

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

PANEL:

Jacob Scheer, ND, Chair  
Amy Armstrong, ND  
Rick Olazabal, ND (*Inactive*)  
Dean Catherwood  
Paul Phillion

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

MICHAEL PRYTULA

) REBECCA DURCAN and  
) JUSTINE WONG for the College of  
) Naturopaths of Ontario  
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)  
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)  
) URI KOGAN for the Member  
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)  
) LUISA RITACCA, Independent  
Legal Counsel  
)  
) Heard: January 27, April 7, 2025

**AMENDED DECISION AND REASONS ON REGISTRANT’S MOTION &  
DECISION AND REASONS ON PENALTY AND COSTS**

After multi-day hearing, which was heard between November 2023 and September 2024, this Panel released its Decision and Reasons, dated November 7, 2024 (“Decision and Reasons 2024”). In our Decision and Reasons 2024, we found Dr. Prytula, ND (the “Registrant”) to have engaged in professional misconduct in a number of ways, including by contravening the standards of practice of the profession, recommending or providing treatment that he knew or ought to have known was unnecessary or ineffective, and providing treatment that he knew or ought to have known was beyond his knowledge, skill or judgement. The Decision and Reasons 2024 also included our decision on the Registrant’s motions, brought at the outset of his hearing. The Registrant argued that the College breached his rights under the Charter (ss. 7, 8, and 11) and

argued that the Appointment of Investigator, dated October 7, 2019, was “ultra vires” the jurisdiction of the College. The Registrant’s motions were dismissed.

Shortly after the release of our Decision and Reasons 2024, we scheduled a resumption of the hearing to address penalty and costs. Prior to the return date, the Registrant delivered two Notices of Motion – in one, the Registrant raised concerns of a reasonable apprehension of bias (the “Bias Motion 1”) and in the other, the Registrant sought a stay of proceedings on the basis that the findings of misconduct made by the Panel were made without jurisdiction (the “Stay Motion”).

Through our Independent Legal Counsel, prior to the resumption of the hearing, the parties were advised that the Panel would consider the Registrant’s motions, together with the parties’ submissions on penalty and costs at the same time. The Chair directed the parties as to the order of the hearing of the submissions. The Registrant’s legal representative did not raise any concerns regarding the order of proceedings.

The Registrant’s motions and the parties’ submissions on penalty and costs were heard on January 27, 2025. At the end of the hearing, the Panel directed the parties that it would deal with the issue of costs in writing. The parties agreed and the Chair set a schedule for the exchange of materials. Following the hearing, on February 10, 2025, the Registrant served a third Notice of Motion seeking a recusal of the Panel “due to reasonable apprehension of bias, based on new facts and new law not available to the Registrant at the time he filed previous bias motion on December 20, 2024.” (the “Bias Motion 2”).

As a result of receipt of the Registrant’s Bias Motion 2, the Panel agreed to reconvene on April 7, 2025, to address the motion.

Below, the Panel sets out its decision on the Registrants’ motions and on the issue of penalty and costs.

## **The Registrant’s Motions**

### ***The Bias Motions***

The Panel has considered both the Registrant’s original motion, served in December 2024 and its more recent motion, served February 10, 2025, together, as both raise the allegation of a reasonable

apprehension of bias. In this section of our decision, we review the governing law and applicable test and then summarise the Registrant's positions and provide our conclusions.

### ***The Law***

The law regarding when a reasonable apprehension of bias will result in the disqualification of a decision maker is well settled. To result in disqualification, “the apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information.” The test is “what would an informed person, viewing the matter realistically and practically — and having thought the matter through — conclude. Would [this person] think that it is more likely than not that [the decision maker], whether consciously or unconsciously, would not decide fairly”: *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, at p. 394; *Wewaykum Indian Band v. Canada*, 2003 SCC 45, [2003] 2 S.C.R. 259, at para. 60; *Law Society of Upper Canada v. Neinstein*, 2010 ONCA 193, at para. 13; see generally *Ontario Provincial Police v. MacDonald*, 2009 ONCA 805, at paras. 41-44.

There is a strong presumption of impartiality on the part of the decision maker. The onus is on the party seeking recusal to demonstrate a reasonable apprehension of bias: *Ontario Provincial Police v. MacDonald*, at para. 44; *Wewaykum*, at para. 59. The threshold for demonstrating a reasonable apprehension of bias is a high one and the grounds for establishing such an apprehension must be substantial: *OPP v. MacDonald*, at para. 44; *Wewaykum*, at para. 77

The inquiry is always fact-specific and contextual: *Wewaykum*, at para. 77; *OPP v. MacDonald*, at para. 43.

The Panel understands that for the Registrant to succeed on either of his Bias Motions, the Panel must consider the evidence presented to determine whether an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude. We accept that if the Panel's conduct during any part of the hearing or the decision itself reveals a reasonable apprehension of bias, each member of the Panel must be recused, which would mean that the Panel could not render a decision on penalty and costs.

Below, we have attempted to address each of the examples the Registrant has raised in support of his motion.

***Bias Motion #1***

In support of his Bias Motion #1, the Registrant's paralegal filed a 16-page document, entitled "Facts of Dr. Prytula for the motions (re: bias and stay)". In the document, the Registrant lists several issues he says collectively give rise to a reasonable apprehension of bias.

The Registrant spends a significant portion of the document complaining about the fact that this Panel made the same factual and legal "errors" as another panel made in a companion action. On November 14, 2024, another panel of the Discipline Committee released a decision involving Dr. Michael Um, ND, the Registrant's colleague and co-worker. Both the Registrant and Dr. Um, ND operated their practices out of the Registrant's Clinic, and both were responsible for the Clinic's website. It also became clear during the hearing that both the Registrant and his colleague faced similar and, in some instances, the exact same allegations and that in response to those allegations, both – through their same legal representative – responded to those allegations by bringing the same Charter motions and filing similar evidence. The College was represented by the same legal counsel for both hearings and the Discipline Committee was assisted by the same independent legal counsel.

The Registrant argues that both this Panel and the panel in the matter involving Dr. Um, ND misapprehended the evidence and the submission of the registrants. He argues further that both our decision and the decision released involving Dr. Um, ND are "vague to the point of being incoherent" and that both panels exceeded their jurisdiction on multiple key issues.

Below, we attempt to address the Registrant's arguments as presented by his legal representative. We note, however, that we are not in a position to comment on the decision involving Dr. Um, ND, as that is not before us. To the extent that the Registrant's legal representative has raised concerns about "both panels" or "both decisions", we will not comment on the decision released by the other panel.

*Issue #1 - Standards of Practice*

The Registrant argues that both this Panel and the panel in the Dr. Um, ND matter found the registrants guilty of breaching multiple professional standards not passed into regulation and not supported by expert testimony. As we understand the Registrant's position, he argues that this Panel was wrong to make findings that he had breached the standards of practice of the profession, where the Panel did not receive expert evidence confirming the standards and/or where those standards had not been passed into regulation. The Registrant says that this apparent error is evidence of a reasonable apprehension of bias because the Panel failed to identify in its decision the authorities it relied upon in support of its findings.

The Panel cannot accede to the Registrant's argument on this issue. First, it is open to the Registrant to appeal the Panel's decision where he believes that the Panel has erred in law or misapprehended the law and facts as presented. Quite simply, if the Panel was wrong in law to find that the Registrant breached the standards of practice of the profession, our error will be identified and corrected on appeal. Second, even if the Panel erred in finding that the Registrant breached the standards of practice, that error does not in and of itself give rise to a reasonable apprehension of bias. The test for determining whether there is a reasonable apprehension of bias is – as stated above – what would an informed person, viewing the matter realistically and practically and having thought the matter through, conclude. We are not satisfied that such an informed person would find there to be an apprehension of bias raised as a result of this Panel's findings that the Registrant breached the standards of practice.

*Issue #2 – Applicability of section 11 of the Charter*

Similar to his arguments on issue #1, the Registrant argues that this Panel (as well as the Dr. Um, ND panel) improperly failed to consider the registrants' arguments in support of their position that section 11 of the Charter applied to these proceedings. In particular, the Registrant argues that the Panel failed to consider the use of the word "guilt", "prosecutor" and "accused", the payee of fines as set out in the legislative structure, and the potential magnitude of fines. Again, it appears that it is the Registrant's position that this apparent failure to consider his arguments gives rise to a reasonable apprehension of bias.

First, the Panel notes that the Registrant is wrong to suggest that it did not consider his arguments on his section 11 motion. In the Panel's Decision and Reasons 2024, the Panel sets out the Registrant's arguments specifically noting that the Registrant, "argues that the fact that this Panel could, among other things, impose a fine of not more than \$35,000.00 to be paid to the Minister of Finance amounts to a "true penal consequence" and as such section 11 applies. The Registrant argues that because the fine is payable to the Minister of Finance the purpose of its imposition must be to redress a wrong to society at large." (page 35 of Decision and Reasons 2024).

Second, the Panel is not satisfied that even if it erred in its assessment of the Registrant's arguments on section 11 or in the conclusions it reached as to its applicability that such errors give rise to a reasonable apprehension of bias. If the Registrant is unhappy with our decision, he is free to appeal.

### *Issue #3 – Defining the Scope of Practice for Naturopaths*

The Registrant argues that both this Panel and the panel for Dr. Um, ND's hearing erred in stating that there was legal authority to conclude that "curing cancer is out of scope for registrants of CONO". The Registrant says further that the "only support" for this conclusion came from the College witnesses, Ms. McBride and the College CEO, Andrew Parr, and the Registrant's agreement, which he says the Panel misunderstood. The Registrant says that the fact that the other panel reached the same conclusion illustrates that both panels were unduly or improperly influenced creating an appearance of a lack of independence and bias.

It is not proper for the Panel to use these reasons to provide further justification for its decision as set out in the Decision and Reasons 2024, but we note that as set out therein, it was certainly open for the Panel to reach the conclusion it did with respect to scope of practice and the issue of treating cancer. First, the Registrant admitted that his Clinic's website included language suggesting that naturopaths could "treat cancer" and that certain treatments "could work for cancer". Second, under cross-examination, the Registrant did not dispute the suggestion that the ability to treat or cure cancer was not within his scope of practice. He further confirmed in re-examination that he understood that the treatment of cancer is in the exclusive domain of medical doctors. Third, at no time did the Registrant's legal representative challenge the evidence of the College's witnesses confirming that "curing cancer" is out of scope for naturopaths.

Again, the Registrant is free to argue that the Panel was wrong in its finding with regard to naturopaths' scope of practice, but we are not satisfied that a fully informed person, viewing this matter objectively would conclude that the Panel's findings in this regard give rise to an appearance of bias.

*Issue #4 – Misapprehension of Material Evidence*

As above, the Registrant argues that the Panel misapprehended the significance of the evidence presented relating to the Undertaking he signed with the College's predecessor in relation to the use and administration of EDTA. In evidence and again on this motion, the Registrant made much of the fact that when he signed the Undertaking, he wrote in a caveat which allowed him to continue to administer salts of EDTA. The evidence at the hearing was that this caveat was not accepted by the predecessor regulator or the College.

As we understand it, the Registrant argues that this Panel failed to consider his position, which gives rise to a reasonable apprehension of bias. The Panel does not agree. The Registrant appears to conflate what he says are "misapprehensions" of evidence with proof of conduct that would give rise to a reasonable apprehension of bias. The Registrant does not agree with our findings – he is free to appeal them. Even if the Panel erred in its consideration of the Undertaking, such error does not give rise to a reasonable apprehension of bias.

*Issue #5 – Construing the Law in an Unreasonable Way*

The Registrant argues that the Panel "construed the law in an unreasonable way". As we understand it, the Registrant takes issue with the Panel's finding that he offered or provided treatment that he knew or ought to have known was unnecessary or ineffective; and provided or attempted to provide treatment beyond his knowledge, skill or judgement. The Registrant argues that the Panel's finding in relation to these allegations was irrational and that construing the Regulation "in such a way" is not reasonable.

With respect, the Registrant's argument appears to be a direct attack on the Panel's decision and not advanced in support of his motion for recusal based on a reasonable apprehension of bias.

In the balance of his submissions, the Registrant argues that the Panel failed to properly consider a variety of his arguments and then failed to provide adequate explanation for dismissing his

arguments. Again, the Registrant has raised issues that are best addressed on appeal and do not, in our view, give rise to a reasonable apprehension of bias.

The Registrant has failed to satisfy the Panel that there is sufficient evidence of unfairness or misconduct in how the Panel reached its decision such that an informed person, viewing the matter objectively, would conclude that there is an apprehension of bias on the part of the Panel such that the Panel members must be recused.

### ***Bias Motion #2***

As described above, following the conclusion of the motion and penalty hearing on January 27, 2025, the Registrant's legal representative indicated, through independent legal counsel, that he wished to bring a further bias motion "based on new facts and law". The Registrant argued that the conduct of the Chair during the motion and penalty hearing gave rise to a reasonable apprehension of bias and that based on the Court of Appeal's decision in *Vento Motorcycles, Inc. v. Mexico*, 2025 ONCA 82, the Panel's decision is void.

In support of this second bias motion, the Registrant pointed to several examples during the January 27<sup>th</sup> hearing where he says the Chair was unduly deferring to College counsel and that College counsel was "controlling" the Chair. In particular, he points to three separate incidents where the Chair needed to be prompted either by College counsel or independent legal counsel to ask the Registrant's legal representative for his submissions.

The Registrant also argues that the Panel Chair's involvement in another College case involving another registrant (*CONO v. Stauffert*) was further evidence of the Chair's willingness to accept erroneous submissions from College counsel, to the detriment of the registrant. The Registrant argues that the panel in the Stauffert case, which included the Panel Chair, approved "a blood libel" at the direction of College counsel.

The Panel does not accept the arguments raised by the Registrant on this second motion. We have reviewed the instances during the January 27<sup>th</sup> hearing where the Panel Chair relied on reminders from College counsel and/or independent legal counsel to ensure that he followed the proper procedure. We are not convinced that an informed person, viewing the matter objectively, would conclude that the Chair's conduct gives rise to an apprehension of bias. On the contrary, a review of the transcripts shows that the Chair made sure to give the Registrant sufficient time to respond



to the College's position, answer questions and to make submissions. This was consistent with the Chair's conduct throughout the hearing on the merits as well. The Registrant has not pointed to a single instance where the Chair failed to provide him with a meaningful opportunity – through his legal representative – to participate in the hearing process. The Registrant's legal representative was given ample time to cross-examine witnesses, call witnesses, and make legal submissions as required. Further, we are not satisfied that the Chair's prior involvement in the *Stauffert* hearing has any relevance to the issues raised on this further motion. The facts of the *Stauffert* hearing are not before this Panel, however, we note that there is no suggestion in that decision that the panel was misled by the College or that the panel was persuaded to make a finding that was inconsistent with the Agreed Statement of Facts entered as evidence at that hearing.

The Registrant has failed to persuade the Panel of the merit of either bias motion. As the Panel understands the law, the threshold for proving bias is intentionally high and the apprehension must be objectively reasonable. Dissatisfaction with the decision is not a proper basis to claim bias. The Registrant can challenge the Panel's decision on appeal. He may succeed on that challenge; however, we are not satisfied that the concerns raised in his motions – being viewed objectively and by an informed person – could in any way amount to an apprehension of bias.

### ***The Stay Motion***

On his Stay Motion, the Registrant appears to make the same arguments he did in support of his Bias Motion #1 to support his request that the proceedings be stayed.

As set out above, the Panel is not persuaded that this is an appropriate case for a stay. The Registrant's complaints regarding the Panel's apparent misapprehension of the evidence, failure to apply the correct legal tests and failure to provide adequate reasons are all issues that the Registrant can raise on appeal. They do not properly ground a motion for a stay.

The Registrant's motions are dismissed.

## **Penalty and Costs**

Section 50(2) of the *Health Professions Procedural Code* (the “Code”) sets out that where a panel of the Discipline Committee finds a Registrant has committed an act of professional misconduct, it may direct the Registrar to, among other things:

- Require the registrant to appear before the panel to be reprimanded.
- Revoke the registrant’s certificate of registration.
- Suspend the registrant’s certificate of practise for a specified period of time.

The jurisdiction to order costs is set out in section 53.1 of the Code, which provides in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act or acts of professional misconduct to pay all or part of the College’s legal costs and expenses, costs and expenses incurred in investigating the matter, and/or costs and expenses incurred in conducting the hearing.

### ***College’s Position on Penalty and Costs***

The College seeks an order (a) requiring the Registrant to appear before the Panel to receive a reprimand immediately following the conclusion of the hearing; and (b) directing the Chief Executive Officer to revoke the Registrant’s certificate of registration, effective immediately. In addition, the College seeks an order that the Registrant pay it two thirds of all investigative, legal, and hearing costs and expenses, which amount to \$262,953.29, payable within 24 months on the following schedule: (i) \$10,956.32 due one month from the date of the order; and (ii) \$10,956.39 due one month thereafter until paid in full.

The College argues that while these are the first findings of professional misconduct for the Registrant, the Registrant’s attitude throughout, demonstrates that he is simply ungovernable. The College says that a lengthy suspension and terms, conditions and limitations are not appropriate as remediation is unlikely to assist. The College urges that revocation is the only appropriate order.

In support of its proposed penalty, the College explained that the concept of ungovernability rests in concern that the registrant is unprepared to recognize their professional obligations and the regulator’s role. The decision to make such a finding is grounded in the public interest and arises

where a member of the profession is unwilling to abide by the decisions of their regulatory body, such that the public cannot be protected.<sup>1</sup>

The College submits that its proposed order meets the four principles of sanctioning, including: (a) public confidence; (b) remediation; (c) specific deterrence; and (d) general deterrence. It is also consistent with other similar cases and fairly considers the mitigating and aggravating factors in this case.

With respect to the principle of public confidence, the College argues that its proposed order (reprimand and revocation) would enhance public confidence in the College's ability to regulate naturopaths. The revocation, in particular, would communicate to the public that the College takes the Registrant's conduct seriously and that it is committed to its mandate to serve and protect the public interest.

Given the Registrant's ungovernability, the College says that the principle of remediation is not addressed in its proposed penalty, however, the penalty does squarely address both specific and general deterrence. The penalty sends a clear message to the membership that serious acts of misconduct and intentional disregard for the College's authority will result in significant penalty.

With respect to mitigating factors, the College says that there are none in this case. While this was the first time that the Registrant appeared before the Discipline Committee, that is not a mitigating factor – rather, it is a neutral factor in the assessment of penalty in these circumstances. The College notes that even the admissions made by the Registrant during the hearing were made without remorse and in a manner that further demonstrated his disregard for his professional obligations and the College.

With respect to aggravating factors, the College argued that the Registrant's lengthy complaints history with the College speaks directly to the issue of whether the Registrant is remediable. This is because his response to prior complaints and remedial orders provides evidence of his willingness (or lack thereof) to learn from the College's concerns about his conduct and be governed. The College relied on the following information:

- **Letter of Counsel (October 2019)** – Following the investigation of a complaint, the ICRC

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<sup>1</sup> *Kuny v. College of Registered Nurses of Manitoba*, 2018 MBCA 21; *Law Society of Upper Canada v. Thomas Michel Hicks*, 2006 ONSLAP 1

issued a letter of counsel that communicated its concerns to the Registrant about his conduct. Like the current matter, the concerns were about information the Registrant posted on his clinic website. The information was about treatment he was not authorized to provide (i.e., vaccination).

- **Letter of Advice (April 2002)** – Following the investigation of a complaint, the Complaints Committee of the BDDT-N issued a letter of advice about obtaining informed consent. The Committee stated: “The Registrant should properly communicate with the patient prior to any treatment and obtain the patient’s informed consent for the treatment. The Registrant should provide a proper explanation of the treatment to the patient, explaining the treatments used, the benefits of treatment, as well as the possible side effects of the treatment. Where a procedure is delegated to a nurse, the patient should be informed of the delegation in advance and consent to the delegation.”
- **Letter of Caution (January 2008)** – Following the investigation of a complaint, the Complaints Committee issued a letter of caution about the Registrant’s website not complying with the Board’s Advertising Policy. (The Policy prohibited naturopaths from using testimonials in advertisements). The letter also addressed concerns the Registrant was advocating health benefits of his Christian belief on his website.
- **Undertaking (January 1999)** – The Registrant signed this undertaking to not use IV or injection (except for Vitamin B12 and Folic Acid) until such time the BDDT-N approved such therapies. The undertaking was then amended by hand to state that it only applied to the “general public”.
- **Undertaking (May 2008)** – The Registrant signed the 2008 Undertaking with the BDDT-N to not participate in parenteral therapy by injecting EDTA until it was legally permitted. Despite his assertions, his regulator reminded him that calcium disodium edetate was not approved and ergo he could not use it.

The College argues that the Registrant’s prior history with the College and the predecessor, BDDT-N demonstrates he was made aware of concerns about his conduct since as early as 1999. Those concerns continued over time, in 2002, 2008 and 2019, and became relevant to the discipline proceedings before this Panel, which resulted in findings of misconduct.

Another aggravating factor raised by the College is the Registrant's attitude as demonstrated during the hearing. The College submits that the Registrant's attitude at the hearing reflects a disregard for his professional obligations. For example, during his testimony, the Registrant maintained that unless he was told by the College expressly and explicitly that he could not do so, he could perform unauthorized treatment; he repeatedly argued that he could perform unauthorized treatment under private contract law; and he argued that he could perform unauthorized treatment under the Magna Carta and the Oath of Helsinki.

Finally, the College argues that the penalty it proposes is proportional and within a range of similar orders. The College provided the Panel with a number of cases from this and other health colleges, where the conduct of the registrant was similar to the conduct here and where revocation was ordered (see, for example, *College of Naturopaths of Ontario v. Dodd*, 2023 File DC22-01; *Royal College of Dental Surgeons of Ontario v. Ragnitz*, 2017 ONRCDSO 2; and *Royal College of Dental Surgeons of Ontario v. Park*, 2021 ONRCDSO 5, upheld ONSC 8088)

With respect to its request for costs, the College submits that this is an appropriate case for costs and that the amount it seeks is reasonable, particular given: (a) the evidence of the College's legal, investigative, and hearing costs and expenses; (b) the nature of the findings of professional misconduct made by this Panel; (c) the relative success of the parties; (d) the length of the hearing and reasons for it; (e) the number of lawyers used by the College; and (f) any conduct by the Registrant that prolonged the hearing.

Here, the College provided the Panel – through affidavit evidence – proof of the costs and expenses it incurred for this matter and submitted that the costs incurred were reasonable and necessary given the length of the hearing, the seriousness of the misconduct, and the decision of the Registrant to bring a number of preliminary motions, which lengthened the hearing, as did his general conduct during the course of the hearing.

### ***The College's Alternative Position on Penalty***

The College argues that if this Panel is not inclined to make an order directing the CEO to revoke the Registrant's certificate, then it should consider the imposition of a significant suspension, together with several terms, limits and conditions, to be attached to the Registrant's certificate,

upon his completion of the suspension. The College's alternative position, is set out at Appendix A, attached to these reasons for decision.

### ***The Registrant's Position on Penalty and Costs***

In response to the College's submission on penalty, the Registrant argues that this Panel should impose no or a "significantly less" penalty than what has been proposed. In support of this position, the Registrant argues that in light of all of the concerns raised in his motion regarding the issues of bias and the vagueness of the Panel's decision, he is not in a position to make a fulsome submission on penalty.

With respect to costs, the Registrant argues that the Panel should exercise its discretion under section 53 of the Code to order costs payable by the College to the Registrant for the College's misconduct in misrepresenting evidence and "consuming time". The Registrant seeks costs equal to 80% of the legal costs that the College has sought for its legal counsel - \$262,953.29, plus HST.

### **Panel's Decision on Penalty and Costs**

In reaching its decision on penalty and costs, the Panel considered closely the parties' submissions, its findings as set out in its Decision and Reasons 2024, as well as the relevant case law presented.

With respect to penalty, the Panel is persuaded that a reprimand and an order directing the revocation of the Registrant's certificate is appropriate. Revocation is a serious consequence. The Panel recognized this in coming to its decision – which it did not do lightly. The Registrant's misconduct in this case was serious. It took place over a significant duration and involved communication (via the Clinic website) and conduct that put the public and the Registrant's patients at risk. The Registrant's flagrant disregard for his professional responsibilities is troubling. The Registrant does not respect the authority of the College – which makes it difficult for the College to properly ensure the safety of the public.

The Registrant is ungovernable. As we found in our Decision and Reasons 2024, the Registrant spent years attempting to work around the governing legislation to provide treatment to patients in a manner he was not authorized in this Province to do. Further, it was clear to the Panel that the Registrant has been aware of his professional obligations throughout, choosing time and again to simply ignore those obligations. The Registrant has demonstrated an unwillingness to abide by

the rules and decisions of the College. Even during the hearing itself, the Registrant showed a complete disregard for the regulatory process. He made inappropriate comments and even refused to confirm his name at the start of the hearing. The Panel has no confidence that he will abide by a penalty order that is short of revocation.

On the issue of costs, we are not prepared to consider an order for costs to be paid by the College. This Panel has made serious findings of professional misconduct against the Registrant. The College – through its counsel- presented compelling evidence to support our findings. The suggestion of misconduct by the College or its counsel, is simply unreasonable. Contrary to the Registrant’s legal representative’s suggestion, the College counsel did not misstate the evidence or invite the Panel to make improper findings.

The College was wholly successful in its prosecution of this matter. This is an appropriate case for costs payable by the Registrant to be awarded payable. We have considered the evidence of the actual costs and expenses incurred by the College, as well as the case law which supports an order for costs in the range sought here. In the circumstances, the amount sought by the College is reasonable, as is the proposed timeline in which payment must be made. The Panel recognizes that this is a significant amount of costs – but this was a significant case. The hearing proceeded over many days, and included several motions brought by the Registrant, which required a fulsome response from the College and serious consideration by the Panel. It was the Registrant’s right to respond to the allegations as he did here – however, he must bear some of the costs of doing so. It is not fair that the rest of the membership of the College be burdened with the entire cost of this investigation and prosecution.

The Panel asks the College to prepare an order to go that is consistent with our reasons set out above and that arrangements be made to schedule the Registrant’s reprimand.

I, Dr. Jacob Scheer, ND, sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline panel as listed below:



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Chairperson

June 3, 2025

Date

Dr. Jacob Scheer, ND, Chair  
Dr. Amy Armstrong, ND  
Dr. Rick Olazabal, ND (*Inactive*)  
Mr. Dean Catherwood  
Mr. Paul Phillion



## Appendix A

### College's Alternative Proposed Order

#### THE DISCIPLINE COMMITTEE MAKES AN ORDER:

1. Requiring the Registrant to appear before the discipline Panel to receive a reprimand immediately following the conclusion of the hearing;
2. Directing the Chief Executive Officer (CEO) to suspend the Registrant's certificate of registration for twenty-four months, to commence one month after the date of the order, four months of which shall be remitted if the Registrant complies with the provisions in paragraph 4 below, no later than twelve months from the date of the order;
3. Directing the CEO to impose the following specified terms, conditions and limitations ("TCLs") on the Registrant's certificate of registration indefinitely and all of which the Registrant shall complete at the Registrant's expense and to the CEO's satisfaction:
  - a. The Registrant shall not perform, delegate, or accept a delegation (except in accordance with Part III of the General Regulation, O. Reg. 168/15) of the authorized act of administering, by injection or inhalation, a prescribed substance on any person unless the substance is specified in Tables 1 or 2 of the General Regulation made under the *Naturopathy Act, 2007*;
  - b. The Registrant shall not perform, delegate, or accept a delegation (except in accordance with Part III of the General Regulation, O. Reg. 168/15) of the authorized act of administering, by injection or inhalation, a prescribed substance on any person unless the route of administration is specified in Table 1 or 2 of the General Regulation made under the *Naturopathy Act, 2007*;
  - c. The Registrant shall not perform, delegate, or accept a delegation (except in accordance with Part III of the General Regulation, O. Reg. 168/15) of the authorized act of prescribing, dispensing, compounding or selling a drug designation in the regulation to any person unless the drug is specified and in compliance with any limitations listed on Tables 3, 4, 5, or 6 of the General Regulation made under the *Naturopathy Act, 2007*;

- d. The Registrant shall not recommend any product to any person unless the product has been approved by Health Canada for patient use and does not contain any restriction (e.g., for research purposes, etc.);
  - e. The Registrant shall ensure that no injections to any person, other than injections using substances, in accordance with the limitations, specified in Table 2 of the General Regulation made under the *Naturopathy Act, 2007*, are advertised by the Registrant and/or his clinic;
  - f. The Registrant shall post a sign, acceptable to the College, in a prominent and visible location in the waiting room and each of the examination/treatment rooms of the Registrant's place(s) of practice, and on the Registrant's professional website, that states that:
    - i. The Registrant is not authorized to perform, delegate, or accept delegation (except in accordance with Part III of the General Regulation, O. Reg. 168/15) for the controlled act of administering a substance by injection to any person, other than a substance, in accordance with the limitations, specified in Table 2 of the General Regulation made under the *Naturopathy Act, 2007*; and
    - ii. The Registrant shall ensure that every patient he treats or offers to treat, sign a form, acceptable to the College, confirming that they are made aware that the Registrant is not authorized to perform, delegate or accept delegation (except in accordance with Part III of the General Regulation, O. Reg. 168/15) for the controlled acts of administering a substance by injection to any person, other than a substance, in accordance with the limitations, specified in Table 2 of the General Regulation made under the *Naturopathy Act, 2007*;
4. Directing the CEO to impose the following specified TCLs on the Registrant's certificate of registration, all of which the Registrant shall complete at the Registrant's expense and to the CEO's satisfaction within eighteen months of the date of the order:
- a. Requiring the Registrant to unconditionally pass the PROBE ethics course;
  - b. Requiring the Registrant to successfully complete the College's Jurisprudence course;
  - c. Requiring the Registrant to review, and confirm same with the CEO, the following:

- i. All standards of practice (as set out in the General Regulation, O. Reg. 168/15, and issued by the College) that were determined to have been contravened by the Discipline Committee;
    - ii. All College guidelines related to the above noted standards of practice; and
    - iii. Professional Misconduct Regulation (O. Reg. 17/14);
  - d. Requiring the Registrant to meet and cooperate with a Regulatory Expert selected by the College for a minimum of two and a maximum of five times, at the discretion of the Regulatory Expert, to discuss the Registrant's completion of subparagraphs 4(a) through 4(c) above and the Decision and Reasons of the Discipline Committee:
    - i. The Registrant shall undertake to have the Regulatory Expert deliver a report to the CEO, that is deemed to be satisfactory to the CEO, setting out the Regulatory Expert's opinion as to whether the Registrant has developed insight into the Discipline Committee's findings and whether the Registrant will incorporate learnings from the hearing and subparagraphs 4(a) through 4(c) above into his practice, within one month of the final meeting or at any other time that the Regulatory Expert feels is appropriate; and
  - e. Requiring the Registrant to send a letter, subject to the approval of the CEO, to all clients of the Registrant who were/are members of the Pastoral Medical Association (PMA), that states:
    - i. The Registrant erred in advising that:
      - (1) The College could not access PMA member records; and
      - (2) The Registrant was authorized to provide the services provided to them pursuant to the PMA agreement;
    - ii. The Registrant has been found to have engaged in professional misconduct; and
    - iii. Neither the Registrant nor his clinic will be providing the unauthorized services on a go forward basis;
5. Directing the CEO to impose the following specified TCLs on the Registrant's certificate of registration, all of which the Registrant shall complete at the Registrant's expense and to the CEO's satisfaction, and shall commence once the Registrant completes his suspension as set

out in paragraph 2 and shall continue indefinitely until the Practice Monitor and the CEO determine that the TCLs in paragraph 3 above are no longer required:

- a. Requiring the Registrant to meet and cooperate with a Practice Monitor selected by the College, for a minimum of one and a maximum of three times every two months, at the discretion of the Practice Monitor, to allow the Practice Monitor to inspect and observe the Registrant's clinic, clinic website, client charts and the Registrant's interaction with clients in light of the findings made by and the reasons issued by the Discipline Committee:
  - i. The Registrant shall undertake to have the Practice Monitor deliver a report to the CEO, that is deemed acceptable by the CEO, after each visit setting out:
    - (1) The Practice Monitor's opinion as to whether the Registrant is:
      - (A) Complying with the findings of the Discipline Committee; and
      - (B) Complying with the TCLs as set out in paragraph 3;
    - (2) A summary of the client charts reviewed; and
    - (3) Any recommendations provided to the Registrant and whether the Registrant implemented such recommendations.