**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 -**

**LYLE LEFFLER**

**DECISION AND REASONS**

A panel of the Discipline Committee of the College of Homeopaths of Ontario (the **"Panel**") held a hearing on November 22, 2022. The hearing proceeded electronically pursuant to the *Regulated Health Professions Act, 1991* (the "**RHPA**") Schedule 2 to the RHPA (the "**Code**") and the Discipline Committee Rules.

Rebecca Durcan was counsel to the College of Homeopaths of Ontario (the "**College**"). Basil Ziv, Registrar, attended on behalf of the College. Lyle Leffler (the "**Registrant**") did not attend and was not represented. Elyse Sunshine acted as independent legal counsel ("**ILC**") to the Panel.

## REGISTRANT'S NON-ATTENDANCE AT THE HEARING

The Registrant did not attend the hearing. Counsel for the College provided documentary and oral evidence outlining the College's attempts to communicate with the Registrant about the hearing. This evidence indicated that the College had informed the Registrant of the purpose, date, time, and location of the hearing on several occasions, including by properly serving the Notice of Hearing. The Registrant acknowledged this information and confirmed that he did not plan to attend. This satisfied the Panel that the Registrant had been informed of the purpose, date, time and location of the hearing. Accordingly, the hearing proceeded in the Registrant's absence. While a Registrant's absence would generally mean that they would be deemed to deny the allegations, in this case, College Counsel advised the Panel that the Registrant had admitted to the allegations of misconduct and had signed an Agreed Statement of Facts.

**THE ALLEGATIONS**

The Notice of Hearing was filed as Exhibit 2 and set out the following:

1. At the material times, the Registrant was a duly registered member of the College.

**2023-04-12- Criminal Findings**

2. It is alleged that in or around May 2019, the Registrant was charged with certain historical sexual offences contrary to the Criminal Code of Canada.

3. On or about September 7, 2022, the Registrant was found guilty of one count of indecent assault contrary to section 149 of the Criminal Code of Canada and one count of sexual assault contrary to section 271 of the Criminal Code of Canada.

4. On or about April 6, 2023, the Registrant received a conditional sentence of two years less one day along with three years of probation and numerous ancillary orders with respect to each conviction, to be served concurrently.

**Failing to Report Charges and Convictions**

5. It is alleged that from in or about 2019 to in or about September 2022 the Registrant failed to notify the College of the criminal charges and/or the bail conditions against him as required by section 85.6.4 of the Code.

6. It is alleged that in or about September 2022 the Registrant failed to report to the College the findings of guilt against him as required by section 86.6.1 of the Code.

**False Statements on Annual Renewal Forms**

7. It is further alleged that every year from in or about February 2019 to in or about April 2023, the Registrant falsely answered the questions on his College renewal forms regarding criminal charges and/or conditions or restrictions relating to his custody or release.

**Revocation by College of Massage Therapists of Ontario**

8. It is alleged that at the material times, the Registrant was also a registrant of the College of Massage Therapists of Ontario (**CMTO**)
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9. It is alleged on or about November 16, 2023, the Registrant was found to have engaged in professional misconduct by the Discipline Committee of the CMTO for conduct analogous to paragraphs 2-7 above.

**Professional Misconduct Alleged**

10. It is alleged that the above conduct constitutes professional misconduct pursuant to Clause 51(1)(a) of the Code (the member has been found guilty of an offence that is relevant to the member's suitability to practise).

11. It is further alleged that the above conduct constitutes professional misconduct pursuant to Clause 51(1)(b) of the Code (the governing body of another health profession in Ontario, or the governing body of a health profession in a jurisdiction other than Ontario, has found that the member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under this section or an act of professional misconduct as defined in the regulations).

12. It is further alleged that the above conduct constitutes professional misconduct pursuant to clause 51(1)(c) of the Code, and as defined in one or more of the following paragraphs of section 26 of Ontario Regulation 315/12 made under the *Homeopathy Act, 2007* (the "**Act**")

    a. **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
    b. **Paragraph 38** (Contravening, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts) and/or
    c. **Paragraph 49** (Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).

**2022-03 Doctor Title**

13. It is alleged that since April 1, 2015, the Registrant has used and/or permitted patients to use the "doctor" title when providing or offering to provide homeopathic services in Ontario.

14. It is alleged that homeopaths are not authorized to use the doctor title when providing or offering to provide homeopathic services in Ontario.

**Professional Misconduct Alleged**

15. It is alleged that the above conduct constitutes professional misconduct pursuant to clause 51(1)(c) of the Code, and as defined in one or more of the following paragraphs of section 26 of Ontario Regulation 315/12 made under the Act:

    a. **Paragraph 30** (Using a term, title or designation in respect of the member's practice that is not authorized by the College) and/or
    b. **Paragraph 38** (Contravening, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts, including s. 33 of the RHPA) and/or

c. **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) and/or
d. **Paragraph 49** (Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).

**EVIDENCE**

The College advised the Panel that the evidence would be provided by way of an Agreed Statement of Facts, which was filed as Exhibit 3 and set out the following:

1. The Registrant registered with the College on or about June 17, 2016.

2. On or about May 9, 2024, the Registrant resigned from the College.

**2023-04-12- Criminal Findings**

3. It is agreed that in or around May 2019, the Registrant was charged with certain historical sexual offences contrary to the Criminal Code of Canada.

4. On or about September 7, 2022, the Registrant was found guilty of one count of indecent assault contrary to section 149 of the Criminal Code of Canada and one count of sexual assault contrary to section 271 of the Criminal Code of Canada.

5. On or about April 6, 2023, the Registrant received a conditional sentence of two years less one day along with three years of probation and numerous ancillary orders with respect to each conviction, to be served concurrently.

**Failing to Report Charges and Convictions**

6. It is agreed that from in or about 2019 to in or about September 2022 the Registrant failed to notify the College of the criminal charges and/or the bail conditions against him as required by section 85.6.4 of the Code.

7. It is agreed that in or about September 2022 the Registrant failed to report to the College the findings of guilt against him as required by section 86.6.1 of the Code.

**False Statements on Annual Renewal Forms**

8. It is further agreed that every year from in or about February 2019 to in or about April 2023, the Registrant falsely answered the questions on his College renewal forms regarding criminal charges and conditions or restrictions relating to his custody or release.

**Revocation by College of Massage Therapists of Ontario**

9. It is agreed that at the material times, the Registrant was also a registrant of the CMTO.

10. It is agreed on or about November 16, 2023, the Registrant was found to have engaged in professional misconduct by the Discipline Committee of the CMTO for conduct analogous to paragraphs 3-8 above.

**Admission of Professional Misconduct**

11. It is agreed that the above conduct constitutes professional misconduct pursuant to Clause 51(1)(a) of the Code (the member has been found guilty of an offence that is relevant to the member's suitability to practise).

12. It is further agreed that the above conduct constitutes professional misconduct pursuant to Clause 51(1)(b) of the Code (the governing body of another health profession in Ontario, or the governing body of a health profession in a jurisdiction other than Ontario, has found that the member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under this section or an act of professional misconduct as defined in the regulations).

13. It is further agreed that the above conduct constitutes professional misconduct pursuant to clause 51(1)(c) of the Code, and as defined in one or more of the following paragraphs of section 26 of Ontario Regulation 315/12 made under the Act*:*

    a. **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
    b. **Paragraph 38** (Contravening, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts) and
    c. **Paragraph 49** (Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).

**2022-03 Doctor Title**

14. It is agreed that since April 1, 2015, the Registrant has used and/or permitted patients to use the "doctor" title when providing or offering to provide homeopathic services in Ontario. This includes using the doctor title in his email address and permitting patients to call him doctor.

15. It is agreed that homeopaths are not authorized to use the doctor title when providing or offering to provide homeopathic services in Ontario. This is due to s. 33(1) of the RHPA which only permits prescribed regulated health professionals from using the doctor title in the course of providing or offering to provide, in Ontario, health care to individuals.

**Admission of Professional Misconduct**

16. It is agreed that the above conduct constitutes professional misconduct pursuant to clause 51(1)(c) of the Code, and as defined in one or more of the following paragraphs of section 26 of Ontario Regulation 315/12 made under Act:

    a. **Paragraph 30** (Using a term, title or designation in respect of the member's practice that is not authorized by the College) and
    b. **Paragraph 38** (Contravening, by act or omission, a provision of the Act, the RHPA or the regulations under either of those Acts, including s. 33 of the RHPA) and
    c. **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) and
    d. **Paragraph 49** (Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).

**ADMISSION AND PLEA INQUIRY**

The Registrant admitted to the allegations of professional misconduct set out the Notice of Hearing. The Panel received a written plea inquiry signed by the Registrant.

**SUBMISSIONS OF THE COLLEGE 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. The College submitted that proceeding in this matter would service the public interest.

**DECISION AND REASONS ON LIABILITY**

The Panel accepts the Registrant's admissions and all of the facts set out in the Agreed Statement of Facts. The Panel finds that the evidence contained in that document proved, on a balance of probabilities, the allegations alleged in the Notice of Hearing.

The evidence established that in May 2019, the Registrant was charged with criminal offences. He was then found guilty of criminal offences, including sexual assault, in September 2022. The offences for which the Registrant was found guilty in criminal court involve a violation of trust and disregard for a person's bodily integrity. They are contrary to the responsibilities and privileges entrusted to members of the profession. They are therefore offences relevant to a registrant's suitability to practise and we find that the Registrant has engaged in professional misconduct under clause 51(1)(a) of the Code.

The Registrant failed to notify the College of the criminal charges and findings of guilt against him as required by the Code. This is contrary to paragraph 38, of section 26 of Ontario Regulation 315/12. The evidence further established that from February 2019 to April 2023, the Registrant falsely answered the questions on his College renewal forms regarding criminal charges and conditions or restrictions relating to his custody or release. We find such conduct constitutes professional misconduct pursuant to paragraph 24, section 26 of Ontario Regulation 315/12.

The evidence further established that the Registrant was found to have engaged in misconduct by another regulator (the CMTO). We find this to be contrary to clause 51(1)(b) of the Code.

The Registrant admitted that since April 1, 2015, he used and permitted patients to use, the "doctor" title when providing or offering to provide homeopathic services, including in his email address. Registrants of the College are not permitted to use the doctor title. As such, we find that such conduct was unbecoming a member of the profession contrary to paragraph 49 of section 26 of Ontario Regulation 315/12. By using a title that he was not authorized to use, the Registrant further breached paragraph 30 and such conduct is a contravention of legislation pursuant to paragraph 38.

We also find that all of the conduct engaged in by the Registrant would reasonably be regarded by Registrants 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, which was filed as Exhibit 4 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.

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 COLLEGE ON PENALTY AND COSTS**

The College submitted that although the Registrant was no longer a member of the College, the Panel still retained jurisdiction to make an order and indeed, was required to do so. The College noted that two of the components of the proposed order (the reprimand and revocation) were mandatory because of the findings relating to the conviction for sexual assault. The College also

noted that despite the mandatory requirements, the proposed penalty and costs order were being submitted jointly by the parties and should be accepted unless it would bring the administration of justice into disrepute – which it did not. The College commented that given that the Registrant was not present at the hearing, the administration of the order could be modified in that the reprimand could be administered in writing.

With respect to costs, the College submitted that they were separate from penalty and were agreed upon by the parties.

**DECISION AND REASONS ON PENALTY AND COSTS**

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

While it was mandatorily required and part of a joint submission, we also find 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 also legislatively required, would provide an opportunity for the Panel to publicly denounce the Registrant's misconduct and send a message to members of the profession that the Discipline Committee finds conduct of this nature completely unacceptable. We agree that administering the reprimand in writing is appropriate in this case.

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 members 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 College 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 November 22, 2024 (the "Order"), in which the Panel directed as follows:

1. The Registrant is to be reprimanded in writing (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 November 22, 2024

**DISCIPLINE PANEL**
Kamika McLean, Public Member
Heather Broadhead, Public Member
Anna Cardozo, Professional Member

Signed:
Kamika McLean, 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 -**

**KYLE LEFFLER**

**ORAL REPRIMAND**

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

Although 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.

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

- notify the College of the criminal charges and findings of guilt against you;
- truthfully answering questions on your College renewal forms;
- admitting to being found to have engaged in misconduct by another regulatory body; and
- not improperly use and permit patients to use, the “doctor” title, which is also conduct unbecoming of a professional
- 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

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

Of particular concern is that you have been convicted of offences relevant to your suitability to practice, including sexual assault. The professional misconduct in which you engaged has put at risk the public’s confidence in the profession.

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**
Kamika McLean, Public Member
Heather Broadhead, Public Member
Anna Cardozo, Professional Member