

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

B E T W E E N :

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

TARAS RODAK

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 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*.

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

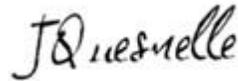
Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street
Suite 2308, P.O. Box 23
Toronto, ON M5H 2Y4

Telephone: (416) 644-4783
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Date: June 21, 2018



Jeremy Quesnelle
Deputy Registrar
College of Naturopaths of Ontario

TO: **DR. TARAS RODAK, ND**
Wellness Institute
954 Royal York Road
Toronto, ON M8X 2E5
Tel: 416-234-1888 x 30
Fax: 416-234-0006

c/o **BRIAN WHITWHAM**
Miller Thomson LLP
One London Place
255 Queens Avenue, Suite 2010
London, ON N6A 5R8
bwhitwham@millerthomson.com

STATEMENT OF SPECIFIED ALLEGATIONS

1. At all relevant times, Dr. Taras Rodak (“the Member”) has been a member of the College.
2. On or about October 2, 2017 the Patient attended the Member’s clinic in Etobicoke, Ontario. The Patient was seeking assistance related to low energy and leg cramps related to her marathon training.

Standards of the Profession

3. It is alleged that during the appointment, the Member:
 - a. Provided a consent form for the Patient to sign before the Member had an opportunity to discuss the proposed treatment and obtain informed consent;
 - b. Failed to confirm at the outset of the appointment if the Patient wanted a person present during the appointment;
 - c. Asked the Patient to change into a robe and/or if he could conduct a breast exam;
 - d. Did not obtain informed consent to perform Bowen therapy on the patient;
 - e. Did not adequately respond to the Patient’s questions about Bowen therapy;
 - f. Asked the Patient to sign another consent form after the appointment indicating that she had been provided with an option to have a person present during the appointment; and/or
 - g. Did not advise the Patient in advance of the appointment of the cost of the appointment and/or the remedies provided.
4. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 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); 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).

Informed Consent

5. It is alleged that during the appointment, the Member failed to:
 - a. Provide the Patient with the nature of the Bowen therapy treatment;
 - b. Provide the Patient with the expected benefits of the Bowen therapy treatment;
 - c. Provide the Patient with the material risks of the Bowen therapy treatment;
 - d. Provide the Patient with the material side effects of the Bowen therapy treatment;
 - e. Provide the Patient with alternative courses of action to Bowen therapy treatment; and/or
 - f. Provide the Patient with the likely consequences of not having the Bowen therapy treatment.

6. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of 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 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); 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).

Failing to advise of a fee

7. It is alleged that the Member did not advise the Patient in advance of the appointment, or in advance of him recommending a remedy of the fee to be charged for the appointment and/or remedy.

8. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(c) of 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 20** (Failing to advise a patient or a patient's authorized representative, before providing any service, of the fee to be charged for the service or of any penalties that will be charged for late payment of the fee); 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).

Sexual Abuse

9. It is alleged that during the appointment, the Member:
 - a. Engaged in behaviour and/ or remarks of a sexual nature by failing to confirm at the outset of the appointment if the Patient wanted a person present during the appointment; and/or
 - b. Engaged in behaviour and/ or remarks of a sexual nature by asking the Patient to change into a robe and/or if he could conduct a breast exam.
10. The behaviour and/or remarks as set out in paragraph 9 were not of a clinical nature appropriate to the service provided.
11. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 51(1)(b.1) of the Code as the Member sexually abused the Patient.

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 -

TARAS RODAK

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