

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

B E T W E E N :

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

MICHAEL UM

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Naturopaths of Ontario (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code* which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** will be held at a date and location to be set by the Presiding Officer. A discipline panel will convene by secure video connection or at location to be determined by the Discipline Committee at **9:30 a.m. on a date to be set by the Chair of the Discipline Committee**, or as soon thereafter as the panel can be convened, for the purposes of conducting the **discipline hearing**. Note that under Rule 29 of the Rules of the Discipline Committee, that the Discipline Committee may order all or part of a proceeding to be heard as an electronic Hearing.

**IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.**

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Chief Executive Officer<sup>1</sup> to revoke your certificate of registration.
2. Direct the Chief Executive Officer (CEO) to suspend your certificate of registration for a specified period of time.
3. Direct the CEO to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the *Health Professions Procedural Code*.
7. If the panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the Registrant<sup>2</sup> may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code* and Rules 17-20 of the *Rules of Procedure of the Discipline Committee of the College of Naturopaths of Ontario*.

You, or your representative, may contact the solicitor for the College, Rebecca Durcan, in this matter:

Steinecke Maciura LeBlanc  
Barristers & Solicitors  
401 Bay Street  
Suite 2308, P.O. Box 23

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<sup>1</sup> The Chief Executive Officer has been appointed by the Council to oversee operations and perform the duties of the Registrar as set out in and defined in section 1(1) of the *Health Professions Procedural Code* (the Code).

<sup>2</sup> The Council of the College of Naturopaths of Ontario has directed that the College refer to individuals registered with the College as "Registrants". "Registrant", as it is used in this Notice of Hearing has the same meaning as "member" as defined in section 1(1) of the Code.

Toronto, ON M5H 2Y4

Telephone: (416) 644-4783

Facsimile: (416) 593-7867

Note that, Rules 17-20 of the *Rules of Procedure of the Discipline Committee of the College of Naturopaths of Ontario* also apply to you. Rules 18-20 state as follows:

**RULE 18. Documentary Disclosure**

- 18.1 Each Party to a Proceeding shall deliver to every other Party (a) a list of, and (b) if not previously produced, copies of, all documents and things that the Party intends to produce or enter as evidence at the Discipline Hearing, in the case of the College, as soon as is reasonably practicable after the Notice of Hearing is served, and in the case of any other party, as soon as is reasonably practicable after disclosure by the College under this Rule, but in any case at least ten (10) days before the commencement of the Pre-Hearing Conference.
- 18.2 A Party who does not disclose a document or thing in compliance with subrule 18.1 may not refer to the document or thing or introduce it in evidence at the Discipline Hearing without leave of the Panel, which may be on any conditions that the Panel considers just.
- 18.3 Where a party discovers a document or thing that it will refer to or give in evidence at the hearing after the disclosure date specified in subrule 18.1, the party shall make the disclosure immediately after the discovery.

**RULE 19. Fact Witness Disclosure**

- 19.1 A Party to a Proceeding shall serve every other Party a list of the witnesses the Party intends to call to testify on the Party's behalf at the Discipline Hearing, in the case of the College, as soon as is reasonably practicable after the Notice of Hearing is served, and in the case of any other Party, at least ten (10) days before the commencement of the Pre-Hearing Conference.

- 19.2 If no affidavit has been served in accordance with Rule 45 (Evidence by Affidavit), and material matters to which a witness is to testify have not otherwise been disclosed, a Party to a Proceeding shall provide to every other Party a summary of the evidence that the witness is expected to give at the Discipline Hearing on the merits, in the case of the College, as soon as reasonably practicable after the Notice of Hearing is served, and in the case of any other party, as soon as is reasonably practicable after disclosure by the College under this Rule, but in any case at least ten (10) days before the commencement of the Discipline Hearing.
- 19.3 The disclosure obligations set out in Rule 19.2 shall not apply to witnesses called in Reply that the College had no reasonable expectation of calling in-chief.
- 19.4 A witness summary shall contain:
- (a) the substance of the evidence of the witness;
  - (b) reference to any documents to which that witness will refer; and
  - (c) the witness's name and address or, if the witness's address is not provided, the name and address of a person through whom the witness can be contacted.
- 19.5 A Party who does not include a witness in the witness list or provide a summary of the evidence a witness is expected to give in accordance with these rules may not call that person as a witness without leave of the Panel, which may be on any conditions as the Panel considers just.
- 19.6 A witness may not testify to material matters that were not previously disclosed without leave of the Panel, which may be on any conditions that the Panel considers just.

**RULE 20. Expert Opinion Disclosure**

- 20.1 A Party who intends to call an expert to give expert opinion evidence at a Hearing shall:
- (a) inform the other Parties of the intent to call the expert;

- (b) identify the expert and the issue(s) on which the expert's opinion will be tendered;
  - (c) serve the other Parties with a copy of the expert's written report or, if there is no written report, an affidavit in accordance with RULE 45 (Evidence by Affidavit), or a witness summary in accordance with sub-rule 19.3; and
  - (d) file an "Acknowledgement Form – Expert's Duty" signed by the expert, in the form appended to these rules.
- 20.2 The College shall serve any expert report or affidavit or witness summary upon which the College intends to rely at the Hearing at least sixty (60) days before the commencement of the Hearing.
- 20.3 The Member shall serve any expert report upon which he or she intends to rely at least thirty (30) days before the commencement of the Hearing.
- 20.4 The College may serve a reply expert report at least fifteen (15) days before the commencement of the Hearing.
- 20.5 Where an expert report is filed, it shall at a minimum include the following information:
- (a) qualifications of the expert;
  - (b) the instructions provided to the expert;
  - (c) the nature of the opinion being sought;
  - (d) the factual assumptions upon which the opinion is based; and
  - (e) a list of documents reviewed by the expert.
- 20.6 A Party who fails to comply with sub-rule 20.1 may not call the expert as a witness or file the expert's report or affidavit without leave of the Panel, which may be on any conditions that the Panel considers just.

Date: \_\_\_\_\_  
September 7, 2022



\_\_\_\_\_  
Andrew Parr, CAE  
Chief Executive Officer  
College of Naturopaths of Ontario

**TO: Dr. Michael Um, ND**  
5326 Applegarth Dr.  
Burlington, ON L7L 7E3

## STATEMENT OF SPECIFIED ALLEGATIONS

### MICHAEL UM

#### **19-032R**

#### **The Registrant**

1. Dr. Michael Um, ND (the “Registrant”) initially registered with the Board of Directors of Drugless Therapy – Naturopathy (the “Board”) in or about 2002. The Registrant became a registrant of the College of Naturopaths of Ontario (the “College”) in the General class of registration on or about July 1, 2015 as a result of the proclamation of the Naturopathy Act, 2007.
2. The Registrant has met the Standards of Practice for Prescribing and the Intravenous Infusion Therapy (IVIT).
3. The Registrant works at the Nature Medicine Clinic in St. Catharines, Ontario (the “Clinic”).
4. The Registrant claims that they have been a member of the Pastoral Medical Association (PMA) since approximately 2015. The Registrant claims that their membership authorizes them to administer treatments and/or controlled acts that they are not authorized to provide as a naturopath. The PMA is not a health regulatory college in Ontario and does not regulate naturopaths in Ontario.

#### **Unauthorized treatments and advertising**

5. It is alleged that the Registrant engaged in the following since July 1, 2015:
  - a. Advertised on the Clinic website that:
    - i. They were authorized to provide controlled acts despite not being authorized to do so;
    - ii. They were authorized to provide treatment outside of the scope of practice of the profession including but not limited to oncothermia, photodynamic therapy (for cancer), UV Light Therapy (for cancer), bio-oxidative intravenous therapies, IV chelation, prolotherapy, trigger point injection therapy (using lidocaine and/or procaine), mesotherapy (using procaine, homeopathics and/or Vitamin B), and/or platelet rich plasma therapy;

- iii. Patients who also became members of the PMA would be subject to different rules than Ontario patients; and/or
- iv. The practitioners at the Clinic could treat cancer and/or HIV and/or AIDS and/or cure cancer and/or kill cancer cells and /or achieve “complete cancer resolution”;
- b. Failed to refer patients to and/or advise patients that they ought to consult a physician, nurse practitioner and/or other regulated health professional when they sought treatment outside of naturopathic scope of practice;
- c. Engaged in controlled acts that they were not authorized to do including but not limited to:
  - i. Prescribing unauthorized drugs, including but not limited to T3 (Liothyronine);
  - ii. Injecting unauthorized substances including but not limited to blood, oxygen, and/or ozone;
  - iii. Injecting Vitamin B in a manner that did not conform with Regulation 168/15;
  - iv. Injecting drugs including but not limited to procaine, and/or EDTA; and/or
  - v. Compounding unauthorized drugs including but not limited to EDTA;
- d. Engaged in treatment outside the scope of the profession including but not limited to oncothermia, photodynamic therapy (for cancer), UV Light Therapy (for cancer), bio-oxidative intravenous therapies, IV chelation, prolotherapy, trigger point injection therapy (using lidocaine and/or procaine), mesotherapy (using procaine, homeopathics and/or Vitamin B), and/or platelet rich plasma therapy;
- e. Advised patients that if they became members of the PMA the Registrant could provide treatment outside their scope of practice (including but not limited to compounding an unauthorized drug and/or administering an unauthorized substance) as a naturopath in Ontario;
- f. Advised an undercover investigator that they could provide IV Chelation to the undercover investigator;



- g. Failed to ensure that patient records were accurate and complete; and/or
  - h. Failed to ensure that invoices indicated they were the treating naturopath;
6. It is alleged that since approximately July 1, 2015 the Registrant:
- a. Did not have the knowledge, skill or judgement to provide treatment outside the scope of practice of the profession yet proceeded to do so;
  - b. Knowingly compounded drugs and/or substances that were not identified in Regulation 168/15.
7. It is alleged that:
- a. The treatment of cancer is beyond the scope of the profession; and/or
  - b. The Registrant recommended and/or provided cancer treatment to their patients that they knew and/or ought to have known was unnecessary and/or ineffective.

#### **Allegations of Professional Misconduct**

8. It is alleged that the above noted conduct constitutes professional misconduct pursuant to section 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. **Para 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. Advertising Standard of Practice;
    - ii. Compounding Standard of Practice;
    - iii. Injection Standard of Practice;
    - iv. IVIT Standard of Practice;
    - v. Performing Authorized Acts Standard of Practice;
    - vi. Prescribing Standard of Practice;
    - vii. Record Keeping Standard of Practice;
    - viii. Scope of Practice Standard of Practice; and/or
    - ix. Sections 3(1) and/or 13(3) of Regulation 168/15;

- b. **Para 7**- Recommending or providing treatment that the member knows or ought to know is unnecessary or ineffective;
- c. **Para 8** - Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member's knowledge, skill or judgment.
- d. **Para 9** - Failing to advise a patient or the patient's authorized representative to consult another member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice;
- e. **Para 10** - Performing a controlled act that the member is not authorized to perform;
- f. **Para 14** - Prescribing, dispensing, compounding or selling a drug or a substance for an improper purpose;
- g. **Para 15** - Administering a substance by injection or inhalation to a patient for an improper purpose.
- h. **Para 23** - Failing to keep records in accordance with the standards of the profession;
- i. **Para 26** - Making a claim respecting a drug, substance, remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion;
- j. **Para 27** - Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
- k. **Para 36** - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts including but not limited to:
  - i. Section 4(3) of the Act; and/or
  - ii. Sections 2(1), and/or 5(1) of Regulation 168/15; and/or
- l. **Para 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.

## **20-024R**

### **The Registrant**

1. Dr. Michael Um, ND (the “Registrant”) initially registered with the Board of Directors of Drugless Therapy – Naturopathy (the “Board”) in or about 2002. The Registrant became a registrant of the College of Naturopaths of Ontario (the “College”) in the General class of registration on or about July 1, 2015 as a result of the proclamation of the Naturopathy Act, 2007.
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### **Refusal to co-operate with investigator**

4. On or about August 6, 2020, an investigator attended at the Clinic in order to obtain records relevant to the investigation. It is alleged that the Registrant did not meet with the investigator to accept the appointment and the summons. The summons identified various records that were relevant to the investigation and that were to be produced by the Registrant.
5. It is alleged that the appointment and summons were provided to their colleague and that the colleague provided the appointment and the summons to the Registrant.
6. It is alleged that despite receiving the appointment and the summons, the Registrant refused to provide the requested records.
7. It is alleged that the investigator needed to obtain a search warrant in order to obtain records relevant to the investigation.
8. It is alleged that the search warrant was executed on or about August 19, 2020.

9. It is alleged that the Registrant has not provided all of the records requested by the investigator and/or required by the search warrant and/or requested by the ICRC including but not limited to the complete copy of the PMA agreement.

### **Allegations of Professional Misconduct**

10. It is alleged that the above noted conduct constitutes professional misconduct pursuant to section 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. **Para 36** - Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts including but not limited to section 76 of the Code;
- b. **Para 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; and/or
- c. **Para 47** - Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

**APPENDIX**

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

DISCIPLINE COMMITTEE  
OF THE COLLEGE OF  
NATUROPATHS OF ONTARIO

**NOTICE OF HEARING**

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Lawyers for the College of  
Naturopaths of Ontario