

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

BETWEEN:

This is Exhibit # 1  
In CONO vs. Helen Cohen matter  
DC19-03  
Held on September 28, 2020

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

HELEN COHEN

**NOTICE OF HEARING  
(DC19-03)**

The Inquiries, Complaints and Reports Committee of the College of Naturopaths of Ontario (the "College") has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code* which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** will be held at a date and location to be set by the Presiding Officer. A discipline panel will convene at the offices of the College at 150 John Street, 10th Floor, Toronto, Ontario at **9:30 a.m. on a date to be set by the Registrar**, or as soon thereafter as the panel can be convened, for the purposes of conducting the **discipline hearing**.

**IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.**

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the *Health Professions Procedural Code*.
7. If the panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code* 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 Rebecca Durcan, the solicitor for the College 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 subrule 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: \_\_\_\_\_  
July 10, 2019



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

TO: **Dr. Helen Cohen, ND**

Way To Health Clinic  
#211 - 7117 Bathurst St.  
Thornhill, ON L4J2J6

## **STATEMENT OF SPECIFIED ALLEGATIONS**

1. Dr. Helen Cohen, ND (“Dr. Cohen, ND”) was initially registered with the Board of Directors of Drugless Therapy – Naturopathy on or about January 1, 1991. Dr. Cohen, ND became a member of the College of Naturopaths of Ontario (the “College”) in the General class of registration on or about July 1, 2015 as a result of the proclamation of the *Naturopathy Act, 2007*.
2. At the relevant times the Member’s private clinic was Woman & Child Naturopathic Clinic Inc.
3. On or about October 17, 2017 the College received a complaint from an insurer alleging that the Member submitted and/or issued false claims. The complaint and its investigation included the following concerns:
  - a. The insurer received claims for sixteen naturopathic treatments allegedly provided by the Member between 2013 and 2014 at MedEllixCare;
  - b. The Member confirmed to the insurer in April 2015 that she provided the naturopathic treatments described in paragraph 3a;
  - c. The Member provided the treatment notes and assessment notes for the naturopathic treatments described in paragraph 3a to the insurer in or around September 2017;
  - d. The Member confirmed to the insurer in or around September 2017 that the treatment notes and assessment notes for the naturopathic treatments described in paragraph 3a were written by the Member;
  - e. The treatment notes and/or assessment notes indicated they were from Woman & Child Naturopathic Clinic Inc.; and/or
  - f. MedEllixCare closed in or around 2013.
4. It is alleged that between approximately 2013 and 2017 the Member:
  - a. Did not provide the naturopathic treatments described in paragraph 3a;
  - b. Provided false or misleading information to the insurer in 2015 and/or 2017; and/or created false or misleading treatment notes and/or assessment notes.

### **Allegations of professional misconduct as a Registrant of the Board**

5. It is alleged that the conduct which occurred from 2013 to June 30, 2015 constitutes misconduct pursuant to subsection of 30(1) of Ontario Regulation 278, R.R.O. 1990, as defined in Professional Misconduct/Incompetence established by the Board:

- a. **Paragraph 2(i)** – Making a record or signing or issuing a certificate, report, account or similar document that is false, misleading, incomplete or otherwise improper;
- b. **Paragraph 2(r)** – Conduct or an act relevant to the practice of naturopathic medicine that, having regard to all the circumstances, would reasonably be regarded by naturopathic doctors as unprofessional or incompetent; and/or
- c. **Paragraph 2(w)** - Contravening standards of practice or guidelines of practice set by the Board, specifically:
  - i. 2.6 – Deal honestly with all patients, colleagues, public institutions and legal bodies, and refrain from giving any false, incomplete or misleading information.

### **Allegations of professional misconduct as a Member of the College**

- 6. It is alleged that the above conduct constitutes professional misconduct pursuant to 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 or her 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/or
  - 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).



## 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 -

HELEN COHEN

DISCIPLINE COMMITTEE  
OF THE COLLEGE OF  
NATUROPATHS OF ONTARIO

**NOTICE OF HEARING  
(DC19-03)**

**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 -

HELEN COHEN

**AGREED STATEMENT OF FACTS  
(DC19-03)**

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. Dr. Helen Cohen, ND (the "Member") was initially registered with the Board of Directors of Drugless Therapy – Naturopathy (the "Board") on January 1, 1991. The Member became a member of the College in the General class of registration on July 1, 2015, as a result of the proclamation of the *Naturopathy Act, 2007*. Attached as **Tab "A"** is a printout from the College Naturopathic Doctor Register.
2. At the relevant times, the Member's private clinic was Woman & Child Naturopathic Clinic Inc.

**Complaint**

3. On October 17, 2017, the College received a complaint from an insurer alleging that the Member submitted and issued false claims. Attached as **Tab "B"** is a copy of the complaint. The complaint and its investigation included the following concerns:
  - a. The insurer received claims for sixteen naturopathic treatments allegedly

provided by the Member between 2013 and 2014 at MedEllixCare;

- b. The Member confirmed to the insurer in April 2015 that she provided the naturopathic treatments described in paragraph 3a;
- c. The Insurer obtained the treatment notes and assessment notes for the naturopathic treatments described in paragraph 3a in September 2017;
- d. The Member confirmed to the insurer in September 2017 that the treatment notes and assessment notes for the naturopathic treatments described in paragraph 3c were likely written by the Member as the handwriting was her own.

#### **Position of Parties**

- 4. The Member denies that she herself intentionally submitted or issued false claims or was engaged in any such scheme.
- 5. The Member cannot remember providing the services described in paragraph 3a.
- 6. The Member concedes that when she was asked by the insurer if she provided the naturopathic treatments, as set out in paragraph 3b, she did not take the necessary time to ensure that her answer was accurate and informed.
- 7. The Member did tell the insurer that the treatment notes appeared to be in her handwriting. If the Member were to testify, she would state that she does not believe that she herself provided the treatment notes to the insurer.
- 8. The Member is aware that it is imperative that any and all information provided to an insurer must be accurate and informed. Despite the fact that the Member was experiencing significant stresses in her life, she acknowledges that this is not an excuse and that she ought to have taken the time to verify the appointments. The Member concedes that failing to do so resulted in the Member providing misleading information to the insurer.
- 9. It is agreed that it is a standard of the profession to refrain from giving any false,

incomplete or misleading information to insurers and that the Member breached this standard.

### **Admissions of Professional Misconduct as a Registrant of the Board**

10. It is agreed that the conduct that occurred between 2013 and June 30, 2015 constitutes misconduct pursuant to subsection 30(1) of Ontario Regulation 278 made under the *Drugless Practitioners Act*, and as defined in the following paragraphs of the Professional Misconduct and/or Incompetence standards established by the Board (attached as **Tab "C"**):

- a. **Paragraph 2(r)** (Conduct or an act relevant to the practice of naturopathic medicine that, having regard to all the circumstances, would reasonably be regarded by naturopathic doctors as unprofessional); and
- b. **Paragraph 2(w)** (Contravening standards of practice or guidelines of practice set by the Board, in particular Standard 2.6 – Deal honestly with all patients, colleagues, public institutions and legal bodies, and refrain from giving any misleading information (attached as **Tab "D"**)).

### **Acknowledgement**

11. By this document, the Member states that:

- 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 this 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.

All of which is respectfully submitted.

Signed this 12 day of July, 2020



**Dr. Helen Cohen, ND**  
Member

Signed this 27th day of July, 2020



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



DISCIPLINE COMMITTEE OF THE  
COLLEGE OF NATUROPATHS  
OF ONTARIO

**AGREED STATEMENT OF FACTS  
(DC19-03)**

**STEINECKE MACIURA LEBLANC**

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**Rebecca Durcan**

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Lawyers for the College of Naturopaths  
of Ontario



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

B E T W E E N:

This is Exhibit # 3  
In CONO vs. Helen Cohen matter  
DC19-03  
Held on September 28, 2020

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

HELEN COHEN

**JOINT SUBMISSION AS TO PENALTY AND COSTS  
(DC19-03)**

The College of Naturopaths of Ontario (the “College”) and Dr. Helen Cohen, ND (the “Member”) agree and jointly submit that the Discipline Committee makes 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 four (4) months, on a schedule to be set by the Registrar.
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 ethics course, which is to be taken at her own expense, by a date selected by the Registrar;
  - b. 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;
  - c. 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

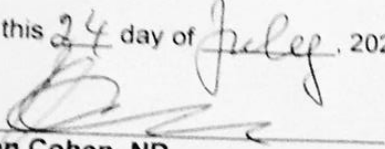
the Registrar;

- d. that shall be published by the College at a time and in a format determined by the Registrar, on the following issues:
    - i. The lessons she learned in completing the PROBE course and medical records course; and
    - ii. The methods she will incorporate into her practice to ensure proper record-keeping practices and her obligations as a member of the College.
  - e. 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.
- 4. 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.
  - 5. 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.
  - 6. The Member acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.

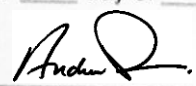
7. The Member acknowledges and understands and acknowledges that she is executing this document voluntarily, unequivocally, free of duress and free of bribe and that she has been advised of her right to seek legal advice.

All of which is respectfully submitted,

Signed this 24 day of July, 2020

  
Dr. Helen Cohen, ND  
Member

Signed this 27th day of July, 2020

  
Andrew Parr, CAE  
Registrar, College of Naturopaths of  
Ontario

DISCIPLINE COMMITTEE OF THE  
COLLEGE OF NATUROPATHS  
OF ONTARIO

**JOINT SUBMISSION AS TO  
PENALTY AND COSTS  
(DC19-03)**

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Lawyers for the College of Naturopaths  
of Ontario



DISCIPLINE COMMITTEE OF  
THE COLLEGE OF NATUROPATHS OF ONTARIO

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

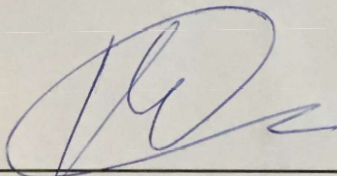
- and -

HELEN COHEN

NOTICE OF WAIVER  
(DC19-03)

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* with respect to the findings and the order of a reprimand made by the Discipline Committee of the College of Naturopaths of Ontario on September 28, 2020.

Dated at Toronto, Ontario this 16 day of September, 2020.



HELEN COHEN

\_\_\_\_\_  
Witness

Name of Witness:

This is Exhibit # 4

In CONO vs. Helen Cohen matter  
DC19-03

Held on September 28, 2020