DISCIPLINE COMMITTEE OF THE COLLEGE OF NATUROPATHS OF ONTARIO

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

TARAS RODAK

AGREED STATEMENT OF FACTS (18-031R)

The parties hereby agree that the following facts may be accepted as true by the Discipline Committee of the College of Naturopaths of Ontario (the "College"):

The Registrant

- 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.
- 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 electrodermal 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 Member 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. 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.

- 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;
 - Paragraph 18 (Issuing an invoice, bill or receipt that the Registrant knows or ought to know is false or misleading);
 - 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).

Acknowledgement

- 19. By this document, the Registrant states that:
 - a. He understands fully the nature of the allegations made against him;
 - b. He has no questions with respect to the allegations against him;
 - c. He admits to the truth of the facts contained in this Agreed Statement of Facts and that the admitted facts constitute professional misconduct;
 - d. He understands that by signing this document he is consenting to the evidence as set out in the Agreed Statement of Facts being presented to the Discipline Committee;

- He understands that by admitting the allegations, he is waiving his right to require the College to prove the allegations against him at a contested hearing;
- f. He understands that the decision of the Committee and a summary of its reasons, including reference to his name, will be published in the College's annual report and any other publication or website of the College;
- g. He understands that any agreement between him and the College with respect to the penalty proposed does not bind the Discipline Committee; and
- h. He understands and acknowledges that he is executing this document voluntarily, unequivocally, free of duress, and free of bribe and that he has been advised of his right to seek legal advice.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Signed this <u>7</u> day of <u>MAY</u> , 2021	Signed this 11th day of May, 2021
J- Moly NO	Andu .
Dr. Taras Rodak, ND Registrant	Andrew Parr, CAE CEO
	College of Naturopaths of Ontario

TAB A

Search <u>SIGN IN</u> <u>FRANÇAIS</u> <u>CART</u>



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Member Details

Name:
Nickname or Abbreviation:
Date Of Registration:
Registration #:
Current Status:
Class of Registration:
Previous First Name:
Previous Last Name:

Dr. Taras Rodak, ND
None
Oct 01, 1992
0741
In Good Standing
General Class
None
None

Registration History

Registrant Class	Status	Effective Date	Notes
General Class	In Good Standing	Oct 01, 1992	Authorized to practise Naturopathy

Extended Services

Additional Standards of Practice	Qualified	Effective Date	Notes
Therapeutic Prescribing is a post-registration Standard of Practice. NDs who wish to prescribe, dispense, compound, sell, or administer by injection or inhalation the restricted substances available to Ontario NDs under the College's General Regulation must first meet this Standard of Practice. NDs who do not wish to access these substances or perform these controlled acts are not required to meet this Standard.	No		
Additional Standards of Practice	Qualified	Effective Date	Notes
The Standard of Practice for Intravenous Infusion Therapy (IVIT) is a post-registration Standard of Practice. NDs who wish to administer substances intravenously for therapeutic			

Terms, Conditions And Limitations

Effective Date	Expiry Date	Type Of Conditions	Notes
	aug 28, 1018	Limitation	This TCL is no longer in effect and is available for historical purposes only. The Member shall not provide naturopathic treatment or offer naturopathic treatment to a patient unless the Member: a. has obtained informed consent from the patient. (The Member is reminded that this includes but is not limited to describing the nature of the proposed diagnostic procedures or treatments to patients, to the extent necessary to ensure that patients reasonably know what to expect, e.g. whether they will be asked to disrobe, be touched, etc.); b. has confirmed with the patient that they do or do not request another person (older than 18 years of age) to be present in the room during the proposed diagnostic procedure or treatment; c. has documented discussions with the patient as per paragraphs (a) and (b) above in the patient file; and

d. has ensured that the patient signed a form confirming that they were made aware that they may request another person (older than 18 years of age) to be present in the room during the proposed diagnostic procedure or treatment, and want to proceed with the procedure or

Where a patient requests that another person (older than 18 years of age) be present in the room, the Member shall abstain from conducting any naturopathic examinations or procedures on the patient except with another person (over 18 years of age) present during the examinations and

The Member shall post a sign, acceptable to the College, in a prominent and visible location in the waiting room and each of the examination/treatment rooms of the Member's place(s) of practice that states: "The patients of Dr. Taras Rodak, ND may request at any time that another person (older than 18 years of age) be present in the room during all examinations and procedures"; and

The Member shall not have any professional encounters with naturopathic patients, or treat or offer to treat naturopathic patients, until the signs as described above have been posted.

Employment Information

Employer	Address	City	Province	Country	Postal Code	Phone
Wellness Institute	954 Royal York Road	Toronto	ON	CAN	M8X 2E5	416-234-1888 x 30

Professional Corporation Inquiries, Complaints, And Reports Committee Referrals Inquiries Complaints And Reports Committee - Outcomes

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Complaints & Reports

Preventing Sexual Abuse

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CONTACT US

150 John Street, 10th Floor Toronto, Ontario, M5V 3E3 Tel. 416.583.6010 Toll Free: 1-877-361-1925 Fax. 416.583.6011





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Member Details

Name:
Nickname or Abbreviation:
Date Of Registration:
Registration #:
Current Status:
Class of Registration:
Previous First Name:
Previous Last Name:

Dr. Taras Rodak, ND
None
Oct 01, 1992
0741
In Good Standing
General Class
None
None

Registration History

Registrant Class	Status	Effective Date	Notes
General Class	In Good Standing	Oct 01, 1992	Authorized to practise Naturopathy

Extended Services

Additional Standards of Practice	Qualified	Effective Date	Notes
Therapeutic Prescribing is a post-registration Standard of Practice. NDs who wish to prescribe, dispense, compound, sell, or administer by injection or inhalation the restricted substances available to Ontario NDs under the College's General Regulation must first meet this Standard of Practice. NDs who do not wish to access these substances or perform these controlled acts are not required to meet this Standard.	No		
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d. has ensured that the patient signed a form confirming that they were made aware that they may request another person (older than 18 years of age) to be present in the room during the proposed diagnostic procedure or treatment, and want to proceed with the procedure or treatment.

Where a patient requests that another person (older than 18 years of age) be present in the room, the Member shall abstain from conducting any naturopathic examinations or procedures on the patient except with another person (over 18 years of age) present during the examinations and procedures.

The Member shall post a sign, acceptable to the College, in a prominent and visible location in the waiting room and each of the examination/treatment rooms of the Member's place(s) of practice that states: "The patients of Dr. Taras Rodak, ND may request at any time that another person (older than 18 years of age) be present in the room during all examinations and procedures"; and

The Member shall not have any professional encounters with naturopathic patients, or treat or offer to treat naturopathic patients, until the signs as described above have been posted.

Employment Information

Professional Corporation

Inquiries, Complaints, And Reports Committee Referrals

Allegations:

STATEMENT OF SPECIFIED ALLEGATIONS

- 1. At all relevant times, Dr. Taras Rodak ("the Member") has been a member of the College.
- 2. On or about October 2, 2017 the Patient attended the Member's clinic in Etobicoke, Ontario. The Patient was seeking assistance related to low energy and leg cramps related to her marathon training.

Standards of the Profession

- 3. It is alleged that during the appointment, the Member:
 - a. Provided a consent form for the Patient to sign before the Member had an opportunity to discuss the proposed treatment and obtain informed consent:
 - b. Failed to confirm at the outset of the appointment if the Patient wanted a person present during the appointment;
 - c. Asked the Patient to change into a robe and/or if he could conduct a breast exam;
 - d. Did not obtain informed consent to perform Bowen therapy on the patient;
 - e. Did not adequately respond to the Patient's questions about Bowen therapy;
 - f. Asked the Patient to sign another consent form after the appointment indicating that she had been provided with an option to have a person present during the appointment; and/or
 - g. Did not advise the Patient in advance of the appointment of the cost of the appointment and/or the remedies provided.
- 4. 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); and/or
 - b. **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).

Informed Consent

- 5. It is alleged that during the appointment, the Member failed to:
 - a. Provide the Patient with the nature of the Bowen therapy treatment;
 - b. Provide the Patient with the expected benefits of the Bowen therapy treatment;
 - c. Provide the Patient with the material risks of the Bowen therapy treatment;
 - d. Provide the Patient with the material side effects of the Bowen therapy treatment;
 - e. Provide the Patient with alternative courses of action to Bowen therapy treatment; and/or f. Provide the Patient with the likely consequences of not having the Bowen therapy treatment.
- 6. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of 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 3** (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic or other health-related purpose except, i. with the informed consent of the patient or the patient's authorized representative, or ii. as required or authorized by law): and/or
 - b. **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).

Failing to advise of a fee

- 7. It is alleged that the Member did not advise the Patient in advance of the appointment, or in advance of him recommending a remedy of the fee to be charged for the appointment and/or remedy.
- 8. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of 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 20 (Failing to advise a patient or a patient's authorized representative, before providing any service, fee to be charged for the service or of any penalties that will be charged for late payment of the fee); and/or b. 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). Sexual Abuse 9. It is alleged that during the appointment, the Member: a. Engaged in behaviour and/ or remarks of a sexual nature by failing to confirm at the outset of the appointment if the Patient wanted a person present during the appointment; and/or b. Engaged in behaviour and/ or remarks of a sexual nature by asking the Patient to change into a robe and/or if he could conduct a breast exam. 10. The behaviour and/or remarks as set out in paragraph 9 were not of a clinical nature appropriate to the service provided. 11. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(b.1) of the Code as the Member sexually abused the Patient. Referred To: Discipline Committee Referral Date: Jun 07, 2018 Hearing Dates: Notice of Hearing: DC18-01 - Taras Rodak - Notice of Hearing.pdf STATEMENT OF SPECIFIED ALLEGATIONS The Member 1. At all relevant times, Dr. Taras Rodak, ND ("the Member") has been a member of the College. 2. The Member works at and owns the Clinic in Etobicoke, Ontario. **Electro-Dermal Screening for Member's Patients** 3. The Member retains Ms. G as an independent contractor to provide electro-dermal screening ("EDS") to his patients at the 4. Ms. G is not a member of the College or any regulatory health college. 5. The Member permits Ms. G to provide EDS to her own personal clients at the Clinic. The Member does not provide EDS or administer EDS. 6. The Member'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 Member charges his patients \$150 for the EDS service. The Member pays Ms. G \$90 for the provision of each EDS 8. The Member then charges \$15 for a naturopathic consult that involves the Member reviewing the results of the EDS with his 9. Ms. G charges her personal clients \$150 for the initial and follow up EDS service provided at the Clinic. Ms. G charges her Allegations: personal clients \$90 for the follow up evaluations at her own clinic. 10. It is alleged that the Member issued or permitted to be issued invoices for the services he did not provide. In particular, the Member issued invoices: a. Indicating that the Member 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 Member 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. Record Keeping Standard; b. Paragraph 18 (Issuing an invoice, bill or receipt that the member knows or ought to know is false or misleading); c. Paragraph 19 (Charging a fee that is excessive in relation to the services or products provided); d. Paragraph 23 (Failing to keep records in accordance with the standards of the profession); 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). Referred To: Discipline Committee Referral Date: Dec 05, 2019

Hearing Dates:
Notice of Hearing:

DC19-06 Rodak Notice of Hearing.pdf

The ICRC may refer specified allegations of professional misconduct or incompetence to the Discipline Committee and matters of incapacity to the Fitness to Practice Committee. The ICRC cannot make any findings, therefore no allegations have been proven and no findings have been made. Findings of professional misconduct or incompetence can only be made by the Discipline Committee. Findings of incapacity can only be made by the Fitness to Practice Committee.

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150 John Street, 10th Floor Toronto, Ontario, M5V 3E3 Tel. 416.583.6010 Toll Free: 1-877-361-1925 Fax. 416.583.6011

TAB B



Invoice To

Wellness Institute 954 Royal York Rd. Toronto, ON M8X 2E5

Tel.:(416) 234-1888 Fax: (416) 234-0006





Date	Invoice #
MM/DD/YYYY	252946

				Terms
				On Receipt
Description	QTY	Rate		Amount
Naturopathic Services - Dr. Rodak, N.D. (Registration No.: 741) Methyl B12 Liposome Spray (60ml) NPN 80029539 Colloidal Iodine Naturopathic Visit - Dr. Rodak, N.D. (Registration No: 741) HST On Sales			150.00 43.00 35.00 15.00 13.00%	150.00 43.00T 35.00T 15.00 10.14
Business Number: 898257878				
PAID IN FULL		Total		\$253.14
Receipt for income tax purposes. No refund or exchange on pr	oducts or services.	Baland	ce Due	\$0.00
Email wellnessinstitute@sympatico.ca		Web Site	www.welli	ness-institute.ca
				C 1 C

TAB C

Standard of Practice:

Fees and Billing

Introduction

The intent of this standard is to advise Members with respect to fees and billing for naturopathic services, drugs, substances, products or devices.

Definitions

Block Fee: A flat fee charged for a predetermined set of services or unlimited services.

Markup: the amount added to the cost price of goods to cover overhead costs.

1. Fees and Billing

The Member establishes and maintains fair and ethical fees and billing practices. Members are accountable for any fee, billing or account that uses their name and/or registration number. Naturopaths must be aware of how their names and registration numbers are being used.

Performance Indicators

The Member:

- ensures that patients are informed of the fees to be charged;
- ensures that a fee schedule is established and posted that outlines:
 - the fees for all visits or services;
 - any administrative fees; and
 - penalties for missed or cancelled appointments.
- . ensures that the fees charged:
 - are not excessive in relation to the services proposed;
 - for drugs, substances, products and devices are only marked-up to cover the direct overhead expenses incurred in obtaining, storing, dispensing and selling these items;
 - are an accurate reflection of the services provided to each patient.
- May charge a reasonable fee for collecting non-blood specimens to be sent for laboratory testing, and itemize it on the invoice as "collection of specimen"
- May charge the patient for the cost of the test and any associated fee(s) (e.g. requisition/collection fees from the medical laboratory) incurred by the Member.
- Does not charge a mark-up on the cost of the test and any associated fee(s) (e.g. requisition/collection fees from the medical laboratory) incurred by the naturopathic doctor.
- May charge a reasonable fee for the analysis of laboratory test results if it is done outside of a patient visit/consultation



- ensures that any departure from an established or documented fee is consented to by the patient and documented in the patient record;
- Prior to providing care, ensures that the patient is given clear information about fees and that they understand this information, this includes:
 - any relevant financial policies and payment expectations;
 - information on fees and the fee schedule specific to the patient circumstances, including all fees that might apply to the patient;
 - the basis upon which a bill for services is calculated; and
 - the acceptable methods of payment.
- audits invoices and billing practices at periodic intervals to ensure:
 - the accuracy of invoices;
 - an understanding of the fees that are being charged for their services;
 - an understanding of how their registration or billing number is being used; and
 - when abnormalities are discovered, reasonable steps are taken to remedy the situation.
- ensures that processes exist for the timely:
 - · notification of any balance due or owing; and
 - provision of applicable refunds.
- · does not charge a block fee;
- · does not charge a dispensing fee;
- does not offer or give a reduction in fees for prompt payment of services.

2. Receipts

The Member issues a receipt for all payments.

Performance Indicators

Receipts clearly and legibly record:

- name of treating Member, clinic name, address, telephone number;
- Member's registration number:
- patient's name and address;
- date of service:
- services billed;
- fees for supplements, injectable substances, drugs, laboratory tests, devices, special testing, etc.;
- payments received;
- balance owing:
- HST registration number, if applicable.

If a replacement receipt is issued it is clearly marked "COPY".

Receipts are clearly itemized. Fees for naturopathic consultation are separated from all other fees. Fees for supplements, injectable substances, drugs, laboratory tests, devices, special testing, etc., are individually listed, either on the same or another receipt.

The purchase and redemption of vouchers or gift certificates are clearly documented.

Related Standards

Conflict of Interest
Consent
Dispensing
Prescribing
Recommending Non-Scheduled Substances
Record Keeping
Selling

Legislative Framework

Professional Misconduct Regulation

Approval

Original Approval Date: October 15, 2012 Latest Amendment Date: March 6, 2019

Disclaimer

In the event of any inconsistency between this standard and any legislation that governs the practice of Naturopathic Doctors, the legislation shall govern.

COLLEGE OF NATUROPATHS OF ONTARIO

DISCIPLINE COMMITTEE OF THE COLLEGE OF NATUROPATHS OF ONTARIO

AGREED STATEMENT OF FACTS (18-031R)

STEINECKE MACIURA LEBLANC

Barristers & Solicitors

401 Bay Street Suite 2308 Toronto, ON M5H 2Y4

Rebecca Durcan, LSO No. 45930V

Telephone: (416) 644-4783 Facsimile: (416) 593-7867 Email: rdurcan@sml-lav

rdurcan@sml-law.com

Lawyers for the College of Naturopaths of Ontario