

**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: December 10, 2019



Andrew Parr, CAE
Registrar & CEO
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
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STATEMENT OF SPECIFIED ALLEGATIONS

The Member

1. At all relevant times, Dr. Taras Rodak, ND (“the Member”) has been a member of the College.
2. The Member works at and owns the Clinic in Etobicoke, Ontario.

Electro-Dermal Screening for Member’s Patients

3. The Member retains Ms. G as an independent contractor to provide electro-dermal screening (“EDS”) to his patients at the Clinic.
4. Ms. G is not a member of the College or any regulatory health college.
5. The Member permits Ms. G to provide EDS to her own personal clients at the Clinic. The Member does not provide EDS or administer EDS.
6. The Member’s patients sign a separate “Informed consent agreement” for the services provided by Ms. G. Ms. G performs the screening and makes treatment recommendations based on the results.
7. The Member charges his patients \$150 for the EDS service. The Member pays Ms. G \$90 for the provision of each EDS service.
8. The Member then charges \$15 for a naturopathic consult that involves the Member reviewing the results of the EDS with his patient.
9. Ms. G charges her personal clients \$150 for the initial and follow up EDS service provided at the Clinic. Ms. G charges her personal clients \$90 for the follow up evaluations at her own clinic.
10. It is alleged that the Member issued or permitted to be issued invoices for the services he did not provide. In particular, the Member issued invoices:
 - a. Indicating that the Member provided EDS to his patients instead of Ms. G;
 - b. Indicating that the provision of EDS to his patients was a naturopathic service yet provided by Ms. G; and/or

- c. That did not identify the actual cost and/or the mark up of the EDS service.
11. It is alleged that the Member did not audit his invoices to ensure accuracy and compliance with the College standards.
12. 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) including but not limited to:
 - i. Fees and Billing Standard; and/or
 - ii. Record Keeping Standard;
 - b. **Paragraph 18** (Issuing an invoice, bill or receipt that the member knows or ought to know is false or misleading);
 - c. **Paragraph 19** (Charging a fee that is excessive in relation to the services or products provided);
 - d. **Paragraph 23** (Failing to keep records in accordance with the standards of the profession);
 - e. **Paragraph 24** (Signing or issuing, in his or her professional capacity, a document that the member knows or ought to know contains a false or misleading statement); and/or
 - 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).

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

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OF THE COLLEGE OF
NATUROPATHS OF ONTARIO

NOTICE OF HEARING

STEINECKE MACIURA LEBLANC

Barristers & Solicitors
401 Bay Street, Suite 2308
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Toronto, ON M5H 2Y4

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Lawyers for the College of
Naturopaths of Ontario