

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 -
JOHN SOMERTON

ORAL REPRIMAND

As part of our penalty order this Discipline Panel has ordered that you be given an oral reprimand. The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

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

- By touching the Client's breasts in a sexual nature without any clinical purpose, you engaged in sexual abuse. Such conduct would also be inherently a contravention of the standards of practice.
- You performed a Lymphatic Drainage Massage (LDM) which is outside the scope of practice of a homeopath and which you did not have sufficient training and/or competency to perform. You did not obtain the Client's medical history and did not obtain sufficient consent. This is a breach of standards and an independent act of misconduct as well.
- By discussing and offering a procedure that you are not appropriately qualified to perform and not disclosing this to the Client, you attempted to treat a condition that you knew or ought to have known you did not have the knowledge, skills or judgment to treat and offered a service that was beyond your scope of practice.
- All of this conduct would be reasonably be regarded by members as disgraceful, dishonourable and conduct unbecoming a member of the profession.

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

- enhance the care and safety of your clients
- 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 our profession
- Obtain informed consent before providing treatment, which is a legal obligation and is vital to the safety of your clients.

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 clients 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