

COLLEGE OF PHYSICIANS & SURGEONS OF ALBERTA

IN THE MATTER OF A HEARING UNDER THE *HEALTH
PROFESSIONS ACT*

RSA 2000, C. H-7

AND IN THE MATTER OF A HEARING REGARDING THE CONDUCT
OF DR. DE NGUYEN

**DECISION OF THE HEARING TRIBUNAL OF THE COLLEGE
OF PHYSICIANS & SURGEONS OF ALBERTA**

May 25, 2023

I. INTRODUCTION

1. The Hearing Tribunal of the College of Physicians & Surgeons of Alberta (the "College") held a hearing into the conduct of Dr. De Nguyen on June 8, 2022. The members of the Hearing Tribunal were:

Dr. Goldees Liaghati-Nasseri of Rocky View (Chair);
Dr. Neelan Pillay of Calgary;
Ms. Juane Priest of Calgary (Public Member);
Mr. Douglas Dawson of Edmonton (Public Member).

2. Ms. Julie Gagnon of Edmonton acted as independent legal counsel for the Hearing Tribunal.

3. Also in attendance at the hearing were:

Dr. Dawn Hartfield, Complaints Director;
Ms. Annabritt Chisholm of Edmonton, legal counsel for the Complaints Director.

II. PRELIMINARY MATTERS

4. Ms. Chisholm, counsel for the Complaints Director confirmed the Complaints Director had no objections to the composition of the Hearing Tribunal or its jurisdiction to proceed with the hearing.

5. The hearing was open to the public under section 78 of the *Health Professions Act* ("HPA"). There was no application to close the hearing.

6. Dr. Nguyen, the Investigated Member, was not in attendance at the hearing. Counsel for the Complaints Director made an application to proceed with the hearing in the absence of the Investigated Member. The application was made pursuant to section 79(6) of HPA.

7. Section 79(6) of the HPA provides as follows:

79(6) Despite section 72(1), if the investigated person does not appear at a hearing and there is proof that the investigated person has been given a notice to attend, the hearing tribunal may:

a) proceed with the hearing in the absence of the investigated person,
and

b) act or decide on the matter being heard in the absence of the investigated person.

8. Ms. Chisholm called Dr. J. [REDACTED] R. [REDACTED], Associate Complaints Director, as a witness for the section 79(6) application.
9. Dr. R. [REDACTED] confirmed a service letter dated February 14, 2022 and the Notice of Hearing were served personally by process server on Dr. Nguyen at his home address on February 18, 2022 (Exhibit 1, Tab 2).
10. A process server also served a service letter dated May 12, 2022 and the disclosure package personally on Dr. Nguyen on May 14, 2022 (Exhibit 1, Tab 3).
11. Dr. Nguyen sent the College a fax dated June 7, 2022, stating that he did not believe he needed to be in attendance at the hearing (Exhibit 2). There was no other communication or correspondence from Dr. Nguyen with the College or legal counsel for the College regarding the hearing.
12. The application to proceed in the absence of Dr. Nguyen was granted by the Hearing Tribunal and the hearing proceeded in the absence of Dr. Nguyen for the following reasons.
13. Dr. Nguyen was personally served with a copy of the Notice of Hearing on February 18, 2022, more than 30 days in advance of the hearing, as required under section 77(a) of the HPA. The Notice of Hearing sets out the date, time and place of the hearing and was served personally. The Notice of Hearing was served in accordance with the requirements of section 120 of the HPA.
14. The Hearing Tribunal found that reasonable and proper notice of the hearing was provided to Dr. Nguyen, based on testimony from the Associate Complaints Director and the documentary evidence, including evidence that Dr. Nguyen was served personally with the Notice of Hearing confirming the June 8, 2022 hearing date more than 30 days prior to the date of the hearing.
15. The Hearing Tribunal further considered that Dr. Nguyen confirmed he was aware of the hearing date by way of letter dated June 7, 2022 (Exhibit 2), indicating he did not plan on attending the hearing on June 8, 2022.
16. In addition, the Notice of Hearing states if Dr. Nguyen does not attend the hearing, the hearing may proceed in his absence.
17. The Hearing Tribunal found that the relevant statutory notice requirements under sections 77(a) and 120 of the HPA were met. Dr. Nguyen received adequate notice of the hearing. Dr. Nguyen did not request an adjournment to allow him or his counsel, should he elect to be represented, to attend. He did state in his letter on June 7, 2022 that he was no longer practicing as of October 2020 and would not be reapplying for a practice permit, therefore he did not feel he needed to attend the hearing. The Hearing Tribunal

determined it was in the public interest that the hearing proceed in his absence.

III. CHARGE

18. The Allegation in the Notice of Hearing is:

1. That you did fail to respond in a timely manner or at all, to correspondence from the College of Physicians & Surgeons of Alberta regarding an investigation into your conduct, particulars of which include:
 - a. Letter from Dr. M [REDACTED] C [REDACTED] o dated July 9, 2020;
 - b. Letter from K [REDACTED] D [REDACTED] dated July 9, 2020;
 - c. Email from C [REDACTED] B [REDACTED] dated July 15, 2020;
 - d. Telephone call and voicemail from C [REDACTED] e B [REDACTED] made July 17, 2020;
 - e. Email from S [REDACTED] I [REDACTED] dated August 14, 2020;
 - f. Letter from K [REDACTED] D [REDACTED] dated August 17, 2020;
 - g. Telephone call and voicemail from Dr. M [REDACTED] C [REDACTED] made August 31, 2020;
 - h. Email from Dr. M [REDACTED] C [REDACTED] dated August 31, 2020;
 - i. Letter from Dr. M [REDACTED] C [REDACTED] dated September 2, 2020;
 - j. Letter from K [REDACTED] D [REDACTED] dated September 30, 2020 enclosing Memorandum from Dr. M [REDACTED] C [REDACTED];
 - k. Letter from Dr. M [REDACTED] C [REDACTED] dated December 2, 2020;
 - l. Email from S [REDACTED] I [REDACTED] dated December 2, 2020;
 - m. Letter from K [REDACTED] D [REDACTED] dated February 12, 2021;
 - n. Letter from M [REDACTED] M [REDACTED] dated February 22, 2021;
 - o. Letter from M [REDACTED] M [REDACTED] dated March 24, 2021;
 - p. Letter from Dr. D [REDACTED] H [REDACTED] dated April 16, 2021;
 - q. Email from Dr. D [REDACTED] H [REDACTED] dated April 28, 2021.

IV. EVIDENCE

19. The following Exhibits were entered into evidence during the hearing:

Exhibit 1 – Exhibit Book

1. Notice of Hearing
2. Declaration of Service – Notice of Hearing
3. Declaration of Service – Disclosure Package
4. Investigation Records
 - a. Letter from Dr. H [REDACTED] to Dr. C [REDACTED] dated May 4, 2020 regarding referral with enclosures:
 - i. Letter from Dr. F [REDACTED] to Dr. Nguyen dated October 30, 2019 enclosing summary of telephone call with Dr. Nguyen occurring October 28, 2019 and list of courses and resources
 - ii. Email from K. H [REDACTED]-B [REDACTED] to Dr. Nguyen dated December 20, 2019 regarding records-keeping course
 - iii. Email from K. H [REDACTED]-B [REDACTED] to Dr. Nguyen dated January 2, 2020 regarding follow-up to previous email
 - iv. Letter from Dr. F [REDACTED] to Dr. Nguyen dated January 6, 2020 regarding final notice before referral to Complaints Director
 - v. Email from K. H [REDACTED]-B [REDACTED] to Dr. Nguyen dated January 15, 2020 enclosing link to records-keeping course
 - vi. Email from S. L [REDACTED] to Dr. Nguyen dated February 25, 2020 regarding request for response
 - vii. Amended Notice to Practitioner dated April 12, 2007
 - viii. Undertaking of Dr. Nguyen dated April 19, 2007
 - ix. Findings and Recommendations of the Investigating Committee to the Council of the College of Physicians and Surgeons of the Province of Alberta dated April 23, 2007
 - x. Order of the Council of the College of Physicians and Surgeons of the Province of Alberta dated June 21, 2007
 - b. Memo from Dr. C [REDACTED] dated June 5, 2020 regarding initiation of complaint
 - c. Letter from Dr. C [REDACTED] to Dr. Nguyen dated July 9, 2020 enclosing recommended undertaking
 - d. Letter from K. D [REDACTED] to Dr. Nguyen dated July 9, 2020 regarding request for response
 - e. Emails from S. I [REDACTED] and C. B [REDACTED] to Dr. Nguyen dated July 9 to July 15, 2020 regarding access to Physician Portal
 - f. Internal Record of telephone call from C. B [REDACTED] to Dr. Nguyen dated July 17, 2020
 - g. Email from S. I [REDACTED] to Dr. Nguyen dated August 14, 2020 regarding access to Physician Portal
 - h. Letter from K. D [REDACTED] to Dr. Nguyen dated August 17, 2020 regarding follow-up
 - i. Email from Dr. C [REDACTED] to Dr. Nguyen dated August 31, 2020 regarding follow-up

- j. Letter from Dr. C [REDACTED] to Dr. Nguyen dated September 2, 2020 regarding failure to respond
 - k. Memo from Dr. C [REDACTED] to Dr. M [REDACTED] dated September 8, 2020
 - l. Letter from Dr. M [REDACTED] to Dr. Nguyen dated September 17, 2020 regarding request for practice permit suspension
 - m. Letter from K. D [REDACTED] to Dr. Nguyen dated September 30, 2021 enclosing section 56 memo from Dr. C [REDACTED] and requesting response
 - n. Letter from Dr. Nguyen to Dr. M [REDACTED] dated October 1, 2020 regarding next steps
 - o. Letter from Dr. C [REDACTED] to Dr. Nguyen dated December 2, 2020 regarding failure to respond
 - p. Email from S. I [REDACTED] to Dr. Nguyen dated December 2, 2020 regarding access to Physician Portal
 - q. Letter from K. D [REDACTED] to Dr. Nguyen dated February 12, 2021 regarding assignment of Dr. R [REDACTED] to review documentation
 - r. Letter from M. M [REDACTED] to Dr. Nguyen dated February 22, 2021 regarding request for response
 - s. Letter from M. M [REDACTED] to Dr. Nguyen dated March 24, 2021 regarding failure to respond
 - t. Letter from Dr. H [REDACTED] to Dr. Nguyen dated April 16, 2021 regarding failure to respond
 - u. Email from S. I [REDACTED] to Dr. Nguyen dated April 16, 2021 regarding access to Physician Portal
 - v. Email from Dr. H [REDACTED] to Dr. Nguyen dated April 28, 2021 regarding request for mailing address
5. CPSA Code of Conduct
6. *Health Professions Act*, RSA 2000 c H-7

Exhibit 2 – Letter from Dr. Nguyen to College of Physicians and Surgeons of Alberta dated June 7, 2023

Witnesses for the Complaints Director

Dr. J [REDACTED] R [REDACTED]

- 20. Dr. J [REDACTED] R [REDACTED] is an Associate Complaints Director of the College. When Dr. M [REDACTED] C [REDACTED], the former Complaints Director left the department, Dr. R [REDACTED] assumed the role of the Associate Complaints Director in relation to this matter. As such, Dr. R [REDACTED] is familiar with the complaint involving Dr. Nguyen.
- 21. Dr. R [REDACTED] reviewed the documents in Exhibit 1, Tab 4. The Assistant Registrar of Continuing Competence wrote to Dr. C [REDACTED] on May 4, 2020 to refer Dr. Nguyen to Professional Conduct due to non-compliance with Competence Rules for Members Participation as Dr. Nguyen had failed to reply to communications from the Continuing Competence Program from

October 2019 onwards. The letter of May 4, 2020 (Exhibit 1, Tab 4a) lists the correspondence sent to Dr. Nguyen by the Continuing Competence Program.

22. Dr. C [REDACTED] prepared a section 56 memorandum (Exhibit 1, Tab 4b). Section 56 of the HPA allows the Complaints Director to treat information received about a regulated member as a complaint.
23. Dr. R [REDACTED] testified about the various attempts by the Professional Conduct Department to contact Dr. Nguyen (Exhibit 1, Tabs 4c to 4v). By way of a letter dated July 9, 2020, Dr. C [REDACTED] advised Dr. Nguyen of a complaint against him for failing to respond to the Continuing Competence Program and advised him he was required to provide a response to the complaint (Exhibit 1, Tab 4c). A further letter of July 9, 2020 from K [REDACTED] D [REDACTED], Complaints Inquiry Coordinator, advised Dr. Nguyen to provide a response to the complaint (Exhibit 1, Tab 4d). The letters of July 9, 2020 were uploaded to the Physician Portal (the "Portal"). An email was sent to Dr. Nguyen from S [REDACTED] I [REDACTED], the Executive Assistant to the Complaints Director on July 9, 2020, advising Dr. Nguyen to review the documents in the Portal (Exhibit 1, Tab 4e).
24. Dr. R [REDACTED] confirmed that the Portal is how the College communicates with members.
25. An email was sent to Dr. Nguyen by C [REDACTED] B [REDACTED], an assistant at the College, on July 15, 2020 advising Dr. Nguyen that a time sensitive document was uploaded to the Portal on July 9, 2020 and that a response was due on July 15, 2020 (Exhibit 1, Tab 4e). The Professional Conduct Department called and left a voicemail message for Dr. Nguyen on July 17, 2020 requesting that he access the Portal (Exhibit 1, Tab 4f).
26. Another email was sent to Dr. Nguyen on August 14, 2020 by the Executive Assistant to the Complaints Director, advising Dr. Nguyen to reply to the letter of July 9, 2020 (Exhibit 1, Tab 4g). A letter dated August 17, 2020 was sent by the Complaints Inquiry Coordinator to Dr. Nguyen noting that no response had been received to the July 9, 2020 letter and requiring a response by August 31, 2020 (Exhibit 1, Tab 4h). This letter was uploaded to the Portal.
27. Dr. C [REDACTED] sent an email to Dr. Nguyen on August 31, 2020 indicating he had just tried to call Dr. Nguyen at his office and cell phone and left a message on his cell phone. The email advised Dr. Nguyen that his immediate attention to this matter was expected (Exhibit 1, Tab 4i).
28. Dr. C [REDACTED] prepared a letter dated September 2, 2020 advising Dr. Nguyen that a second complaint was opened for his non-responsiveness (Exhibit 1, Tab 4j). The letter was sent by registered mail. A further letter was sent by the Complaint Inquiry Coordinator on September 30, 2020 and was uploaded to the Portal (Exhibit 1, Tab 4m).

29. On October 2, 2020, the Registrar of the College received a letter from Dr. Nguyen dated October 1, 2020 indicating that he would like to practice medicine for one to two more years if possible and asking for advice on what he needed to do next. The letter did not respond to the complaints against him (Exhibit 1, Tab 4n).
30. Dr. C [REDACTED] prepared a letter dated December 2, 2020 advising Dr. Nguyen that a no response had been received to the letter of September 30, 2020 and that the letter to the Registrar did not constitute a response to the complaint. Dr. C [REDACTED] provided a final deadline of December 11, 2020 to respond to the complaint. The letter was sent to Dr. Nguyen by registered mail and uploaded to the Portal (Exhibit 1, Tab 4o). An email was sent to Dr. Nguyen on December 2, 2020 from the Executive Assistant to the Complaints Director advising Dr. Nguyen that there was a time sensitive document in the Portal (Exhibit 1, Tab 4p). A further letter was sent by the Complaint Inquiry Coordinator on February 12, 2021, delivered by the Portal (Exhibit 1, Tab 4q).
31. An Investigator was appointed to investigate the complaint. Ms. M [REDACTED] M [REDACTED], the Investigator, wrote a letter to Dr. Nguyen on February 22, 2021 (Exhibit 1, Tab 4r) and March 24, 2021 (Exhibit 1, Tab 4s), asking for a response. Both letters were delivered by Portal.
32. Dr. D [REDACTED] H [REDACTED], the Complaints Director who took over from Dr. C [REDACTED], wrote to Dr. Nguyen on April 16, 2021, advising Dr. Nguyen to respond to the complaint and advising that non-response to the complaint would result in a referral to a hearing (Exhibit 1, Tab 4t). The letter was delivered by courier and Portal. The Executive Assistant to the Complaints Director emailed Dr. Nguyen on April 16, 2021 to advise him there was a time sensitive document in the Portal (Exhibit 1, Tab 4u). Dr. H [REDACTED] emailed Dr. Nguyen on April 28, 2021 asking for an updated mailing address. (Exhibit 1, Tab 4v).
33. Dr. R [REDACTED] confirmed that the email address referred to in Exhibit 1, Tab 4 was the email address for Dr. Nguyen and confirmed Dr. Nguyen's office address as the address listed in correspondence found in Exhibit 1, Tab 4.
34. Dr. R [REDACTED] noted that Dr. Nguyen is currently suspended as a result of an application under section 65 of the HPA (Exhibit 1, Tab 4k and 4l).
35. Dr. R [REDACTED] advised that there was no communication or response from Dr. Nguyen to the documentation sent to him in this complaint, except for the letter of October 1, 2020 to the Registrar (Exhibit 1, Tab 4n) and the letter of June 7, 2022 (Exhibit 2).

36. In response to a question from the Hearing Tribunal, Dr. R [REDACTED] noted that it is the position of the College that regulated members are responsible for maintaining their up to date address.

V. SUBMISSIONS

37. Ms. Chisolm noted in her closing submissions that the evidence presented was more than sufficient to prove the allegation in the Notice of Hearing on a balance of probabilities. The evidence is that the College used two addresses, sent documents by registered letter, courier, the Portal, email and phone, using two different phone numbers, to provide Dr. Nguyen with a chance to substantively respond to the complaints that were made against him. Dr. Nguyen failed to respond to the communications by the Professional Conduct Department set out in Allegation 1(a) to (q).
38. Ms. Chisolm submitted that it is a fundamental responsibility of members of a self-regulating profession to cooperate with and to respond to their college. Adhering to the directions of one's college accompanies the privilege of self-regulation.
39. Ms. Chisolm noted a prior decision of a Hearing Tribunal on similar issues. She noted that the Code of Conduct (Exhibit 1, 5) requires regulated members to respect the authority of the law and to understand professional and ethical obligations. Similarly, the Code of Ethics requires physicians to assume responsibility for their personal actions and behaviours and to espouse behaviours that contribute to a positive training and practice culture. When a senior practitioner fails to respond to the College, this goes against that ethical requirement.
40. Ms. Chisolm noted the following from the Code of Ethics: "Physicians should aspire to uphold the virtues and commitments in the Code, and they are expected to enact the professional responsibilities outlined in it,"; and "Physicians should be aware of the legal and the regulatory requirements that govern medical practice in their jurisdictions."
41. Ms. Chisolm submitted that the conduct by Dr. Nguyen was a contravention of the Code of Ethics and thus unprofessional conduct under section 1(1)(pp)(ii) of the HPA. She noted that while not every breach constitutes unprofessional conduct, the fact that Dr. Nguyen failed to respond to the College for nearly a year during an ongoing complaints process was significant, especially during the period of time that he would have been practicing.
42. Ms. Chisolm also submitted that the conduct was unprofessional conduct under section 1(1)(pp)(vii)(B) of the HPA for a failure to respond to an investigator. Dr. Nguyen's failure to respond to or engage with the College was concerning.

43. Finally, Ms. Chisolm noted that the conduct also has the effect of eroding the public trust in the profession and the confidence of the public in the College's ability to regulate its members and so the conduct harms the integrity of the profession under section 1(1)(pp)(xii) of the HPA.

VI. DECISION

44. The Hearing Tribunal carefully reviewed the evidence, including the testimony of Dr. R [REDACTED] and the exhibits and considered the submissions of counsel for the Complaints Director.
45. The Hearing Tribunal finds that Allegation 1 (a) to (q) is proven on a balance of probabilities. The Hearing Tribunal finds that the proven conduct constitutes unprofessional conduct under section 1(1)(pp) of the HPA, as follows:

1(1)(pp) "unprofessional conduct" means one or more of the following, whether or not it is disgraceful or dishonourable:

- (ii) contravention of this Act, a code of ethics or standards of practice;
- (vii) (B) failure or refusal to comply with a request of or co-operate with an investigator,
- (xii) conduct that harms the integrity of the regulated profession;

VII. FINDINGS

46. The Hearing Tribunal finds that the Allegation is proven on a balance of probabilities. Exhibit 1, Tab 4 sets out all of the correspondence referred to in Allegation 1 (a) to (q). The Hearing Tribunal is satisfied that various individuals in the Professional Conduct Department of the College sent correspondence to Dr. Nguyen by registered mail, courier, email, Portal, and contacted him by telephone at two different phone numbers regarding an investigation against him.
47. Dr. Nguyen did not respond to any of the communications set out in Allegation 1 (a) to (q). He provided a letter to the Registrar dated October 1, 2020; however, this letter did not respond to the communications from the Professional Conduct Department, as he was required to do.
48. In total, there were 17 different communications, which came from the former Complaints Director, the Complaints Inquiry Coordinator, the Executive Assistant to the Complaints Director, an Assistant at the College, the Investigator appointed for the complaint and the current Complaints Director. Dr. Nguyen failed to respond to all 17 of these communications, as follows:

- a. Letter from Dr. M [REDACTED] C [REDACTED] dated July 9, 2020;
- b. Letter from K [REDACTED] D [REDACTED] dated July 9, 2020;
- c. Email from C [REDACTED] B [REDACTED] dated July 15, 2020;
- d. Telephone call and voicemail from C [REDACTED] B [REDACTED] made July 17, 2020;
- e. Email from S [REDACTED] I [REDACTED] dated August 14, 2020;
- f. Letter from K [REDACTED] D [REDACTED] dated August 17, 2020;
- g. Telephone call and voicemail from Dr. M [REDACTED] C [REDACTED] made August 31, 2020;
- h. Email from Dr. M [REDACTED] C [REDACTED] dated August 31, 2020;
- i. Letter from Dr. M [REDACTED] C [REDACTED] dated September 2, 2020;
- j. Letter from K [REDACTED] D [REDACTED] dated September 30, 2020 enclosing Memorandum from Dr. M [REDACTED] C [REDACTED];
- k. Letter from Dr. M [REDACTED] C [REDACTED] dated December 2, 2020;
- l. Email from S [REDACTED] I [REDACTED] dated December 2, 2020;
- m. Letter from K [REDACTED] D [REDACTED] dated February 12, 2021;
- n. Letter from M [REDACTED] M [REDACTED] dated February 22, 2021;
- o. Letter from M [REDACTED] M [REDACTED] dated March 24, 2021;
- p. Letter from Dr. D [REDACTED] H [REDACTED] dated April 16, 2021;
- q. Email from Dr. D [REDACTED] H [REDACTED] dated April 28, 2021.

49. The conduct in Allegation 1 (a) to (q) is clearly proven on a balance of probabilities. The Hearing Tribunal next considered if the conduct constitutes unprofessional conduct. The Hearing Tribunal found that there is no question that the conduct is unprofessional conduct and is serious.
50. The Hearing Tribunal found that the conduct is a breach of the Code of Ethics, as noted by counsel for the Complaints Director. The Hearing Tribunal noted the provisions of the Code of Ethics outlined by Ms. Chisolm that "Physicians should aspire to uphold the virtues and commitments in the Code, and they are expected to enact the professional responsibilities outlined in it."; and "Physicians should be aware of the legal and the regulatory requirements that govern medical practice in their jurisdictions." Dr. Nguyen breached these provisions by failing to respond to his College on

a repeated basis over a period of over a year. The breaches of the Code of Ethics are sufficiently serious to constitute unprofessional conduct under section 1(1)(pp)(ii) of the HPA.

51. The HPA also specifically defines unprofessional conduct to include a failure to comply with a request of or co-operate with an investigator. Dr. Nguyen failed to respond to correspondence dated February 22, 2021 and March 24, 2021 from Ms. M■■■■, the Investigator, which specifically required a response by specific dates. This constitutes unprofessional conduct under section 1(1)(pp)(vii)(B) of the HPA.
52. Self-regulation is a privilege and not a right. With that privilege come corresponding obligations, including the obligation to respond to communications by the College and communications from an investigator. Failure to do so impedes the ability of the College to regulate its members in the public interest.
53. Finally, the Hearing Tribunal found that the failure to respond to the College with respect to a complaint and the investigation of that complain has the effect of eroding the public trust in the profession and the confidence of the public in the College's ability to regulate its members. The Hearing Tribunal found that the conduct harms the integrity of the profession under section 1(1)(pp)(xii) of the HPA.

VIII. CONCLUSION

54. Allegation 1 (a) to (q) is proven on a balance of probabilities and the conduct constitutes unprofessional conduct under section 1(1)(pp)(ii), (vii)(B) and (xii) of the HPA.
55. The Hearing Tribunal will receive submissions from the parties on sanction. The Hearing Tribunal urges Dr. Nguyen to participate in the sanction process. The parties are directed to provide written submissions on sanction as follows: the Complaints Director's submissions are due by June 30, 2023, Dr. Nguyen's submissions are due by July 21, 2023 and the Complaints Director's reply submissions are due by July 31, 2023. Either party may request an extension of the timelines if needed by writing to the Hearings Director.
56. In addition, if either party prefers to make oral submissions to the Hearing Tribunal on sanction rather than written submissions, they may do so by advising the Hearings Director no later than June 15, 2023. If either party wishes to proceed by oral submissions on sanction, the Hearings Director will then schedule another day for the hearing to continue. The Hearing Tribunal may also make further directions on the process for submissions on sanction as required.

Signed on behalf of the Hearing Tribunal by the Chair:

A handwritten signature in black ink, appearing to read "Goldees Liaghati-Nasseri". The signature is written in a cursive, flowing style.

Dr. Goldees Liaghati-Nasseri

Dated this 25th day of May, 2023.