

DISCIPLINE COMMITTEE OF  
THE COLLEGE OF NATUROPATHS OF ONTARIO

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

ELVIS AZAD ALI

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.**

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.

October 12, 2018

Date: \_\_\_\_\_



\_\_\_\_\_  
Andrew Parr, CAE  
Registrar & CEO  
College of Naturopaths of Ontario

TO: **Dr. Elvis Azad Ali, ND**  
13085 Yonge Street, #205  
Richmond Hill, ON L4E 3S8  
Tel: (289) 234-9141  
[REDACTED]

- d. **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).

**Providing false and/or misleading information to an insurer and/or the College**

8. In March 2017 an insurer met with the Member and presented him with the chart of Patient A. The Member advised the insurer of the following:
  - a. That he created all of the treatment notes;
  - b. That he personally saw Patient A;
  - c. That he reviewed the invoice and signed the invoice;
  - d. That he completed the intake form; and/or
  - e. That he had Patient A sign in at each appointment and that he also signed the sign in.
  
9. Subsequent to the meeting with the Member, the insurer was advised by the owner of the Clinic that the Member did not treat Patient A. The insurer contacted the Member to schedule a follow-up interview. The Member advised the insurer that he would be retaining legal counsel. The follow-up interview occurred on or about June 22, 2017. At the follow-up interview, the Member admitted that he:
  - a. Manufactured all of the treatment notes for Patient A;
  - b. Did not personally see Patient A;
  - c. Did not sign the invoice for Patient A;
  - d. Manufactured the sign in sheet for Patient A;
  - e. That he never fabricated any other treatment notes for any other patients;
  - f. That he had discovered other invoices for patients he had not seen before including Patient B and/or Patient C.

**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 -

ELVIS AZAD ALI

DISCIPLINE COMMITTEE  
OF THE COLLEGE OF  
NATUROPATHS OF ONTARIO

**NOTICE OF HEARING**

**STEINECKE MACIURA LEBLANC**

Barristers & Solicitors

401 Bay Street, Suite 2308

P.O. Box 23

Toronto, ON M5H 2Y4

**Rebecca Durcan**

Telephone: (416) 644-4783

Facsimile: (416) 593-7867

Email: [rdurcan@sml-law.com](mailto:rdurcan@sml-law.com)

Lawyers for the College of  
Naturopaths of Ontario

# DISCIPLINE COMMITTEE OF THE COLLEGE OF NATUROPATHS OF ONTARIO

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO  
AND

ELVIS AZAD ALI

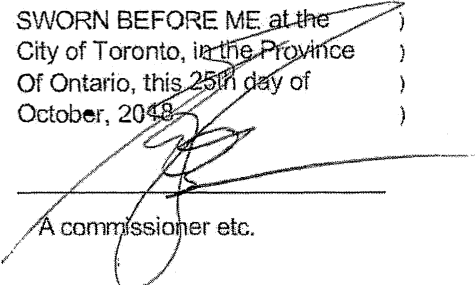
## AFFIDAVIT OF SERVICE

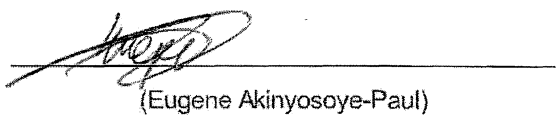
I, Eugene Akinyosoye-Paul, of the City of Toronto, in the Province of Ontario, Process Server, make oath and say:

(1) On Monday, the 22nd day of October 2018, at 1:07 pm, I served ELVIS AZAD ALI with the LETTER; NOTICE OF HEARING; DISCLOSURE BRIEF; AND RULES OF PROCEDURE OF THE DISCIPLINE COMMITTEE by leaving a copy with ELVIS AZAD ALI personally at [REDACTED]

(2) I was able to identify the person by means of: (a) At the time of service, ELVIS AZAD ALI identified himself to me.

SWORN BEFORE ME at the )  
City of Toronto, in the Province )  
Of Ontario, this 25th day of )  
October, 2018. )

  
\_\_\_\_\_  
A commissioner etc.

  
\_\_\_\_\_  
(Eugene Akinyosoye-Paul)

**Greg Borg, a Commissioner, etc., Province of Ontario, for Borg Process Servers Inc., and for Process Serving and Residential Tenancies Act, 2006 matters only. Expires March 16, 2021.**



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

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

ELVIS AZAD ALI



**AGREED STATEMENT OF FACTS AND  
ADMISSION OF PROFESSIONAL  
MISCONDUCT**

The parties hereby agree that the following facts may be accepted as true by the Discipline Committee of the College of Naturopaths of Ontario (the "College"):

**The Member**

1. At all relevant times, Dr. Elvis Azad Ali, ND (the "Member") has been a member of the College of Naturopaths of Ontario (the "College"). Attached as **Tab "A"** is an excerpt of the Member's profile on the College Public Registry.
2. Between approximately 2012 and 2016, the Member worked at a Clinic, in Markham, Ontario as a naturopathic doctor.
3. This is the first time the Member has been referred to the Discipline Committee. The Member made efforts to resolve this matter soon after the ICRC referred specified allegations of professional misconduct to the Discipline Committee.

**Falsification of documents – Patients A, B and C**

4. In approximately December 2016 or January 2017, the Member agreed to create an intake form, consent form, treatment notes for November 5, 12, 19, 26, December 3 and 10, 2016, and patient sign in for Patient A at the Clinic. Attached as **Tab "B"** is a copy of these documents.



5. The Member never met Patient A.
6. In approximately 2016, the Member agreed to create an intake form, consent form, treatment notes for August 17, 20, 24, 31, September 3, 7, 10, 14, 17, 28, October 1, 5, 8, 12, 15, 19, 22, 26, and 29, 2016 and patient sign in for Patient B and C at the Clinic. Attached as **Tab "C"** is a copy of these documents.
7. The Member never met Patient B and C on all of the dates described in paragraph 6.
8. It is agreed that the above 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 the following paragraphs of section 1 of Ontario Regulation 17/14 made under the *Naturopathy Act, 2007*:
  - a. **Paragraph 23** (Failing to keep records in accordance with the standards of the profession);
  - b. **Paragraph 24** (Signing or issuing, in his professional capacity, a document that the member knows or ought to know contains a false or misleading statement);
  - c. **Paragraph 25** (Falsifying a record relating to the member's practice); and
  - d. **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).

#### **Providing false and misleading information to an insurer and/or the College**

9. In March 2017, an insurer met with the Member and presented him with the chart of Patient A. The Member advised the insurer of the following:
  - a. That he created all of the treatment notes;
  - b. That he personally saw Patient A;
  - c. That he reviewed the invoice and signed the invoice;
  - d. That he completed the intake form; and
  - e. That he had Patient A sign in at each appointment and that he also signed the sign in.

10. Subsequent to the meeting with the Member, the insurer was advised by the owner of the Clinic that the Member did not treat Patient A. The insurer contacted the Member to schedule a follow-up interview. The Member advised the insurer that he would be retaining legal counsel. The follow-up interview occurred on or about June 22, 2017. At the follow-up interview, the Member admitted that he:
- a. Manufactured all of the treatment notes for Patient A;
  - b. Did not personally see Patient A;
  - c. Did not sign the invoice for Patient A;
  - d. Manufactured the sign in sheet for Patient A;
  - e. That he never fabricated any other treatment notes for any other patients; and
  - f. That he had discovered other invoices for patients he had not seen before including Patient B and Patient C.
11. In approximately April 2018, the Member sent a signed letter to the College stating the following:
- a. The only time he completed a treatment plan without seeing a patient was for Patient A;
  - b. That after his meeting in March 2017 with the insurer he “immediately regretted my behaviour and since my interview, I have met with [the insurer] and informed him of the truth”;
  - c. That he had discovered other instances of the Clinic billing inappropriately in his name, and
  - d. That he has assisted the insurer in its investigation by providing information about other instances at the Clinic and other clinics.

The Member enclosed an email from the insurer wherein the insurer states that the Member “cooperated with the [insurer] investigator and provided information about the clinic’s practices and treatment records;... provided information to further the investigation into the clinic involved;...brought forward names and invalidated treatment claims for several patients who had their benefit plan administered by the [insurer]; and ...played an important role in the [insurer] investigation and his commitment is appreciated.” . Attached as **Tab “D”** is a copy of the letter and email.

12. In approximately May 2018, the insurer advised the College that the Member has not provided any "actionable intelligence that assisted with [the] investigation involving other clinics or providers."
13. In approximately July and September 2018, the Member admitted to the College that he falsified treatment notes for Patient A, B and C.
14. It is agreed that the above 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 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);
  - b. **Paragraph 24** (Signing or issuing, in his professional capacity, a document that the member knows or ought to know contains a false or misleading statement); and
  - 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).

#### **Admission of Professional Misconduct**

15. By this document, the Member admits to the truth of the facts referred to in paragraphs 1 to 14 above (the "Agreed Facts").
16. By this document, the Member 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 Agreed Statement of Facts and Admission of Professional Misconduct and that the admitted facts constitute professional misconduct;
  - d. He understands that by signing this document he is consenting to the evidence as set out in the Agreed Statement of Facts and Admission of Professional Misconduct being presented to the Discipline Committee;

- e. He understands that by admitting the allegations, 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 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 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, free of bribe, and that he has been advised of his right to seek legal advice.

17. In light of the Agreed Facts and Admission of Professional Misconduct, the College and the Member submit that the Discipline Committee should find that the Member has committed professional misconduct.

All of which is respectfully submitted.

Signed this 7 day of March, 2019



**Dr. Elvis Azad Ali, ND**  
Member

Signed this 11 day of March, 2019



**Andrew Parr, CAE**  
Registrar & CEO  
College of Naturopaths of Ontario



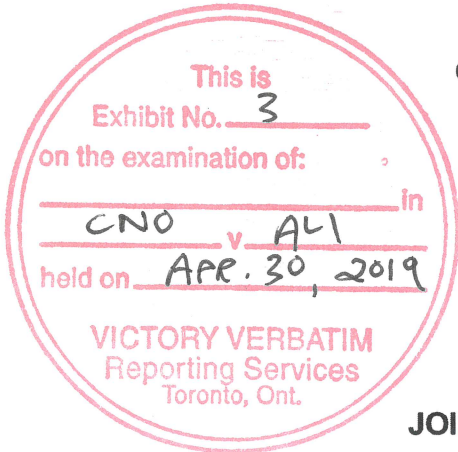
**DISCIPLINE COMMITTEE OF  
THE COLLEGE OF NATUROPATHS OF ONTARIO**

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

ELVIS AZAD ALI



**JOINT SUBMISSION AS TO PENALTY AND COSTS**

The College of Naturopaths of Ontario and Dr. Elvis Azad Ali, ND (the "Member") agree and jointly submit that the Discipline Committee make an order:

1. Requiring the Member to appear before the panel to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of eight (8) months, to commence on the date that this order becomes final, two (2) months of which shall be remitted if the Member complies with the provisions of paragraphs 3(a) and 3(b) no later than September 30, 2019.
3. Directing the Registrar to impose the following specified terms, conditions and limitations on the Member's certificate of registration:
  - a. Requiring that the Member unconditionally pass the ProBe course in ethics, at his own expense and no later than November 30, 2019;
  - b. Requiring that the Member write an essay between 1000-1500 words in length, and provide it to the Registrar, no later than December 20, 2019,

that shall be published by the College at a time and in a format determined by the Registrar, on the following issue:

- i. The lessons he learned in completing the PRoBe course.
- c. The Member is a non-clinical naturopath and cannot engage in direct patient care within the scope of practice of the profession, cannot perform, or delegate any controlled acts authorized to the profession, nor accept the delegation of any controlled acts as set out in section 27 of the *Regulated Health Professions Act, 1991*.
  - i. If a total of more than two years pass from the date the term, condition or limitation was placed on the Member's certificate of registration, the Member may not resume practising the profession until he:
    1. satisfies the Registration Committee of the College that he possesses the current knowledge, skill and judgment relating to the practice of the profession that would be expected of a member holding a General certificate of registration without a non-clinical term, condition or limitation; or
    2. has successfully completed, in the opinion of the Registration Committee, such additional education or training requirements determined to be necessary by the Registration Committee.
  - ii. If two years or less pass from the date the term, condition or limitation was placed on the Member's certificate of registration, the Member may not resume practising the profession until he:
    1. successfully completes, to the satisfaction of the Registrar and at his own expense, the College Jurisprudence Course; and
    2. successfully completes, to the satisfaction of the Registrar and at his own expense, the Medical Records Course at the University of Toronto.
4. For greater certainty, the Member's obligation to comply with the proposed terms,

conditions and limitations on his certificate of registration contained in paragraph 3(a) and 3(b) is not relieved by serving the entire suspension referred to in paragraph 2 above.

5. Requiring the Member to pay of fine of not more than \$350 to the Minister of Finance within two months of the date of the hearing.

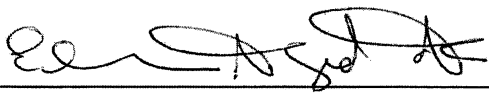
6. The Member shall pay the College's costs fixed in the amount of \$3,500 payable in a schedule determined by the Registrar.

7. The Member acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.

8. The Member acknowledges and understands and acknowledges 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.

All of which is respectfully submitted,

Signed this 7 day of March, 2019



**Dr. Elvis Azad Ali, ND**  
Member

Signed this 11 day of March, 2019



**Andrew Parr, CAE**  
Registrar, College of Naturopaths of  
Ontario



COLLEGE OF NATUROPATHS OF ONTARIO

- and -

ELVIS AZAD ALI

DISCIPLINE COMMITTEE OF THE  
COLLEGE OF NATUROPATHS  
OF ONTARIO

**JOINT SUBMISSION AS TO PENALTY  
AND COSTS**

**STEINECKE MACIURA LEBLANC**

Barristers & Solicitors

401 Bay Street

Suite 2308

Toronto, ON M5H 2Y4

**Rebecca Durcan**

Telephone: (416) 644-4783

Facsimile: (416) 593-7867

Lawyers for the College of Naturopaths  
of Ontario



**DISCIPLINE COMMITTEE OF  
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BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -


ELVIS AZAD ALI

**NOTICE OF WAIVER**

The undersigned hereby waives all rights of appeal pursuant to section 70 of the *Health Professions Procedural Code* of the *Regulated Health Professions Act, 1991* in respect of the findings and order of the Discipline Committee of the College of Naturopaths of Ontario orally delivered on April 30, 2019.

Dated at Toronto, Ontario this 30<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
ELVIS AZAD ALI

  
\_\_\_\_\_  
Witness  
Name of Witness: Mogana A-S. Mahi

