

Ontario audiologist not backing down from order to stop using 'Dr.' title

Written by Mark Cardwell on May 6, 2016 for CanadianHealthcareNetwork.ca

Brenda Berge has never presented herself as a medical doctor. But the audiologist has never shied away from using the prefix "Dr." in the 20 years she's been practising her profession in Guelph, Ont.



Brenda Berge

That earned her charges for wrongful presentation in 2008 from the Ontario College of Audiologists and Speech Language Pathologists. She was found guilty last year, sentenced to a two-month suspension and given a whopping \$97,000 fine.

But in June, when "Dr." Berge's appeal of both the suspension and fine are heard in divisional court in Toronto, the audiologist says it will be her turn to be heard.

"(The order) has had a noose around my neck for eight years, threatening to take my licence," Berge told The Medical Post. "It's professional harassment, and it has to stop."

Berge is challenging her punishment on the constitutional grounds that her right to freedom of expression—and ostensibly the rights of all of her fellow professionals in Ontario who possess a Doctor of Audiology degree—is being violated by provincial laws that prohibit her from using "Dr." before her name.

In addition to physicians, practitioners in four other healthcare professions—optometrists, chiropractors, dentists and clinical psychologists—have been legally allowed to use the prefix designation in Ontario since 1991 under the Regulated Health Professions Act (RHPA). In 2013, naturopaths and acupuncturists were added to the list.

According to Berge, both audiologists and podiatrists, who can prescribe drugs and perform foot surgery, have been excluded from the list despite the fact that both possess graduate-level studies and regulated training and practice, and that a ministry of health committee recommended their inclusion in 2006.

"It's patently unfair, nonsensical, erroneous and antiquated," said Berge, who did her doctoral and post-doctoral training in the United States, and has her own clinic in Guelph.

"American audiologists ridicule Ontario's position on this."

She is being represented in her court challenge by constitutional lawyer Morris Manning.

"You want to be able to convey to patients that you are a doctor, and if you do so, that's a form of expression," Manning told the [National Post](#) this week in a story about Berge's case. "It becomes a very important constitutional issue."

The College of Audiologists and Speech Language Pathologists has not yet responded to an email request for an interview about the case. But Berge said this has obviously raised concerns and questions among both audiologists and legislators. She said lawyers from Ontario's Ministry of the Attorney General were active involved in the nine days of hearings and cross-examinations when her case was heard three years ago.

Berge added her years-old listing on RateMDs.com website was not her doing.

"Do I portray myself as a doctor? Oh my gosh, no!" said Berge. "But should I be able to use 'Dr.' in front of my name? Absolutely!"

A spokesperson for the Ontario College of Physicians and Surgeons said Berge is not on its disciplinary radar.

"In circumstances where the CPSO has obtained evidence that an unregistered person is unlawfully using a restricted title in the course of providing or offering to provide healthcare to an individual in Ontario, is holding himself/herself out as a physician or specialist, or is performing a controlled act without authorization, we issue a cease and desist letter demanding the individual to refrain from the prohibited activity. If the individual fails to comply, we may commence a provincial offences prosecution or seek an injunction from the court directing the individual to comply the legislation," Kathryn Clarke wrote in an email query from the Medical Post.

"This particular individual is a regulated health professional and has been disciplined by her college for this conduct."
