

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

B E T W E E N :

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

COLBRAN MARJERRISON

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 of the College of Naturopaths of Ontario*, 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*.

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, Anastasia-Maria Hountalas, in this matter:

Steinecke Maciura LeBlanc

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.

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401 Bay Street
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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: _____

October 18, 2022



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

TO: COLBRAN MARJERRISON
66 Jackson St
Buchans, NL
A0H 1G0

STATEMENT OF SPECIFIED ALLEGATIONS

COLBRAN MARJERRISON

The Registrant

1. Dr. Colbran Marjerrison, ND (the "Registrant"), registered with the College of Naturopaths of Ontario (the "College") on April 4, 2019.
2. At all relevant times, the Registrant worked at and/or owned Beechwood Naturopathy (the "Clinic") in Ottawa, Ontario.

Concurrent Therapeutic and Sexual Relationships

3. It is alleged that between, in or about September 2020 and February 2021, the Registrant provided ongoing treatment to a patient (the "Patient"), including approximately twenty appointments at the Clinic for naturopathic services.
4. It is alleged that at the onset of the treatment, the Patient informed the Registrant that they were suffering from PTSD related to a prior intimate relationship.
5. It is alleged that the Registrant started seeing the Patient socially outside of the Clinic on or about December 31, 2020.
6. The Registrant's last appointment with the Patient was on or about February 13, 2021.
7. It is alleged that in or about February 2021, following the last appointment, the Registrant began a sexual relationship with the Patient, including sexual intercourse.
8. Although the Registrant ceased treating the Patient on or about February 13, 2021, the Patient continued to be the Registrant's patient for the purpose of sexual abuse during the course of their concurrent therapeutic and sexual relationships as a result of section 1(6) of the Health Professions Procedural Code (the "Code"), being Schedule 2 of the *Regulated Health Professions Act, 1991* (the "RHPA").

Record Keeping

9. It is further alleged that between, in or about September 2020 and July 2021, the Registrant failed to keep records as required in respect of their treatment of the Patient in one or more of the following ways:
 - a. Failing to make treatment notes for each appointment as required, in particular by failing to make treatment notes for appointments that occurred on or about the following dates:
 - i. September 16, 2020;
 - ii. September 21, 2020;
 - iii. November 5, 2020;
 - iv. November 26, 2020; and/or

- v. December 3, 2020.
- b. Failing to make chart entries for each appointment as required, in particular by failing to make chart entries for appointments that occurred on or about the following dates:
 - i. September 16, 2020;
 - ii. September 21, 2020;
 - iii. November 5, 2020;
 - iv. November 26, 2020; and/or
 - v. December 3, 2020.
- c. Failing to make chart entries as soon as possible after a patient interaction, in particular by making late entries on or about July 13, 2021 for appointments that occurred on or about the following dates:
 - i. September 21, 2020;
 - ii. October 1, 2020;
 - iii. October 8, 2020;
 - iv. October 29, 2020;
 - v. January 30, 2021; and/or
 - vi. February 6, 2021.
- d. Creating and/or amending chart entries months after a patient interaction and/or failing to record the amendments to the patient record as required, in particular by creating entries on or about July 13, 2021 for appointments that occurred on or about the following dates:
 - i. October 8, 2020;
 - ii. October 29, 2020;
 - iii. January 30, 2021; and/or
 - iv. February 6, 2021.

Unauthorized Use of the Patient's Credit Card

10. It is further alleged that, on or about May 27, June 3, 11, 17 and 25, 2021, the Registrant used the Patient's credit card without authorization to pay for the Registrant's chiropractic services.

Allegations of Professional Misconduct

11. It is alleged that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(b.1) of the Code (sexual abuse of a patient, more specifically

sexual intercourse or other forms of physical sexual relations between the member and the patient).

12. It is further alleged that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code and 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. Code of Ethics;
 - ii. Record Keeping;
 - iii. Therapeutic Relationships and Professional Boundaries; and/or
 - iv. Conflict of Interest.
- b. **Paragraph 2** (abusing a patient or a patient's representative verbally, physically, psychologically or emotionally);
- c. **Paragraph 17** (acting in a conflict of interest when acting in a professional capacity);
- d. **Paragraph 23** (failing to keep records in accordance with the standards of the profession);
- e. **Paragraph 25** (falsifying a record relating to the member's practice);
- 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); and/or
- g. **Paragraph 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 of the College of Naturopaths of Ontario* 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.

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OF THE COLLEGE OF
NATUROPATHS OF ONTARIO

NOTICE OF HEARING

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