

**Allegations:**

The Inquiries, Complaints and Reports Committee (ICRC) referred Dr. Jack J. Klundert to the Discipline Committee regarding the following allegations of professional misconduct:

Dr. Klundert committed an act of professional misconduct as provided by s. 51(1 )(c) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act*, S.O. 1991, c. 18, and as set out by s. 1 (1), paragraph 11 of O. Reg. 859/93, as amended, of the Optometry Act, S.O. 1991, c. 35, in that:

1. he made a misrepresentation with respect to treatments or devices provided to patients contrary to paragraph 11 of s.1(1) of O. Reg. 859/93;
2. he recommended or provided unnecessary diagnostic or treatment services to patients contrary to paragraph 16 of s. 1(1) of O. Reg. 859/93;
3. he caused or permitted, directly or indirectly, a publication that has a relation to or a bearing on his practice that is false or deceptive by reason of inclusion or omission of information contrary to clause ii of paragraph 25 of s. 1(1) of O. Reg. 859/93;
4. he caused or permitted, directly or indirectly, a publication that has a relation to or a bearing on his practice that could be regarded by the profession as demeaning the integrity or dignity of the profession or being likely to bring the profession into disrepute contrary to clause x of paragraph 25 of s. 1(1) of O. Reg. 859/93;
5. he failed to make and maintain records as required by the regulations with respect to patients contrary to paragraph 27 of s. 1(1) of O. Reg. 859/93;
6. he signed or issued, in his professional capacity, a certificate, report or similar document that contains a statement he knew or should have known was false, misleading or otherwise improper, or withheld statements or information that he knew or ought to have known should have been disclosed with respect to patients contrary to paragraph 29; of s. 1(1) O. Reg. 859/93;
7. he submitted accounts for services rendered to patients that he knew or should have known were false or misleading contrary to paragraph 32 of s. 1(1) of O. Reg. 859/93;
8. he failed to issue a statement or receipt to a patient or to a third party responsible for the payment of the account of patients contrary to paragraph 35 of s. 1(1) of O. Reg. 859/93;
9. he issued a statement or receipt which did not itemize the services provided and the fees charged, describe the ophthalmic appliances utilized in the performance of the services, or set out the commercial laboratory cost incurred by him in the provision of the services to patients contrary to paragraph 36 of s. 1(1) of O. Reg. 859/93;
10. he charged or received payment for contact lenses or eyeglasses in excess of the commercial laboratory cost incurred by him in the provision of the service to patients contrary to paragraph 37 of s. 1(1) of O. Reg. 859/93;
11. he charged or received more than the amount payable to an insured person under the Ontario Health Insurance Plan for the insured service with respect to patients contrary to paragraph 38 of s. 1(1) of O. Reg. 859/93; and

12. he engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical contrary to paragraph 53 of s. 1(1) of O. Reg. 859/93.