

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

IN THE MATTER OF a hearing directed
by the Inquiries, Complaints and Reports Committee of
the College of Naturopaths of Ontario
pursuant to Section 26(1) of the Health Professions Procedural Code
being Schedule 2 of the *Regulated Health Professions Act, 1991*,
S.O. 1991, c. 18, as amended.

B E T W E E N:

**COLLEGE OF NATUROPATHS OF ONTARIO
- and -
KARIM DHANANI**

**DECISION AND REASONS
File DC21-01**

A panel of the Discipline Committee of the College of Naturopaths of Ontario (the “Panel”) held a hearing on November 8, 2022. The hearing proceeded electronically pursuant to the *Regulated Health Professions Act, 1991*, Schedule 2, the Health Professions Procedural Code (the “Code”), the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the Discipline Committee Rules.

Rebecca Durcan was counsel to the College of Naturopaths of Ontario (the “College”). Andrew Parr attended on behalf of the College. Karim Dhanani (the “Registrant”) was represented by Robert Barbiero. Lonny Rosen acted as independent legal counsel (“ILC”) to the Panel.

ALLEGATIONS

The Notice of Hearing, dated December 1, 2021, was filed as Exhibit 1 and set out the following:

The Registrant

1. The Registrant registered with the Board of Directors of Drugless Therapy – Naturopathy on or about April 8, 2002. The Registrant then became registered with the College on July 1, 2015.
2. The Registrant has not met the Standards of Practice for Therapeutic Prescribing or Intravenous Infusion Therapy (IVIT) and therefore has not been authorized since January

- 1, 2016 to perform IVIT.
3. At all relevant times, the Registrant worked at and/or owned Centre for Biological Medicine in Richmond Hill, ON (the “Clinic”) and/or Pathways DNA.

Administering and/or Offering Services or Treatments or Testing outside of their scope

4. It is alleged that since approximately January 1, 2016 the Registrant administered IVIT to patients at the Clinic.
5. It is alleged that IVIT cannot be administered at the Clinic as the Clinic is not registered as a premises pursuant to Regulation 168/15.
6. It is alleged that the Registrant delegated and/or attempted to delegate the act of IVIT despite not having the requisite authority to perform the controlled act.
7. It is alleged that on or about October 13, 2020 the Registrant advised an undercover investigator that they could provide IVIT to her sister.
8. It is alleged that the Registrant:
 - i. Ordered tests to detect cancer activity;
 - ii. Treated patients for cancer; and/or
 - iii. Advised patients that he could treat cancer.
9. It is alleged that the Registrant ordered and/or administered Vitamin C IVIT to a patient for “cancer prevention.”

Laboratory Compliance

10. It is alleged the Registrant ordered specimens to be sent and/or sent specimens to laboratories not licensed by the *Laboratory and Specimen Collection Centre Licensing Act*.
11. It is alleged that the Registrant requisitioned the collection of specimens for tests that are outside the scope of a naturopath.

Practising while suspended

12. It is alleged that the Registrant was suspended between approximately April 2 and July 17, 2020.
13. It is alleged that despite the suspension and/or being provided with notice of the suspension, the Registrant proceeded to:
 - i. Practise naturopathy at the Clinic;
 - ii. Perform controlled acts authorized to registrants;

- iii. Hold themselves out as a registrant of the College; and/or
- iv. Use protected titles authorized to registrants.

Advertising

14. It is alleged that the Registrant posted or permitted the posting of the following on their Clinic website:
- a. “If you suspect you have cancer, or if you know you have the disease and want to learn about the available treatment options, contact us today...”;
 - b. That Neurological Disorders and/or Cognitive Capabilities could be treated at the Clinic;
 - c. That “all of our treatments and assessment tools ... have long and respected records of success in hospitals and health institutions across the globe”;
 - d. That Biological Medicine “... is the most technologically and scientifically rigorous kind of natural medicine there is...calls the body’s terrain the environment between your cells ...” and/or
 - e. The availability of services outside the scope of the Registrant including but not limited to IVIT, cancer treatment, and/or intravenous Weber Laser Therapy.

Acts of Professional Misconduct

15. It is alleged that the above noted conduct constitutes professional misconduct pursuant to section 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 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 the following:
 - i. Core Competencies;
 - ii. Advertising;
 - iii. Compounding;
 - iv. Intravenous Infusion Therapy;
 - v. Delegation;
 - vi. Collecting Clinical Samples;
 - vii. Requisitioning Laboratory Tests; and/or
 - viii. Performing Authorized Acts
 - b. **Paragraph 8** – Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member’s knowledge, skill or judgment;
 - c. **Paragraph 9** – Failing to advise a patient or the patient’s authorized representative to consult another member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice;
 - a. **Paragraph 10** – Performing a controlled act that the member is not authorized to

perform;

- b. **Paragraph 26** – Making a claim respecting a drug, substance, remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion;
- c. **Paragraph 27** – Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
- d. **Paragraph 36** – Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts including but not limited to s. 4 of the Act and Regulation 168/15;
- e. **Paragraph 36.1** – Without restricting the generality of paragraph 36, failing, by act or omission, to comply with any duty or requirement under Part IV (Inspection of Premises Where Certain Procedures are Performed) of Ontario Regulation 168/15 (General) made under the Act;
- f. **Paragraph 39** – Practising the profession while the member’s certificate of registration has been suspended;
- g. **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; and/or
- h. **Paragraph 47** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

16. It is also alleged that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

ADMISSION AND PLEA INQUIRY

The Registrant admitted to the allegations of professional misconduct set out in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Registrant’s admissions were voluntary, informed and unequivocal.

AGREED STATEMENT OF FACTS

The College advised the Panel that the evidence would be provided by way of an Agreed Statement of Facts (the “ASF”), which was filed as Exhibit 2 and set out the following:

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 Registrant

1. The Registrant registered with the Board of Directors of Drugless Therapy – Naturopathy

(the “Board”) on or about April 8, 2002. The Registrant then became registered with the College on July 1, 2015.

2. The Registrant has not met the Standards of Practice for Therapeutic Prescribing or Intravenous Infusion Therapy (IVIT) and therefore has not been authorized since January 1, 2016 to perform IVIT.
3. At all relevant times, the Registrant worked at and owned Centre for Biological Medicine in Richmond Hill, ON (the “Clinic”) and/or Pathways DNA.
4. Between January 2016 to April 2019, the Registrant was an elected member of the College Council and sat on various College committees including but not limited to the Inquiries, Complaints and Reports Committee.
5. The Registrant has no prior history before the College’s discipline committee.

Administering, Offering, and Advertising Services and Treatments Outside the Scope of Practice

Compounding for and Administration of IVIT

6. The performance of controlled acts by registrants, including but not limited to compounding, therapeutic prescribing and intravenous infusion therapy (IVIT), is governed by Part II of Ontario Regulation 168/15 made under the *Naturopathy Act, 2007*. Subsection 5(5) of the General Regulation requires that in order to administer a substance by IVIT, a registrant must have met both:
 - a) the Standard of Practice for governing prescribing, dispensing, compounding and selling drugs (Standard for Therapeutic Prescribing);
 - i. Which includes successfully completing a course on prescribing and an examination on prescribing; and
 - b) the Standard of Practice for administering a substance by IVIT;
 - i. Which includes successfully completing a course on administering a substance by intravenous injection and an examination on administering a substance by intravenous injection.
6. Despite the fact that the College assumed jurisdiction to regulate the profession effective July 1, 2015, subsections 5(6) and (7) of the General Regulation made allowance for registrants who were authorized by the Board to administer a substance by IVIT to continue to do so until December 31, 2015. After that date, they were required to meet the standard of practice for Therapeutic Prescribing and IVIT as outlined in subsection 5(5) on the General Regulation.
7. The Registrant was authorized to administer IVIT when he was registered with the Board. Therefore, in accordance with s. 5(7) of the General Regulation, effective July 1, 2015, he

had six months to successfully complete the course and examination on prescribing if he wished to continue with his IVIT practice after December 31, 2015. Unfortunately, the Registrant did not do so. As a result, the Registrant was not authorized, as of January 1, 2016 to administer IVIT. The Registrant was aware of this prohibition as the College expressly alerted the Registrant in advance of the deadline. Attached at Tab "C" is a copy of the letter dated December 4, 2015 the College sent to the Registrant alerting him that he could no longer administer IVIT effective December 31, 2015.

8. Nonetheless, the Registrant administered IVIT to his patients at the Clinic, on a repeated basis, from January 2016 until 2020 and did not advise them that he was not authorized to provide IVIT and that it was outside his scope of practice.
9. It is agreed that on or about October 13, 2020, an undercover investigator attended at the Clinic as a patient. It is agreed that the Registrant advised the undercover investigator that he was providing IVIT to patients.
10. Subsection 11(3) of the General Regulation requires that in order to compound substances for the purpose of administering IVIT, a registrant must have met:
 - a) the Standard of Practice for compounding substances:
 - i. Which includes successfully completing a course on prescribing that has been approved by the Council and an examination on prescribing that is administered or approved by the Council.
11. Despite the fact that the Registrant was not authorized to compound substances for the purposes of IVIT, the Registrant compounded substances for the purpose of IVIT to patients at his Clinic, from January 2016 until 2020.

Registering Premises

12. In light of the inherent risk of harm to patients from the procedures of compounding substances for the purposes of administering IVIT and from the administration of IVIT, registrants can only perform these procedures in premises that have been inspected by the College. Part IV of the General Regulation governs the inspection of premises where certain procedures are performed, namely, the compounding of substances and/or the administration of substances by IVIT.
13. Despite this statutory requirement, the Registrant never registered, or sought to register, the Clinic as a premise that is authorized to provide IVIT. As a result, an inspection by the College never occurred.
14. Despite the fact that the Registrant was not authorized to administer IVIT, and not authorized to permit or perform IVIT at his Clinic, the Registrant administered IVIT to patients at his Clinic, from January 2016 until 2020.

Delegation

15. Section 28 of the *Regulated Health Professions Act, 1991* permits naturopaths to delegate a controlled act to another person but it must be in accordance with any applicable regulations under the *Naturopathy Act*.
16. Section 15 of the General Regulation states that, "A member shall not, except in accordance with ... Part [III], delegate a controlled act or perform a controlled act that was delegated to him or her."
17. Part III includes the following provisions:
 - a) A member shall ensure, before delegating any controlled act, that he or she,
 - i. Has the authority under the Act and its regulations to perform the controlled act himself or herself;
 - ii. Has the knowledge, skill and judgment to perform the controlled act safely and ethically.
18. Despite the fact that the Registrant was not authorized to perform the act of administering a substance by IVIT, the Registrant delegated and attempted to delegate the performance of IVIT, to employees of the Clinic.

Cancer Treatment

19. Registrants are permitted to provide adjunctive care to address cancer symptoms and to alleviate the impact of cancer treatments on the body. However, it is agreed that registrants are not authorized to treat cancer nor are they equipped to prevent cancer.
20. It is agreed that from January 1, 2016 to 2020, the Registrant:
 - a) Ordered tests for patients to detect cancer activity;
 - b) Treated patients for cancer; and
 - c) Advised patients that he could treat cancer.
21. It is also agreed that from January 1, 2016 to 2020, the Registrant ordered and administered Vitamin C IVIT to a patient for "cancer prevention."

Laboratory Compliance

22. Section 3(2) of the General Regulation states that it is a standard of practice of the profession that a registrant is prohibited from taking or collecting specimens unless the specimen is identified in the regulations made under the *Laboratory and Specimen Collection Centre Licensing Act* and related to a specific laboratory test set out in the regulations made under that Act. It is agreed that the Registrant requisitioned the collection of specimens for tests that are outside the scope of a naturopath, namely ordering tests relating to cancer treatment for patients who had cancer.

23. Section 3(4) of the General Regulation states that it is a standard of practice of the profession that a registrant is prohibited from ordering a laboratory test unless the test is one specified in the regulations to the *Laboratory and Specimen Collection Centre Licensing Act* as being authorized to be ordered by a naturopathic doctor. It is agreed that the Registrant ordered tests that were not authorized to NDs in the regulations, including a molecular oncology test for a patient with cancer and a molecular detecting of circulating tumor cells in blood for a patient who had been diagnosed with cancer.
24. If registrants are to order specimens to be sent to laboratories, they are to be sent to laboratories licensed under the *Laboratory and Specimen Collection Centre Licensing Act*. It is agreed that the Registrant sent specimens to laboratories in Germany (and ergo not licensed under the *Laboratory and Specimen Collection Centre Licensing Act*).

Practising While Suspended

25. On or about March 23, 2020, the College wrote to the Registrant to remind him that his professional liability insurance was set to expire on April 1, 2020. In particular, the College wrote that the Registrant needed to renew his insurance and update the College portal, failing which his certificate of registration would be suspended pursuant to section 14(1) of the Registration Regulation (Ontario Regulation 84/14).
26. It is agreed that by April 1, 2020, the Registrant had not updated the College portal advising that his professional liability insurance had been renewed. Therefore, on April 1, 2020, the College wrote to the Registrant to advise that his certificate of registration was suspended. The Registrant was advised to renew his professional liability insurance and then update the College portal.
27. On April 3, 2020, a staff member from the Registrant's clinic emailed a policy number of the Registrant's professional liability insurance. It is agreed that the College responded to the staff member at the Clinic that day and advised that this information was insufficient and to refer to the suspension letter of April 2, 2020.
28. It is agreed that later on April 3, 2020 the Clinic emailed the College again. The Clinic submitted the insurance certificate but did not update the portal and did not provide the necessary information to lift the suspension.
29. It is agreed that the Registrant did in fact have, at all times, the required professional liability insurance coverage but that the Registrant did not properly update the College portal with the required information.
30. The failure to update the College's portal, despite clear instructions from the College to do so, is what led to the Registrant's suspension from practice as the College requires every registrant in the same situation as the Registrant. If the Registrant were to testify, he would say that he had instructed a staff person to update the portal but that that staff person had

failed to do so, although the Registrant understands and acknowledges that it was his responsibility to take this action or ensure that it had occurred. The Registrant would further testify that he thereafter practiced naturopathy under the genuine impression that he was not suspended from practice notwithstanding that he was listed as Suspended on the Public Register.

31. On or about July 10, 2020 it came the Registrant's attention that the College's public register indicated that he was suspended from practice. Thus, the Registrant had a staff person at the Clinic email the College to ask what was required in order to reinstate the Registrant's certificate of registration.
32. On July 17, 2020 the Registrant fulfilled the requirements to reinstate and as a result was reinstated that day.
33. It is agreed that the Registrant's certificate of registration was suspended from April 2 to July 17, 2020.
34. It is agreed that during the suspension, the Registrant:
 - a) Practised naturopathy at the Clinic;
 - b) Compounded for the purposes of IVIT and performed IVIT;
 - c) Held himself out as a registrant of the College by treating patients; and
 - d) Used protected titles (including naturopath and using the Dr. title) authorized to registrants.

Advertising

35. It is agreed that Registrants cannot:
 - a) Treat neurological disorders, or cognitive capabilities;
 - b) Treat cancer;
 - c) Advertise results or success stories as they cannot be verified and are not relevant to individual treatment plans; and
 - d) Cannot claim superiority over other naturopathic clinics or treatment modalities.
36. It is agreed that the Registrant posted or permitted the posting of the following on the Clinic website:
 - a) "If you suspect you have cancer, or if you know you have the disease and want to learn about the available treatment options, contact us today...";
 - b) That Neurological Disorders and/or Cognitive Capabilities could be treated at the Clinic;
 - c) That "all of our treatments and assessment tools ... have long and respected records of success in hospitals and health institutions across the globe";
 - d) That Biological Medicine "... is the most technologically and scientifically rigorous kind of natural medicine there is...calls the body's terrain the environment between your cells ..." and/or
 - e) The availability of services outside the scope of the Registrant including but not limited

to IVIT, cancer treatment, and/or intravenous Weber Laser Therapy.

Standards and Guidelines

37. During the relevant periods of time, it is agreed that the following College standards and policy applied to the Registrant and amounted to standards of the profession:

- a) Core Competencies;
- b) Advertising;
- c) Compounding;
- d) Intravenous Infusion Therapy;
- e) Delegation;
- f) Collecting Clinical Samples;
- g) Requisitioning Laboratory Tests; and
- h) Performing Authorized Acts.

38. It is also agreed that the following standards of practice of the profession, as set out in the General Regulation, were contravened or were not maintained as a result of the above noted conduct:

- a) Section 3(1) para 5 - A member shall not perform any controlled act under the authority of paragraph 1, 2, 3, 4 or 6 of subsection 4 (1) of the Act unless he or she performs it in accordance with all of the following standards of practice of the profession: (5) The member must ensure that appropriate infection control procedures are in place at all times and that the controlled act is performed in an environment that is clean, safe, private and comfortable for the patient;
- b) Section 3(1) para 6 - A member shall not perform any controlled act under the authority of paragraph 1, 2, 3, 4 or 6 of subsection 4 (1) of the Act unless he or she performs it in accordance with all of the following standards of practice of the profession: (6) The member must have the knowledge, skill and judgment (i) to perform the controlled act safely and ethically, and (ii) to determine whether the patient's condition warrants performance of the controlled act;
- c) Section 5(1) para 2 - For the purposes of paragraph 3 of subsection 4 (1) of the Act, a member who meets all of the standards of practice of the profession in this section and section 3 of this Regulation is authorized to perform the following controlled acts: (2) Administering a substance specified in Table 2 by injection to a patient using the routes of administration respecting the substance that are set out in the Table and in accordance with any limitations respecting the substance that are set out in the Table;
- d) Section 5(3) - It is a standard of practice of the profession that a member who performs the controlled act referred to in paragraph 2 of subsection (1) and who, in doing so, reconstitutes, dilutes, mixes, prepares, packages or labels two or more substances specified in Table 2 for the purpose of administering a customized therapeutic product to a patient by injection must comply with all the standards of practice set out in subsection 11 (2), with any necessary modifications;
- e) Section 5(4) - It is a standard of practice of the profession that a member may only perform a controlled act described in subsection (1) if he or she has successfully

- completed, (a) a course on prescribing that has been approved by the Council; and (b) an examination on prescribing that is administered or approved by the Council;
- f) Section 5(5) - Where the administration of a substance referred to in paragraph 2 of subsection (1) is by intravenous injection, it is a standard of practice of the profession that a member may only perform the controlled act if he or she has successfully completed, in addition to the requirements under clauses (4) (a) and (b), (a) a course on administering a substance by intravenous injection that is approved by the Council; and (b) an examination on administering a substance by intravenous injection that is administered or approved by the Council;
- g) Section 5(7) - It is a standard of practice of the profession that a member described in subsection (6) shall successfully complete the course and examination mentioned in subsection (4) within six months of the coming into force of section 6 of the Act;
- h) Section 9(5) - It is an additional standard of practice of the profession that a member may only perform the controlled act described in subsection (1) if he or she has successfully completed, (a) a course on prescribing that has been approved by the Council; and (b) an examination on prescribing that is administered or approved by the Council.
- i) Section 11(2) - The following are standards of practice for the purposes of subsection (1): 2- The member must have the knowledge, skill and judgment to engage in the controlled act safely, competently and ethically;
- j) Section 11(3) - It is a further standard of practice of the profession that a member may only perform a controlled act described in subsection (1) if he or she has successfully completed, (a) a course on prescribing that has been approved by the Council; and (b) an examination on prescribing that is administered or approved by the Council;

Admissions of Professional Misconduct

39. It is agreed that the above-noted conduct constitutes professional misconduct pursuant to section 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 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 the following;
- i. Core Competencies;
 - ii. Advertising;
 - iii. Compounding;
 - iv. Intravenous Infusion Therapy;
 - v. Delegation;
 - vi. Collecting Clinical Samples;
 - vii. Requisitioning Laboratory Tests;
 - viii. Performing Authorized Acts; and
 - ix. Following sections of the General Regulation:
 - 3(1) paras 5 and 6;
 - 5(1) para 2;

- 5(3);
 - 5(4);
 - 5(5);
 - 5(7);
 - 9(5);
 - 11(2); and
 - 11(3);
- b) **Paragraph 8.** Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member's knowledge, skill or judgment;
- c) **Paragraph 9.** Failing to advise a patient or the patient's authorized representative to consult another member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice;
- d) **Paragraph 10.** Performing a controlled act that the member is not authorized to perform;
- e) **Paragraph 26.** Making a claim respecting a drug, substance, remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion;
- f) **Paragraph 27.** Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
- g) **Paragraph 36.** Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, most notably:
- (i) *Naturopathy Act, 2007:*
1. Section 4(1) paras 3 and 7: In the course of engaging in the practice of naturopathy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following: 3. Administering, by injection or inhalation, a prescribed substance; 7. Prescribing, dispensing, compounding or selling a drug designated in the regulations;
 2. Section 4(2) - A member shall not perform a procedure under the authority of subsection (1) unless the member performs the procedure in accordance with the regulations;
- (ii) General Regulation:
1. Section 2(1) - A member shall not perform a controlled act under the authority of subsection 4 (1) of the Act except in accordance with this Part;
 2. Section 15 - A member shall not, except in accordance with this Part, delegate a controlled act or perform a controlled act that was delegated to him or her
 3. Section 31(1) - No member shall commence using any premises for the purpose of performing a procedure unless the member has previously given notice in writing to the College in accordance with subsection (5) of the member's intention to do so and the premises pass an inspection or pass an inspection with conditions;
 4. Section 31 (3) - A member whose practice includes the performance of a

procedure in any premises on the day this section comes into force shall give notice in writing to the College in accordance with subsection (5) within 60 days from the day this section comes into force, and the member may continue to use the premises for the performance of procedures until such time as the College has inspected the premises and delivered a report in accordance with section 33.

- h) **Paragraph 36.1** Without restricting the generality of paragraph 36, failing, by act or omission, to comply with any duty or requirement under Part IV (Inspection of Premises Where Certain Procedures are Performed) of Ontario Regulation 168/15 (General) made under the Act;
 - i) **Paragraph 39.** Practising the profession while the member's certificate of registration has been suspended;
 - j) **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; and
 - k) **Paragraph 47.** Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.
40. It is also agreed that the above conduct constitutes professional misconduct pursuant to subsection 4(3) of the *Naturopathy Act, 2007*.

Acknowledgements

41. By this document, the Registrant states that:
- a) He understands fully the nature of the allegations made against him;
 - b) He has no questions with respect to the allegations against him;
 - c) He admits to the truth of the facts contained in this document and that the facts constitute professional misconduct;
 - d) He understands that by signing this document he is consenting to the evidence as set out in this document being presented to the Discipline Committee;
 - e) He understands that by admitting the allegations made against him, he is waiving his right to require the College to prove the allegations against him at a contested hearing;
 - f) He understands that the decision of the Discipline Committee and a summary of its reasons, including reference to his name, will be published in the College's annual report and any other publication or website of the College;
 - g) He understands that if there is any agreement between him and the College with respect to the penalty proposed does not bind the Discipline Committee; and
 - h) He understands and acknowledges that he is executing this document voluntarily, unequivocally, free of duress, and free of bribe and that he has been advised of his right to seek legal advice.

DECISION AND REASONS ON LIABILITY

The Panel accepted as correct all of the facts set out in the ASF. The Panel found that the evidence

contained in that document proved, on a balance of probabilities, the allegations set out in the Notice of Hearing (NOH) and admitted to in the ASF.

The following section reviews the allegations under each heading set out in the NOH and the paragraphs from the ASF which prove each of the allegations.

Administering and Offering Services, Treatments and Testing Outside of their Scope

These allegations relate to the Registrant's treatment of patients with IVIT and for cancer, both of which were outside of his scope of practice. Paragraphs 6a)i; 6b)i; 6; 7; 8; 9; 10a)i; and 11 of the ASF establish that the Registrant administered and offered services, treatment and testing outside his scope of practice. These facts establish the allegations set out in paragraphs 4,5,6,7,8 and 9 of the NOH.

Laboratory Compliance

The allegations in paragraphs 10 and 11 of the NOH relate to sending specimens to laboratories not licensed by the *Laboratory and Specimen Collection Centre Licensing Act* and requisitioning the collection of specimens for tests that are outside the scope of a naturopath. These allegations are established by the admissions in paragraphs 22, 23 and 24 of the ASF.

Practising While Suspended

The Registrant practiced while his certificate of registration was suspended. The allegations in paragraphs 12 and 13 of the NOH are proven by the admissions in paragraphs 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 a), b), c) and d).

Advertising

The Registrant posted or permitted to be posted on his website statements which: related to treatments outside his scope; claimed superiority over other naturopathic clinics or treatment modalities; and advertised results or success stories which could not be verified and are not relevant to individual treatment plans, as set out in paragraphs 35a), b), c) and d) and 36 a), b), c), d), and e) of the ASF. These facts and admissions proved the allegations in paragraphs 14 a, b, c, d and e of the NOH.

Breach of Standards and Guidelines

As he admitted through paragraphs 37 and 38 of the ASF, the Registrant breached College standards and policies, and therefore contravened standards of practice of the profession relating to Core Competencies, Advertising, Compounding, Intravenous Infusion Therapy, Delegation, Collecting Clinical Samples, Requisitioning Laboratory Tests and Performing Authorized Acts. These admissions and the facts outlined in the ASF established that the Registrant engaged acts of professional misconduct and the allegations in paragraph 15 a. of the NOH.

Acts of Professional Misconduct

The foregoing facts and admissions, and the admissions in paragraphs 39 a) i, ii, iii, iv, v, vi, vii, viii and ix, b), c), d), e), f) and g) of the ASF established that the Registrant engaged in the acts of professional misconduct alleged in paragraphs 15 and 16 of the NOH.

POSITION OF THE PARTIES ON PENALTY AND COSTS

The parties made a joint submission as to an appropriate order for penalty and costs (the “Proposed Order”), which was filed as Exhibit 3 and included the following:

The College and the Registrant agree and jointly submit that the Discipline Committee make an order:

1. Requiring the Registrant to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Chief Executive Officer to suspend the Registrant’s certificate of registration for a period of fourteen (14) months, to commence December 10, 2022, six (6) months of which shall be remitted if the Registrant complies with the provisions of paragraphs 3(a) through 3(e) no later than August 9, 2023.
3. Directing the Chief Executive Officer to impose the following specified terms, conditions and limitations on the Registrant’s certificate of registration, all of which shall be at the expense of the Registrant, to the satisfaction of the Chief Executive Officer, prior to February 29, 2024:
 - a. Requiring that the Registrant unconditionally pass the PROBE ethics course;
 - b. Requiring that the Registrant successfully complete the College’s Jurisprudence course;
 - c. Requiring that the Registrant review the following:
 - i. All standards of practice (as set out in the General Regulation and issued by the College) that were determined to have been contravened;
 - ii. Any and all College guidelines related to the above noted standards of practice;
 - iii. Professional Misconduct Regulation; and
 - iv. College Program requirements for registered intravenous infusion therapy premises;
 - d. Requiring that the Registrant meet with a Regulatory Expert selected by the College a minimum of five (5) and a maximum of seven (7) times, at the discretion of the Regulatory Expert, to discuss the Registrant’s completion of paragraphs 3(a) through (c) and the Decision and Reasons of the Discipline Committee;
 - i. The Registrant shall undertake to have the Regulatory Expert deliver a report to the Chief Executive Officer, that is deemed to be satisfactory to the Chief Executive Officer, 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 the learnings of paragraphs 3(a) through (c) into his practice, within one month of the final meeting or at any other time that the Regulatory Expert feels is appropriate;
- e. Requiring that the Registrant prepare an essay, to the satisfaction of the Chief Executive Officer, that sets out what the Registrant has learned from paragraphs 3(a) through 3(d) above and how he has and/or will implement his learnings into practice; and
 - f. Requiring the continuation of the terms of the interim order dated October 18, 2020 until such time as the Registrant meets the standards of prescribing and intravenous infusion therapy.
- 4. Requiring the Registrant to pay a fine of \$500 to the Minister of Finance, within two (2) months of the date of the hearing of this matter.
 - 5. Requiring the Registrant to pay the College's costs fixed in the amount of \$11,000 on a schedule to be set by the Chief Executive Officer.
 - 6. The Registrant acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
 - 7. The Registrant acknowledges and understands that he is executing this document voluntarily, unequivocally, free of duress, free of bribe, and that he has been advised of his right to seek legal advice.

DECISION AND REASONS ON PENALTY AND COSTS

The Panel agreed to make an order as to penalty and costs in accordance with the Proposed Order. In accepting the Proposed Order, the Panel was mindful that a penalty should, first and foremost, achieve the goal of public protection, while also accounting for other generally established sanctioning principles, which this joint submission would achieve. As such, the Panel found no reason to depart from the Proposed Order, accepting the College's argument that joint submissions should not be interfered with lightly and may be rejected only if it is truly unreasonable or unconscionable.

The proposed penalty achieved public protection by temporarily removing the Registrant from practice so that he could reflect on the consequences of his misconduct and refine his understanding of the College's expectations, through completion of additional training.

The Panel was also satisfied that a reprimand and a 14 month suspension would discourage other registrants from engaging in similar misconduct, and demonstrate to the public that this Committee takes this conduct seriously and will sanction practitioners who engage in such conduct accordingly, including with a temporary removal from practice.

The suspension, in combination with a reprimand and continuing education through completion of the PROBE ethics course, would achieve remediation and specific deterrence by affording the

Registrant an opportunity to improve his understanding of the College's standards and the fact that they are in place to protect the public, which should discourage similar misconduct when he returns to practice. The proposed courses were appropriate to remediate the misconduct given their focus on the allegations. The requirement for additional training and remediation, would promote public confidence in the College's ability to regulate the profession and to ensure that registrants adhere to established standards of practice.

The Panel accepted the Proposed Order as being proportionate to the severity of the misconduct, while also reflecting aggravating and mitigating factors present in this case. In that regard, the Panel found that the following mitigating factors were to be considered:

- a) that the Registrant had no prior discipline history;
- b) the Registrant's cooperation with the College throughout the investigation and prosecution of the allegations, which saved the College the time and expense of a contested hearing;
- c) the Registrant's acceptance of responsibility, signaled by his admitting to the conduct and entering into a joint submission with respect to penalty. This indicated that he was serious about returning to practice in an ethical manner and committed to improving his practice.

Among the aggravating factors considered were the nature of the conduct itself, the fact that members of the public were/could have been harmed by the Registrant's conduct, that all of the concerns relating to the Registrant's practice occurred simultaneously, and that the Registrant, as a former member of the College's Council who sat on its Inquiries, Complaints and Reports Committee, should have known better.

The Proposed Order was within the range of penalties that have previously been ordered by this Discipline Committee for similar conduct.

With respect to costs, the Panel accepted that it has the authority to award costs under section 53.1 of the Code to ensure that the entire financial burden of investigating and prosecuting registrants who engage in professional misconduct does not rest on the general membership of this profession. The proposed amount of \$11,000 appropriately reflected the Registrant's cooperation through the investigation and prosecution of this matter. It also fell within the range of costs awarded by previous panels in similar matters.

ORDER

The Panel stated its findings in its written order of November 8, 2022 (the "Order"), in which the Panel directed as follows on the matter of penalty and costs:

1. The Registrant is required to appear before the Panel to be reprimanded following the hearing of this matter.
2. The Chief Executive Officer is directed to suspend the Registrant's certificate of registration for a period of fourteen (14) months, to commence December 10, 2022, six (6) months of which shall be remitted if the Registrant complies with the provisions of

- paragraphs 3(a) through 3(e) no later than August 9, 2023.
3. The Chief Executive Officer is directed to impose the following specified terms, conditions and limitations on the Registrant's certificate of registration, all of which shall be at the expense of the Registrant, to the satisfaction of the Chief Executive Officer, prior to February 29, 2024:
 - a. Requiring that the Registrant unconditionally pass the PROBE ethics course;
 - b. Requiring that the Registrant successfully complete the College's Jurisprudence course;
 - c. Requiring that the Registrant review the following:
 - i. All standards of practice (as set out in the General Regulation and issued by the College) that were determined to have been contravened;
 - ii. Any and all College guidelines related to the above noted standards of practice;
 - iii. Professional Misconduct Regulation; and
 - iv. College Program requirements for registered intravenous infusion therapy premises;
 - d. Requiring that the Registrant meet with a Regulatory Expert selected by the College a minimum of five (5) and a maximum of seven (7) times, at the discretion of the Regulatory Expert, to discuss the Registrant's completion of paragraphs 3(a) through (c) and the Decision and Reasons of the Discipline Committee;
 - i. The Registrant shall undertake to have the Regulatory Expert deliver a report to the Chief Executive Officer, that is deemed to be satisfactory to the Chief Executive Officer, 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 the learnings of paragraphs 3(a) through (c) into his practice, within one month of the final meeting or at any other time that the Regulatory Expert feels is appropriate;
 - e. Requiring that the Registrant prepare an essay, to the satisfaction of the Chief Executive Officer, that sets out what the Registrant has learned from paragraphs 3(a) through 3(d) above and how he has and/or will implement his learnings into practice; and
 - f. Requiring the continuation of the terms of the interim order dated October 18, 2020 until such time as the Registrant meets the standards of prescribing and intravenous infusion therapy.
 4. The Registrant is required to pay a fine of \$500 to the Minister of Finance, within two (2) months of the date of the hearing of this matter.
 5. The Registrant is required to pay the College's costs fixed in the amount of \$11,000 on a schedule to be set by the Chief Executive Officer.

Dated in Ontario on January 31, 2023

DISCIPLINE PANEL

Dr. Jacob Scheer, ND – Chair, professional member

Lisa Fenton - public member

Paul Phillion - public member

Dean Catherwood - public member



Signed: _____

Dr. Jacob Scheer, ND, Chair

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

IN THE MATTER OF a hearing directed
by the Inquiries, Complaints and Reports Committee of
the College of Naturopaths of Ontario
pursuant to Section 26(1) of the Health Professions Procedural Code
being Schedule 2 of the *Regulated Health Professions Act, 1991*,
S.O. 1991, c. 18, as amended.

B E T W E E N:

**COLLEGE OF NATUROPATHS OF ONTARIO
- and -
KARIM DHANANI**

REPRIMAND

As part of our penalty order this Discipline Panel has ordered that you be given an oral reprimand.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

The Panel has found that you have engaged in professional misconduct in the following ways:

- You administered IVIT treatments prior to having met the required standards of practice, you failed to register your clinic as an IVIT premise, you delegated a controlled act despite not having the requisite authority to perform this act, and you ordered tests outside of your scope.
- You sent specimens to laboratories not licensed by the Laboratory and Specimen Collection Centre Licensing Act.
- You practiced Naturopathy, including performing controlled acts, and held yourself out as a person authorized to practice, while your certificate of registration was suspended.
- You refused to attend an interview with a College investigator, which resulted in a summons being served. You refused to answer all questions during the interview and you did not provide the relevant patient records requested or delayed in doing so.
- You administered substances by inhalation and/or prescribed Vitamin D to your patients over 1,000 IU, while knowing full well that you were not authorized to do so. You did not inform your patients in such matters. You did not advise your patients to consult with a health professional who was authorized to administer substances by inhalation and/or prescribe Vitamin D over 1,000 IU.

- You did not obtain informed consent from your patients when you administered inhalation therapy and/or prescribed Vitamin D over 1,000 IU, as you failed to advise patients that you were not authorized to engage in such acts.
- You posted information that was not factual or verifiable on your Clinic website (or permitted someone else to post such information), and advertised services that were outside your professional scope of practice.
- You failed to include the following in your patient records:
 - evidence that the patient provided informed consent;
 - an assessment and/or treatment plan;
 - an intake form and/or a health history.

It is clear to the Panel, that you have not upheld your professional commitment to:

- Enhance the care and safety of your clients.
- Be a positive reflection of the profession.
- Conduct yourself in a manner that is honourable, professional, and becoming of a registrant of this College.
- Abide by the laws, rules, guidelines, and requirements of the College.
- Comply with the standards expected of our profession.
- Obtain informed consent before providing treatment, which is a legal obligation, and is vital to the safety of your clients.

The professional misconduct in which you engaged has put at risk the public's confidence in the profession's ability to govern itself and erodes the profile of this profession in the minds of the public and other regulated health care professionals.

Your failure to adhere to the College's standard of practice places clients at risk of harm and impacts the public's confidence in the profession and jeopardizes the relationship between Naturopaths and the public.

It has come to this Committee's attention that you have served on the Council of this College.

As such, you were privy, above others, to the intricate workings and importance of this College. We, the Committee, find your behaviour deplorable in this respect.

The Panel would like to remind you that being a registered Naturopath is a privilege and not a right. The Panel is satisfied that by completing the course work and remediation ordered, you will be able to return to the profession and practice safely within the Province of Ontario.

The Panel acknowledges that you took responsibility for your actions and admitted to the allegations in the Notice of Hearing. However, your actions were inappropriate.

This is the first time you have appeared before a panel of the Discipline Committee. Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which

you have engaged. We trust that we will not see you before us again.

This concludes our reprimand.