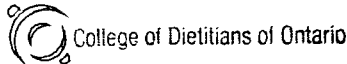


**DISCIPLINE COMMITTEE  
OF THE COLLEGE OF DIETITIANS OF ONTARIO**

AUG 14 2017



PANEL:	Claudine Wilson, Chair Suzanne Obiorah Nicole Osinga Ray Skaff Cindy Tsai	Public Representative Professional Member Professional Member Public Representative Professional Member
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**BETWEEN:**

COLLEGE OF DIETITIANS OF ONTARIO	)	Bernard LeBlanc for the College of Dietitians of Ontario
- and -	)	
RENU ARORA	)	No one appearing for Renu Arora
	)	
	)	
	)	
	)	
	)	Heard: July 12, 2016

Also present at the hearing were:

Melisse Willems – Registrar and Executive Director  
Aaron Dantowitz - Independent Legal Counsel to the Panel  
Madison Schumann - Court Reporter

**DECISION AND REASONS**

Introduction

A hearing before a panel of the Discipline Committee (the “Panel”) of the College of Dietitians of Ontario (the “College”) was held on July 12, 2016. The College has a

mandate to regulate the practice of dietetics and to govern its members and, in so doing, serve and protect the public interest.

Renu Arora (the "Member") was not present or represented at the hearing. College Counsel confirmed that the College and the Member, through her counsel, had reached an agreement, and that he did not expect the Member to attend. College Counsel indicated that the College was content to proceed in the absence of the Member. The Panel was satisfied that the hearing could proceed without the Member present.

The hearing proceeded on the basis of an Agreed Statement of Facts, as described below. College Counsel also requested permission to withdraw certain allegations set out in the Statement of Allegations appended to the Notice of Hearing. This permission was granted by the Panel.

#### Publication Ban

College Counsel requested a publication ban on the identity of patients of the Member mentioned in the Statement of Allegations, pursuant to s. 45(3) of the *Health Professions Procedure Code*. The panel granted the request and made an order accordingly.

#### The Allegations

The Notice of Hearing, dated July 2, 2015 was entered as Exhibit 1 at the hearing.

The Statement of Allegations appended to the Notice of Hearing read as follows, after the removal of the withdrawn allegations:

1. Renu Arora is a registered dietitian in Ontario.
2. At the material times, Ms. Arora practised dietetics in Toronto, Ontario at Focus Physiotherapy.

3. Many of Ms. Arora's clients (including those identified in Schedule "B") initially approached her for help with weight loss.

*Breaching Standards of Practice and Incompetence*

4. From approximately March 2013 to approximately December 2014, Ms. Arora used what she referred to as a "bioenergetic intolerance eliminator" method, "trigger release method", energy work, muscle testing, bio-feedback analysis and/or applied kinesiology on many of her clients (including those identified in Schedule "B"). Through one or more of these purported methods, Ms. Arora purported to assess, diagnose and/or treat, among other things:

- a. food sensitivities, allergies or intolerances
- b. environmental sensitivities, allergies or intolerances (such as cat dander and allergies),
- c. anxiety,
- d. tendonitis,
- e. body pain,
- f. candida,
- g. sinus infections,
- h. headaches; and
- i. irritable bowel syndrome.

5. Ms. Arora also purported to use one or more of the above-noted methods on the College's undercover investigator who attended Ms. Arora's clinic under the pseudonym, "Kelly Taylor", on October 29, 2014 and November 19, 2014. On those two occasions, Ms. Arora purported to assess, diagnose and/or treat Ms. Taylor for, among other things:

- a. food sensitivities, allergies or intolerances (diagnosing sensitivities to dairy, gluten, fructose, fibre, melons, bananas, grapes and nuts),
- b. environmental sensitivities, allergies or intolerances (diagnosing an intolerance to water),
- c. candida,

- d. tendonitis, and
- e. irritable bowel syndrome.

6. By purporting to use the above-noted methods and purporting to assess, diagnose and/or treat the above-noted conditions, it is alleged that this conduct demonstrates that Ms. Arora engaged in professional misconduct pursuant to paragraph 5 (failing to maintain a standard of practice); [withdrawn]; paragraph 19 (attempting to treat a condition beyond expertise and competence); paragraph 32 (contravening the *Dietetics Act 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of them); and paragraph 36 (disgraceful, dishonourable or unprofessional conduct); of section 1 of Ontario Regulation 680/93, as amended, under the *Dietetics Act, 1991*.

7. [withdrawn].

*Issuing Misleading Documents (Accounts) and Conflict of Interest*

8. For the purported services described in paragraphs 4 and 5, Ms. Arora billed her clients for fees or charges in addition to what she would normally invoice for dietetic services.

9. When she did so, Ms. Arora issued official receipts and described her services in them as, among other things, “individual session”, “dietician services [sic]”, “dietician assessment [sic]”, “initial dietary assessment”, “initial assessment”, “dietitian package session” and/or “BIE session”. The receipts included Ms. Arora’s registration number with the College and the title, “dietician/nutritionist [sic]”.

10. By billing her clients a separate fee or charge for the purported services and doing so through a receipt for dietetic services, it is alleged that this conduct demonstrates that Ms. Arora engaged in professional misconduct pursuant to paragraph 5 (failing to maintain a standard of practice); [withdrawn]; paragraph 25 (signing or issuing a false or misleading document); paragraph 27 (submitting an account or charge for services that is false or misleading); paragraph 32

(contravening the *Dietetics Act 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of them); and paragraph 36 (disgraceful, dishonourable or unprofessional conduct); of section 1 of Ontario Regulation 680/93, as amended, under the *Dietetics Act, 1991*.

#### Failing to Maintain Records

11. For many of the clients described in paragraphs 4 and 5, Ms. Arora's health records fell below the standards of practice because she, among other things:

- a. did not include a nutrition consult note setting out the reason why the client was referred to her; and
- b. did not include a nutrition assessment and/or care plan to address the original reason for referral or any follow-up notes.

12. It is alleged that this conduct demonstrates that Ms. Arora engaged in professional misconduct pursuant to paragraph 5 (failing to maintain a standard of practice); paragraph 22 (failing to keep records as required); paragraph 32 (contravening the *Dietetics Act 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of them); and paragraph 36 (disgraceful, dishonourable or unprofessional conduct); of section 1 of Ontario Regulation 680/93, as amended, under the *Dietetics Act, 1991*.

#### *Issuing Misleading Documents (Special Diet Allowance) and Unprofessional Conduct*

13. On approximately August 12, 2013 and September 8, 2014, Ms. Arora completed a Special Diet Allowance form for Client P indicating that he was hypertensive without any documentation to support that finding.

14. On the second occasion, Ms. Arora did so as part of an agreement with Client P whereby he would stop contacting the College about his concerns about Ms. Arora's conduct.

15. It is alleged that this conduct demonstrates that Ms. Arora engaged in professional misconduct pursuant to paragraph 5 (failing to maintain a standard of practice); paragraph 25 (signing or issuing a false or misleading document); paragraph 32 (contravening the *Dietetics Act 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of them); and paragraph 36 (disgraceful, dishonourable or unprofessional conduct); of section 1 of Ontario Regulation 680/93, as amended, under the *Dietetics Act, 1991*.

#### Agreed Statement of Facts and Member's Plea

College Counsel advised that an agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2) and presented the panel with a written plea inquiry signed by the Member (Exhibit 3). The panel was satisfied that the Member's admissions in the Agreed Statement of Facts were voluntary, informed and unequivocal.

The Agreed Statement of Facts provides as follows:

1. Renu Arora is a registered dietitian in Ontario. At the material times, Ms. Arora practised dietetics in Toronto, Ontario at Focus Physiotherapy.
2. Ms. Arora is also a Bioenergetic Intolerance Elimination ("BIE") practitioner affiliated with the Institute of Natural Health Technologies, an entity that is not regulated under the *Regulated Health Professions Act, 1991* or another health profession Act.
3. Many of Ms. Arora's clients initially approached her for help with weight loss.
4. Between approximately March 2013 and December 2013, Ms. Arora used the BIE method endorsed by the Institute of Natural Health Technologies with clients of her dietetics practice.

5. Later, Ms. Arora developed what she refers to as the “trigger release method”.

6. Starting in December 2013 until approximately December 2014, Ms. Arora used both the BIE method and trigger release method in her interactions with clients of her dietetics practice. During this time, Ms. Arora also engaged in energy work, muscle testing and bio-feedback analysis with clients of her dietetics practice. Through one or more of these methods, Ms. Arora assessed, diagnosed and/or treated, among other things:

- a. food sensitivities, allergies or intolerances
- b. environmental sensitivities, allergies or intolerances (such as cat dander and allergies),
- c. anxiety,
- d. tendonitis,
- e. body pain,
- f. candida,
- g. sinus infections,
- h. headaches, and
- i. irritable bowel syndrome.

7. Ms. Arora also used one or more of the above-noted methods on the College’s undercover investigator who attended Ms. Arora’s clinic under the pseudonym, “Kelly Taylor”, on October 29, 2014 and November 19, 2014 to address, among other things:

- a. food sensitivities, allergies or intolerances (diagnosing sensitivities to dairy, gluten, fructose, fibre, melons, banana, grapes and nuts),
- b. environmental sensitivities, allergies or intolerances (diagnosing an intolerance to water),
- c. candida,
- d. tendonitis, and
- e. irritable bowel syndrome.

8. The College retained an expert, Dana Whitham, to comment on Ms. Arora's dietetic practice. Ms. Whitham has been the professional practice leader of clinical dietetics at St. Michael's Hospital for approximately eight years.

9. If Ms. Whitham were to testify at a hearing, she would state that Ms. Arora breached the standards of dietetic practice by, among other things:

a. practising outside the scope of practice of a dietitian by attempting to assess, diagnose and/or treat the conditions set out in paragraphs 6 and 7 above; and

b. determining and attempting to treat food sensitivities when most of her clients initially approached her for help with weight loss.

10. While Ms. Arora acknowledges assessing, diagnosing and/or treating these conditions, if she were to testify at a hearing, she would say that it was not her intent to do so but rather to identify if an individual had an energetic disconnect with a particular energy frequency. Ms. Arora would testify that once such an energetic disconnect was identified, she would work with the client to trigger their body to achieve homeostasis in order that the body can then heal itself.

11. For the services described in paragraph 6, Ms. Arora billed her clients for fees or charges in addition to what she would normally invoice for dietetic services.

12. When she did so, Ms. Arora issued official receipts and described her services in them as, among other things, "individual session", "dietician services [sic]", "dietician assessment [sic]", "initial dietary assessment", "initial assessment", "dietitian package session" and/or "BIE session". The receipts included Ms. Arora's registration number with the College and the title, "dietician/nutritionist [sic]".

13. For many of the clients described in paragraph 6, Ms. Arora's health records fell below the standards of practice of a registered dietitian because she, among other things:



- a. did not include a nutrition consult note setting out the reason why the client was referred to her, and
- b. did not include a nutrition assessment and/or care plan to address the original reason for referral or any follow-up notes.

14. Ms. Arora thereby engaged in professional misconduct pursuant to paragraph 5 (failing to maintain a standard of practice of the dietetic profession), paragraph 19 (treating or attempting to treat a condition that the member knew or ought to have known was beyond his or her expertise or competence as a registered dietitian), paragraph 22 (failing to keep records as required), paragraph 27 (submitting an account or charge for services that the member knows contains a false or misleading statement), paragraph 32 (contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of them) and paragraph 36 (engaging in conduct or performing an act that, having regard to all the circumstances, would reasonably be regarded by members of the College of Dietitians of Ontario as disgraceful, dishonourable or unprofessional) of Ontario Regulation 680/93 under the *Dietetics Act, 1991*, S.O. 1991, c. 26.

#### Decision on the Allegations

Consistent with the Agreed Statement of Facts and in light of the submissions of College counsel, the Panel made a finding that the Member had engaged in professional misconduct, as admitted in paragraph 14 of the Agreed Statement of Facts. Specifically, the Panel found that:

The Member is guilty of professional misconduct within the meaning of paragraph 5 (failing to maintain a standard of practice of the dietetic profession), paragraph 19 (treating or attempting to treat a condition that the member knew or ought to have known was beyond his or her expertise or competence as a registered dietitian), paragraph 22 (failing to keep records as required), paragraph 27 (submitting an account or charge for services that the member knows contains a

false or misleading statement), paragraph 32 (contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of them) and paragraph 36 (engaging in conduct or performing an act that, having regard to all the circumstances, would reasonably be regarded by members of the College of Dietitians of Ontario as disgraceful, dishonourable or unprofessional) of Ontario Regulation 680/93 under the *Dietetics Act, 1991*, S.O. 1991, c. 26.

#### Reasons for Decision on the Allegations

The facts as admitted provides this Panel with a sufficient basis to find that the Member engaged in professional misconduct. Without question, the Member breached the standards of dietetic practice by practicing outside of scope when attempting to assess, diagnose and treat various conditions as set out in the evidence. She further acknowledged attempting to treat food sensitivities when most clients came seeking assistance with weight loss. Although the member suggests that it was not her intention to treat the said conditions, the Member's *intent* is irrelevant to the determination that her conduct constituted a breach.

The evidence is also clear to support a finding that the Member breached the duty to maintain records as required. The health records of many clients was described to be inadequate. As it relates to the Member's billing records, the facts disclose that those records were submitted by the Member knowingly containing false or misleading statements. The panel agrees with the submission of Counsel for the College that the facts as set out at paragraphs 11 and 12 represent substantial admissions with respect to paragraphs 8 to 10 of the allegations.

The Panel is satisfied that on the totality of the evidence set out on the Agreed Statement Facts that the College met its case for a finding of professional misconduct by the Member, as admitted at paragraph 14 of the Agreed Statement of Facts.

### Penalty and Costs Submissions

Counsel for the College advised the Panel that a Joint Submission as to Penalty and Costs (Exhibit 4) had been agreed upon. The Joint Submission proposed that the Panel make an order as follows:

1. THE DISCIPLINE COMMITTEE REQUIRES that Ms. Arora appear before it to be reprimanded on a date to be set by the Registrar.
2. THE DISCIPLINE COMMITTEE ORDERS that Ms. Arora pay to the College its costs in the amount of \$600, such costs being payable in monthly installments of \$50 starting 30 days from date of discipline hearing by way of post-dated cheques provided to the College by 30 days from date of discipline hearing.

Counsel for the College advised the Panel that the Member had resigned her Certificate of Registration some time ago. In connection with the resolution of this matter, the Member signed an Acknowledgement and Undertaking (Exhibit 5), dated May 9, 2016, which read, in part, as follows:

#### **WHEREAS:**

- (a) The College's Inquiries, Complaints and Reports Committee has referred specified allegations against Ms. Arora to the College's Discipline Committee;
- (b) The College and Ms. Arora have signed an Agreed Statement of Facts wherein Ms. Arora admits to having engaged in professional misconduct in respect of her dietetics practice between approximately March 2013 to approximately December 2014;
- (a) Ms. Arora has resigned from the College and ceased practising as a registered dietitian;

(b) In order to provide the College's Discipline Committee with assurance that she will not engage in this behaviour again, Ms. Arora is entering into this Acknowledgement and Undertaking;

The Acknowledgement and Undertaking provided for, among other things that:

1. the Member was no longer entitled to use the title "dietician";
2. the Member would not re-apply for a certificate of registration with the College for at least three (3) years;
3. the Member would attend before the College's Discipline Committee to be reprimanded and complete certain remedial courses, including an ethics course, if after three (3) years the Member wished to re-apply for registration;
4. The Member would consent to the imposition of various terms, conditions and limitations if after three (3) years the College chose to issue a certificate of registration.

Although Counsel for the College advised the Panel that the Member resigned in November, 2015, the jurisdiction to make the requested Order lies in s. 14 of the *Health Professions Procedural Code*. This provides that the Committee has continuing jurisdiction pertaining to a Member's conduct while they were still a Member. In summary, Counsel for the College submitted that the principles for the Panel to consider in making the decision includes that the tribunal should accept a joint submission unless the panel is of the view that it falls well outside the range of what's appropriate in the circumstances. The Panel must also consider the public interest in terms of deterrence, principles of rehabilitation and both aggravating and mitigating factors. College Counsel submitted that in light of the Acknowledgement and Undertaking, the penalty accomplishes the principle of deterrence and denunciation. College Counsel also submitted that the ethics course serves the goal of rehabilitation, and the terms and limitations to which the Member would be subject if she does reapply would promote the goal of public protection. College Counsel submitted that the conduct itself is an aggravating factor, in that what the Member did is something she ought not to have

done, whereas an obvious mitigating factor is that the Member is pleading guilty. College Counsel also provided some cases from other professional discipline tribunals in cases involving “unconventional practice”, in which there was a wide range of dispositions.

#### Decision on Penalty and Costs

The panel accepted the Joint Submission on Penalty and Costs, and accordingly, made the following order:

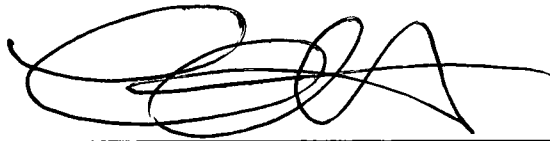
1. THE DISCIPLINE COMMITTEE REQUIRES that Ms. Arora appear before it to be reprimanded on a date to be set by the Registrar.
2. THE DISCIPLINE COMMITTEE ORDERS that Ms. Arora pay to the College its costs in the amount of \$600, such costs being payable in monthly installments of \$50 starting on August 11, 2016 by way of post-dated cheques provided to the College by August 11, 2016.

#### Reasons for Decision on Penalty and Costs

The panel’s role when evaluating a joint submission on penalty is limited. As submitted by Counsel for the College, the Panel must accept the joint submission unless it falls outside of the scope of what is acceptable. With regards to the mitigating factors in this case, the Panel gave weight to the fact that the Member was pleading guilty, signed an Agreed Statement of Facts and entered a joint submission on costs and penalty. The penalty provides that the trust of the public is maintained by ensuring the Member engages in re-education and ethics counseling before she re-applies for a certificate of registration. The Panel accepts the submission that the penalty satisfies the goal of deterrence, and that it falls within the range of penalties seen in other similar professional discipline cases.

The three (3) year effective ban from practice reflected in the Acknowledgement and Undertaking is substantial. Counsel for the College submitted that this was the appropriate penalty and the panel agrees.

I, Claudine Wilson, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel as listed below.



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Ms. Claudine N. Wilson, Chair

August 10, 2017

Panel Members:

Ray Skaff  
Suzanne Obiorah  
Nicole Osinga  
Cindy Tsai