then "NP, Ph.D."
- [82] The Registrant noted that with respect to the Google reviews (Exhibit 5), she is not able to amend the reviews posted by patients. She noted that three of the reviews are from health care providers that she has worked with. These patients are very aware of her designation and that she is not a physician. She is not involved in preparing the responses

to the Google reviews and was not aware of the “Dr.” being used. As soon as she became aware, she addressed it.

- [83] The Registrant testified that the Jane App is a software program that manages online bookings, sends consent forms, keeps charts and does the billing. There are limitations with the Jane App, including in using her title as the Jane App does not allow her to use her designation. In one of the updates, the designation can now be included. Unfortunately at the time it was not caught that the designation was not there with the title. She has now completely removed the title to mitigate the risk of a patient being confused about her designation.

Cross-Examination

- [84] The Registrant has taken courses on the off-label use of Belkyra. She still uses Belkyra at the Clinic but with less frequency, as it does nothing for skin tightening.
- [85] The Registrant agreed that in her conversations with the College representatives, it was clear that she could only use the title when making it clear that she was an NP with a Ph.D. She agreed that, as owner of the Clinic, she is responsible of ensuring that her designation is adequately conveyed to the public. She agreed she is responsible to use the title in accordance with the HPA. She acknowledged that she is also accountable for the responses in the Google reviews. As soon as the issue was raised, she had the title removed.
- [86] The Registrant stated that she has generated a policy around the use by staff of her title of “Dr. Ashley” and stated that she would have clarified her designation. She agreed however that it would be difficult to remember every patient that she has been introduced to.
- [87] The Registrant stated she created the Consent Form (Exhibit 7). She confirmed she does not have a legal background but stated that she believed the Consent Form was submitted to the Canadian Nurse Protection Society for review and feedback. She did not recall specifically but noted that in general, consent forms are sent there. She stated that a patient does not need to be aware of the fact that the drug is used off-label to give informed consent, as it does not change the risks associated with it or the pharmacokinetics of it.
- [88] The Consent Form states that injecting outside of the marginal mandibular border or submental area is off-label. Conduct Counsel suggested that the Consent Form does not say the patient is consenting to off-label treatment. The Registrant noted that the bottom of the form states “I understand and consent to everything above” meaning that the patient understands everything above including the reference to off-label treatment. The Registrant clarified she was referring to the statement: “Understanding the risks and benefits, I choose to undergo the above noted treatment.”
- [89] The Registrant was asked about the Product Monograph and whether there were specific risks with off-label treatment with Belkyra versus on-label treatment. The Registrant noted there could be in the hands of a provider who is not trained who might inject into the muscle. She was asked about landmarking and the amount of drug in the syringes used.
- [90] The Registrant was asked about complications. She noted that skin laxity is not a complication, it is something that is known and occurs commonly. Similarly, a bruise after

a needle is not a complication, it is expected. Skin laxity after dissolving fat is known. She stated that skin laxity and asymmetry are things that can happen. The Complainant reported side effects. She reported swelling which is expected.

- [91] The Registrant stated that the Complainant started reporting complications with the Belkyra treatment in February 2022. The Registrant had already told her to find another provider and at that point, all communications went through lawyers.

Re Examination

- [92] The Registrant clarified that the face chart (Exhibit 16) was generated at the time it was emailed in April 2022 to show where the treatment had been provided.

Questions from the Hearing Tribunal

- [93] The Hearing Tribunal asked about the August 10, 2021 chart entry that shows it was signed on February 28, 2022 (Exhibit 22, page 3). She noted that she reviews chart entries after they are made and since January and February are the two slowest months, she tends to sign off charts at that time. Signing the chart locks the chart so that it cannot be changed.
- [94] The Registrant was asked how she assesses the health literacy of clients who read consent forms. She noted that if she feels there is a gap when speaking to a patient based on the words or terms being used, then she will pivot in her explanation. She does not ask for the patient's level of education. She loves teaching and will explain things in a different way if she believes there is a lack of understanding.

Hayne Kim, RN

Examination in Chief

- [95] Ms. Kim is a Registered Nurse and has been registered since 2017. She worked at the Clinic from October 2021 to March 2023. She stated October 2021 was when she first posted on social media that she was officially working at the Clinic, but she had worked alongside the Registrant for months prior to that. She worked at the Clinic as an injector, doing neuromodulators like Botox, Dysport and Xeomin and derma fillers. Occasionally she would do PRP and Belkyra. She injected Belkyra to the submental area and sometimes to the buccal (jowl) area.
- [96] Ms. Kim testified that she heard the Registrant introduce herself many times to clients but that she never heard the Registrant introduce herself as "Dr. Ash", "Dr. Ashley" or "Dr. Clerk". If clients referred to her as "Dr. Ash" she would always ask clients to call her "Ash". If people were curious about the Registrant's educational background, she was very transparent in saying that she was a Nurse Practitioner.
- [97] Ms. Kim confirmed that she was familiar with the Complainant and was present for some of the appointments involving the Complainant. Ms. Kim described the Complainant as an "out-there personality." When they had conversations, the Complainant would talk about her previous plastic surgeries and other work done. She lived a very extravagant life and would talk about buying designer things. She never mentioned that she worked. Ms. Kim did not recall if she was there for the initial consultation, but remembers she was there for

one of the appointments. Ms. Kim's understanding was that the Complainant wanted Belkyra and thread lifts.

- [98] Ms. Kim stated that she recalled that the Registrant went through what the procedure entails, potential risks and complications and what the procedure would be like in terms of aftercare. Ms. Kim described it as a "very extensive review" before starting the procedure. Ms. Kim was there to assist the Registrant. Ms. Kim did not recall the Complainant asking any questions but did recall her asking the Registrant if she was a doctor and the Registrant stating that she was a Nurse Practitioner. Ms. Kim remembered the Complainant bringing a friend at a Belkyra appointment. Ms. Kim noted her memory was a bit foggy but that she definitely remembered seeing the Complainant on a few occasions.
- [99] Ms. Kim described the process for landmarking and for Belkyra injections.
- [100] Ms. Kim testified that the Complainant did not have any questions or express any concerns at the Belkyra treatment appointment. The Complainant did not express concerns at subsequent appointments regarding her Belkyra treatment.
- [101] Ms. Kim was not present when the Complainant came to the Clinic in December 2021.

Cross-Examination

- [102] Ms. Kim confirmed that she was present during the first Belkyra treatment. She stated that the Complainant was talking about her personal life and recalls the friend being in the room and the Complainant asked the Registrant's profession. Ms. Kim did not recall the conversation exactly but did recall the Complainant asking the Registrant if she was a doctor and the Registrant stating that she was a Nurse Practitioner.
- [103] Ms. Kim stated that "I know with her e-mail it says Dr. Ash" but noted that, from her interactions with the Registrant, she always referred to herself as "Ash". She recalled one patient referring to the Registrant as "Dr. Ash" and the Registrant "corrected her and said just call me Ash". She thought this may have happened a few times, but noted it has been a long time.
- [104] Ms. Kim stated that she remembered the Registrant going through what would be on the Consent Form and going through all the off-label treatments, such as the buccal area. She testified that they always disclose if use is "off-label". She does not recall the Complainant specifically stating that she consented to "off-label" use, but she was excited and said something like "let's do this, I'm excited."

Questions from the Hearing Tribunal

- [105] Ms. Kim clarified that someone who does not have enough fat in the buccal area will not be a candidate for a buccal injection of Belkyra. It is a small area and not many injection points are needed.
- [106] Ms. Kim did not recall specifically the discussion the Registrant had about the range of results with the Complainant, but noted that it is part of her routine to always talk about expectations and the varying results.

CLOSING SUBMISSIONS

Submissions by Conduct Counsel:

- [107] Conduct Counsel submitted that the Allegations are proven on a balance of probabilities and that the conduct is unprofessional conduct under section 1(1)(pp)(i), (ii) and, or (xii) of the HPA.
- [108] With respect to Allegation 1, Conduct Counsel submitted that the Complainant testified that she was under the impression that the Registrant was a medical doctor. Exhibits 4, 5, and 6 indicate that the Registrant was referred to in a manner inconsistent with the HPA, section 128(7). The Registrant had a responsibility to ensure that correspondence or postings contained the proper use of title under the HPA. The conduct in Allegation 1 contravenes one or more of the following: the Code of Ethics, the Practice Standards or section 128(7) of the HPA.
- [109] With respect to Allegation 2, Conduct Counsel submitted that the Registrant had the responsibility to ensure that truly informed consent was received for the administration of Belkyra. The Complainant's evidence was that she did not consent to off-label treatment of Belkyra. It is not disputed that the Registrant received off-label treatment, however, the Consent Form does not indicate explicit consent for off-label treatment of Belkyra. While Ms. Kim testified that the Complainant consented to off-label treatment, the details were fuzzy and Ms. Kim could not remember if the Complainant explicitly consented to the off-label treatment. The face chart was dated after the procedure and should be given little weight. The charting (Exhibit 22) starting at April 28, 2021 does not indicate that the patient was informed about off-label treatment, nor that she consented to it. The chart for May 1, 2021 states "informed consent" but not what the patient was informed of.
- [110] Conduct Counsel pointed to the Complainant's evidence that her skin was hollow, falling and that she suffered from pain and discomfort. It was submitted that the Complainant was clearly in distress after the Belkyra treatments. The Registrant did not adequately address the Complainant's concerns.
- [111] Conduct Counsel noted that the video evidence of the procedure does not correspond with the five injections which the Registrant testified should be held in each syringe. Further, a grid could have been utilized in order to ensure that the injections were taking place exactly 1 centimetre apart. Exhibit 11 (the third video) also shows that the Registrant is not always injecting where she was pinching, which the Registrant stated was the correct procedure.
- [112] Conduct Counsel submitted that the Complainant testified and highlighted her timeline regarding complications between May and December of 2021 related to pain and disfigurement, which the Complainant stated she reported and the Registrant did not address.
- [113] Conduct Counsel pointed to the Code of Ethics provisions A12, C1 and C3; Practice Standards 1.2, 1.4, 2.4 and 2.7; Entry-Level Competencies 1.4; and Prescribing Standards for Nurse Practitioners 1.9 and 2.9.

Submissions by the Registrant's Legal Counsel:

- [114] Registrant's Legal Counsel noted that for Allegation 2, the Notice to Attend is for the time period between May 21, 2021 and September 28, 2021, which relates to the second and third Belkyra treatment but not the first. All treatments after June 26, 2021 do not relate to Belkyra and are therefore not subject to the proceedings.
- [115] Registrant's Legal Counsel submitted that consent can be obtained in a number of ways, including verbally, in writing and by implication. The issue is whether or not the client was properly informed in order to be able to provide that consent. The Complainant was properly informed, she had a consultation with the Registrant in advance of her initial Belkyra treatment and those thereafter. While the Complainant said the consultation appointment was only 15 minutes, given the Registrant's lengthy responses in her testimony, it is unlikely the appointment only took 15 minutes.
- [116] Registrant's Legal Counsel noted that the Complainant wanted a sharper jaw line. The Registrant noted in her evidence that Belkyra under the chin (in the submental area) would not have addressed that issue. To suggest that the discussion was not to use Belkyra off-label is inconsistent with how the Complainant presented when she saw the Registrant on April 28, 2021. The Complainant's evidence that she only consented to Belkyra under the chin is self-serving evidence. The Complainant identified the Product Monograph many months after treatment and her evidence is tailored to fit within that Product Monograph.
- [117] Registrant's Legal Counsel submitted that the Complainant did not have questions or concerns when she left the consultation or when she attended her Belkyra appointments. Further, she did not have just one Belkyra treatment. It defies belief that the Complainant did not know that she was getting injections in the jowl area. She had pictures, video and pain experienced from the injections. In addition to the consultation, the Complainant was provided the Consent Form. The Registrant explains things in detail. Finally, the Complainant was not new to aesthetic procedures.
- [118] Registrant's Legal Counsel noted that the evidence regarding how to administer Belkyra from the Product Monograph is not sufficient evidence to support an allegation that it was not administered properly. It was also noted that "off-label" does not mean unsafe, or illegal. In addition, the Registrant had done extensive training with respect to the use of Belkyra "off-label". The Registrant explained why she did not use the grid. There is no evidence the injections need to be exactly 1 centimetre apart. The Registrant explained how she landmarks.
- [119] Registrant's Legal Counsel submitted that little weight should be given to the Complainant's description of her complications. She testified to sending numerous emails, but none of them are in front of the Hearing Tribunal. Further, numerous photographs were taken and what she was experiencing in terms of swelling and numbness are consistent with what she was told to expect. The Registrant and her staff denied that the Complainant complained of pain when she came to the Clinic in December 2021. The first time she complained of pain was in February 2022. There is no evidence of chronic pain caused by Belkyra. It was submitted that the Complainant was dissatisfied with the Belkyra treatments, but that is not a complication. Unhappiness with an aesthetic procedure is a risk of any treatment of this nature. There is no evidence of disfigurement.
- [120] With respect to Allegation 1 regarding use of title, it was submitted the issue is not about whether others have misused the title. The Registrant has explained why individuals may refer to her as "Dr." given that she was an associate professor and had students. While

the Registrant is required to abide by the HPA, others are not subject to those requirements.

- [121] Registrant's Legal Counsel emphasized the timeframe in the Allegation, being May 2021 to May 2022. In terms of the Google reviews, the Complainant's evidence was that some were from 2021, some from 2022 and some from 2023. There is no evidence to determine which Google reviews are from which timeframe. The Registrant acknowledges that she is responsible for the content of the Google reviews but was not aware that the title was used on the few occasions. When she was alerted to that, she addressed it and the title was removed from the responses. The Registrant cannot edit a customer's Google review.
- [122] With respect to the video evidence (Exhibit 6), it is important to note that the Complainant accessed it from Tiktok, but the Clinic did not use its Tiktok account, it was therefore not from the Clinic's account. In terms of the video being on Instagram, the Registrant's evidence was that the video has a caption that identified the Registrant's credentials (Exhibit 32).
- [123] Registrant's Legal Counsel addressed the Jane App. The Registrant acknowledged gaps in the Jane App, including that someone making an appointment would be sent a notification with the "Dr." title without the credentials being identified. When the Registrant was alerted to the issue, she addressed that. She removed the use of "doctor" or "Dr." anywhere in the Jane App to avoid that issue. The Registrant worked with the College in developing her website, to ensure that she was complying with what the College required.
- [124] The Registrant is not claiming she is not responsible for errors that were made in terms of inadvertent use of "Dr." without credentials being attached to them, but in the few examples in the record, these are minimal and would not have created harm.
- [125] The Clinic's name tags do not use "Dr.", nor does she identify as "Dr." with her clients.

Reply Submissions by Conduct Counsel and Further Submissions from Registrant's Legal Counsel:

- [126] Conduct Counsel clarified the time frame in Allegation 2 was May 2021 to December 2021, pointing to the Notice to Attend.
- [127] Registrant's Legal Counsel responded that the allegation that was provided to her by the professional conduct department was that the time frame from was from May 21, 2021 to September 28, 2021.
- [128] Independent Legal Counsel stated for the record that her advice to the Hearing Tribunal would be that the Allegations are as found in the Notice to Attend which is served on a registrant, and which in this case is found in Exhibit 1. The parties were given the chance to respond, and Registrant's Legal Counsel noted that she wanted to alert the Hearing Tribunal to the issue. Conduct Counsel noted he did not know how that occurred.

HEARING TRIBUNAL DECISION

- [129] The Hearing Tribunal carefully reviewed and considered the evidence and the submissions of the parties.

- [130] The Hearing Tribunal found that Allegation 1 was proven and that the conduct is unprofessional conduct on the basis of section 1(1)(pp)(ii) of the HPA, being a breach of section 128(7) of the HPA as well as Practice Standards 1.2 and 5.2 and Code of Ethics Article G2. The Hearing Tribunal found that Allegation 2 was not proven and dismissed Allegation 2. The Hearing Tribunal's reasons are set out below.

HEARING TRIBUNAL FINDINGS AND REASONS

- [131] The Hearing Tribunal determined that the Allegations in the Notice to Attend (Exhibit 1, Tab B) were the ones that it should consider. Despite Registrant's Legal Counsel noting that different dates had been conveyed to her, this issue was raised at the conclusion of the hearing during closing submissions. The Notice to Attend is issued pursuant to the HPA, is dated May 30, 2025 (over four months prior to the hearing commencing) and is part of an Agreed Exhibit Book. The Hearing Tribunal found that Registrant's Legal Counsel and the Registrant were provided with, and aware of, the Notice to Attend. The Hearing Tribunal determined that it was appropriate to consider the Allegations that are set out in the Notice to Attend entered as an exhibit in the hearing by agreement of the parties.

Allegation 1 - On or about between May of 2021 and May of 2022, the Registrant improperly referred to herself as "doctor" or DR.

- [132] The Hearing Tribunal considered the evidence of the Complainant, Ms. Shawwa Jomaa, Ms. Kim and the Registrant as well as the Exhibits presented, in particular the Further Charting (Exhibit 3), Booking Notice (Exhibit 4), Online Reviews (Exhibit 5), Online Advertisement/Tiktok Video (Exhibit 6), Statement of Account (Exhibit 21), Clinic Chart (Exhibit 22), and Instagram Caption (Exhibit 32).

Exhibits Considered

- [133] The Further Charting (Exhibit 3) and Clinic Chart (Exhibit 22) are excerpts of the Complainant's chart (with overlap between the two exhibits). Exhibit 3 shows "Dr. Ashley Clerk ACNP/PhD License #ACNP 84088" in relation to the Registrant signing the chart on various occasions in February 2022 and "Dr. Ashley Clerk ACNP/PhD" in relation to entries dated May 1, 2021, June 5, 2021, June 20, 2021, July 24, 2021, August 10, 2021, and August 28, 2021. Similarly, Exhibit 22 has many of the same entries, showing "Dr. Ashley Clerk ACNP/PhD" in relation to entries dated April 28, 2021, May 1, 2021, June 5, 2021, June 26, 2021, July 24, 2021, and August 20, 2021 and "Dr. Ashley Clerk ACNP/PhD License #ACNP 84088" in relation to the chart being signed in multiple places in February 2022. While a chart is not necessarily provided to a client, it could be, if requested by the client. The Hearing Tribunal placed some weight on Exhibits 3 and 22.
- [134] The Booking Notice (Exhibit 4) sent to the Complainant shows an appointment on April 28, 2021 for a "Medical Consultation with Dr. Ashley Clerk" and on May 1, 2021 an appointment for "Belkyra with Dr. Ashley Clerk". The Booking Notices were provided to the Complainant by email in relation to the services she was receiving on April 28 and May 1, 2021. A client receiving such a Booking Notice may well assume that their appointment is with a physician. The Hearing Tribunal placed significant weight on Exhibit 4. Allegation 1 is for the time frame "between on or about May of 2021 and May of 2022". The emails for the bookings are on April 28, 2021 however, one booking appointment relates to an appointment on May 1, 2021. Further, the Hearing Tribunal finds that April 28, 2021 is

sufficiently close to May 1, 2021 to meet the wording of the Allegation “on or about May of 2021”.

- [135] The Statement of Account (Exhibit 21) for the Complainant shows “Dr. Ashley Clerk Medical Injector, License #ACNP 84088” in multiples entries. This Statement of Account is a document intended to be provided to a client in relation to the services the client is receiving. A client receiving the Statement of Account would not necessarily understand what License #ACNP” refers to and may well assume from the Statement of Account that the Registrant is a physician. The Hearing Tribunal placed significant weight on Exhibit 21.
- [136] The Hearing Tribunal also considered the Online Reviews (Exhibit 5) which show several examples of clients referring to the registrant as “Dr. Ashley”. “Dr. Ashley Clerk”, “Dr. Clerk” and “Dr. Ash”. The post by “bardot_beauty” refers to “Dr. Ashley” and “Dr. Ash”. The Hearing Tribunal noted that a member of the public reviewing these posts may well assume the Registrant is a physician and not a Nurse Practitioner. The Hearing Tribunal accepts that these posts are not dated, however, given the Complainant’s evidence that the posts are from 2021, 2022 and 2023, the Hearing Tribunal found that it is likely that at least some of the posts are for the period of May 2021 to May 2022. The Hearing Tribunal placed limited weight on Exhibit 5.
- [137] In addition, the Hearing Tribunal placed some weight on Exhibit 6, although noted it was not clear how this video had been accessed from the Complainant from Tiktok. The Hearing Tribunal accepted that neither the Registrant nor staff at the Clinic had uploaded the video to Tiktok. The video shows the staff at the Clinic and shows an image of the Registrant with the following text over the image “Dr. Ashley Medical Director”. Exhibit 32 is an Instagram caption that was provided by the Registrant to show how the Online Advertisement video (Exhibit 6) was displayed on Instagram. The caption below the video states “Dr. Ash NP/PhD”. The Hearing Tribunal found that a member of the public viewing only the video and not reading the caption would see that the video shows “Dr. Ashley Medical Director” and may well assume that the Registrant is a doctor. The video is undated and as such only limited weight was placed on Exhibit 6.

Witness Testimony

- [138] The Hearing Tribunal also considered the evidence of the witnesses. While the Allegation does not specifically relate to what the Complainant would have understood in relation to the Registrant’s designation, the Hearing Tribunal noted that the Complainant’s evidence provided context for the time period in the Allegation, being on or about between May 2021 to May 2022.
- [139] The Complainant’s evidence was that she believed that the Registrant was a physician. Given the Exhibits reviewed above, the Hearing Tribunal found the Complainant credible on this point. While the Hearing Tribunal could not determine with certainty when the Complainant first understood the Registrant was not a physician, that is not a determination that is required for this Allegation.
- [140] Ms. Shawwa Jomaa testified that she had at times referred to the Registrant as “Dr. Ashley”, which she uses out of professionalism because the Registrant has a doctorate. Her evidence was that she has at times done this in front of clients. Ms. Shawwa Jomaa stated she understands the Registrant is not a physician, however, the Hearing Tribunal

finds that clients may not understand that the Registrant is not a physician, if her staff use the title of “Dr.” in reference to or when speaking to the Registrant in front of clients. The Hearing Tribunal found Ms. Shawwa Jomaa to be credible.

- [141] The Registrant gave evidence that she refers to herself as “Ashley” with her patients. Some of her patients call her “Dr. Ash”. Many of her patients are health care providers that she has known throughout her career. The Registrant’s evidence was that if a patient does not understand her designation, she will clarify it immediately.
- [142] The Hearing Tribunal finds that, as owner of the Clinic, the Registrant is responsible for ensuring that her designation is adequately conveyed to the public. The Registrant acknowledged this in her evidence. She agreed she is responsible to use the title in accordance with the HPA. She acknowledged that she is also accountable for the Clinic responses in the Google reviews. The Hearing Tribunal acknowledges her evidence that she took steps to ensure her website is clear and has developed a policy around the use by staff of her title of “Dr. Ashley”.
- [143] Ms. Kim testified that she heard the Registrant introduce herself many times to clients but that she never heard the Registrant introduce herself as “Dr. Ash”, “Dr. Ashley” or “Dr. Clerk”. If clients referred to her as “Dr. Ash” she would always ask clients to call her “Ash”. If people were curious about her educational background, she was very transparent in saying that she was a Nurse Practitioner. Ms. Kim stated that the Registrant’s email “says Dr. Ash”. However, from her interactions with the Registrant, she always referred to herself as “Ash”. She recalled one patient referring to the Registrant as “Dr. Ash” and the Registrant “corrected her and said just call me Ash”.
- [144] Overall, the Hearing Tribunal found that Exhibits 3 (and 22), 4 and 21 clearly show the Registrant being referenced as “Dr.” during the time period from on or about between May 1, 2021 and May 1, 2022. The other Exhibits noted above and the witness testimony support that there was the use of the title “Dr.” with respect to the Registrant during this time period.
- [145] The Hearing Tribunal finds that Allegation 1 is proven. The Hearing Tribunal then considered if the conduct is unprofessional conduct.

Is the Conduct Unprofessional Conduct

A Breach of the HPA, a Code of Ethics or Standards of Practice

- [146] Section 128(7) of the HPA states:

No person shall use the title “doctor”, “surgeon”, “pathologist” or “oncologist” or the abbreviation “Dr.” alone or in combination with other words in connection with providing a health service unless the person is authorized to use the title or abbreviation by this Act or another enactment.

- [147] A health service is defined in the HPA at section 1(1)(p) as follows:

“health service” means a service provided to people

- (i) to protect, promote or maintain their health,
- (ii) to prevent illness,
- (iii) to diagnose, treat or rehabilitate, or
- (iv) to take care of the health needs of the ill, disabled, injured or dying;

- [148] There was no argument advanced by the Registrant that she is not involved in the provision of health services in the Clinic. The Hearing Tribunal finds that the Registrant is involved in providing a health service to clients at the Clinic. She is involved in diagnosing and treatment, as well as the prescribing of medications.
- [149] It was also not suggested that the Registrant was entitled under the HPA or another enactment to use the abbreviation “Dr.” in connection with providing a health service. The Hearing Tribunal finds that the Registrant was not entitled under the HPA or another enactment to use the abbreviation “Dr.” in connection with providing a health service.
- [150] Exhibits 3 (and 22), 4 and 21 are documents generated in the provision of a health service. These documents show that the Registrant uses the abbreviation “Dr.” in relation to the provision of a health service.
- [151] The Hearing Tribunal finds that the Registrant used the abbreviation “Dr.” in connection with providing a health services without authorization under the HPA or another enactment to do so. The Hearing Tribunal finds that section 128(7) of the HPA was breached.
- [152] The Hearing Tribunal also considered the Practice Standards and the Code of Ethics.
- [153] The Practice Standards provide as follows:

Standard 1: Responsibility and Accountability

- 1.2 The nurse follows current legislation, standards and policies relevant to their practice setting.

Standard 5: Self-Regulation

- 5.2 The nurse follows all current and relevant legislation and regulations.

- [154] The Code of Ethics provides as follows:

G. Being Accountable

- G2 Nurses are honest and practise with integrity in all of their professional interactions. Nurses represent themselves clearly with respect to name, title and role.

- [155] The Hearing Tribunal finds that the Charting, Statement of Account and Booking Notices relate to the provision of health services. As noted above, this is a contravention of section 128(7) of the HPA. The Practice Standards 1.2 and 5.2 require Registered Nurses to follow legislation. The Registrant breached Practice Standards 1.2 and 5.2.

- [156] The Code of Ethics requires that nurses represent themselves clearly with respect to name, title and role. The Hearing Tribunal finds that the Registrant was not clear in how she represented her title in the Charting, Statement of Account and Booking Notices. In addition, the Hearing Tribunal found that, based on the evidence of the Complainant and Ms. Shawwa Jomaa, a client may well have believed that the Registrant was a physician.
- [157] Further, the online Google reviews and video advertisement could also lead clients to believe that the Registrant was a physician. Although less weight was placed on the Google reviews and video advertisement, given they are undated, the Hearing Tribunal considered these in the context of the Allegation and the requirements of the legislation, Practice Standards and Code of Ethics.
- [158] The Hearing Tribunal considered the Registrant's explanations relating to how the Jane App generated charts, statements of account and how the booking information was provided. The Hearing Tribunal also accepted that other individuals in the Clinic were responsible for social media and that the Registrant cannot amend Google reviews posted by clients. However, none of these absolve the Registrant of her responsibility to comply with the legislation, Practice Standards and Code of Ethics and to ensure she is represented clearly with respect to her title. The Registrant acknowledged the responsibility as Clinic Owner and as a Regulated Member are with her. The Hearing Tribunal agrees that the Registrant is responsible for compliance with the legislation, Practice Standards and Code of Ethics.
- [159] The Hearing Tribunal considered that there were multiple instances and mediums where the Registrant was being represented as a "Dr." This was not an isolated one-time reference to the Registrant as a "Dr." The references included charting, booking forms, and billing information as well as online information.
- [160] The Hearing Tribunal found that for these reasons the breaches of the HPA, the Practice Standards and the Code of Ethics rise to the level of unprofessional conduct.

Allegation 2 - On or about between May 2021 and December 2021, the Registrant failed to practice competently when she failed to:

- i. **obtain proper informed consent from the Complainant for the administration of Belkyra;**
- ii. **safely administer Belkyra to the Complainant including administration of Belkyra incorrectly, failing to recognize a complication and not monitoring for side effects; and**
- iii. **follow-up with the Complainant after reported complications by the Complainant with Belkyra treatments.**

(i) Informed Consent

- [161] The Hearing Tribunal considered the evidence of the Complainant, Ms. Shawwa Jomaa, Ms. Kim and the Registrant, as well as the Exhibits, in particular Exhibit 7 (the Consent Form) and the videos taken during treatment (Exhibits 9, 10 and 11).
- [162] The Belkyra Consent Form states in part:

CONSENT FOR TREATMENT WITH BELKYRA (deoxycholic acid)

BELKYRA (deoxycholic acid) injections are indicated for improvement in the appearance of moderate to severe convexity or fullness associated with submental fat, also called 'double chin', in adults. The safe and effective use of BELKYRA for the treatment of subcutaneous fat outside the submental region has not been established and is off label.

CONTRAINDICATIONS: BELKYRA is contraindicated when there is an infection at the injection site. There are no studies on safety during pregnancy or breastfeeding. If you are pregnant or breast feeding then you should not proceed with treatment. Initial HERE

RISKS: Every injection of any medication involves a certain amount of risk. Below are risks reported during clinical studies that are specific to the injection of BELKYRA.

BELKYRA injections commonly cause swelling (87%), bruising (72%), pain (70%), numbness (66%), redness (27%), and areas of hardness in the treatment area (23%). BELKYRA™ injections may also cause tingling, nodule, itching, skin tightness, and headache.

These side effects typically resolve without treatment and do not commonly result in patients discontinuing treatment.

Other less common potential side effects include:

Nerve injury: BELKYRA injections may cause nerve injury in the area of the jaw resulting in an uneven smile or facial muscle weakness (4%). In clinical trials, these all resolved without treatment in an average of 6 weeks

Swallowing: BELKYRA injections may temporarily cause trouble swallowing (2%)

Skin Ulceration: BELKYRA injections may cause superficial skin erosions.

Alopecia: BELKYRA injections may cause all patches of hair loss in the treatment area

Unsatisfactory Results: There is a possibility of any unsatisfactory result from injections of BELKYRA. The procedure may result in unacceptable visible deformities, such as asymmetry in the treatment area and prominence of platysmal (neck muscle) bands.

Redundant Skin: Increased laxity (looseness) of the neck skin was not observed in clinical trials, however the possibility exists whenever fat is removed.

Incomplete Fat Removal: Approximately (50%) of neck fat is below the muscle. BELKYRA injections do not target this fat, and residual fullness may remain.

I consent to the taking of photographs and authorize their anonymous use for the purposes of medical audit, education and promotion.

I have requested treatment with BELKYRA. The side effects and risks associated with this treatment have been explained to me. I have been told about the potential benefits of treatment, and alternative treatment, including no treatment at all.

I understand clinical trials show multiple treatments are necessary to produce permanent results, and that increase in body weight may diminish the effects of treatment. I have read, and fully understand this consent form. I have been able to ask questions about the treatment and all of my questions have been answered to my satisfaction. I hereby consent to treatment with BELKYRA.

I consent to the taking of photographs and authorize their anonymous use for the purposes of medical audit, education and promotion.

- [163] The Hearing Tribunal considered that while the Consent Form references “off-label” use, it does not specifically indicate that Belkyra may or will be used off-label or state that the Complainant is consenting to off-label use. The Hearing Tribunal found that a client reading the Consent Form may not understand that it will be used off-label. The Consent Form could be clearer in this regard. Further, the Consent Form can be signed remotely and the client may not be in the Clinic when the form is signed. This limits the use of the form, especially for a client that may not have a high degree of literacy, or health literacy in relation to this type of cosmetic procedure. Even for someone with a higher level of health literacy, the Consent Form is not clear that the Belkyra may be used off-label, in a region other than the submental region.
- [164] However, consent is not a one-time event and the Hearing Tribunal also considered the circumstances in this case. The Complainant was familiar with cosmetic procedures, having received a number of cosmetic procedures previously to the Belkyra treatment.
- [165] Further, the Complainant attended on April 28, 2021 for a consultation appointment with the Registrant. The Complainant stated that the consultation appointment was fairly short (15 minutes) and that she did not understand from that appointment that there would be off-label use. The Registrant’s evidence was that she explains the procedure in detail during the consultation appointment, which is scheduled for 30 minutes.
- [166] The Hearing Tribunal found the Registrant knowledgeable in the use of Belkyra, including off-label use. She has looked at studies and attended courses. The Hearing Tribunal accepted the Registrant’s evidence that she likes teaching her client and that she spends time explaining the procedures she will perform.
- [167] The Hearing Tribunal considered the Chart Notes for April 28, 2021 (Exhibit 22) which state: “Consult regarding jowels (sic) and submental laxity”. This supports that the discussion would have been use of Belkyra both in the buccal area and in the submental area.
- [168] However, the Charting Notes do not indicate the level of detail discussed with respect to the informed consent that was obtained, including specifically where the Belkyra would be injected.
- [169] The Hearing Tribunal considered the Complainant’s evidence that she wanted a “sharper jawline”. The Hearing Tribunal accepted that the Registrant uses Belkyra both in the submental region as well as the buccal area in order to obtain a more defined jawline. The Complainant’s understanding was that she would get Belkyra treatment followed by thread lifts in order to try to achieve the more refined jaw line.
- [170] With respect to the initial appointment on May 1, 2021, it was a few days after the initial consultation on April 28, 2021. The Hearing Tribunal finds that, on a balance of probabilities, the Registrant described the procedure during the consultation appointment, including the areas that would be treated under the chin and in the buccal area, as well as the risks and potential side effects of the treatment, including sagging skin (or laxity). Further, the Consent Form addresses potential side effects such as asymmetry, redundant skin, increased laxity and skin looseness.

- [171] The Hearing Tribunal also considered that the Complainant received the initial Belkyra treatment on May 1, 2021 and then returned and received Belkyra treatment on two additional occasions. The Hearing Tribunal finds that for the further Belkyra treatments, it would have been clear to the Complainant that the Belkyra injections included injections in the buccal area.
- [172] The Hearing Tribunal found that the Registrant could improve the Consent Form to provide more clarity around the off-label use and that her charting notes could be improved to provide more detail on the informed consent obtained in the consultation process and at the treatment appointments. However, the Hearing Tribunal noted that documentation is not part of the allegation.
- [173] For the reasons set out above, the Hearing Tribunal found that, on a balance of probabilities, the Registrant obtained informed consent from the Complainant for the Belkyra treatment. Allegation 2(i) is not proven.

(ii) *Belkyra Administration*

- [174] Allegation 2(ii) has four components: whether the Belkyra was administered safely; whether it was administered incorrectly; whether the Registrant failed to recognize a complication and whether the Registrant failed to monitor for side effects.
- [175] The Hearing Tribunal considered the evidence of the witnesses, in particular, the Complainant and the Registrant and the Exhibits, in particular, the Product Monograph (Exhibit 8), treatment Videos (Exhibits 9, 10 and 11), the Photographs (Exhibits 13, 14, 17, 23 to 28).
- [176] The Hearing Tribunal accepted the evidence of the Registrant that there is nothing inappropriate or illegal in using a product “off-label” in and of itself. Conduct Counsel led no evidence that it would be inappropriate or improper to use Belkyra off-label, in the buccal area.
- [177] The Hearing Tribunal also accepted that an experienced Registered Nurse can landmark on her own to inject Belkyra, rather than using the grid. No evidence was provided by Conduct Counsel to establish that this practice was inappropriate. In addition, no evidence was provided that the injections had to be exactly 1 centimetre apart.
- [178] There was no evidence other than the Product Monograph and the Complainant’s testimony to suggest there may have been inappropriate, unsafe or incorrect administration of Belkyra. This evidence was not sufficient to establish on the balance of probabilities that the Belkyra was not administered safely or that it was administered incorrectly.
- [179] In terms of complications or side effects, the evidence was that the Complainant attended at the Clinic on May 13, 2021 with concerns. Photographs were taken and reviewed by the Registrant. The Registrant assessed that the side effects were normal side effects that could be expected, which include swelling, redness and numbness.
- [180] The Hearing Tribunal found that the evidence did not establish that there were any complications with the treatment. The Complainant testified that she experienced pain and

disfigurement. However, the evidence did not establish that there was disfigurement, nor that there was pain from the Belkya beyond the expected pain with this form of treatment.

- [181] The Hearing Tribunal considered that before and after photographs were taken at each treatment appointment and on May 13, 2021. The Hearing Tribunal noted that it did not have the expertise to determine from the photographs if the treatment was successful. However, even if the treatment is not successful, this is not evidence of unprofessional conduct. Rather, it is a potential result of this type of treatment.
- [182] The Hearing Tribunal found that the Complainant may have experienced side effects, but these were known to be potential effects of the treatment. While the Complainant is unhappy with the results, this is not a complication but rather one of the known potential side effects. There was no evidence to support that the Registrant failed to recognize a complication nor that she failed to monitor the side effects. The Complainant acknowledged that she never contacted the Registrant on her cell phone regarding concerns.
- [183] The Hearing Tribunal finds that on a balance of probabilities, the Complainant's questions and concerns were addressed at the treatment appointments and on May 13, 2021 when she attended the Clinic without an appointment.
- [184] The Hearing Tribunal also considered the Complainant's attendance at the Clinic in December 2021. The Hearing Tribunal accepted the evidence of Ms. Shawwa Jomaa and the Registrant that the Complainant was recording, or giving the impression to the Clinic staff and the Registrant, that she was using her cell phone to record her attendance at the Clinic and that she was asking for a refund. The Hearing Tribunal did not find that the Registrant failed to address the Complainant's concerns with treatment at this time, given the manner in which the attendance at the Clinic unfolded.
- [185] For the reasons set out above, the Hearing Tribunal found that, on a balance of probabilities Allegation 2(ii) is not proven.

(iii) Follow-Up with the Complainant After Reported Complications

- [186] Allegation 2(iii) is that the Registrant did not follow-up with the complainant after reported complications with the Belkya treatment.
- [187] As noted above, the Hearing Tribunal found that there were no complications with the treatment, but rather the Complainant experienced known side effects. The Registrant assessed photographs when the Complainant expressed concerns and determined that the Complainant was experiencing normal side effects and took photographs.
- [188] There was no evidence provided to support that the Registrant did not appropriately follow up with the Registrant. Given the wording of the Allegation, the Hearing Tribunal limited its assessment to the time period of May 2021 to December 2021 and found that evidence after December 2021, was not relevant to the Hearing Tribunal's determination.

CONCLUSION

- [189] The Hearing Tribunal found that Allegation 1 was proven and that the conduct is unprofessional conduct on the basis of section 1(1)(pp)(ii) of the HPA, being a breach of

section 128(7) of the HPA as well as Practice Standards 1.2 and 5.2 and Code of Ethics Article G2. The Hearing Tribunal found that Allegation 2 was not proven and dismissed Allegation 2.

- [190] The Hearing Tribunal will receive submissions from the parties on sanction with respect to Allegation 1. The Hearing Tribunal requests that the parties discuss and determine the timing and method of providing submissions on penalty to the Hearing Tribunal. If the parties are unable to agree on a proposed procedure and timing, the Hearing Tribunal will make further directions as required.

A handwritten signature in black ink, appearing to be 'JA', written over a horizontal line.

John Bradbury, Chairperson
On Behalf of the Hearing Tribunal

Date of Order: March 25, 2026

COLLEGE OF REGISTERED NURSES OF ALBERTA

DECISION OF THE HEARING TRIBUNAL ON SANCTION

RE: CONDUCT OF **ASHLEY CLERK**, N.P., REGISTRATION **#84,088**

AS A RESULT OF A HEARING HELD BEFORE

THE HEARING TRIBUNAL

OF THE COLLEGE

11120 178 STREET

EDMONTON, ALBERTA

ON

JULY 16, 2026

INTRODUCTION

A virtual hearing was held on **July 16, 2026**, via Zoom videoconferencing before a Hearing Tribunal of the College of Registered Nurses of Alberta ("**College**") to hear submissions on sanction regarding Ashley Clerk, N.P. registration #84,088 (the "**Registrant**").

Those present at the hearing were:

a. Hearing Tribunal Members:

John Bradbury, RN Chairperson
Maggie Convey, RN
Shirley Pate, Public member
Andrew Otway, Public member

b. Independent Legal Counsel to the Hearing Tribunal:

Julie Gagnon, KC

c. CRNA Counsel:

James Hart, Conduct Counsel

d. Registrant Under Investigation:

Ashley Clerk (sometimes hereinafter referred to as "the **Registrant**")

e. Registrant's Legal Counsel:

Mylene Tiessen

f. CRNA Staff:

Jackie Senuk, Hearings Coordinator as Clerk supporting Chair of the Tribunal in procedural management of virtual proceeding technology.

PRELIMINARY MATTERS

The hearing was open to the public under section 78 of the *Health Professions Act*, RSA 2000, c. H-7 ("**HPA**"). No application was made to close the hearing.

No preliminary applications were made by the parties.

The Hearing Tribunal issued its decision on the allegations on March 25, 2026 (the "**Decision on Allegations**").

In the Decision on Allegations, the Hearing Tribunal found the following allegation in the Notice of Hearing had been proven and constituted unprofessional conduct:

1. On or about between May of 2021 and May of 2022, the Registrant improperly referred to herself as “doctor” or DR.

EVIDENCE AND DOCUMENTS PROVIDED

The following documents were entered as Exhibits in the hearing on sanction:

Exhibit #33 – Joint Recommendations on Sanction;

Exhibit #34 – Coursework;

Exhibit #35 – *Jaswal v. Newfoundland Medical Board*, 1996 CanLII 11630 (NL SC).

SUBMISSIONS ON SANCTION

The Hearing Tribunal heard submissions on the proposed sanction.

Submissions by Conduct Counsel:

Conduct Counsel noted the parties had reached a joint proposal on sanction and reviewed the Joint Recommendations on Sanction (Exhibit #33) for the Hearing Tribunal.

Conduct Counsel noted that the proposed sanction was designed to protect the public and to address the factors of denunciation and deterrence. Conduct Counsel noted that a sanction should be measured, proportionate and reasonable.

Conduct Counsel reviewed the factors in the decision of *Jaswal* as follows.

1. The nature and gravity of the proven allegations: the conduct was proven for Allegation 1;
2. The age and experience of the registrant: the Registrant was an experienced Nurse Practitioner;
3. The previous character of the registrant: the Registrant has no prior findings of unprofessional conduct, which is a mitigating factor;
4. The age and mental condition of the offended patient: Conduct Counsel noted that the patient was not elderly;
5. The number of times the offence was proven to have occurred: the conduct in Allegation 1 occurred multiple times;
6. The role of the registrant in acknowledging what occurred: while the Registrant proceeded with a contested hearing on the allegations, she entered into a joint submission on sanction which shows a form of acknowledgment;
7. Whether the registrant has already suffered other serious financial or other penalties: Conduct Counsel noted he was not aware of any;

8. The presence or absence of any mitigating factors: Conduct Counsel noted he was not aware of any mitigating factors other than those reviewed;
9. The need to promote specific and general deterrence: Conduct Counsel submitted that in terms of general deterrence, it is important to ensure that other Registered Nurses and Nurse Practitioners are aware of the importance of using the correct title. Specific deterrence is addressed with the reprimand and order regarding the use of title;
10. The need to maintain public confidence: it is the statutory mandate of the College to protect the public. The proposed sanction sends the appropriate message to the public regarding improper use of title;
11. Degree to which the offensive conduct was outside the range of permitted conduct: the conduct represented unprofessional conduct and a violation of the *HPA*.

Conduct Counsel referenced the decision of *R v Anthony-Cook*, 2016 SCC 43, with respect to joint submissions on sanction, noting that the Hearing Tribunal should intervene only if the proposed sanction brings the administration of justice into disrepute or is otherwise contrary to the public interest. These concerns do not apply here.

Submissions by Legal Counsel for the Registrant:

Counsel for the Registrant indicated that she agreed with the submissions made by Conduct Counsel. She raised whether the written decision of the Hearing Tribunal would serve as a reprimand. She also sought to clarify that the intention regarding the restriction on title was not to restrict the Registrant in areas other than health services, noting section 128(8) of the *HPA*.

Counsel for the Registrant confirmed there were no other mitigating factors other than those noted by Conduct Counsel.

Reply Submissions by Conduct Counsel:

Conduct Counsel noted that the decision of the Hearing Tribunal would generally serve as the reprimand unless the Hearing Tribunal directed a different process.

DECISION AND REASONS OF THE HEARING TRIBUNAL ON SANCTION

The Hearing Tribunal adjourned to consider the Joint Recommendations on Sanction and the submissions of the parties. The Hearing Tribunal had no questions of the parties and determined that the Joint Recommendations on Sanction were reasonable.

The Hearing Tribunal considered the factors from *Jaswal* noting the following:

1. The nature and gravity of the proven allegations: the conduct in Allegation 1 was proven and constituted a breach of section 128(7) of the *HPA*, as well as certain provisions of the Standards of Practice and Code of Ethics;
2. The age and experience of the registrant: the Registrant was an experienced Nurse Practitioner although the conduct did not involve nursing skills and patient care;

3. The previous character of the registrant: the Registrant has no prior findings, which is a mitigating factor;
4. The age and mental condition of the offended patient and impact on the patient: The conduct involved the promotion of the Registrant's business to patients or potential patients, which is relevant. The improper use of title could be misleading to patients or potential patients. While the Complainant was not part of a vulnerable patient population, the Complainant did initially believe that the Registrant was a physician and the proven conduct had an impact on the Complainant, as evidenced by her testimony in the hearing on the allegation;
5. The number of times the offence was proven to have occurred: the conduct in Allegation 1 was not an isolated incident and occurred over a period of time;
6. The role of the registrant in acknowledging what occurred: the Hearing Tribunal considered that during the hearing on the allegations, the Registrant acknowledged she was responsible for the Clinic, for ensuring that her designation was adequately conveyed to the public and that she was responsible to use titles in accordance with the *HPA*.

The Hearing Tribunal also considered the importance of deterrence, both general and specific. The Hearing Tribunal was satisfied that the proposed sanction achieves general and specific deterrence and will maintain the public's confidence in the ability of the College to regulate its registrants.

The reprimand serves the principles of deterrence and denunciation of the conduct. The written decision of the Hearing Tribunal will serve as the reprimand.

The restriction on title also serves the principle of deterrence. The Hearing Tribunal notes that the purpose of the restriction on title is to ensure compliance with section 128(7) of the *HPA* where the title is related to the provision of health services. The restriction does not override the ability to use a title in accordance with section 128(8) of the *HPA*.

The Hearing Tribunal also considered the coursework. Given that the proven conduct involved a breach of the *HPA*, the Code of Ethics and Standards of Practice, it is appropriate to have remedial course work relating to ethics and professionalism.

The Hearing Tribunal is aware of the high level of deference owed to a joint submission on sanction, in accordance with the principles in *R v Anthony-Cook*, which are regularly applied in professional disciplinary hearings of the College. The Hearing Tribunal found the proposed sanction to be fit and proportionate. The Hearing Tribunal found no basis for intervening with the proposed sanction.

ORDER OF THE HEARING TRIBUNAL

For the reasons noted above, the Hearing Tribunal orders that:

1. The Registrant shall receive a reprimand for unprofessional conduct and will refrain from using the restricted title Dr., Doctor, or any variation thereof, in their advertising or in any manner that has the potential to mislead a reasonable member of the public to believe the Registrant is authorized by the *HPA* to use the title in connection with providing a health service.

2. By **September 30, 2026**, the Registrant shall provide proof of completion satisfactory to the Complaints Director that they have successfully completed and passed the following course of study and learning activity:

- a. Professionalism and Ethics for Healthcare Professionals (IPHE201 - NAIT).

(the “**Condition**”)

COMPLIANCE

3. Compliance with this Order shall be determined by the Complaints Director of the College. All decisions with respect to the Registrant’s compliance with this Order will be in the sole discretion of the Complaints Director.
4. The Registrant will provide proof of completion of the above-noted Condition to the Complaints Director via e-mail to compliance@cma.com or via fax at 780-453-0546.
5. Should the Registrant fail or be unable to comply with any of the requirements of this Order, or if any dispute arises regarding the implementation of this Order, the Complaints Director may exercise the authority under section 82(3) of *HPA*.
6. The responsibility lies with the Registrant to comply with this Order. It is the responsibility of the Registrant to initiate communication with the College for any anticipated non-compliance and any request for an extension.

CONDITION

7. The Registrant confirms the following list sets out all the Registrant’s employers and includes all employers even if the Registrant is under an undertaking to not work, is on sick leave or disability leave, or if the Registrant have not been called to do shifts, but could be called. Employment includes being engaged to provide professional services as a Registered Practitioner on a full-time, part-time, casual basis as a paid or unpaid employee, consultant, contractor or volunteer.

The Registrant confirms the following employment:

Employer Name	Employer Address & Phone Number
Bardot Beauty	2207 4 St SW 130, Calgary, AB T2S 1X

8. The Registrant understands and acknowledges that it is the Registrant’s professional responsibility to immediately inform the College of any changes to the Registrant’s employers, and employment sites, including self-employment, for purposes of keeping the Registrar current and for purposes of notices under section 119 of the *HPA*.
9. The Registrar of the College will be requested to put the following condition against the Registrant’s practice permit (current and/or future) and shall remain until the condition is satisfied:

a. ***Course work required – Arising from Disciplinary Matter.***

10. Effective **on the date of the Hearing**, or the date of this Order if different from the date of the Hearing, notifications of the above condition shall be sent out to the Registrant's current employers (if any), the regulatory college for Registered Nurses in all Canadian provinces and territories, and other professional colleges with which the Registrant is also registered (if any).
11. Once the Registrant has complied with a condition listed above, it shall be removed. Once the condition has been removed, the Registrar will be requested to notify the regulatory colleges in the other Canadian jurisdictions.
12. This Order takes effect **on the date of the Hearing**, and remains in effect pending the outcome of any appeal, unless a stay is granted pursuant to section 86 of the *HPA*.

This Decision is made in accordance with Sections 80, 82 and 83 of the *HPA*.

Respectfully submitted,



John Bradbury, Chairperson
On Behalf of the Hearing Tribunal

Date of Order: July 16, 2026