

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

B E T W E E N :

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

TARAS RODAK

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.

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*.

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

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.

Date: December 10, 2019



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

TO: **DR. TARAS RODAK, ND**
Wellness Institute
954 Royal York Road
Toronto, ON M8X 2E5
Tel: 416-234-1888 x 30
Fax: 416-234-0006

c/o **BRIAN WHITWHAM**
Miller Thomson LLP
One London Place
255 Queens Avenue, Suite 2010
London, ON N6A 5R8
bwhitwham@millerthomson.com

STATEMENT OF SPECIFIED ALLEGATIONS

The Member

1. At all relevant times, Dr. Taras Rodak, ND (“the Member”) has been a member of the College.
2. The Member works at and owns the Clinic in Etobicoke, Ontario.

Electro-Dermal Screening for Member’s Patients

3. The Member retains Ms. G as an independent contractor to provide electro-dermal screening (“EDS”) to his patients at the Clinic.
4. Ms. G is not a member of the College or any regulatory health college.
5. The Member permits Ms. G to provide EDS to her own personal clients at the Clinic. The Member does not provide EDS or administer EDS.
6. The Member’s patients sign a separate “Informed consent agreement” for the services provided by Ms. G. Ms. G performs the screening and makes treatment recommendations based on the results.
7. The Member charges his patients \$150 for the EDS service. The Member pays Ms. G \$90 for the provision of each EDS service.
8. The Member then charges \$15 for a naturopathic consult that involves the Member reviewing the results of the EDS with his patient.
9. Ms. G charges her personal clients \$150 for the initial and follow up EDS service provided at the Clinic. Ms. G charges her personal clients \$90 for the follow up evaluations at her own clinic.
10. It is alleged that the Member issued or permitted to be issued invoices for the services he did not provide. In particular, the Member issued invoices:
 - a. Indicating that the Member provided EDS to his patients instead of Ms. G;
 - b. Indicating that the provision of EDS to his patients was a naturopathic service yet provided by Ms. G; and/or

- c. That did not identify the actual cost and/or the mark up of the EDS service.
11. It is alleged that the Member did not audit his invoices to ensure accuracy and compliance with the College standards.
12. It is alleged that the above conduct constitutes professional misconduct pursuant to s. 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:
 - i. Fees and Billing Standard; and/or
 - ii. Record Keeping Standard;
 - b. **Paragraph 18** (Issuing an invoice, bill or receipt that the member knows or ought to know is false or misleading);
 - c. **Paragraph 19** (Charging a fee that is excessive in relation to the services or products provided);
 - d. **Paragraph 23** (Failing to keep records in accordance with the standards of the profession);
 - e. **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); and/or
 - f. **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 -

TARAS RODAK

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

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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 -

TARAS RODAK

**AGREED STATEMENT OF FACTS
(18-031R)**

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 Registrant

1. At all relevant times, Dr. Taras Rodak, ND (the "Registrant") has been a registrant of the College of Naturopaths of Ontario (the "College"). Attached as **Exhibit "A"** is a copy of the Registrant's College Register Profile.
2. The Registrant works at and owns the Wellness Institute, a clinic in Etobicoke, Ontario (the "Clinic").

Electro-Dermal Screening for the Registrant's Patients

3. The Registrant retains Ms. G as an independent contractor to provide electro-dermal screening ("EDS") to patients at the Clinic.
4. EDS is a diagnostic test that measures the body's energetic imbalances to determine appropriate means for restoring equilibrium. It is a non-invasive test that involves the placement of small probes on an individual's fingertips and/or toes in order to measure electrical resistance at different points in the body.
5. Ms. G is not a registrant of the College or any health regulatory college in any jurisdiction.
6. The Registrant's patients sign a separate "Informed consent agreement" for the services provided by Ms. G. Ms. G performs the screening and makes treatment recommendations based on the results.

7. Ms. G does not engage in any controlled acts while performing the screening.
8. The Registrant permits Ms. G to provide EDS to her own personal clients at the Clinic. Ms. G also provides EDS to the Registrant's patients where he determines that EDS would be beneficial in developing the patients' treatment plans. The Registrant does not provide or administer EDS himself but he used to do so and he is able to interpret the data from the EDS procedures.

Cost of EDS

9. Ms. G charges her personal clients \$150.00 for the initial and follow-up EDS services provided at the Clinic. However, Ms. G charges her personal clients \$90.00 for the follow-up evaluations at her own clinics in Barrie and Minden.
10. The Registrant charges his patients \$150.00 for the EDS service. The Member then pays Ms. G \$90.00 for the provision of each EDS service.
11. The Registrant also charges \$15.00 to his patients for a "naturopathic consult" that involves the Registrant reviewing the results of the EDS with his patient. This occurs immediately after the EDS service.

Issuing False or Misleading Invoices

12. As noted above, the Registrant charges his patients \$150.00 for the EDS service provided by Ms. G. On invoices issued by the Registrant, EDS is characterized as a "naturopathic service" and identifies that he provided the service, as opposed to Ms. G. Attached as **Exhibit "B"** is an example of the invoices that the Registrant would issue when Ms. G would perform EDS to his patients. It is agreed that these invoices were false or misleading or that the Registrant ought to have known they were false or misleading because the EDS services should not have been billed as "naturopathic services", they were not provided by the Registrant, and they did not reflect any administrative fees or mark-up costs.
13. It is agreed that the invoices were documents that the Registrant issued in his professional capacity.
14. It is agreed that registrants are required to issue accurate accounts. The accounts issued by the Registrant did not identify that Ms. G provided the EDS service and incorrectly identified it as a "naturopathic service." It is agreed that the cost of the EDS and any administrative fees or mark-up costs were not included on the invoice. It is agreed that in order to ensure accuracy, the Registrant should have identified Ms. G as the service provider and identified that EDS had been provided instead of simply a "naturopathic service" and that the cost and administrative fees or mark-up costs ought to have been included.
15. It is also agreed that registrants are accountable for any fee, billing or account that uses their name and/or registration number, as stipulated in the Fees and Billing Standard of Practice. Attached as **Exhibit "C"** is a copy of the relevant Standard.

16. It is further agreed that although the Registrant audited his invoices to ensure accuracy and compliance with College standards, he now recognizes that he did not have a thorough understanding of the standard and that he needs to be more diligent to ensure he identifies and corrects any errors that may exist.
17. It is agreed that registrants of the College must audit their invoices and billing practices to ensure the accuracy of their invoices and an understanding of how their registration number is being used, as stipulated in the Fees and Billing Standard of Practice (see **Exhibit "C"**).

Admissions of Professional Misconduct

18. It is agreed that the above conduct constitutes professional misconduct pursuant to subsection 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and 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, in particular:
 - i. **Fees and Billing Standard of Practice**;
 - b. **Paragraph 18** (Issuing an invoice, bill or receipt that the Registrant knows or ought to know is false or misleading);
 - c. **Paragraph 24** (Signing or issuing, in his or her professional capacity, a document that the Registrant knows or ought to know contains a false or misleading statement); 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 registrants as dishonourable or unprofessional).

Acknowledgement

19. 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 Agreed Statement of Facts 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 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, and 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 MAY, 2021



Dr. Taras Rodak, ND
Registrant

Signed this 11th day of May, 2021



Andrew Parr, CAE
CEO
College of Naturopaths of Ontario

TAB A

TAB B



Wellness Institute
 954 Royal York Rd.
 Toronto, ON M8X 2E5
 Tel.:(416) 234-1888
 Fax: (416) 234-0006

¹⁴
652
Invoice

Date	Invoice #
MM/DD/YYYY	252946

Invoice To
[Redacted]



Terms
On Receipt

Description	QTY	Rate	Amount
Naturopathic Services - Dr. Rodak, N.D. (Registration No.: 741)		150.00	150.00
Methyl B12 Liposome Spray (60ml)		43.00	43.00T
NPN 80029539			
Colloidal Iodine		35.00	35.00T
Naturopathic Visit - Dr. Rodak, N.D. (Registration No: 741)		15.00	15.00
HST On Sales		13.00%	10.14
Business Number: 898257878			

PAID IN FULL	Total	\$253.14
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Receipt for income tax purposes. No refund or exchange on products or services.

Balance Due	\$0.00
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Email	wellnessinstitute@sympatico.ca
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Web Site	www.wellness-institute.ca
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TAB C



The College of Naturopaths of Ontario

Standard of Practice:

Fees and Billing

Introduction

The intent of this standard is to advise Members with respect to fees and billing for naturopathic services, drugs, substances, products or devices.

Definitions

Block Fee: A flat fee charged for a predetermined set of services or unlimited services.

Markup: the amount added to the cost price of goods to cover overhead costs.

1. Fees and Billing

The Member establishes and maintains fair and ethical fees and billing practices. Members are accountable for any fee, billing or account that uses their name and/or registration number. Naturopaths must be aware of how their names and registration numbers are being used.

Performance Indicators

The Member:

- ensures that patients are informed of the fees to be charged;
- ensures that a fee schedule is established and posted that outlines:
 - the fees for all visits or services;
 - any administrative fees; and
 - penalties for missed or cancelled appointments.
- ensures that the fees charged:
 - are not excessive in relation to the services proposed;
 - for drugs, substances, products and devices are only marked-up to cover the direct overhead expenses incurred in obtaining, storing, dispensing and selling these items;
 - are an accurate reflection of the services provided to each patient.
- May charge a reasonable fee for collecting non-blood specimens to be sent for laboratory testing, and itemize it on the invoice as "collection of specimen"
- May charge the patient for the cost of the test and any associated fee(s) (e.g. requisition/collection fees from the medical laboratory) incurred by the Member.
- Does not charge a mark-up on the cost of the test and any associated fee(s) (e.g. requisition/collection fees from the medical laboratory) incurred by the naturopathic doctor.
- May charge a reasonable fee for the analysis of laboratory test results if it is done outside of a patient visit/consultation

- ensures that any departure from an established or documented fee is consented to by the patient and documented in the patient record;
- Prior to providing care, ensures that the patient is given clear information about fees and that they understand this information, this includes:
 - any relevant financial policies and payment expectations;
 - information on fees and the fee schedule specific to the patient circumstances, including all fees that might apply to the patient;
 - the basis upon which a bill for services is calculated; and
 - the acceptable methods of payment.
- audits invoices and billing practices at periodic intervals to ensure:
 - the accuracy of invoices;
 - an understanding of the fees that are being charged for their services;
 - an understanding of how their registration or billing number is being used; and
 - when abnormalities are discovered, reasonable steps are taken to remedy the situation.
- ensures that processes exist for the timely:
 - notification of any balance due or owing; and
 - provision of applicable refunds.
- does not charge a block fee;
- does not charge a dispensing fee;
- does not offer or give a reduction in fees for prompt payment of services.

2. Receipts

The Member issues a receipt for all payments.

Performance Indicators

Receipts clearly and legibly record:

- name of treating Member, clinic name, address, telephone number;
- Member's registration number;
- patient's name and address;
- date of service;
- services billed;
- fees for supplements, injectable substances, drugs, laboratory tests, devices, special testing, etc.;
- payments received;
- balance owing;
- HST registration number, if applicable.

If a replacement receipt is issued it is clearly marked "COPY".

Receipts are clearly itemized. Fees for naturopathic consultation are separated from all other fees. Fees for supplements, injectable substances, drugs, laboratory tests, devices, special testing, etc., are individually listed, either on the same or another receipt.

The purchase and redemption of vouchers or gift certificates are clearly documented.

Related Standards

Conflict of Interest
Consent
Dispensing
Prescribing
Recommending Non-Scheduled Substances
Record Keeping
Selling

Legislative Framework

[Professional Misconduct Regulation](#)

Approval

Original Approval Date: October 15, 2012

Latest Amendment Date: March 6, 2019

Disclaimer

In the event of any inconsistency between this standard and any legislation that governs the practice of Naturopathic Doctors, the legislation shall govern.

DISCIPLINE COMMITTEE OF THE
COLLEGE OF NATUROPATHS
OF ONTARIO

**AGREED STATEMENT OF FACTS
(18-031R)**

STEINECKE MACIURA LEBLANC
Barristers & Solicitors
401 Bay Street
Suite 2308
Toronto, ON M5H 2Y4

Rebecca Durcan, LSO No. 45930V
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Facsimile: (416) 593-7867
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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 -

TARAS RODAK

**JOINT SUBMISSION AS TO PENALTY AND COSTS
(18-031R)**

The College of Naturopaths of Ontario and Dr. Taras Rodak, ND (the "Registrant") agree and jointly submit that the Discipline Committee make an order:

1. Requiring the Registrant to appear before the Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the CEO to suspend the Registrant's certificate of registration for a period of three months, on a schedule to be set by the CEO, one month of which shall be remitted if the Registrant complies with the provisions of paragraphs 3(a) through 3(c) no later than August 30, 2021.
3. Directing the CEO to impose the following specified terms, conditions and limitations ("TCLs") on the Registrant's certificate of registration, to be fulfilled at the Registrant's expense, to the satisfaction of the CEO, prior to October 31, 2021:
 - a. Requirement that the Registrant unconditionally pass the PROBE ethics course;
 - b. Requirement that the Registrant successfully complete the College's jurisprudence course;
 - c. Requirement that the Registrant successfully complete a naturopathic medicine records course approved by the CEO;
 - d. Requirement that the Registrant complete one meeting that is at least four hours in length with a Regulatory Expert, to be identified by the CEO, to review the issues that arose in this case, and up to two additional

meetings of equal duration, the necessity of which will be determined by the Regulatory Expert; and

- e. Requirement that the Registrant write an essay between 1,000 and 1,500 words in length, that is acceptable to the CEO, and provide it to the CEO, no later than one month from the date of the last meeting with the Regulatory Expert, that shall be published by the College at a time and in a format determined by the CEO, outlining what the Registrant learned as a result of his meeting(s) with the Regulatory Expert and his unconditional pass/successful completion of the PROBE ethics, jurisprudence and naturopathic medicine courses.
4. For greater certainty, the Registrant's obligation to comply with the proposed terms, conditions and limitations on his certificate of registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.
 5. The Registrant shall pay a fine of \$350 to the Minister of Finance within two months of the hearing of this matter.
 6. The Registrant shall pay the College's costs fixed in the amount of \$5,000 payable on a schedule determined by the CEO.
 7. The Registrant acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
 8. 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.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Signed this 7 day of MAY, 2021



Dr. Taras Rodak, ND
Registrant

Signed this 11th day of May, 2021



Andrew Parr, CAE
CEO
College of Naturopaths of Ontario

DISCIPLINE COMMITTEE OF THE
COLLEGE OF NATUROPATHS
OF ONTARIO

JOINT SUBMISSION AS TO
PENALTY AND COSTS
(18-031R)

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Lawyers for the College of Naturopaths
of Ontario

Educating naturopathic doctors for over 40 years



Letter of Completion

This is to certify that **Taras Rodak** has successfully completed:

Course: **Risk Reduction: Rethinking Recordkeeping for NDs**

Date: **March 22, 2021**

Time: **3 hours**

Instructor(s): **Dr. Sylvi Martin, ND**

Location: **CCNM**

Credits: **3 Category A (Jurisprudence)**

Thank you for your participation.

For more detailed information about the course, please refer to the continuing education section of the CCNM website (www.ccnm.edu)

Issued by the Continuing Education Department of the Canadian College of Naturopathic Medicine (CCNM)

This is Exhibit # 5
In CONO vs. Taras Rodak (DC19-06)
Date: May 18, 2021

The screenshot shows a web interface for The College of Naturopaths of Ontario. The top navigation bar is blue and contains the college's name, a help icon, a notification icon with the number 0, and a user profile icon labeled "Hi, Taras". Below the navigation bar is a sidebar menu with the following items: Home, Download registration, My documents, My groups, My profile, and Back to main site. The main content area is titled "Exam > Jurisprudence Exam" and displays a "Results" notification. The notification text reads: "You have successfully completed this exam. The results have been forwarded to the College. You correctly answered 100 out of 105 questions for a final score of 95%. The passing score is 60%." At the bottom of the page, there is a blue footer bar with the Alinity logo and the text "Alinity ©2021".

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

BETWEEN:

COLLEGE OF NATUROPATHS OF ONTARIO

- and -

TARAS RODAK

(DC19-06)

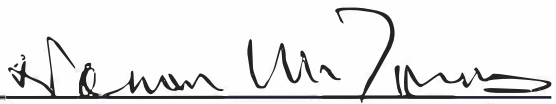
NOTICE OF WAIVER

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* with respect to the findings and the order of a reprimand made by the Discipline Committee of the College of Naturopaths of Ontario on May 18, 2021.

Dated at Toronto, Ontario this 14th day of MAY, 2021.



TARAS RODAK



Witness
Name of Witness:

NORMAN W. TOMAS
BARRISTER AND SOLICITOR
954A ROYAL YORK ROAD
TORONTO, ONTARIO
M8X 2E5
(416) 233-5567