

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

This is Exhibit # 2
In **CONO vs. Taras Rodak**
Date: **October 5, 2020**

B E T W E E N:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

TARAS RODAK

JOINT BRIEF OF DOCUMENTS

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Lawyers for the College of Naturopaths
of Ontario

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1.	Email exchange between Patient and Dr. Rodak, ND	September 30, 2017- October 1, 2017	1-2
2.	Patient File, including: <ul style="list-style-type: none">• Intake Form• Signed Acknowledgement and Informed Consent• Dr. Rodak, ND's Written Notes and indication of Digestive Enzymes on Chart• Printouts• Computer Printout of Appointment• Invoice	October 2017 and November 2017	3-17
3.	Blank Acknowledgement and Informed Consent of Dr. Rodak, ND	Undated	18
4.	College Standard of Practice on Core Competencies	Undated	19-22
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6.	<div style="background-color: black; width: 100%; height: 1.2em; margin-bottom: 2px;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div>	Undated	28-33

TAB 1

-----Original Message-----

From: [REDACTED]
 Sent: Sunday, October 1, 2017 11:17 AM
 To: Wellness Institute
 Subject: Re: Appointment

Hi again.

That would be absolutely perfect!!! See you then - I really hope you can help 🙏🙏

[REDACTED]

> On Oct 1, 2017, at 10:03 AM, Wellness Institute <wellnessinstitute@sympatico.ca> wrote:

>

> Hello [REDACTED],

> Please confirm that tomorrow - Monday Oct 2 at 6:30pm works for you.

> Our clinic is located directly across the street from Royal York subway station:

> [http://secure-](http://secure-web.cisco.com/1WQskRhU9o8ArwJ2laOhhc0qspq8Xt_wlNjpXbDoc5AJYvgM5fj3lobn1oDHI9XGI4OJVcuP7Krd5OaBxDiBj6iGsMgppEGwttruhhtfB6AJe2Me0dXC5HT2ldwuixZU2gR8U_r47HNUlchLtseNo6vLqayy94DnlnwEFh-pR5A1AWNVPxuzQQzx2fN6uKISr7DMZRVxTEBqXLMcv2hbKErEys8sxTRJmLVtYnD9XnFPoUEF1s0sbMrYpKfeiTKWbTMZ-Oqt0rx0NMc7yczG9tA/http%3A%2F%2Fwww.wellness-institute.ca%2Fcontact-us.aspx)

[web.cisco.com/1WQskRhU9o8ArwJ2laOhhc0qspq8Xt_wlNjpXbDoc5AJYvgM5fj3lobn1oDHI9XGI4OJVcuP7Krd5OaBxDiBj6iGsMgppEGwttruhhtfB6AJe2Me0dXC5HT2ldwuixZU2gR8U_r47HNUlchLtseNo6vLqayy94DnlnwEFh-pR5A1AWNVPxuzQQzx2fN6uKISr7DMZRVxTEBqXLMcv2hbKErEys8sxTRJmLVtYnD9XnFPoUEF1s0sbMrYpKfeiTKWbTMZ-Oqt0rx0NMc7yczG9tA/http%3A%2F%2Fwww.wellness-institute.ca%2Fcontact-us.aspx](http://secure-web.cisco.com/1WQskRhU9o8ArwJ2laOhhc0qspq8Xt_wlNjpXbDoc5AJYvgM5fj3lobn1oDHI9XGI4OJVcuP7Krd5OaBxDiBj6iGsMgppEGwttruhhtfB6AJe2Me0dXC5HT2ldwuixZU2gR8U_r47HNUlchLtseNo6vLqayy94DnlnwEFh-pR5A1AWNVPxuzQQzx2fN6uKISr7DMZRVxTEBqXLMcv2hbKErEys8sxTRJmLVtYnD9XnFPoUEF1s0sbMrYpKfeiTKWbTMZ-Oqt0rx0NMc7yczG9tA/http%3A%2F%2Fwww.wellness-institute.ca%2Fcontact-us.aspx)

>

> Kindly arrive 10 minutes early to fill out some forms.

> This is construction at the subway traffic increasing traffic and affecting parking.

>

> Please confirm that tomorrow works for you.

>

> Wellness Institute

>

> -----Original Message----- From: [REDACTED]

> Sent: Sunday, October 1, 2017 8:40 AM

> To: Wellness Institute

> Subject: Re: Appointment

>

> Hi

>

> After work (after 5) is the only time that works. Do you have anything in Monday evening? If not I'll take the Wednesday 7pm

>

> Many thanks

>

> [REDACTED]
>
>> On Sep 30, 2017, at 7:50 PM, Wellness Institute <wellnessinstitute@sympatico.ca> wrote:
>>
>> Hello [REDACTED]
>> Thank you for your inquiry.
>> Here are a few options for next week for an appointment with our Naturopathic Doctor.
>> Monday 11am
>> Tuesday 3pm or 5pm
>> Wed 10am, 1pm or 7pm
>>
>> Kindly let us know if any of these times and days work for you.
>>
>> Wellness Institute
>>
>>
>>
>> -----Original Message----- From [REDACTED]
[REDACTED]
>> To: wellnessinstitute@sympatico.ca
>> Subject: Appointment
>>
>> Hi
>>
>> I rang and left a message today. I would like to see a naturopath to address two concerns. I
am running a marathon (my 5th) and I feel I have considerably less energy in training than
normal and secondly I am plagued by cramps.
>>
>> Can someone call me back for an appointment time after work hours please on [REDACTED]
[REDACTED]
>>
>> Many thanks
>>
>> [REDACTED]
>
>

TAB 2

Appointments by Patient (All)

Phone: [REDACTED]

Alt. Phone: [REDACTED]

Notes:

Confirmation by:

10/2/2017	06:30pm-07:30pm Employee Name: Dr. Rodak Services: First Visit Description: running marathone, cramps, low energy Status: Scheduled Patient Status: Arrived Payment Method: Visa Payment Total: 200.79 Scheduled By:: email.10.1
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TAB 3

ACKNOWLEDGEMENT AND INFORMED CONSENT

I, _____
(patient's name - please print)

hereby acknowledge and confirm that prior to signing this document and prior to undergoing any treatment:

- (I) I have been informed by you and understand that any treatment or advice provided to me as a patient at The Wellness Institute (the "Institute") is not being provided in the place of or to the exclusion of any other treatment or advice that I may now be receiving or may in the future receive from a physician, surgeon or any other licensed health care provider (such other treatment collectively referred to as "Conventional Medical Treatment");
- (II) I have been informed by you and understand that I am at liberty to seek or continue to seek Conventional Medical Treatment and to consult with a physician, surgeon or any other licensed health care provider in order that I can make an informed decision as to whether at any given time or times it would be in my best interest to obtain Conventional Medical Treatment;
- (III) No naturopathic doctor, homeopathic practitioner(s), registered massage therapist(s), athletic therapist(s), registered nutritional consultant(s), osteopath(s), colon hydrotherapy practitioner(s), employee(s), agent(s) or any other person(s) directly or indirectly employed by or associated with the Institute ("Practitioner/Therapist") have suggested or recommended to me that I refrain from and/or discontinue seeking Conventional Medical Treatment;
- (IV) I have been informed by you and understand that the treatment and products that are rendered, recommended or supplied by this Institute ("Alternative Treatment and Products") may be different from the treatment and products that are rendered, recommended or supplied in Conventional Medical Treatment;
- (V) I have been informed by you and understand that the Alternative Treatment and Products provided by the Institute are not covered under the Ontario Health Insurance Plan (OHIP) and accordingly, I hereby agree to pay my account to the Institute at the conclusion of each and every visit. I further acknowledge and agree that I will be charged the full fee for all and any missed appointments, unless I have advised the Institute of my cancellation no less than **forty-eight (48) hours** in advance of the scheduled appointment;
- (VI) You have explained to me and I understand the nature of the Alternative Treatment and Products that you will be providing to me. You have advised me of and I understand the potential side effects that may be associated with certain Alternative Treatment and Products. You have also urged and encouraged me to ask such questions as I may have at any time and to advise you immediately if I either wish to discontinue or should decide not to undergo any specified type(s) of treatment(s).

I am at least sixteen years old and I have read and am in agreement with the foregoing statements and have had the opportunity to discuss the same with a Practitioner/Therapist at the Institute. I hereby authorize and consent to such treatment by the Institute as the Practitioner/Therapist considers necessary or desirable, subject to any additional instructions or modifications that I may provide/authorize from time to time.

OR

I am the _____ of the patient who is under the age of sixteen years. I confirm that I am legally
(relationship)
authorized to grant consent to have the patient treated by the Institute. I have read and am in agreement with the foregoing statements and have had the opportunity to discuss the same with a Practitioner/Therapist at the Institute. I hereby authorize and consent to such treatment of the patient by the Institute as the Practitioner/Therapist considers necessary or desirable, subject to any additional instructions or modifications that I may provide/authorize from time to time.

DATED this _____ day of _____ 2_____.

Witness

Signature of Patient or Legal Guardian

TAB 4



The College of Naturopaths of Ontario

Core Competencies

Introduction

Naturopathic Doctors provide primary and adjunctive health care to people of all ages, focusing on the use of natural therapies to support and stimulate healing processes. Naturopathic Doctors promote health and prevent illness, and diagnose and treat disease in a manner consistent with the body of knowledge and standards of practice for the profession.

The following Core Competencies articulate the knowledge, skill and judgment required of Naturopathic Doctors at entry-to-practice.

Naturopathic Medical Knowledge

The competent Naturopathic Doctor:

- 1. Integrates naturopathic philosophy, theory and principles with naturopathic medical knowledge in the care of patients and case management including the assessment, diagnostic and treatment phases.**
 - Evaluates and integrates clinical arts and science knowledge within the context of naturopathic principles and philosophy in clinical practice.
 - Formulates diagnoses and treatment plans consistent with naturopathic philosophy and principles.
- 2. Develops, maintains and respects a comprehensive naturopathic medical knowledge base.**
 - Demonstrates knowledge of the history and philosophy of Naturopathic Medicine.
 - Demonstrates knowledge of the clinical arts and sciences essential to the practice of Naturopathic Medicine.
 - Demonstrates knowledge of the theory and practice of therapeutics including botanical medicine, homeopathic medicine, traditional Chinese medicine and acupuncture, physical medicine, clinical nutrition, and lifestyle counselling.
 - Updates knowledge base continuously through the review of relevant research and ongoing continuing education.
- 3. Conducts an assessment to formulate a diagnosis.**
 - Gathers information necessary to formulate a diagnosis.
 - Incorporates knowledge of the determinants of health and disease into assessment.
 - Formulates diagnoses based on a clinical assessment including but not limited to a medical history, physical examination and diagnostic testing.
- 4. Critically evaluates medical information.**
 - Understands, respects and incorporates evidence-based medicine¹ in his/her practice.
 - Appraises evidence critically to address clinical questions.

- Integrates new information appropriately into clinical reasoning.
- Evaluates and reflects on patient outcomes.

Inter-professional Practice and Collaboration

The competent Naturopathic Doctor:

- 1. Develops and maintains relationships with other health care professionals in the care of his/her patients.**
 - Demonstrates an understanding of the scope of practice of other health care professionals.
 - Collaborates with others to support health promotion and disease prevention.
 - Utilizes community resources in professional practice.
 - Collaborates with other health care professionals in the care of his/her patients when necessary.

Communication

The competent Naturopathic Doctor:

- 1. Communicates effectively.**
 - Articulates information clearly and concisely and in a timely manner, listens actively and responds appropriately.
 - Communicates appropriately with patients or their authorized representatives, colleagues, other health professionals, the community, his/her regulator, and other legal authorities.
 - Requests from and provides to other health care professionals relevant patient information.
 - Advances naturopathic principles and philosophy in communication with patients, health care professionals and the public.
 - Maintains patients confidentiality and privacy.

Patient Care and Health Promotion

The competent Naturopathic Doctor:

- 1. Exemplifies the principle of doctor as teacher in patient interactions.**
 - Teaches the principles of healthy living and preventative medicine.
 - Educates the patient regarding the etiology and development of disease.
 - Educates the patient about the contributing factors to disease and dysfunction and the ways in which they impact health.
 - Educates the patient about treatment options and their potential risks, benefits, and side effects.
- 2. Provides safe and effective patient care.**
 - Provides compassionate, ethical, effective and safe care.
 - Utilizes naturopathic therapeutics effectively including botanical medicine, homeopathic medicine, traditional Chinese medicine and acupuncture, physical medicine, clinical nutrition and lifestyle counselling.
 - Identifies and assesses the actions of and interactions between drugs, substances and therapies being used by or provided to the patient.
 - Communicates a diagnosis.
 - Creates, implements, monitors and revises effective individualized treatment plans.
 - Documents patient care.

- Refers to other health care professionals when indicated.
- Engages patients in establishing a long-term strategy for their personal health.
- Maintains professional boundaries and refrains from conflicts of interest.

3. Promotes the principles and philosophy of Naturopathic Medicine to patients and the community.

- Promotes naturopathic principles and philosophy.
- Promotes sustainable health practices.
- Educates others on the significance of environmental factors on health.
- Promotes a wider acceptance of Naturopathic Medicine in the health care system.

Practice Management

The competent Naturopathic Doctor:

1. Establishes, develops and manages his/her practice.

- Practices in a compassionate, ethical and legal manner.
- Engages in short and long term business planning.
- Organizes and manages systems and resources relevant to practice needs.
- Maintains a safe and secure workplace.
- Manages time effectively.
- Recognizes the importance of establishing and maintaining a personal/professional life balance.

Education and Learning

The competent Naturopathic Doctor:

1. Ensures professional competence through ongoing self-assessment and professional development.

- Integrates learning into practice.
- Recognizes limitations in knowledge, skill, judgment and scope of practice.
- Engages in on-going professional development and learning.
- Understands the significance of research with respect to predicting health outcomes.
- References and employs empirical, literary and information-technology sources.
- Self-assesses professional knowledge and skills regularly.

2. Supports the advancement of Naturopathic Medicine through the development, critical assessment and dissemination of research and information.

- Participates in research activities as appropriate for professional practice.

3. Supports the mentorship of students and Members.

- Participates in mentorship as appropriate.

Legislation/Ethics

The competent Naturopathic Doctor:

1. Complies with all relevant laws and regulation.

- Complies with federal, provincial, and municipal legislation, regulations and bylaws.

- Understands and complies with the *Regulated health Professions Act, Naturopathy Act* and all College regulations and standards of practice.

2. Demonstrates ethical conduct and integrity in professional practice and personal conduct.

- Practices with integrity and without prejudice.
- Abides by the naturopathic oath.
- Demonstrates accountability for practice decisions.
- Places the protection of the public ahead of self-interest.

TAB 5



The College of Naturopaths of Ontario

Standard of Practice:

Consent

Introduction

The intent of this standard is to inform Members of their obligations with respect to consent.

Definitions

Capacity: a person is deemed capable with respect to an intervention/decision if the person is able to understand the information relevant to making a decision about the intervention, and able to appreciate the reasonably foreseeable consequences of a decision, or lack of decision. People:

- are presumed capable unless there is information to lead the Member to think otherwise;
- may be capable with respect to one intervention/decision but not another;
- may be capable with respect to an intervention/decision at one time and incapable at another.

Circle of Care: a term of reference used to describe health information custodians and their authorized agents who are permitted to rely on an individual's implied consent when collecting, using, or disclosing personal health information for the purpose of providing health care or assisting in providing health care.

Consent: the agreement of the patient to a procedure. To be valid, consent must be informed, must relate to the intervention, must be given voluntarily and must not be obtained through misrepresentation or fraud.

Consent and Capacity Board: an independent agency that deals with disputes over treatment decisions where a patient has been deemed not to be capable.

Substitute Decision-maker: a person who makes decisions for someone who is incapable of making his/her own decisions, and who is authorized to give or refuse consent to an intervention on behalf of a person who is incapable of making a decision with respect to the intervention. See Appendix I.

1. Informed Consent

Consent is an ongoing process and not a singular event. To be valid, consent must be informed.

The Member has a duty to ensure the patient has sufficient information to make valid decisions about his/her care.

Performance Indicators

The Member ensures that consent is obtained prior to:

- obtaining a case history;
- performing a physical examination/testing;
- initiating treatment;
- collecting personal health information in accordance with the *Personal Health Information Protection Act, 2004*.

To be valid, consent:

- relates to the proposed intervention;
- is informed;
- is voluntary;
- is not obtained through fear, misrepresentation or fraud.

The Member appropriately documents the discussion in the patient chart. Patients need to understand and appreciate the reasonable foreseeable consequences of their decisions, in order to give informed consent.

The Member ensures that the patient understands the following with respect to the proposed course of action:

- the nature of the intervention;
- its expected benefits;
- the material risks and side effects;
- available reasonable alternatives;
- the likely consequences of not receiving the intervention;
- any associated costs; and
- the right to withdraw consent.

The Member discloses non-trivial risks or side effects that are likely to occur as well as risks and side effects that can result in significant harm or death even though they are unlikely to occur.

The Member answers questions or addresses any special concerns of the patient.

The Member ensures that the patient understands the professional status of those providing professional services.

A signed consent form without dialogue is not informed consent. Signing a consent form following discussion reinforces in the mind of the patient the seriousness of the decision and provides evidence of the consent process should there be a question later.

2. Consent to Assessment and Treatment

The Member ensures that informed consent is obtained from the patient or substitute decision maker at the start of and throughout the assessment and treatment process.

Performance Indicators

The Member discusses the following with the patient or substitute decision maker as appropriate:

- scope and reason for the assessment and treatment;
- associated costs;
- the purpose and nature of the assessment and treatment including whether information will be obtained from other individuals;
- the potential benefits and limitations of the assessment and treatment and the likely consequences of not receiving the intervention;
- the expected outcomes of the assessment and treatment;
- the right of the patient or substitute decision maker to withdraw consent at any time.

The Member:

- provides an opportunity for the patient or substitute decision maker to ask questions and responds to them in a manner that helps the patient or substitute decision maker understand.

3. Age of Consent

There is no minimum age of consent.

Performance Indicators

The Member uses professional judgment when determining the patient's capacity to make his/her own decisions with respect to care.

4. Record Keeping

The Member documents the consent process.

Performance Indicators

In addition to the College's Standard of Practice for Record Keeping, the Member documents:

- that a discussion regarding consent took place and the patient understands the proposed assessment or treatments and their risks, limitations and benefits;
- any modifications to the consent;
- when consent was obtained through the use of an interpreter, alternate means of communication, or a substitute decision maker; the identity of the interpreter or substitute decision maker, the legal entitlement of the substitute decision maker as applicable (documentation on file, copy of Power of Attorney for personal care provided, etc.);
- that the patient withdrew consent, why he/she did so, and what specifically was withdrawn.

Documentation can take either of the following forms:

- a note in the patient record; and
- a consent form, that is dated, signed, and witnessed.

Related Standards

Acupuncture
Compounding
Dispensing
Fees and Billing
Inhalation
Injection
Internal Examinations
IV Infusion Therapy
Manipulation
Record Keeping

Legislative Framework

[General Regulation](#)

[Health Care Consent Act, 1996](#)

[Personal Health Information Protection Act, 2004](#)

[Professional Misconduct Regulation](#)

Disclaimer

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

Appendix I

The Health Care Consent Act, 1996 defines the hierarchy of substitute decision-makers as:

- the incapable person's guardian if the guardian has authority to give or refuse consent to the treatment;
- the incapable person's attorney for personal care, if the power of attorney confers authority to give or refuse consent to the treatment;
- the incapable person's representative appointed by the Consent and Capacity Board if the representative has authority to give or refuse consent to the treatment;
- the incapable person's spouse or partner (which need not be a sexual partner);
- a child or parent of the incapable person, or a children's aid society or other person who is lawfully entitled to give or refuse consent to the treatment in the place of the parent. This does not include a parent who has only a right of access and is not lawfully entitled to give or refuse consent to treatment. If a children's aid society or other person is lawfully entitled to give or refuse consent to the treatment in the place of the parent, this paragraph does not include the parent;
- a parent of the incapable person who has only a right of access;
- a brother or sister of the incapable person;
- any other relative of the incapable person;
- as a last resort, the Public Guardian and Trustee.

**DISCIPLINE COMMITTEE OF THE
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JOINT BRIEF OF DOCUMENTS

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