

DISCIPLINE COMMITTEE OF
THE COLLEGE OF NATUROPATHS OF ONTARIO

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

KARIM DHANANI

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 at **9:30 a.m. on a date to be set by the Chief Executive Officer**, 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 Chief Executive Officer¹ 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 Registrant² 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*.

¹ 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).

² 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.

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

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: _____
December 1, 2021



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

TO: Karim Dhanani
c/o Robert Barbiero
Torkin Manes LLP
151 Yonge Street, Suite 1500
Toronto ON M5C 2W7

STATEMENT OF SPECIFIED ALLEGATIONS

The Registrant

1. Dr. Karim Dhanani, ND (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 of Naturopaths of Ontario (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 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 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*.

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 -

KARIM DHANANI

DISCIPLINE COMMITTEE
OF THE COLLEGE OF
NATUROPATHS OF ONTARIO

NOTICE OF HEARING

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