

**NOTICE OF PUBLICATION BAN**

This is notice that the Discipline Committee ordered that no person shall publish, broadcast or otherwise disclose the name of the patient referred to during the hearing or in documents filed at the hearing that commenced on February 22, 2023, or any information that would disclose the identity of the patient. This order was made pursuant to section 45(3) of the Health Professions Procedural Code (the “Code”) being Schedule 2 to the Regulated Health Professions Act, 1991.

Subsection 93(1) of the Code, which is concerned with failure to comply with these orders, provides that: Every person who contravenes an order made under section 45 or section 47 is guilty of an offence and on conviction is liable,

- (a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or
- (b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.

The Panel's reasons for granting the motion to impose a publication ban is that personal health information or other personal matters may be disclosed at the hearings, which are of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public.

**DISCIPLINE COMMITTEE OF THE  
COLLEGE OF HOMEOPATHS OF ONTARIO**

**IN THE MATTER OF** a hearing directed  
by the Inquiries, Complaints and Reports Committee of  
the College of Homeopaths of Ontario  
pursuant to Section 26(1) of the Health Professions Procedural Code  
being Schedule 2 of the *Regulated Health Professions Act, 1991*,  
S.O. 1991, c. 18, as amended.

**B E T W E E N:**

**COLLEGE OF HOMEOPATHS OF ONTARIO**

**- and -**

**SARABPREET SINGH GHATOURA**

**DECISION AND REASONS**

A panel of the Discipline Committee of the College of Homeopaths of Ontario (**the “Panel”**) held a hearing on February 22, 2023. The hearing proceeded electronically pursuant to the *Regulated Health Professions Act, 1991* - Health Professions Procedural Code, the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the Discipline Committee Rules.

Justine Wong was counsel to the College of Homeopaths of Ontario (**the “College”**). Basil Ziv, Registrar, attended on behalf of the College. Sarabpreet Ghatoura (**the “Registrant”**) attended and was self-represented. Elyse Sunshine acted as independent legal counsel (**“ILC”**) to the Panel.

## **ALLEGATIONS**

The Notice of Hearing was filed as Exhibit 1 and set out the following:

### **The Registrant**

1. The Registrant registered with the College on or about May 3, 2016.
2. The Registrant resigned from the College on or about April 1, 2022.

### **Sexual Assault**

3. It is alleged that on or about December 8, 2020 the Registrant sexually assaulted and/or sexually abused a patient at his clinic.
4. It is alleged that on or about December 13, 2021 the Registrant was found guilty of sexually assaulting the patient.
5. It is alleged that the Registrant has not appealed the finding.

### **Acts of Professional Misconduct**

6. It is alleged that the above noted conduct constitutes professional misconduct:
  - a. pursuant to section 51(1)(a) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991 (the “Code”)* as the registrant was found guilty of an offence that is relevant to the registrant’s suitability to practise;
  - b. pursuant to section 51(1)(b.1) of the Code as the registrant sexually abused the patient; and/or
  - c. pursuant to section 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 315/12 made under the *Homeopathy Act, 2007 (the “Act”)*:
    - i. Paragraph 48 - 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 disgraceful, dishonourable or unprofessional.

## **AGREED STATEMENT OF FACTS**

The College advised the Panel that the evidence would be provided by way of an Agreed Statement of Facts, which was filed as Exhibit 2 and set out the following:

### **The Registrant**

1. The Registrant registered with the College on or about May 3, 2016.
2. The Registrant resigned from the College on or about April 1, 2022.
3. Even though the Registrant is no longer registered with the College, he is still under the jurisdiction of the College and the Discipline Committee of the College pursuant to s. 14(1) of the Code:

*14 (1) A person whose certificate of registration is revoked or expires or who resigns as a member continues to be subject to the jurisdiction of the College for professional misconduct or incompetence referable to the time when the person was a member and may be investigated under section 75.*

### **Sexual Assault**

4. On or about December 8, 2020 the Registrant treated the patient at his homeopathic clinic. This was the patient's second appointment with the Registrant. The patient was a 22-year-old woman. The Registrant sexually assaulted and/or sexually abused the patient at his clinic.
5. It is agreed that on the December 8, 2020 appointment:
  - a) The Registrant touched the patient's right breast;
  - b) The Registrant told the patient that he "liked her boobs";
  - c) The Registrant asked the patient if he could "suck her boobs";
  - d) The Registrant proceeded to suck the patient's breast;
  - e) The Patient asked the Registrant to stop sucking her breast; and
  - f) The Registrant told the Patient that he liked sucking her breasts.

### **Criminal Charges and Finding of Guilt**

6. It is agreed that later that day, on December 8, 2020, the patient went to the police and the Registrant was charged with sexual assault.
7. On December 13, 2021, the Registrant's trial commenced. The Registrant pled guilty to the sexual assault of his patient. As a result, the Registrant was found guilty of sexual assault.

8. It is agreed that the sentence ordered by the judge on December 13, 2021 included the following:
  - a) Conditional sentence of imprisonment for one year;
  - b) Probation conditions, that are in force for one year after the conditional sentence concludes, including:
    - i) Prohibition on practicing homeopathy or any other traditional or non-traditional forms of medicine;
    - ii) The Registrant surrendering his license [sic] to the College;
    - iii) Prohibition on operating a homeopathic business or advertising therapeutic services in the Registrant's name.
9. It is agreed that being found guilty of sexual assaulting a patient, during a homeopathic appointment is relevant to the Registrant's suitability to practice.
10. It is agreed that the Registrant has not appealed the finding or the sentence.

### **Sexual Abuse**

11. It is agreed that "sexual abuse" of a patient by a registrant includes touching of a sexual nature of the Patient by the Registrant as a result of s. 1(3)(b) of the Code:

*1 (3) In this Code, "sexual abuse" of a patient by a member means,*

*(b) touching, of a sexual nature, of the patient by the member; or*

*(c) behaviour or remarks of a sexual nature by the member towards the patient.*

12. It is agreed that the conduct described in paragraph 5 and that gave rise to the criminal finding of sexual assault also amounts to sexual abuse.

### **Admission of Professional Misconduct**

13. It is agreed that the above noted conduct constitutes professional misconduct:
  - a) pursuant to section 51(1)(a) of the Code, as the Registrant was found guilty of an offence that is relevant to the registrant's suitability to practise;
  - b) pursuant to section 51(1)(b.1) of the Code as the Registrant sexually abused the patient; and
  - c) pursuant to section 51(1)(c) of the Code, as set out in the following paragraph of section 1 of the *Ontario Regulation 315/12 Professional Misconduct* made under the Act:
    - i) Paragraph 48 – 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 Facts**

14. By this document, the Registrant admits to the truth of the facts referred to in paragraphs 1 to 12 above (the "Agreed Facts").
15. By this document, the Registrant states that:
- a) he understands that by signing this document he is consenting to the evidence as set out in the Agreed Facts being presented to the Discipline Committee;
  - b) he understands that any decision of the Discipline 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;
  - c) he understands that any agreement between himself and the College with respect to any penalty proposed does not bind the Discipline Committee; and
  - d) 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.

## **ADMISSION AND PLEA INQUIRY**

The Registrant admitted to the allegations of professional misconduct set out the Notice of Hearing and the Agreed Statement of Facts. The Panel received a written plea inquiry signed by the Registrant. The Panel also conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed, and unequivocal.

## **SUBMISSIONS OF THE PARTIES ON LIABILITY**

The College submitted that the evidence contained in the Agreed Statement of Facts made out all of the acts of professional misconduct alleged in the Notice of Hearing.

Regarding the allegations of sexual abuse, the College relied on the records of the Ontario Court of Justice and the following admissions of the Registrant to argue that his actions amounted to sexual abuse of the Patient: (a) that he exposed her breasts; (b) that he touched her breasts; (c) that he sucked on her breasts; (d) that he did so without her consent and when the patient asked that he stop, he refused to do so; and (e) that this touching and behaviour was done without the patient's consent and was sexual in nature and not of a clinical nature appropriate to the service provided.

The College also relied on the criminal court findings to submit that the Registrant should be found to have been found guilty of an offence that is relevant to the Registrant's suitability to practice. All of this conduct would reasonably be regarded by other members of this profession as disgraceful, dishonourable and unprofessional.

The Registrant made no submissions on liability.

### **DECISION AND REASONS ON LIABILITY**

The Panel accepted as correct all of the facts set out in the Agreed Statement of Facts. The Panel found that the evidence contained in that document proved, on a balance of probabilities, the allegations alleged in the Notice of Hearing and admitted to in the Agreed Statement of Facts.

By touching the patient's breasts in a sexual nature without any clinical purpose and by his inappropriate behaviour and remarks of a sexual nature towards the patient, the Registrant engaged in sexual abuse of a patient.

The Registrant was charged with and convicted of the criminal offence of sexual assault. The sexual assault of a patient during a homeopathic appointment is relevant to the Registrant's suitability to practice. Accordingly, the Registrant was found guilty of an offence relevant to his suitability to practice.

All of this conduct would be reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

### **POSITION OF THE PARTIES ON PENALTY AND COSTS**

The parties made a joint submission as to an appropriate order for penalty and costs (the "Proposed Order"), which was filed as Exhibit 3 and included the following:

1. The Registrant is required to appear before a panel of the Discipline Committee for a reprimand following the hearing.
2. The Registrar is directed to revoke the Registrant's Certificate of Registration, effective immediately.
3. The Registrant is required to partially reimburse the College for its costs in the amount of \$3,000.00 to be paid in 24 monthly instalments of \$125.00, beginning one month after the date of the Discipline Committee's order and continuing every month until paid in full.

### **SUBMISSIONS OF THE PARTIES ON PENALTY AND COSTS**

The College submitted that two of the components of the Proposed Order (the reprimand and revocation) were mandatory because of the findings of sexual abuse made. The College noted that the fact that the Registrant agreed to this joint submission was a mitigating factor that should be considered but the conduct itself was a significant aggravating factor.

With respect to costs, the College submitted that they were separate from penalty. The College submitted that the amount of costs and time for repayment reflected the Registrant's financial circumstances.

The College reminded the Panel of the law on joint submissions and that a joint submission may only be rejected if it is truly unreasonable or unconscionable.

The Registrant provided no additional comments.

## **DECISION AND REASONS ON PENALTY AND COSTS**

The Panel ordered the proposed penalty, finding it to be in the public interest.

While it was mandatorily required, the Panel also found that public protection would be achieved by the revocation of the Registrant's certificate of registration. This ensures that the Registrant is no longer part of the profession and is deprived of future opportunities to place the public at risk while practising. Removing the Registrant from the profession would also enhance public confidence in the ability of the College to regulate the profession. It would also achieve general deterrence by demonstrating to other registrants that conduct of this nature will warrant removal from the profession. This also will instill public confidence in the College's ability to regulate the profession in the public interest.

The reprimand, which was legislatively required given the finding of sexual abuse, would provide an opportunity for the Panel to publicly denounce the Registrant's misconduct and send a message to the general membership of the profession that the Discipline Committee finds sexual abuse completely unacceptable.

With respect to costs, the Panel has the authority to award costs under section 53.1 of the Code, to ensure that the entire cost of prosecuting registrants who are found to have engaged in professional misconduct does not rest on the general membership of the profession. The Panel accepted the proposed amount for costs and timing for repayment was jointly submitted by the parties.

The Panel accepted the submissions of counsel and the advice of ILC regarding the law on joint submissions and accepted that a joint submission may only be rejected if it would be contrary to the public interest or would bring the Discipline Committee's proceedings into disrepute. This high threshold for departing from the parties' joint submission was not met in this case.

## **ORDER**

The Panel stated its findings in its written order of February 22, 2023 (the “Order”), in which the Panel directed as follows on the matter of penalty:

1. The Registrant is required to appear before a panel of the Discipline Committee for a reprimand following the hearing (see Appendix A).
2. The Registrar is directed to revoke the Registrant’s Certificate of Registration, effective immediately.
3. The Registrant is required to partially reimburse the College for its costs in the amount of \$3,000.00 to be paid in 24 monthly instalments of \$125.00, beginning one month after the date of the Discipline Committee’s order and continuing every month until paid in full.

Dated in Ontario on February 23, 2023

## **DISCIPLINE PANEL**

Mike Steele, Public Member  
Heather Broadhead, Public Member  
Anna Cardozo, Professional Member

Signed: Michael R Steele  
Mike Steele, Chair



## Appendix A

**DISCIPLINE COMMITTEE OF THE COLLEGE OF HOMEOPATHS OF ONTARIO**  
**IN THE MATTER OF a hearing directed by the Inquiries, Complaints and Reports Committee of the College of Homeopaths of Ontario pursuant to Section 26(1) of the Health Professions Procedural Code being Schedule 2 of the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended.**

**B E T W E E N:**  
**COLLEGE OF HOMEOPATHS OF ONTARIO**  
**- and -**  
**SARABPREET GHATOORA**  
**ORAL REPRIMAND**

Even though you have resigned from the College, you were a member at the time of the incident and as such you are still under the jurisdiction of the College and the Discipline Committee pursuant to section 14(1) of the Health Professions Procedural Code.

The Panel has found that you have engaged in professional misconduct in the following ways:

- By touching the Patient's breasts in a sexual nature without any clinical purpose, making comments of a sexual nature, and sucking on the Patient's breasts you engaged in sexual abuse. Such conduct would also be inherently a contravention of the standards of practice.
- All of this conduct would be reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

It is clear to the Panel, that you have not upheld your professional commitment to:

- enhance the care and safety of your patients
- be a positive reflection of the profession
- conduct yourself in a manner that is honourable, professional and becoming of a registrant of this College
- abide by the laws, rules, guidelines and requirements of the College
- comply with the standards expected of this profession.

Of particular concern is that

- The professional misconduct in which you engaged has put at risk the public's confidence in the profession's ability to govern itself and erodes the profile of this profession in the minds of the public and other regulated health care professionals.
- Your failure to adhere to the College's standard of practice places patients at risk of harm and impacts the public's confidence in the profession and jeopardizes the relationship between homeopaths and the public.

Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which you have engaged.

The Panel acknowledges that you took responsibility for your actions and admitted to the allegations in the Notice of Hearing. However, your actions were inappropriate.

This concludes our reprimand.

**DISCIPLINE PANEL**

Mike Steele, Chair, Public Member  
Heather Broadhead, Public Member  
Anna Cardozo, Professional Member