

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

B E T W E E N :

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

HELEN COHEN

**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, 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 Officer<sup>1</sup> 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 Registrant<sup>2</sup> 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, Rebecca Durcan, in this matter:

Steinecke Maciura LeBlanc  
Barristers & Solicitors  
401 Bay Street  
Suite 2308, P.O. Box 23

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<sup>1</sup> 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).

<sup>2</sup> 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.

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: \_\_\_\_\_  
August 22, 2022



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

**TO: HELEN COHEN**  
#324-145 Strathmore Boulevard  
Toronto, Ontario M4J 4Y9

## STATEMENT OF SPECIFIED ALLEGATIONS

### **The Former Registrant**

1. Ms. Helen Cohen (the “Former Registrant”) registered with the Board of Directors of Drugless Therapy – Naturopathy on January 1, 1991. The Former Registrant then became registered with the College of Naturopaths of Ontario (the “College”) on July 1, 2015.
2. The Former Registrant’s Certificate of Registration was suspended on September 28, 2020, as per the order of the Discipline Committee for a period of four (4) months or until the Former Registrant completes the requirements as set out in the Order made by the Inquiries, Complaints and Reports Committee on September 7, 2017, whichever is longer. Her certificate of registration remains suspended.

### **Discipline Matters**

3. On July 12, 2020, the Former Registrant entered into an agreement with the College when she signed an Agreed Statement of Facts admitting to certain facts and professional misconduct in relation to matter DC19-03 (“First Matter”). The Former Registrant acknowledged the following statements in the Agreed Statement of Facts:
  - 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 the 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.
  
4. On July 24, 2020, the Former Registrant entered into an agreement with the College when she signed a Joint Submission on Penalty and Costs agreeing to a reprimand, suspension, terms, conditions and limitations as well as a payment of a fine and costs in the First Matter.
  
5. On July 12, 2020, the Former Registrant entered into an agreement with the College when she signed an Agreed Statement of Facts admitting to certain facts and professional misconduct in relation to matter DC19-04 ("Second Matter"). The Former Registrant acknowledged the following statements in the Agreed Statement of Facts:
  - 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 the 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.
6. On July 24, 2020, the Former Registrant entered into an agreement with the College when she signed a Joint Submission on Penalty and Costs agreeing to a reprimand, suspension, terms, conditions and limitations as well as a payment of a fine and costs in the Second Matter.

#### **Failure to comply with orders of the Discipline Committee**

7. In September 2020, a panel of the Discipline Committee held hearings related to the First and Second Matters involving the Former Registrant. The Panel accepted the Agreed Statement of Facts and Joint Submission on Penalty and Costs in both matters.
8. In September 2020, the Panel made two orders in accordance with the Agreed Statement of Facts and Joint Submission on Penalty and Costs. The Panel made the following order in the First Matter:
- a. Requiring the Member to appear before the panel to be reprimanded immediately following the hearing of this matter.
  - b. Directing the Registrar to suspend the Member's certificate of registration for a period of four (4) months, on a schedule to be set by the Registrar.
  - c. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member's certificate of registration:
    - i. 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;
    - ii. Requiring that the Member successfully complete, to the satisfaction of the Registrar and at her own expense, the College's Medical Records

course by a date selected by the Registrar;

- iii. 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;
- iv. that shall be published by the College at a time and in a format determined by the Registrar, on the following issues:
  1. The lessons she learned in completing the PROBE course and medical records course; and
  2. The methods she will incorporate into her practice to ensure proper record-keeping practices and her obligations as a member of the College.
- v. Requiring the Member to submit to, and at her own expense, a practice inspection to be completed within six (6) months following her return to practice.
- vi. 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.
- vii. 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.

9. The Panel made the following order in the Second Matter:

- a. Requiring the Member to appear before the panel to be reprimanded immediately following the hearing of this matter.
- b. 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.
- c. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member's certificate of registration:
  - i. 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;

- ii. 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
  - iii. 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.
- d. 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.
  - e. 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.
10. The Former Registrant was provided with the orders and the reasons of the Discipline Committee.
11. It is alleged that despite repeated reminders from the College, the Former Registrant failed to comply with the orders of the Discipline Committee.

### **Acts of Professional Misconduct**

12. 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 43** (Failing to carry out or abide by an undertaking given to the College or breaching an agreement with the College); and/or
- c. **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.

DISCIPLINE COMMITTEE  
OF THE COLLEGE OF  
NATUROPATHS OF ONTARIO

**NOTICE OF HEARING**

**STEINECKE MACIURA LEBLANC**

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