

**DISCIPLINE COMMITTEE  
OF THE COLLEGE OF NATUROPATHS OF ONTARIO**

PANEL: Dr. Jordan Sokoloski, ND – Chair,  
Dr. Laure Sbeit ND  
Dean Catherwood  
Brook Dyson  
Samuel Laldin

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO ) REBECCA DURCAN and  
) ANDREW PARR for the  
) College of Naturopaths of Ontario  
)  
)  
- and - ) BRIAN WHITWHAM for  
) Dr. Taras Rodak, ND  
)  
DR. TARAS RODAK, ND )  
) ANDREA GONSALVES,  
) Independent Legal Counsel  
)  
) Heard: May 18, 2021

**DECISION AND REASONS  
(DC-19-06)**

[1] This matter came on for hearing before a panel of the Discipline Committee on May 18, 2021. The matter was heard electronically.

**The Allegations**

[2] The allegations against Dr. Taras Rodak, ND (the “Registrant”) as stated in the Notice of Hearing dated December 10, 2019 are as follows:

## **The [Registrant]**

1. At all relevant times, Dr. Taras Rodak, ND (“the [Registrant]”) has been a member of the College.
2. The [Registrant] works at and owns the Clinic in Etobicoke, Ontario.

## **Electro-Dermal Screening for [Registrant]’s Patients**

3. The [Registrant] retains Ms. G as an independent contractor to provide electro-dermal screening (“EDS”) to his patients at the Clinic.
4. Ms. G is not a member of the College or any regulatory health college.
5. The [Registrant] permits Ms. G to provide EDS to her own personal clients at the Clinic. The [Registrant] does not provide EDS or administer EDS.
6. The [Registrant]’s patients sign a separate “Informed consent agreement” for the services provided by Ms. G. Ms. G performs the screening and makes treatment recommendations based on the results.
7. The [Registrant] charges his patients \$150 for the EDS service. The [Registrant] pays Ms. G \$90 for the provision of each EDS service.
8. The [Registrant] then charges \$15 for a naturopathic consult that involves the [Registrant] reviewing the results of the EDS with his patient.
9. Ms. G charges her personal clients \$150 for the initial and follow up EDS service provided at the Clinic. Ms. G charges her personal clients \$90 for the follow up evaluations at her own clinic.
10. It is alleged that the [Registrant] issued or permitted to be issued invoices for the services he did not provide. In particular, the [Registrant] issued invoices:
  - a. Indicating that the [Registrant] provided EDS to his patients instead of Ms. G;
  - b. Indicating that the provision of EDS to his patients was a naturopathic service yet provided by Ms. G; and/or
  - c. That did not identify the actual cost and/or the mark up of the EDS service.
11. It is alleged that the [Registrant] did not audit his invoices to ensure accuracy and compliance with the College standards.
12. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”) as set

out in one or more of the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:

- a. Paragraph 1 (Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession) including but not limited to:
  - i. Fees and Billing Standard; and/or
  - ii. [*withdrawn*]
- b. Paragraph 18 (Issuing an invoice, bill or receipt that the member knows or ought to know is false or misleading);
- c. [*withdrawn*]
- d. [*withdrawn*]
- e. Paragraph 24 (Signing or issuing, in his or her professional capacity, a document that the member knows or ought to know contains a false or misleading statement); and/or
- f. Paragraph 46 (Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional).

### **Registrant's Plea**

[3] The College sought leave to withdraw allegations 12.a.i, 12.c and 2.d in the Notice of Hearing. The granted leave to the College and those allegations were withdrawn. In addition, College counsel advised the panel that the College would not seek a finding under allegation 12.f that the Registrant's conduct would reasonably be regarded as disgraceful. The Registrant admitted to the remaining allegations as set out in the Notice of Hearing.

[4] The panel conducted an oral plea inquiry and was satisfied that the Registrant's admission was voluntary, informed and unequivocal.

### **The Evidence**

[5] The evidence was tendered by way of an Agreed Statement of Facts (Exhibit 2), which the parties presented to the panel at the hearing. The Agreed Statement of Facts provides as follows:

## **The Registrant**

1. At all relevant times, Dr. Taras Rodak, ND (the “Registrant”) has been a registrant of the College of Naturopaths of Ontario (the “College”). Attached as **Exhibit “A”** is a copy of the Registrant’s College Register Profile [*omitted from these reasons*].
2. The Registrant works at and owns the Wellness Institute, a clinic in Etobicoke, Ontario (the “Clinic”).

## **Electro-Dermal Screening for the Registrant’s Patients**

3. The Registrant retains Ms. G as an independent contractor to provide electro-dermal screening (“EDS”) to patients at the Clinic.
4. EDS is a diagnostic test that measures the body’s energetic imbalances to determine appropriate means for restoring equilibrium. It is a non-invasive test that involves the placement of small probes on an individual’s fingertips and/or toes in order to measure electrical resistance at different points in the body.
5. Ms. G is not a registrant of the College or any health regulatory college in any jurisdiction.
6. The Registrant’s patients sign a separate “Informed consent agreement” for the services provided by Ms. G. Ms. G performs the screening and makes treatment recommendations based on the results.
7. Ms. G does not engage in any controlled acts while performing the screening.
8. The Registrant permits Ms. G to provide EDS to her own personal clients at the Clinic. Ms. G also provides EDS to the Registrant’s patients where he determines that EDS would be beneficial in developing the patients’ treatment plans. The Registrant does not provide or administer EDS himself but he used to do so and he is able to interpret the data from the EDS procedures.

## **Cost of EDS**

9. Ms. G charges her personal clients \$150.00 for the initial and follow-up EDS services provided at the Clinic. However, Ms. G charges her personal clients \$90.00 for the follow-up evaluations at her own clinics in Barrie and Minden.
10. The Registrant charges his patients \$150.00 for the EDS service. The [Registrant] then pays Ms. G \$90.00 for the provision of each EDS service.

11. The Registrant also charges \$15.00 to his patients for a “naturopathic consult” that involves the Registrant reviewing the results of the EDS with his patient. This occurs immediately after the EDS service.

### **Issuing False or Misleading Invoices**

12. As noted above, the Registrant charges his patients \$150.00 for the EDS service provided by Ms. G. On invoices issued by the Registrant, EDS is characterized as a “naturopathic service” and identifies that he provided the service, as opposed to Ms. G. Attached as **Exhibit “B”** is an example of the invoices that the Registrant would issue when Ms. G would perform EDS to his patients [*omitted from these reasons*]. It is agreed that these invoices were false or misleading or that the Registrant ought to have known they were false or misleading because the EDS services should not have been billed as “naturopathic services”, they were not provided by the Registrant, and they did not reflect any administrative fees or mark-up costs.
13. It is agreed that the invoices were documents that the Registrant issued in his professional capacity.
14. It is agreed that registrants are required to issue accurate accounts. The accounts issued by the Registrant did not identify that Ms. G provided the EDS service and incorrectly identified it as a “naturopathic service.” It is agreed that the cost of the EDS and any administrative fees or mark-up costs were not included on the invoice. It is agreed that in order to ensure accuracy, the Registrant should have identified Ms. G as the service provider and identified that EDS had been provided instead of simply a “naturopathic service” and that the cost and administrative fees or mark-up costs ought to have been included.
15. It is also agreed that registrants are accountable for any fee, billing or account that uses their name and/or registration number, as stipulated in the Fees and Billing Standard of Practice. Attached as **Exhibit “C”** is a copy of the relevant Standard [*omitted from these reasons*].
16. It is further agreed that although the Registrant audited his invoices to ensure accuracy and compliance with College standards, he now recognizes that he did not have a thorough understanding of the standard and that he needs to be more diligent to ensure he identifies and corrects any errors that may exist.
17. It is agreed that registrants of the College must audit their invoices and billing practices to ensure the accuracy of their invoices and an understanding of how their registration number is being used, as stipulated in the Fees and Billing Standard of Practice (see **Exhibit “C”**).

## **Admissions of Professional Misconduct**

18. It is agreed that the above conduct constitutes professional misconduct pursuant to subsection 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and as set out in the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
- a. Paragraph 1 – Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, in particular:
    - i. Fees and Billing Standard of Practice;
  - b. Paragraph 18 (Issuing an invoice, bill or receipt that the Registrant knows or ought to know is false or misleading);
  - c. Paragraph 24 (Signing or issuing, in his or her professional capacity, a document that the Registrant knows or ought to know contains a false or misleading statement); and
  - d. Paragraph 46 (Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by registrants as dishonourable or unprofessional).

## **Decision**

[6] The panel finds that the Registrant committed acts of professional misconduct as admitted by the Registrant in the Agreed Statement of Facts. Specifically, the panel makes findings of professional misconduct on allegations 12.a.i, 12.b, 12.e and 12.f in the Notice of Hearing. With respect to allegation 12.f, the panel finds (as agreed by the parties) that the Registrant's conduct would reasonably be regarded as dishonourable or unprofessional.

## **Reasons for Decision**

[7] In arriving at its decision, the Panel considered the Registrant's admission of professional misconduct, the Agreed Statement of Facts, and the parties' submissions.

[8] Following deliberations, the Panel was satisfied that the conduct described in the Agreed Statement of Facts constitutes professional misconduct as alleged in the Notice of Hearing and as admitted by the Registrant for the following reasons:

1. The Registrant issued a receipt that contained false and misleading information. The EDS service is not a naturopathic service provided by the Registrant, but by an independent contractor at the Registrant's clinic. Describing the provision of EDS services in this way on the receipt is therefore not transparent or accurate and amounts to issuing a receipt and signing or issuing a document that the Registrant knew or ought to know contained a false or misleading statement, contrary to paragraphs 18 and 24 of Ontario Regulation 17/14. Such conduct does not serve the public interest. Ultimately, it diminishes public trust and confidence in the naturopathic profession.
2. The receipt issued by the Registrant did not show the markup costs of the services provided which is required by the Fees and Billing Standard in order to ensure transparency. The Registrant's conduct thereby contravened or failed to maintain the standards of practice of the profession, contrary to paragraph 1 of Ontario Regulation 17/14. Registrants should review the College's Standards documents periodically to ensure their practices are in line with the requirements set out by the Standards.
3. The conduct described above would reasonably be regarded by members of the profession as dishonourable and/or unprofessional, contrary to paragraph 46 of Ontario Regulation 17/14.

### **Penalty Submissions**

- [9] The parties presented the panel with a Joint Submission as to Penalty and Costs (Exhibit 3). The Joint Submission provides as follows:

The College of Naturopaths of Ontario and Dr. Taras Rodak, ND (the "Registrant") agree and jointly submit that the Discipline Committee make an order:

1. Requiring the Registrant to appear before the Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the CEO to suspend the Registrant's certificate of registration for a period of three months, on a schedule to be set by the CEO, one month of which shall be remitted if the Registrant complies with the provisions of paragraphs 3(a) through 3(c) no later than August 30, 2021.
3. Directing the CEO to impose the following specified terms, conditions and limitations ("TCLs") on the Registrant's certificate of registration, to be

fulfilled at the Registrant's expense, to the satisfaction of the CEO, prior to October 31, 2021:

- a. Requirement that the Registrant unconditionally pass the PROBE ethics course;
  - b. Requirement that the Registrant successfully complete the College's jurisprudence course;
  - c. Requirement that the Registrant successfully complete a naturopathic medicine records course approved by the CEO;
  - d. Requirement that the Registrant complete one meeting that is at least four hours in length with a Regulatory Expert, to be identified by the CEO, to review the issues that arose in this case, and up to two additional meetings of equal duration, the necessity of which will be determined by the Regulatory Expert; and
  - e. Requirement that the Registrant write an essay between 1,000 and 1,500 words in length, that is acceptable to the CEO, and provide it to the CEO, no later than one month from the date of the last meeting with the Regulatory Expert, that shall be published by the College at a time and in a format determined by the CEO, outlining what the Registrant learned as a result of his meeting(s) with the Regulatory Expert and his unconditional pass/successful completion of the PROBE ethics, jurisprudence and naturopathic medicine courses.
4. For greater certainty, the Registrant's obligation to comply with the proposed terms, conditions and limitations on his certificate of registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.
  5. The Registrant shall pay a fine of \$350 to the Minister of Finance within two months of the hearing of this matter.
  6. The Registrant shall pay the College's costs fixed in the amount of \$5,000 payable on a schedule determined by the CEO.
  7. The Registrant acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
  8. The Registrant acknowledges and understands that he is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that he has been advised of his right to seek legal advice.

### **Penalty and Costs Decision**

[10] The panel accepts the Joint Submission and accordingly makes an order:



1. Requiring the Registrant to appear before the panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Chief Executive Officer (CEO) to suspend the Registrant's certificate of registration for a period of three (3) months, on a schedule to be set by the CEO, one month of which shall be remitted if the Registrant complies with the provisions of paragraphs 3(a) through 3(c) no later than August 30, 2021.
3. Directing the CEO to impose the following specified terms, conditions and limitations on the Registrant's certificate of registration, to be fulfilled at the Registrant's expense, to the satisfaction of the CEO, prior to October 31, 2021:
  - a. A requirement that the Registrant unconditionally pass, the PROBE ethics course;
  - b. A requirement that the Registrant successfully complete the College's jurisprudence course;
  - c. A requirement that the Registrant successfully complete a naturopathic medicine records course approved by the CEO;
  - d. A requirement that the Registrant complete one meeting that is at least four hours in length with a Regulatory Expert, to be identified by the CEO, to review the issues that arose in this case, and up to two additional meetings of equal duration, the necessity of which will be determined by the Regulatory Expert; and
  - e. A requirement that the Registrant write an essay between 1,000 and 1,500 words in length, that is acceptable to the CEO, and provide it to the CEO, no later than one month from the date of the last meeting with the Regulatory Expert, that shall be published by the College at a time and in a format determined by the CEO, outlining what the Registrant learned as a result of his meeting(s) with the Regulatory Expert and his unconditional pass/successful completion of the PROBE ethics, jurisprudence and naturopathic medicine courses.
4. For greater certainty, the Registrant's obligation to comply with the proposed terms, conditions and limitations on his certificate of registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.
5. The Registrant shall pay a fine of \$350 to the Minister of Finance within two months of the hearing of this matter.
6. The Registrant shall pay the College's costs fixed in the amount of \$5,000 payable on a schedule determined by the CEO.

### **Reasons for Penalty Decision**

[11] The panel considered the Joint Submissions as to Penalty and Costs, as well as submissions from both College counsel and the Registrant's counsel. The Panel recognized that

the penalty should consider principles of both specific and general deterrence as well as provide the Registrant with remedial opportunities. Above all, it must preserve public confidence in the ability of the College to regulate its Registrants and protect the public. The Panel is aware that a Joint Submission as to Penalty and Costs should be accepted unless doing so would bring the discipline process of this College into disrepute and be contrary to the public interest. Each party submitted a Brief of Authorities which summarized a number of cases from other regulatory health colleges that touched on some similar themes to this matter, including a matter from this College involving a Registrant who had appeared before the Discipline Committee on more than one occasion. These cases reassured the panel that the jointly proposed penalty was reasonable and proportionate to the circumstances of the misconduct in this case and meets the objectives of penalty. As a result, the panel accepted the Joint Submission and made an order in accordance with its terms.

[12] The panel considered the mitigating factors, including the Registrant's cooperation with the College through the discipline process and his willingness to enter into the Agreed Statement of Facts and admit to the misconduct. The panel also considered the aggravating factors, including the behaviour itself. It was of special concern to the panel that this is not the first time that the Registrant has appeared before a panel of the Discipline Committee.


[13] The panel was satisfied that the penalty meets both specific deterrence to the Registrant and general deterrence to the profession at large, and will help to ensure that misconduct of this nature will not recur. The length of the suspension sends a message that professional misconduct will result in a serious disruption to practice. The fine is an acknowledgment of the cost to the Province of the privilege of self-regulation. The reprimand allows the panel to make clear to the Registrant and others in the profession that they will be held to a high standard in keeping with the College's goal of public protection and accountability. Finally, the remedial terms will enable the Registrant to learn from his misconduct so that he can return to practice prepared to conduct himself more ethically and with a better understanding of the importance of accurate billing and recordkeeping. The panel was pleased to hear that the Registrant has already taken steps to complete a number of the remedial terms, conditions and limitations imposed upon him and believes this initiative demonstrates a desire to avoid a repeat of the circumstances that led to the misconduct. The panel expects that this will be the last time the Registrant ever appears before a

panel of the Discipline Committee and wishes to make clear that any subsequent appearance will be considered even more severely.

[14] For these reasons, the penalty order meets the requirement to preserve public confidence in the College to properly regulate its Registrants in the public interest.

[15] At the conclusion of the hearing, having confirmed that the Registrant waived any right to appeal, the panel delivered its reprimand. A copy of the reprimand is attached to these reasons.

I, Dr. Jordan Sokoloski, N.D. sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:



June 21, 2021

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Chairperson

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Date

Names of panel members

Dr. Laure Sbeit ND  
Dean Catherwood  
Brook Dyson  
Samuel Laldin

## REPRIMAND

**Dr. Rodak**, you have been found to have engaged in professional misconduct by this Discipline Panel. As part of the penalty ordered, you are now before the panel to be reprimanded. You agreed to this term of order as part of the joint submission proposed.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

Although you will be given an opportunity to make a statement at the end of the reprimand, this is *not* an opportunity for you to review the decisions made by the Discipline Panel, *nor* a time for you to debate the merits of our decisions.

The Panel has found that you have engaged in professional misconduct in the following ways:

- A) You contravened the College standards of practice in relation to, among other things, the fees and billing standard.
- B) You engaged in conduct which would reasonably be regarded by other Registrants of the profession as dishonourable and unprofessional.

It is a matter of profound concern to this Panel that you have engaged in these forms of professional misconduct.

Moreover, the result of your misconduct is that you have let down the public, the profession, and yourself.

We need to make it clear to you that your conduct is unacceptable.

Of special concern to us is the fact that the professional misconduct in which you engaged has involved misleading the public with your billing practices, which ultimately betrays the public's trust and confidence in the naturopathic profession.

Consequently, it is necessary for us to take steps to impress upon you the severity of the misconduct in which you have engaged.

We also want to make it clear to you that while the penalty that this Panel has imposed upon you is a fair penalty, we expect you will use these remedial activities to significantly improve your conduct. We are especially concerned that this is your second appearance in front of a panel of the Discipline Committee, and we expect that you will not appear before this Committee again.

As I have already stated, this is not an opportunity for you to review the decisions or debate their correctness, which in any event, were agreed to by you. However if you wish to make a comment, you may do so now.