

DISCIPLINE COMMITTEE OF
THE COLLEGE OF NATUROPATHS OF ONTARIO

This is Exhibit # 1
In CONO vs. Helen Cohen
matter DC19-04
Held on September 28, 2020

B E T W E E N :

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

HELEN COHEN

**NOTICE OF HEARING
(DC19-04)**

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 Registrar**, or as soon thereafter as the panel can be convened, for the purposes of conducting the **discipline 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 Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar 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 member 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 Rebecca Durcan, the solicitor for the College 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 10, 2019



Andrew Parr, CAE
Registrar & CEO
College of Naturopaths of Ontario

TO: **Dr. Helen Cohen, ND**
Way To Health Clinic
#211 - 7117 Bathurst St.
Thornhill, ON L4J2J6

STATEMENT OF SPECIFIED ALLEGATIONS

The Member

1. Dr. Helen Cohen, ND (the “Member”) registered with the Board of Directors of Drugless Therapy – Naturopathy on January 1, 1991. The Member then became registered with the College of Naturopaths of Ontario (the “College”) on July 1, 2015.

Failure to comply with order of a panel of the ICRC

2. In September 2017, a panel of the Inquiries, Complaints and Reports Committee (“ICRC”) ordered the Member to successfully complete a Specified Continuing Education or Remediation Program (“SCERP”), at her own expense.
3. The deadline for the completion of the SCERP was on or about December 12, 2018 (the “Order”).
4. It is alleged that as of May 30, 2019 the Member has failed to successfully complete all components of the SCERP.

Acts of Professional Misconduct

5. 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 41 (failing to comply with an order of a panel of the College) 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).

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

- and -

HELEN COHEN

DISCIPLINE COMMITTEE
OF THE COLLEGE OF
NATUROPATHS OF ONTARIO

**NOTICE OF HEARING
(DC19-04)**

STEINECKE MACIURA LEBLANC

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Toronto, ON M5H 2Y4

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Lawyers for the College of
Naturopaths of Ontario

DISCIPLINE COMMITTEE OF
THE COLLEGE OF NATUROPATHS OF ONTARIO

This is Exhibit # 2
In CONO vs. Helen Cohen
matter DC19-04
Held on September 28, 2020

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

HELEN COHEN

AGREED STATEMENT OF FACTS
(DC19-04)

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

The Member

1. Dr. Helen Cohen, ND (the "Member") was initially registered with the Board of Directors of Drugless Therapy – Naturopathy (the "Board") on January 1, 1991. The Member became a member of the College in the General class of registration on July 1, 2015, as a result of the proclamation of the *Naturopathy Act, 2007*. Attached as **Tab "A"** is a printout from the College Naturopathic Doctor Register.
2. At the relevant times, the Member's private clinic was Woman & Child Naturopathic Clinic Inc.

Failure to Comply with an Order of a Panel of the ICRC

3. On September 7, 2017, a panel of the Inquiries, Complaints and Reports Committee ("ICRC") ordered the Member to successfully complete a Specified Continuing Education or Remediation Program ("SCERP"), at her own expense

(the "Order"). Attached as **Tab "B"** is a copy of the Decision and Reasons of the ICRC that sets out the Order.

4. The SCERP was to involve the following:
 - a. Successful completion of University of Toronto's Medical Record Keeping Course within 6 months of the date of the Decision and Reasons, at her own expense; and
 - b. Within 6 months of completing the Medical Record Keeping Course, an inspection of patient records with a focus on financial records and consent, at her own expense.
5. The deadline for the completion of the SCERP was December 12, 2018.
6. The Decision and Reasons contained an appendix, which described how the Member was to comply with the SCERP (see **Tab "B"**). With respect to the inspection component, the Member would need to provide a name and resume of a proposed inspector at least 60 days prior to the SCERP deadline. A week ahead of the inspection, the Member was to provide the inspector with the Decision and Reasons of the ICRC. The inspector was to review 10 files completed after the Medical Record Keeping Course. Within one month of the inspection, the inspector would submit a report to the Registrar.
7. Of note is that the instructions explicitly state that the "inspection shall be conducted at the Member's expense." This reflects the language of the SCERP as set out above at paragraph 4.
8. It is agreed that the Member attended and completed the Medical Record Keeping Course on March 8, 2018. On June 12, 2018, the Member was provided with her accreditation letter and report card. The Member promptly provided these documents to the College.
9. On November 2, 2018, the College followed up with the Member and reminded her of the inspection component of the SCERP. The deadline to provide the name

and resume of a proposed inspector had passed. The College encouraged the Member to provide this to them as soon as possible. The Member responded that day. She thanked the College for reminding her. She advised the College that she had just started working after her suspension (in relation to another discipline matter) and likely only had three or four files to inspect.

10. On November 5, 2018, the College responded and said that would be fine but that she needed to send in the name of a proposed inspector. The Member responded that day and provided a name of a proposed inspector. Further discussion occurred between the College and the Member throughout November 5, 2018.
11. On November 23, 2018, the Member wrote to the College and advised that the proposed inspector would no longer be able to do the inspection. The College responded that day and asked for another name to be provided.
12. The Member did not respond until December 10, 2018. She advised the College that she had run out of people to ask as all of her colleagues felt conflicted. The College responded that day and provided the name of another proposed inspector (Dr. S, ND). The College suggested that the Member reach out to Dr. S, ND and discuss the inspection and cost. The College advised the Member that there was no need to obtain the resume of Dr. S, ND as the College already had it on file. The Member responded that day and thanked the College. However, she wrote, "This is the first time someone mentions 'the cost.'"
13. The College responded the next day (December 11, 2018) and reminded the Member of the Order, which explicitly states that the cost of the SCERP (including the inspection) is the responsibility of the Member. The Member responded that day and said that she did complete the \$700 course "at my expense." The College responded that day and advised the Member that the issue of costs would need to be discussed between the Member and Dr. S, ND.
14. The next day, December 12, 2018, was the deadline set by the ICRC for the SCERP to be concluded. The College wrote to the Member and advised her of

the deadline and to write to the Registrar setting out her reasons for the delay. The Member responded the same day with a letter to the Registrar. The Member advised the Registrar of her difficulties in finding an impartial inspector. She said she had reached out to Dr. S, ND and was waiting for his response. The Member also stated that she had not practised since she lost her job in 2017 and only recently started to work. She asked the Registrar for an extension and reassured him that she had learned a great deal in the Medical Record Keeping Course. She explained that she had designed a different set of invoices to address financial concerns. She provided a sample to the Registrar for his review.

15. On December 14, 2018, the Member wrote to the College and advised that she had received a response from Dr. S, ND. Dr. S, ND had advised her that his cost to perform the inspection would be \$1,130.00. The Member explained to the College that she could not afford Dr. S, ND. She said that she could barely pay her rent. She sent another email explaining her personal situation (difficult divorce) and asked for the deadline to be moved to January 2019.

16. Attached as **Tab "C"** is a copy of the relevant correspondence between the College and the Member.

17. It is agreed that as of May 30, 2019, the Member had failed to successfully complete all components of the SCERP.

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 41** (Failing to comply with an order of a panel of the College);
- and

- 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 dishonourable or unprofessional).

Acknowledgement

19. By this document, the Member states that:

- a. She understands fully the nature of the allegations made against her;
- b. She has no questions with respect to the allegations against her;
- c. She admits to the truth of the facts contained in this Agreed Statement of Facts and that the admitted facts constitute professional misconduct;
- d. She understands that by signing this document she is consenting to the evidence as set out in the Agreed Statement of Facts being presented to the Discipline Committee;
- e. She understands that by admitting the allegations, she is waiving her right to require the College to prove the allegations against her at a contested hearing;
- f. She understands that the decision of the Committee and a summary of its reasons, including reference to her name, will be published in the College's annual report and any other publication or website of the College;
- g. She understands that any agreement between her and the College with respect to the penalty proposed does not bind the Discipline Committee; and

- h. She understands and acknowledges that she is executing this document voluntarily, unequivocally, free of duress, and free of bribe and that she has been advised of her right to seek legal advice.

All of which is respectfully submitted.

Signed this 12 day of July, 2020



Dr. Helen Cohen, ND
Member

Signed this 27th day of July, 2020



Andrew Parr, CAE
Registrar & CEO
College of Naturopaths of Ontario

DISCIPLINE COMMITTEE OF THE
COLLEGE OF NATUROPATHS
OF ONTARIO

**AGREED STATEMENT OF FACTS
(DC19-04)**

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Lawyers for the College of Naturopaths
of Ontario

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

This is Exhibit # 3
In CONO vs. Helen Cohen
matter DC19-04
Held on September 28, 2020

B E T W E E N:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

HELEN COHEN

**JOINT SUBMISSION AS TO PENALTY AND COSTS
(DC19-04)**

The College of Naturopaths of Ontario (the “College”) and Dr. Helen Cohen, ND (the “Member”) agree and jointly submit that the Discipline Committee makes an order:

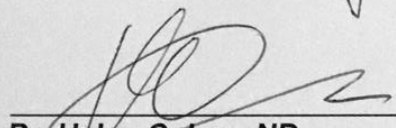
1. Requiring the Member to appear before the panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member’s certificate of registration for a period of at least four (4) months, to commence on the date of the hearing of this matter and continuing for four (4) months or until the Member completes the requirements as set out in the Order made by the Inquiries, Complaints and Reports Committee on September 7, 2017, whichever is longer.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member’s certificate of registration:
 - a. Requiring that the Member unconditionally pass the PROBE ethics course, which is to be taken at her own expense, by a date selected by the Registrar;
 - b. Requiring that the Member successfully complete, to the satisfaction of the

Registrar and at her own expense, the College's Jurisprudence by a date selected by the Registrar; and


- c. Requiring that the Member write an essay between 1000 and 1500 words in length, and provide it to the Registrar, no later than a date selected by the Registrar; that shall be published by the College at a time and in a format determined by the Registrar, on the lessons she learned in completing the PROBE course and jurisprudence course.
4. Requiring the Member to pay of fine of not more than \$350 to the Minister of Finance within two (2) months of the date of the hearing of this matter.
5. The Member shall pay the College's costs fixed in the amount of \$3,500, payable on a schedule to be set by the Registrar.
6. The Member acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
7. The Member acknowledges and understands and acknowledges that she is executing this document voluntarily, unequivocally, free of duress and free of bribe and that she has been advised of her right to seek legal advice.

All of which is respectfully submitted,

Signed this 24 day of July, 2020


 Dr. Helen Cohen, ND
 Member

Signed this 27th day of July, 2020


 Andrew Parr, CAE
 Registrar, College of Naturopaths of
 Ontario

DISCIPLINE COMMITTEE OF THE
COLLEGE OF NATUROPATHS
OF ONTARIO

**JOINT SUBMISSION AS TO
PENALTY AND COSTS
(DC19-04)**

STEINECKE MACIURA LEBLANC

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Lawyers for the College of Naturopaths
of Ontario

DISCIPLINE COMMITTEE OF
THE COLLEGE OF NATUROPATHS OF ONTARIO

This is Exhibit # 4
In CONO vs. Helen Cohen
matter DC19-04
Held on September 28, 2020

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

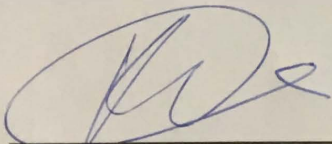
- and -

HELEN COHEN

NOTICE OF WAIVER
(DC19-04)

The undersigned hereby waives all rights of appeal pursuant to section 70 of the *Health Professions Procedural Code* of the *Regulated Health Professions Act, 1991* with respect to the findings and the order of a reprimand made by the Discipline Committee of the College of Naturopaths of Ontario on September 28, 2020.

Dated at Toronto, Ontario this 16 day of September, 2020.



HELEN COHEN

Witness

Name of Witness: