

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF OPTICIANS OF ONTARIO**

B E T W E E N :

COLLEGE OF OPTICIANS OF ONTARIO

- and -

STEVE RODNEY SANGER

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF OPTICIANS 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(1)1 of the *Health Professions Procedural Code* (the "Code") which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this Notice of Hearing as Schedule "A". A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Code* for the purposes of deciding whether the allegations are true.

The hearing will be held before a panel of the Discipline Committee (the "Panel") **at a place, date and time to be determined by the Registrar of the College**. You may have a representative appear on your behalf.

SUBSECTION 51(2) OF THE CODE PROVIDES THAT if the Panel finds that you have committed professional misconduct, it may make an order, doing one or more of the following:

1. Directing the Registrar to revoke your Certificate of Registration;
2. Directing the Registrar to suspend your Certificate of Registration, for a specified period of time;
3. Directing the Registrar to impose specified terms, conditions and limitations on your Certificate of Registration, for a specified or indefinite period of time;
4. Requiring you to appear before the Panel to be reprimanded;

5. Requiring you to pay a fine, of not more than \$35,000.00, 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 Code; and/or
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.

PURSUANT TO SECTION 53.1 OF THE CODE, in an appropriate case, if the Panel finds that you committed professional misconduct or finds you to be incompetent, the Panel may make an Order requiring you to pay all or part of the following costs and expenses:

1. The College's legal costs and expenses;
2. The College's costs and expenses incurred in investigating the matter; and
3. The College's costs and expenses incurred in conducting the hearing.

You are entitled to know what evidence against you the College has or knows about. The initial disclosure has been served with this Notice of Hearing. To communicate with the solicitors for the College please contact:

Rebecca Durcan
Steinecke Maciura LeBlanc
Barristers & Solicitors

401 Bay Street
Suite 2308, P.O. Box 23
Toronto, ON M5H 2Y4
Direct: (416) 644-4783
Fax: (416) 593-7867

YOU MUST ALSO MAKE disclosure in accordance with section 42.1 of the 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.

If you prefer to communicate with the College in French or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

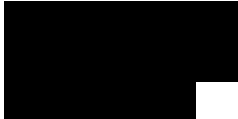
IF YOU DO NOT ATTEND THE HEARING in person or if you are not represented by someone, the Panel may proceed in your absence and you will not be entitled to any further notice of the proceedings.

Date: June 3, 2021



Fazal Khan
Registrar
College of Opticians of Ontario

TO: STEVE RODNEY SANGER



c/o Rebecca Young
Damien R. Frost & Associates LLP
30 St. Clair Avenue West, Suite 202
Toronto, ON M4V 3A1

Schedule “A”

STATEMENT OF SPECIFIED ALLEGATIONS

The Registrant

1. At all material times, Steve Sanger (“the Registrant”) was a registered optician in Ontario. The Member owns several clinics including Sanger Eye Clinic in Hamilton, Ontario (the “Clinic”).
2. The Member does not hold a Refraction Designation from the College.
3. The Member is not a member of the College of Optometrists of Ontario.

Client A

4. Client A attended at the Registrant’s clinic in approximately 2007 after she was diagnosed with keratoconus by an ophthalmologist.
5. Client A repeatedly returned to the Registrant for treatment and/or services until approximately 2017.
6. The Registrant permitted Client A to believe he was an optometrist because he did the following:
 - a. Performed optometric examination(s) and/or allowed Client A to believe that a complete optometric examination(s) had been performed;
 - b. Performed refraction;
 - c. Permitted a “prescription” or “prescriptions” to be issued for eyeglasses and/or contact lenses;
 - d. Permitted a prescription for and/or provided a prescription for and/or permitted the Client to believe he issued a prescription for eye drops; and/or
 - e. Permitted himself to be referred to as “Dr. Sanger”.

7. The Registrant permitted and/or directed the Clinic and/or an optometrist to submit an account to the insurer of Client A for the optometric examination(s) he performed and/or the contact lenses and/or eyeglasses he dispensed based on his own "prescription(s)".
8. The Registrant did not obtain informed consent from Client A to perform the acts described in paragraph 6(a) through (d).
9. The Registrant did not wear a badge identifying himself as an optician.
10. The Registrant did not maintain the client record of Client A in accordance with the standards of the profession.
11. Client A spent thousands of dollars on eye examinations and/or contact lenses and/or eye glasses at the recommendation of and/or supplied and/or dispensed by the Registrant.
12. The Registrant dispensed contact lenses and/or eye glasses to Client A without a prescription from an optometrist or physician.
13. The Registrant fitted and/or dispensed and/or suggested contact lenses to Client A that resulted in scarring and/or damage to her eyes.
14. The Registrant failed to refer Client A to a registered physician when her keratoconus advanced and/or progressed.
15. The Registrant dissuaded Client A from cross-linking surgery.
16. The Registrant's conduct as described above resulted in permanent damage to the eyes of Client A.

Client B and Client C

17. The Client's mother (Client B) and/or husband (Client C) also attended at the Registrant's clinic for treatment and/or services.
18. Throughout their visits with the Registrant, they believed that the Registrant was an optometrist because he did the following:

- a. Performed optometric examination(s) and/or allowed them to believe that a complete optometric examination(s) had been performed;
 - b. Advised Client C that he had a marker for glaucoma;
 - c. Performed refraction;
 - d. Permitted a “prescription” or “prescriptions” to be issued for contact lenses and/or eyeglasses; and/or
 - e. Permitted himself to be referred to as “Dr. Sanger”.
19. The Registrant permitted and/or directed the Clinic and/or an optometrist to submit an account to the insurer of Client C for the optometric examination(s) he performed and/or the contact lenses and/or eyeglasses he dispensed based on his own “prescription(s)”.
20. The Registrant did not obtain a prescription authorized by an optometrist before dispensing eyeglasses and/or contact lenses.
21. The Registrant did not obtain informed consent from Client B and/or C to perform the acts described in paragraph 18(a) through (c).
22. The Registrant did not wear a badge identifying himself as an optician.
23. The Registrant dispensed contact lenses and/or eye glasses to Client B and/or C without a prescription from an optometrist or physician.
24. The Registrant did not maintain the client record of Client B and/or C in accordance with the standards of the profession.

Allegations of Professional Misconduct

25. As a result of the above, it is alleged that the Member engaged in the following acts of professional misconduct as set out in Ontario Regulation 828/93, section 1:
- a. He contravened a term, condition or limitation on his certificate of registration (paragraph 1);
 - b. He contravened a standard of the profession (paragraph 2);

- c. He did something to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which consent is required by law, without such a consent (paragraph 3);
- d. He failed to refer a patient to a registered physician when he recognized, or ought to recognize, a condition of the eye or adnexa that appeared to require medical examination (paragraph 13);
- e. He submitted an account or charge for services that he knows or ought to know is false or misleading (paragraph 24);
- f. He contravened a provision of the Act, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts (paragraph 26) including but not limited to section 5 of the Act and/or sections 27 and/or 33 of the *Regulated Health Professions Act*; and/or
- g. He engaged in conduct or performed an act, in the course of practicing opticianry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional (paragraph 28).

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.

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of Ontario