

In reply please quote: 60111

**PRIVATE AND CONFIDENTIAL**

November 3, 2006

Dr. Terry Polevoy  
938 King Street West  
Kitchener ON N2G1G4



THE  
COLLEGE  
OF  
PHYSICIANS  
AND  
SURGEONS  
OF  
ONTARIO

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TEL: (416) 967-2600

Dear Dr. Polevoy:

**Re: Dr. Behnaz Yazdanfar**

I am writing to advise you that the Complaints Committee of the College of Physicians and Surgeons of Ontario has now considered your complaint. The Committee made its decision after a careful review of all relevant information gathered during the investigation. A copy of the Committee's decision is enclosed.

If you do not agree with the decision, you can request that it be reviewed by the Health Professions Appeal and Review Board (HPARB). HPARB, a body created by the government of Ontario, is entirely independent and separate from the College. **Your request for a review must be made directly to HPARB, and not to the College.** It should be addressed as follows:

Attention: Abby Katz Starr, Registrar  
The Health Professions Appeal and Review Board  
151 Bloor Street West, 9th Floor  
Toronto, ON M5S 2T5  
Tel: (416) 327-8512 or Fax: (416) 327-8524

Please note that your right to ask for a review expires 30 days after the date you receive this letter.

Should this matter be appealed by either party to the decision, HPARB will contact the College to confirm your address. We will advise them that you may be contacted at the address noted above. If you have any concerns in this regard, please let us know as soon as possible.

Yours truly,

A handwritten signature in black ink, appearing to read 'Angela Bates'.

Angela Bates  
Manager  
Complaints Committee Support  
Investigations and Resolutions

AB/ss

encl.

*The best quality care for the people of Ontario by the doctors of Ontario*

## **COMPLAINTS COMMITTEE DECISION AND REASONS**

**COMPLAINANT:** Dr. Terry Polevoy

**RESPONDENT:** Dr. Behnaz Yazdanfar

### **BACKGROUND AND AREAS OF CONCERN**

Dr. Terry Polevoy is a paediatrician who practices dermatology. Dr. Behnaz Yazdanfar is a general practitioner who is employed engages in a cosmetics practice.

#### **Areas of Concern**

In March 2006, Dr. Polevoy wrote to the College setting out concerns regarding Dr. Yazdanfar. In particular, Dr. Polevoy is concerned about Dr. Yazdanfar's qualifications to perform certain cosmetic surgical procedures.

### **INVESTIGATION**

The materials obtained by the Committee in its investigation of this matter included the following:

- letter of complaint (email) from Dr. Polevoy (with enclosures)
- response from Dr. Yazdanfar (with enclosures)
- College Policy regarding Requirements when Changing Scope of Practice
- correspondence from Ms. Lyla Simon, counsel for Dr. Yazdanfar

### **REVIEW OF INFORMATION RELATING TO COMPLAINT**

Dr. Polevoy provided the College with a link to the Toronto Cosmetic Clinic website, which outlines various procedures performed by Dr. Yazdanfar at the Clinic. He noted that the qualifications listed for Dr. Yazdanfar on the site do not include any "approved surgical training" in Canada. He pointed out that Dr. Yazdanfar is stated to have been doing cosmetic procedures since 2000, and was a member of the American Academy of Cosmetic Surgery, the American Society of Cosmetic Breast Surgery and the Canadian Academy of Cosmetic Surgery; and is said

stated that she is a plastic surgeon, and she pointed out that there is no requirement that she complete a surgical residency in order to perform the cosmetic procedures that she executes.

Dr. Yazdanfar stated that she stood behind all of the statements contained in the website for Toronto Cosmetic Clinic. She asserted that she was qualified to do the cosmetic procedures listed, and that she had undergone the training outlined and was a member of the enumerated organizations, and provided the College with copies of the certificates and awards corroborating the same<sup>3</sup>. Regarding the advertisement in *Elevate*, Dr. Yazdanfar maintained that it displayed images of procedures that she performs, and that she is qualified to perform. She expressed the opinion that the information in the website and the advertisement is not false, misleading or deceptive, and does not breach the advertising regulations under the *Medicine Act*.

In subsequent correspondence, Dr. Yazdanfar's counsel confirmed that Dr. Yazdanfar's change in scope of practice for breast augmentations had been approved by the College's Quality Assurance Committee.

### COMMITTEE'S ANALYSIS AND CONCLUSIONS

Having carefully reviewed this matter, the Committee concludes, for the reasons set out below, that no further action is warranted against Dr. Yazdanfar.

Although it would appear that Dr. Yazdanfar's change in the scope of her clinical practice occurred prior to the implementation of the College's policy regarding the same, the Committee is satisfied that she has in fact adhered to the requirements set out within the policy. The information provided would indicate that she has received adequate training within the areas of cosmetic surgery in which she is involved, and she has successfully completed a preceptorship in this area. We do not share Dr. Polevoy's concerns regarding Dr. Yazdanfar's qualifications.

While Dr. Polevoy is of the view that the website and advertisement included in his letter of complaint are in some way deceptive, the Committee does not find anything misleading in the

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<sup>3</sup> The attachments provided by Dr. Yazdanfar include certificates from various workshops for cosmetic procedures including chemical peels, liposuction, breast surgery, body augmentation and contouring, facial surgery, and hair restoration, between May 2001 and February 2006. Also included were An Award of Excellence in Cosmetic Surgery Education from the American Academy of Cosmetic Surgery, a Certificate of Membership in the American Society for Laser Medicine and Surgery, Inc. in 2002, a Certificate granting Associate Membership in the American Academy of Cosmetic Surgery in October 2003, a Certificate of Membership in the American Society of Cosmetic Breast Surgery in March 2004, and a Certificate of Membership of Canadian Academy of Cosmetic Surgery in 2005.

to have been trained by “the best surgeons in the world” and to have travelled extensively to various countries to “keep up to date with the latest advances in cosmetic surgery”. Dr. Polevoy expressed the view that the information contained in the web site was “deceptive advertising”, as it could give the patient the (incorrect) impression that Dr. Yazdanfar was actually a surgeon.

In subsequent correspondence, Dr. Polevoy provided the College with a copy of an advertisement from a publication *Elevate*, which he stated indicated that Dr. Yazdanfar was performing a number of different cosmetic surgical procedures, including breast augmentation and liposuction. He questioned how a physician with only two years of family practice residency qualified to perform these types of procedures.

In her response to the complaint, received by the College from her counsel, Ms. Lyla Simon, Dr. Yazdanfar explained that she had been a family physician, but had begun practicing in the area of cosmetic procedures in 2000. She noted that the College’s Policy regarding Requirements when Changing Scope of Practice<sup>1</sup> did not come into effect until the fall of 2002, but she did advise the College of the change in her Scope of Practice, and did complete the required preceptorship in February 2005. She included a copy of a letter from Dr. Robert Jackson, dated February 11, 2005<sup>2</sup>, confirming the successful completion of her preceptorship. She noted that nowhere is it

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<sup>1</sup> The Policy indicates that the College expects a physician who wishes to change his/her scope of clinical practice (to an area outside the area of medicine in which he/she is educated and experienced) to obtain an appropriate assessment of their knowledge, judgment and skills in the new area of practice, and possibly, appropriate training if the assessment results so indicate. The Policy stipulates that it is not retroactive, and will only affect those physicians wishing to change their scope of practice as of the policy’s publication date (September/October 2002).

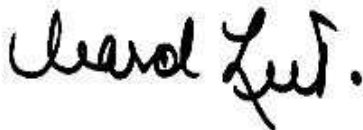
<sup>2</sup> In the letter, Dr. Jackson states in part as follows:

“...Dr. Behnaz Yazdanfar...has had training at my clinic in Marion, Indiana, in which she came for two breast augmentation courses one year a part. She also attended a breast course in which I was on the faculty in Austria and in addition to that she has also attended a breast augmentation course in Southern California, which included both cadaver training as well as attendance in physicians offices. Dr. Yazdanfar has observed a total of 16 cases of breast augmentation here in Marion and Austria. She has also had further observation cases in Southern California and at Dr. Cuzalina’s Clinic in Oklahoma. Dr. Yazdanfar assisted on a total of 10 breast augmentation procedures that I am personally aware of and she has 10 cases that she has been the operating surgeon on. I think this is an adequate number of procedures for her to be qualified in breast surgery. She has followed the pathway of education, which includes didactic lectures and live surgery workshops followed by proctorship and she has completed all three (3) phases of that pathway of learning. It is my opinion that Dr. Yazdanfar meets the standard of practice for breast augmentation...[and] has the surgical skills and knowledge to do the above-mentioned surgery. I have visited her facility in Toronto and she has an adequate facility, practices good sterile technique...[and] she had an extremely good rapport with all of her patients. Dr. Yazdanfar is a competent, caring physician who has developed the skills to do the above-mentioned surgery.”

claims made therein. We would point out that many physicians are involved in this type of cosmetic surgery without having had any type of surgical training, and as noted by Dr. Yazdanfar, there is no requirement that a physician complete a surgical residency in order to perform cosmetic procedures of this nature.

#### DISPOSITION

For the reasons set out above, no action will be taken with respect to this matter.

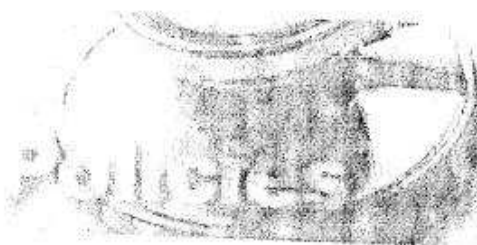


PANEL MEMBERS: September 2006

C. LEET, MD - Co-Chair, Complaints Committee

R. MACKENZIE, MD

MS. S. SUTHERLAND - Public Member



HOME

## Requirements when Changing Scope of Practice

Policy #13-00

Approved by Council: November 2000

Publication Date: September/October 2002

To be Reviewed By: November 2003

**Key Words:** Registration, Scope of practice, Specialization, Assessment

**Legislative Reference:** O. Reg. 865/93 under the Medicine Act

**College Contact:** Physician Advisory Service

### Purpose

This policy outlines the College's expectations of physicians who wish to change the scope of their clinical practice to an area of medicine in which they do not have appropriate training or recent experience. The purpose of this statement is to advise physicians of the College's expectations that they obtain an appropriate assessment of their knowledge, judgement and skills in the new area of practice, and possibly, appropriate education or training if the assessment results so indicate.

### Scope

This policy affects all physicians who wish to change the scope of their clinical practice such that the new area of practice falls outside the area of medicine in which the physician is educated and experienced.

Examples of changing scopes of practice include: a family physician who wishes to perform cosmetic surgical procedures, or a specialist, such as an orthopaedic surgeon, who wishes to enter practice in primary care.

Performance of innovative techniques or procedures within the context of a specialty or family medicine, while new, would not constitute a change in scope. Thus, a family physician who, within his/her general area of training, decides to narrow the focus of his/her practice, for example, to women's health issues, or a general surgeon who learns a specialized technique within his/her area of expertise, for example, general surgeons who have learned to perform laparoscopic cholecystectomies, would not be changing their scopes of practice.

This policy is not retroactive. It will affect only those physicians wishing to change their scope of practice as of the policy's publication date.



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## College Policy

A physician who wishes to change the scope of his/her clinical practice to an area of medicine in which the physician does not have appropriate training or recent experience must undergo a College-assisted assessment of knowledge, judgement and skills before beginning to practise in the new area of focus or specialization.

The physician who wishes to change the scope of his/her clinical practice must contact the College and arrange for an assessment.

The assessment would involve, at a minimum, providing proof that he or she had completed appropriate training for the new area of focus or specialization.

If educational enhancements are recommended as a result of the assessment, the College will facilitate the process, ensuring the educational enhancement has been undertaken. The College will receive a copy of the final report.

The length of time the physician would need to spend in an educational program or period of training would not be pre-determined but would be dependent upon the outcome of the assessment.

It is the College's expectation that the physician will not begin practising in the new area of specialization until after he or she has successfully completed the College's assessment process and has received College approval to do so.