

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

BETWEEN:

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:

Feb. 4/19.

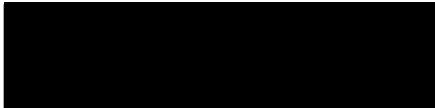
Melanie Woodbeck

Melanie Woodbeck

Deputy Registrar

College of Opticians of Ontario

TO: STEVE RODNEY SANGER, R.O. 3277



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 Member

1. At all material times, Steve Sanger ("the Member") 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 nor the College of Physicians and Surgeons of Ontario.

Holding out as an optometrist and/or physician

4. It is alleged that between approximately January 23 and October 31, 2017 the Member held himself out, or permitted himself to be held out, as a member of the College of Optometrists of Ontario and/or the College of Physicians and Surgeons of Ontario by the following:
 - a. Performing an optometric examination(s) on Patient B;
 - b. Performing refraction on Patient B;
 - c. Permitting a "prescription" or "prescriptions" to be issued to Patient B for contact lenses; and/or
 - d. Squeezing mucous from the eye ducts of Patient B.
5. 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 standard of the profession (paragraph 2);
 - b. He contravened a provision of the Act, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts (paragraph 26) including section 27 of the *Regulated Health Professions Act*; and/or
 - c. 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).

Prescribing contact lenses and Billing Improprieties

6. It is alleged that between approximately January 23 and October 31, 2017, the Member:
 - a. Performed optometric examination(s) on Patient B;
 - b. Performed refractometry on Patient B;
 - c. Billed, or authorized the billing of, OHIP and/or the insurer of Patient B for oculo-visual minor assessments in the name of Dr. S; and/or
 - d. Issued, or authorized the issuing of, a prescription for contact lenses to Patient B which was incorrect.

7. 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 standard of the profession (paragraph 2);
 - b. He did something to Patient B 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);
 - c. He submitted an account or charge for services that he knows or ought to know is false or misleading (paragraph 24);
 - d. He contravened a provision of the Act, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts (paragraph 26) including section 27 of the *Regulated Health Professions Act*; and/or
 - e. 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).

Record Keeping

8. It is alleged that between approximately January 23 and October 31, 2017, the Member failed to:
 - a. Document the provision of a substance on or about February 21, 2017 and that he had received it from a physician in a hospital;
 - b. Document the ongoing management plan for Patient B, including the schedule for follow up; and/or
 - c. Retain a copy of the "prescription(s)".

9. It is further alleged that the Member collected unnecessary information from Patient B, including Patient A's Ontario Health Insurance Plan number.
10. 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 standard of practice of the profession (paragraph 2); and/or
 - b. 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).

Dispensing contact lenses without a prescription

11. It is alleged that between approximately January 23 and October 31, 2017, the Member dispensed contact lenses to Patient B without a prescription from an optometrist or physician.
12. It is alleged that the contact lenses dispensed by the Member to Patient B were not appropriate as they were fabricated with an incorrect prescription.
13. 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 standard of the profession (paragraph 2); and/or
 - b. 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).
14. In addition, it is alleged that as a result of the above the Member engaged in the following act of professional misconduct as set out in subsection 5(2) of the *Opticianry Act, 1991*, S.O. 1991, c. 34:
 5. (1) A member shall not dispense subnormal vision devices, contact lenses or eye glasses under the authority of section 4 except upon the prescription of an optometrist or physician.
 - (2) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1).

Denying Patient Access to Patient File

15. Subsequent to October 31, 2017:

- a. Patient B asked the Member and/or representatives of his Clinic for his patient file. Patient B was not provided with a copy of his patient file; and/or
- b. Patient B's optometrist asked the Member /or representatives of his Clinic for the patient file of Patient B and provided Patient B's authorization. Patient B's optometrist was not provided with a copy of the patient file and was only provided with a one page summary of the treatment provided to Patient B.

16. 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 standard of the profession (paragraph 2); and/or
- b. 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.

DISCIPLINE COMMITTEE OF THE
COLLEGE OF OPTICIANS
OF ONTARIO

NOTICE OF HEARING

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 Opticians
of Ontario