Ruby Chong

From: Subject: on behalf of WEBSITE I&R

RE: Dr. Behnaz Yazdanfar and the Toronto Cosmetic Clinic

Thank you for your e-mail. Your correspondence will be reviewed by a member of the staff of The College of Physicians and Surgeons of Ontario. Thank you for bringing this matter to our attention. In future correspondence, Flease quote your file number : ROC 60111. Ruby Chong

----Original Message----

From: T Polevoy [mailto:tpinfo@healthwatcher.net]

Sent: Thursday, March 16, 2006 4:42 AM

To: WEBSITE I&R

Cc: Dr. Terry Polevoy

Subject: Dr. Behnaz Yazdanfar and the Toronto Cosmetic Clinic

CPSO 1 & R / INTAKE MAR 1 6 2006

RECEIVED

I have serious questions about the qualifications of this medical doctor to perform invasive surgical procedures in Ontario without having any certification by a recognized organization. Her web site implies that she is qualified, and yet the CPSO's web site only indicates that she had two years in a family practice residency and that she is not actually certified.

A doctor Lance Tin is mentioned on the page below, but he is not actually listed on their web page. His address, as listed on the CPSO web site, is not the address listed on the web site of the TCCLINIC.

http://www.cpso.on.ca/Doctor_Search/summary.asp?Type=ADV&intCurrentPage=1&sNameRefNo= 0186073

The procedures listed on her web site:

http://www.tcclinic.com/ - click on procedure, both surgical and non-surgical.

http://www.tcclinic.com/toronto-cosmetic-surgeon-north-york.php - Her qualifications do not list any approved surgical training in Canada. This is deceptive advertising and may give the patient the wrong impression that she is actually a surgeon.

Dr. Behnaz Yazdanfar did her undergraduate studies at University of Toronto. She then went to University of Ottawa to study medicine. She got her medical degree in 1994. She came back to Toronto to do her residency at the University of Toronto.

She has been doing cosmetic procedures since year 2000. She takes pride in having been trained by the best surgeons in the world, including Dr. Robert Jackson (past president of the American Academy of Cosmetic Surgery, and current board examiner), Dr. Patrick Lillis (one of the world masters in tumescent liposuction), Dr. Giorgio Fischer (The Italian surgeon who invented liposuction with his father), and Dr. Fernier (famous French surgeon who was also one of the pioneers of liposuction). She travels extensively to keep up to date with the latest advances in cosmetic surgery. Over the last year she has traveled to France, Italy, Austria, and the USA for many conferences, and live surgery workshops.

She is a member of the American Academy of Cosmetic surgery, the American Society of Cosmetic Breast Surgery, and the Canadian Academy of Cosmetic Surgery. She recently won and award of Excellence in Cosmetic Surgery Education through the American Academy of Cosmetic Surgery. At the Toronto



Page 2

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 Practice¹ 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, 2005², confirming the successful completion of her preceptorship. She noted that nowhere is it

The Policy indicates that the Coffege 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 or 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).

² In the letter, Dr. Jackson states in part as follows:

[&]quot;...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."



Page 3

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 same³. 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 advertisment included in his letter of complaint are in some way deceptive, the Committee does not find anything misleading in the

³ 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.



Page 4

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.

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PANEL MEMBERS: September 2006

C. LEET, MD - Co-Chair, Complaints Committee R. MACKENZIE, MD MS. S. SUTHERLAND - Public Member



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

Cosmetic Clinic we also have the privilege of working with Dr. Lance Tin. He is the chief of surgery at Credit Valley Hospital. He is of one the very few surgeons in Canada who perform Gastric Banding (a weight loss procedure). We try to create a very friendly, comfortable atmosphere to make your experience more pleasant.

!# 519-725-2263 -- 725-4953 fax

^{!#} Terry Polevcy, MD !# 938 King St. West !# Kitchemer, Ontario, N2G 1G4 Canada

Dr. Behnaz Yazdanfar did her undergraduate studies at University of Toronto. She then went to University of Ottawa to study medicine. She got her medical degree in 1994. She came back to Toronto to do her residency at the University of Toronto.

She has been doing cosmetic procedures since year 2000. She takes pride in having been trained by the best surgeons in the world, including Dr. Robert Jackson (past president of the American Academy of Cosmetic Surgery, and current board examiner), Dr. Patrick Lillis (one of the world masters in tumescent liposuction), Dr. Giorgio Fischer (The Italian surgeon who invented liposuction with his father), and Dr. Fernier (famous French surgeon who was also one of the pioneers of liposuction). She travels extensively to keep up to date with the latest advances in cosmetic surgery. Over the last year she has traveled to France, Italy, Austria, and the USA for many conferences, and live surgery workshops.



She is a member of the American Academy of Cosmetic surgery, the American Society of Cosmetic Breast Surgery, and the Canadian Academy of Cosmetic Surgery. She recently won and award of Excellence in Cosmetic Surgery Education through the American Academy of Cosmetic Surgery. At the Toronto Cosmetic Clinic we also have the privilege of working with Dr. Lance Tin. He is the chief of surgery at Credit Valley Hospital. He is of one the very few surgeons in Canada who perform Gastric Banding (a weight loss procedure). We try to create a very friendly, comfortable atmosphere to make your experience more pleasant.

R. Chows



Toronto Cosmetic Clinic

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· About us

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Ruby Chong

From: T Polevoy [tpinfo@healthwatcher.net] Sent: Wednesday, March 22, 2006 2:09 PM

To: WEBSITE I&R Cc: Dr. Terry Polevoy

Subject: File ROC 60111 - Dr. Behnaz Yazdanfar and the Toronto Cosmetic Clinid AKE

CPSO

MAIR 2 2 2006

RECEIVED



I am attaching the full-page advertisement for Dr. Behnaz Yazdanfar and her Toronto Cosmetic Clinic that appeared in the Fall edition of Elevate macazine.

This publication is full of ads from real plastic and reconstructive surgeons.

You will note that Yazdanfar says after each picture or procedure that SHE does the actual surgery. These included breast augmentation and liposuction.

How in the world can someone with just two years of family practice residency qualify to do these types of procedures? Who is assisting her at her clinic? What is the status of their training and registration?

The file is over 5.6 megs, so if you have trouble receiving it, let me know and I can tell you where you can access it on the internet.

It was scanned in at 300 dpi so it is very clear.

Thank you very much for you attention.

Terry Folevoy, MD Kitchener

---- Original Message -----

From: "WEBSITE I&R" <investigations&resolutions@cpso.on.ca> To: "T Polevoy" <tpinfo@healthwatcher.net> Sent: Thursday, March 16, 2006 9:32 AM Subject: RE: Br. Behnaz Yazdanfar and the Toronto Cosmetic Clinic

Thank you for your e-mail. Your correspondence will be reviewed by a member of the staff of The College of Physicians and Surgeons of Ontario. Thank you for bringing this matter to our attention. In future correspondence, Please quote your file number : ROC 60111. Ruby Chong

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......

¹ Terry Polevoy, MD

^{!# 938} King St. West

^{!#} Kitchener, Ontario, N2G 1G4 Canada !# 519-725-2263 -- 725-4953 fax

Toronto Cosmetic Clinic Dr. Behnaz Yazdanfar



5400 Yonge Street Suite 110 North York ON M2N 5R5

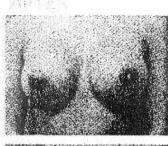
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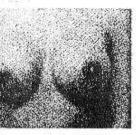
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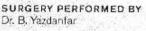
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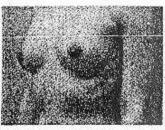
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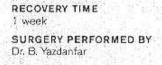


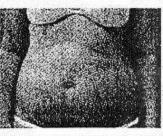


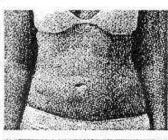


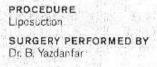
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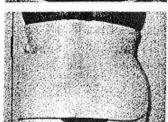














PROCEDURE Liposuction SURGERY PERFORMED BY Dr. B. Yazdanfar

In reply please quote: 60111

PRIVATE AND CONFIDENTIAL

November 3, 2006

Dr. Terry Polevoy 938 King Street West Kitchener ON N2G1G4

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,

Angela Bates

Manager

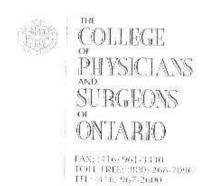
Complaints Committee Support Investigations and Resolutions

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





In reply, please quote: File # 9050

CONFIDENTIAL

April 3, 2007

Terry Polevoy, MD 938 King Street West Kitchener, ON N2G 1G4

Dear Dr. Polevoy:

RE: COMPLAINT REVIEW - MEDICINE - DISCLOSURE OF RECORD TERRY POLEVOY, MD AND BEHNAZ YAZDANFAR, MD

Pursuant to Section 32 of Schedule 2 to the Regulated Health Professions Act, 1991, (the RHPA) the Health Professions Procedural Code, (the Code), a copy of which is attached, the Health Professions Appeal and Review Board hereby discloses a copy of the Complaints Committee's record of investigation and the documents and things upon which the Committee decision was based, as provided by the College's Registrar. The Board is, however, not disclosing the following information:

The Physician History Memorandum has been severed in it's entirety, pursuant to section 32(3)(c) of the Code.

You will, in due course, receive a Notice setting out the date and time of the Pre-Review Teleconference in this matter. Pre-Review Teleconferences are usually held during the second and fourth weeks of each month.

Please feel free to contact the Board if you have any questions.

Yours sincerely,

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD

Jim Curren

Acting Chief Operating Officer

Health Boards Secretariat

Endl. Z Record of Investigation

\$ s32(2) and (3), (the Code)

Lyla Simon, Counsel for Dr. Yazdanfar - cover letter only College of Physicians and Surgeons of Ontario (File # 60111) - cover letter only

/an

Investigative Summary

i

SUBJECT PHYSICIAN:

Dr. Behnaz Yazdanfar

COMPLAINANT:

Dr. Terry Polevoy

REQUESTER OF REVIEW:

Dr. Terry Polevoy

CPSO FILE NUMBER: HPARB FILE NUMBER:

60111 9050

DATE:

January 24, 2007

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.

Chronology of Investigation:

16 Mar 2006 -	Received initial information from Dr. Terry Alan Polevoy
---------------	--

29 Mar 2006 · Miss Ann Atkinson assigned as investigator

18 Apr 2006 · Sent letter to Dr. Terry Alan Polevoy

28 Apr 2006 Sent complaint to Dr. Behnaz Yazdanfar

29 May 2006 Telephone call from McCarthy Tetrault LLP, Toronto

01 Jun 2006 - Received response from Dr. Behnaz Yazdanfar

21 Jun 2006 · Sent letter to Dr. Terry Alan Polevoy

31 Jul 2006 · Sent letter to McCarthy Tetrault LLP, Toronto

01 Aug 2006 - Sent letter to Dr. Behnaz Yazdanfar

01 Aug 2006 · Sent letter to Dr. Terry Alan Polevoy

24 Aug 2006 · Received letter from McCarthy Tetrault LLP, Toronto

03 Nov 2006 - Complaints Committee decision sent to Dr. Terry Alan Polevoy

03 Nov 2006 Complaints Committee decision sent to Dr. Behnaz Yazdanfar

05 Dec 2006 · HPARB requested information indicating an appeal is possible

24 Jan 2006 · HPARB requested information indicating an appeal is possible

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD TABLE OF CONTENTS

SUBJECT PHYSICIAN:

Dr. Behnaz Yazdanfar

COMPLAINANT:

Dr. Terry Polevoy

REQUESTER OF REVIEW:

Dr. Terry Polevoy

CPSO FILE NUMBER:

60111

HPARB FILE NUMBER:

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DATE:

January 24, 2007

Pages
Correspondence to Parties Complaints Committee Decision
Physician History Memorandum
Investigative Summary
Letter of Complaints with attachments, received March 16, 2006
Physician's response to complaint, received June 1, 2006
Policy Requirement when Changing Scope of Practice
Letter from Dr. Yazdanfar's solicitor, McCarthy Tetrault, received August 23, 2006
The following information was available to the Complaints Committee at the time of its review:
CPSO Correspondence and telephone communications memoranda between investigator and various parties

Del Bohner Yazoanter Silicare a Presidente

May 31, 2006

Ms. Ann Atkinson, Investigator Investigations and Resolutions The College of Physicians and Surgeons 80 College Street Toronto Ontario M5G 2E2



Dear Ms. Atkinson:

Re: Dr. Terry Polevoy

I am writing in response to your letter dated April 28, 2006 with respect to a complaint made by Dr. Terry Polevoy ("Dr. Polevoy") dated March 16 and 22, 2006. I have never met Dr. Polevoy, nor has he, to the best of my knowledge, ever referred patients to me.

I was a family physician and now practice in the area of cosmetic procedures. I started my cosmetic practice in the year 2000. The Scope of Practice Regulation did not come into effect until September/October 2002. The College was advised of a change in my Scope of Practice and I completed the required preceptorship in February 2005. I attach a copy of a letter from Dr. Robert Jackson dated February 11, 2005, confirming the successful completion of my preceptorship. Nowhere do I assert that I am a plastic surgeon, and there is no requirement that I complete a surgical residency in order to do the procedures that I do.

Dr. Polevoy notes a concern regarding Dr. Lance Tin. I have a working relationship with Dr. Tin, a general surgeon and Chief of Surgery at Credit Valley Hospital. When a patient seeks procedures that I do not perform, I sometimes refer them to Dr. Tin.

With respect to Dr. Polevoy's complaint regarding the Toronto Cosmetic Clinic website at www.tcclinic.com, I stand by all the statements contained therein. I am qualified to do the cosmetic procedures listed. I have undergone the training outlined, and am a member of the enumerated organizations. I attach copies of Certificates and Awards indicating completion of training in the areas of the procedures I perform and organizations that I am a member of.

With respect to the advertisement in *Elevate* magazine, the advertisement shows images of procedures that I perform and am qualified to perform, as outlined above. The information on the website and in the advertisement is not false, misleading or deceptive, and does not breach the advertising regulations under the *Medicine Act*.

I hope that this adequately addresses Dr. Polevoy's concerns. Please do not hesitate to contact me if I can be of further assistance.

Dr. Behnaz Yazdanfar

5406 Yorige Street, 5,000 110 North York, Ont. M2N SRT Col. (4161 221,5554 Fex: (4161 221.8321

Yours very truly,

Dr. Behnaz Yazdanfar 4092301



Robert F. Jackson M.D. F.A.C.S. Cosmetic Surgery

February 11 2005

RE: Dr. Behnaz Yazdanfar

To Whom It May Concern:

I am writing to you at this time regarding Dr. Behnaz Yazdanfar program to become qualified to do breast augmentation surgery. This physician 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. She 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 seems to have a good interaction with both her patient's and staff. During the time Dr. Yazdanfar spent with my staff and my patients here in Marion, Indiana, she manifested very good doctor-patient relationship and she manifested a good rapport with my staff and seemed to be an extremely ethical physician.

My observation with her own staff in Toronto as well as her clinic and the way she interacted with the patients that I saw her in contact with while I was there showed that 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.

If you need any further recommendation from me please feel free to contact me.

Sincerely yours,

Robert F. Jackson, M.D., F.A.C.S.

Surgeons Inc.

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