

DISCIPLINE COMMITTEE OF
THE COLLEGE OF NATUROPATHS OF ONTARIO

B E T W E E N :

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

KARIM DHANANI

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 at the offices of the College at 150 John Street, 10th Floor, Toronto, Ontario at **9:30 a.m. on a date to be set by the Chief Executive Officer**, 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 Officer¹ 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 Registrant² 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*.

¹ 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).

² 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.

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
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 sub-rule 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: July 12, 2022

A handwritten signature in black ink, appearing to read "Andrew Parr". The signature is fluid and cursive, with a large loop at the end.

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

TO: Karim Dhanani
c/o Neil Abramson
Torkin Manes LLP
151 Yonge Street, Suite 1500
Toronto ON M5C 2W7

STATEMENT OF SPECIFIED ALLEGATIONS

The Registrant

1. Dr. Karim Dhanani, ND (the “Registrant”) registered with the Board of Directors of Drugless Therapy – Naturopathy on or about April 8, 2002. The Registrant then became registered with the College of Naturopaths of Ontario (the “College”) on July 1, 2015.
2. The Registrant has not met the Standards of Practice for Therapeutic Prescribing and/or Compounding.
3. At all relevant times, the Registrant worked at and/or owned Centre for Biological Medicine in Richmond Hill, ON (the “Clinic”) and/or Pathways DNA.

Failure to co-operate fully with Investigators

2020 Investigation

4. It is alleged that in or around November 2020 the investigator asked the Registrant to attend for an interview. The Registrant agreed but subsequently refused to attend. As a result of the Registrant’s failure to co-operate fully, the investigator had to serve a summons on the Registrant to attend for an interview on or about January 8, 2021.
5. It is alleged that during the interview on or about January 8, 2021, the Registrant did not answer all questions posed by the investigator and/or failed to co-operate fully with the investigator.

2021 Investigation

6. It is alleged that despite being provided with an appointment of an investigator on or about July 9, 2021, and/or a summons on or about September 14, 2021, the Registrant refused to provide requested patient records to the investigator and/or delayed delivering requested patient records to the investigator and/or failed to co-operate fully with the investigator.
7. It is alleged that the investigator asked the Registrant to attend for an interview and the Registrant asked that the investigator submit questions in writing.
8. It is alleged that the investigator sent the Registrant questions in writing on or about March 2, 2022, and that the Registrant refused to answer certain questions.

Performing unauthorized controlled acts

9. It is alleged that the Registrant administered substances by inhalation and/or prescribed Vitamin D to their patients over 1,000 IU.

10. It is alleged that the Registrant did not inform their patients and/or ensure that their patients understood that they were not authorized to administer substances by inhalation and/or prescribe Vitamin D over 1,000 IU.
11. It is alleged that the Registrant did not advise their patients to consult with a health professional who was authorized to administer substances by inhalation and/or prescribe Vitamin D over 1,000 IU.

Consent

12. It is alleged that the Registrant did not obtain informed consent from their patients when they administered inhalation therapy and/or prescribed Vitamin D over 1,000 IU as they failed to advise patients that they were not authorized to engage in such acts.
13. It is alleged that the Registrant provided consent to treatment forms to their patients for signature that stated "Centre for Biological Medicine has a Registered Naturopathic Doctor/Assistant who is certified to perform intravenous therapy" and that this was false. It is alleged that as a result, the Registrant did not obtain consent from patients to administer IVIT.

Advertising

14. It is alleged that the Registrant posted or permitted the posting on the Clinic website that they were authorized to administer substances by inhalation.

Fees and Billing

15. It is alleged that the Registrant sold packages and/or blocks of treatments.
16. It is alleged that the Registrant issued or permitted the issuance of invoices that did not record their name as the treating naturopath.

Record Keeping

17. It is alleged that the Registrant failed to include the following in their patient records:
 - a. Evidence that the patient provided informed consent;
 - b. Assessment and/or treatment plan; and/or
 - c. Intake form and/pr Health History.

Acts of Professional Misconduct

18. 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. **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 the following:
 - i. Core Competencies;
 - ii. Advertising;
 - iii. Consent;
 - iv. Fees and Billing;
 - v. Inhalation;
 - vi. Performing Authorized Acts;
 - vii. Prescribing;
 - viii. Record Keeping
 - ix. Scope of Practice; and/or
 - x. Sections 3(1) paras 3, 6, 5(1) para 1, 5(2), 5(4), 9(2) para 3, 5, 9(4), and/or 9(5) of the General Regulation 168/15;
- b. **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;
- c. **Paragraph 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. **Paragraph 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. **Paragraph 10** – Performing a controlled act that the member is not authorized to perform;

- f. **Paragraph 23** – Failing to keep records in accordance with the standards of the profession.
 - g. **Paragraph 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;
 - h. **Paragraph 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(2) of the *Naturopathy Act, 2007*;
 - ii. Sections 2, 3(1), 5(1), 9(1) of the General Regulation 168/15; and/or
 - iii. Section 76 of the Code;
 - i. **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; and/or
 - j. **Paragraph 47** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.
19. It is also alleged that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

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.

COLLEGE OF NATUROPATHS OF ONTARIO

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KARIM DHANANI

DISCIPLINE COMMITTEE
OF THE COLLEGE OF
NATUROPATHS OF ONTARIO

NOTICE OF HEARING

STEINECKE MACIURA LEBLANC

Barristers & Solicitors
401 Bay Street, Suite 2308
P.O. Box 23
Toronto, ON M5H 2Y4

Rebecca Durcan

Telephone: (416) 644-4783
Facsimile: (416) 593-7867
Email: rdurcan@sml-law.com

Lawyers for the College of
Naturopaths of Ontario