

**THE DISCIPLINE COMMITTEE OF THE COLLEGE  
OF OPTOMETRISTS OF ONTARIO**

Panel: Dr. Patrick Quaid, Chair  
Ms. Suzanne Allen  
Dr. Jim Hoover  
Mr. Howard Kennedy  
Dr. Karin Simon

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

The College of Optometrists of Ontario	)	Mr. Andrew Porter
	)	Counsel for the College
	)	of Optometrists of Ontario
- and -	)	
	)	
Dr. Kashif Zoberi	)	Self-represented
	)	
	)	
	)	Ms. Julie Maciura
	)	Independent Legal Counsel
	)	
	)	<b>Heard on January 10, 2020</b>

**DECISION AND REASONS**

This matter came before a Panel of the Discipline Committee of the College of Optometrists of Ontario (the “College”) on January 10, 2020, at the College, 65 St. Clair Avenue East, Suite 900, Toronto, Ontario.

The purpose of the hearing was to consider allegations of professional misconduct referred by the Inquiries, Complaints and Reports Committee against Dr. Kashif Zoberi (the “Member”).

The five members of the Discipline Panel referred to above were in attendance, as well as the Member who was self-represented; Mr. Andrew Porter, counsel for the College, accompanied by Ms. Maureen Boon, Registrar; and Ms. Julie Maciura, independent legal counsel to the Discipline Panel.

The hearing was called to order at 9:30 a.m. on January 10, 2020. The Chair introduced the Panel and the other people present in the room.

## Allegations and Evidence

College counsel took the Panel through two Notices of Hearing, which were filed as Exhibit 1 and Exhibit 2.

Exhibit 1 was a Notice of Hearing related to a complaint against the Member made by Patient X and Exhibit 2 was a Notice of Hearing related more generally to the period when the Member's certificate of registration was suspended.

The first Notice of Hearing (Exhibit 1) made the following allegations against the Member:

1. You have committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* (the "Code") being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991 C.18, and defined in the following paragraphs:

With respect to your patient, Patient X:

- (a) You contravened the *Regulated Health Professions Act, 1991*, and paras. 1.1 and 1.16 of Regulation 119/94 to the *Optometry Act, 1991* in that you continued to practice optometry while your certificate of registration was suspended after January 17, 2018;
- (b) You contravened the *Regulated Health Professions Act, 1991*, and para. 1.14 of Regulation 119/94 under the *Optometry Act*, in that you failed to maintain the standards of practice of the profession in that you provided an incomplete eye examination to Patient X on June 20, 2018;
- (c) You contravened para. 1.24 of Regulation 119/94 under the *Optometry Act*, in that you failed to make or maintain records for Patient X, as required by Part IV of Ontario Regulation 119/94;
- (d) You contravened para. 1.28 of Regulation 119/94 under the *Optometry Act*, in that you allowed for an account for professional services to be submitted that you knew or ought to have known was false or misleading, for the services rendered to Patient X on June 20, 2018;
- (e) You contravened para. 1.30 of Regulation 119/94 under the *Optometry Act*, in that you failed to issue a statement or receipt that itemized an account for professional goods or services to patient X or a third party who is to pay, in whole or in part, for the goods or services provided to Patient X on June 20, 2018;
- (f) You contravened para. 1.33 of Regulation 119/94 under the *Optometry Act*, in that you charged a fee, in whole or in part, before providing professional services to a patient, specifically for the services rendered to Patient X on June 20, 2018;
- (g) You contravened the *Regulated Health Professions Act, 1991*, and para. 1.39 of Regulation 119/94 under the *Optometry Act* in that you have engaged in conduct

or performed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical contrary to paragraph 1.39 of Regulation 119/94 in that you continued to practice optometry while your certificate of registration was under suspension after January 17, 2018.

Particulars of the allegations in the Notice of Hearing are as follows:

1. Dr. Kashif Zoberi, registration number #9662, was a suspended member of the College of Optometrists of Ontario during the period January 17, 2018 to July 6, 2018.
2. Effective January 17, 2018, Dr. Zoberi was suspended as a result of his failure to renew his certificate of registration, as required, after which time he was not permitted to practice optometry nor to hold himself out as an optometrist.
3. During this period, Dr. Zoberi maintained an optometry practice at 3420 Hurontario Street, Mississauga, Ontario, L5B 4A9, including by providing eye examinations and issuing prescriptions to Patient X on June 20, 2018, without regard for the suspension, of which he was aware.
4. Dr. Zoberi saw Patient X on June 20, 2018.
5. During this encounter, Dr. Zoberi provided an incomplete eye examination to Patient X, in that he did not dilate the patient's pupils, check eye pressure or perform complete ocular health examinations, measure corneal curvature or assess refraction using objective techniques.
6. Patient X provided Dr. Zoberi with payment ahead of the June 20, 2018 eye examination, and Patient X's private insurance plan was billed for a complete eye examination.
7. Dr. Zoberi did not issue a statement or receipt that itemized an account for the professional services provided to Patient X on June 20, 2018, nor did he maintain a health record of the encounter.

The second Notice of Hearing (Exhibit 2) made the following allegations against the Member:

1. You have committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* (the "Code") being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991 C.18, and defined in the following paragraphs:

With respect to the period of your suspension commencing January 17, 2018:

- (a) You contravened the *Regulated Health Professions Act, 1991*, and paras. 1.1 and 1.16 of Regulation 119/94 to the *Optometry Act, 1991* in that you continued to

practice optometry while your certificate of registration was suspended after January 17, 2018;

- (b) You contravened the *Regulated Health Professions Act, 1991*, and para. 1.14 of Regulation 119/94 under the *Optometry Act*, in that you failed to maintain the standards of practice of the profession in that you performed incomplete eye examinations during the period of suspension, from January 17, 2018 to July 6, 2018;
- (c) You contravened the *Regulated Health Professions Act, 1991*, and para. 1.24 of Regulation 119/94 under the *Optometry Act*, in that you failed to make or maintain records as required by Part IV of the *Optometry Act* for the patients you saw during the period of suspension of your certificate of registration, from January 17, 2018 to July 6, 2018;
- (d) You contravened the *Regulated Health Professions Act, 1991*, and para. 1.30 of Regulation 119/94 under the *Optometry Act*, in that you failed to issue a statement or receipt that itemized an account for professional goods or services to the patient or a third party who is to pay, in whole or in part, for the goods or services provided to the patients treated during the period of suspension of your certificate of registration from January 17, 2018 to July 6, 2018;
- (e) You contravened the *Regulated Health Professions Act, 1991*, and para. 1.39 of Regulation 119/94 under the *Optometry Act* in that you have engaged in conduct or performed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical in that you continued to practice optometry while your certificate of registration was under suspension after January 17, 2018.

Particulars of the allegations in the Notice of Hearing are as follows:

1. Dr. Kashif Zoberi, registration number #9662, was a suspended member of the College of Optometrists of Ontario during the period of January 17, 2018 to July 6, 2018.
2. Effective January 17, 2018, Dr. Zoberi was suspended as a result of his failure to renew his certificate of registration, as required, after which time he was not permitted to practice optometry nor to hold himself out as an optometrist.
3. During this period, Dr. Zoberi maintained an optometry practice at 3420 Hurontario Street, Mississauga, Ontario, L5B 4A9, including by providing eye examinations and issuing prescriptions to patients in January, June and July 2018, without regard for the suspension, of which he was aware.
4. During patient encounters, Dr. Zoberi conducted eye examinations that were not comprehensive in that he did not dilate the patient's pupils, check eye pressure, perform complete ocular health examinations, measure corneal curvature, or assess refraction using objective techniques.

5. Dr. Zoberi did not issue a statement of receipt for the professional services rendered, did not maintain a patient record of the encounters, nor did he keep copies of any prescriptions issued, as required.
6. From January 17, 2018 through July 6, 2018, despite the suspension of which he was aware, Dr. Zoberi held himself out to the public as a member of the College entitled to practice optometry.

College counsel submitted that the allegations arose out of a complaint received by the College. He requested that the Panel combine the proceedings pursuant to section 9.1(1)(a) of the *Statutory Powers Procedure Act, 1990* as they involve issues of similar fact and law. The Member consented to this request and the Panel agreed to hear both matters together.

### **REQUEST TO WITHDRAW CERTAIN ALLEGATIONS**

College Counsel then advised the Panel that the College would be seeking to withdraw the allegations relating to paragraphs 1.28, 1.30 and 1.33 of Ontario Regulation 119/94 in light of the admissions to other heads of misconduct the Member would be making.

### **MEMBER'S PLEA**

The Member indicated that he pled guilty to the allegations in the Notice of Hearing as set out by College counsel (i.e., not including the allegations that the College was seeking to withdraw).

### **AGREED STATEMENT OF FACTS**

College counsel entered an Agreed Statement of Facts that was signed by the Member and a College representative and it was marked as Exhibit 3.

The Agreed Statement of Facts provided as follows:

#### **Background**

1. This matter came to the attention of the College of Optometrists (the "College") as a result of a written complaint from Patient X received June 21, 2018 relating to the care provided by Dr. Kashif Zoberi ("Dr. Zoberi" or the "Member"). As a result of the complaint, the Inquiries Complaints and Reports Committee granted the Registrar's request to appoint an investigator under Section 75(1)(a) of the *Health Professions Procedural Code*.
2. Dr. Zoberi is a member of the College.

## **Events at Issue**

3. Dr. Zoberi did not renew his certificate of registration as required by January 17, 2018. As of that date, his certificate of registration was suspended and he was not permitted to practice optometry or hold himself out as an optometrist. Dr. Zoberi did not renew his certificate of registration until July 6, 2018.
4. Dr. Zoberi continued to practice optometry and held himself out as an optometrist in January, June and July 2018. Dr. Zoberi's colleague covered his practice from February 3, 2018 until end of May 2018.
5. Dr. Zoberi regularly saw patients while his certificate of registration was under suspension, of which he was aware.

### *Patient X*

6. Patient X attended at Dr. Zoberi's office on June 20, 2018 for an eye examination.
7. Patient X was required to make a payment ahead of the eye examination. Patient X's private insurance was billed for a complete eye examination. Patient X was charged directly for the balance owing.
8. The eye examination lasted ten to fifteen minutes and was not comprehensive. Dr. Zoberi did not provide a complete ocular health examination, as per the standards of practice of the profession.
9. At the conclusion of the eye examination, Dr. Zoberi issued a prescription for eyeglasses to Patient X. Dr. Zoberi did not make any notes, did not document the assessment of Patient X or how he determined the prescription. He did not keep records of his encounter with Patient X.
10. Dr. Zoberi did not issue a statement or receipt itemizing an account for the professional services provided to Patient X on June 20, 2018.

### *Dr. Zoberi's Practice While Suspended Generally*

11. While practicing under suspension, Dr. Zoberi conducted eye examinations of numerous patients that were not comprehensive, as per the standards of practice of the profession.
12. Dr. Zoberi did not keep records of the patients he saw while his certificate of registration was suspended. He did not keep copies of prescriptions given to patients nor did he document assessments or take any notes of his encounters with patients.

## **Admissions**

13. Dr. Zoberi admits that he continued to practice optometry and hold himself out as an optometrist while his certificate of registration was under suspension during the period from January 17, 2018 to July 6, 2018 at 3420 Hurontario Street, Mississauga, Ontario, contrary to paragraphs 1.1 and 1.16 of Ontario Regulation 119/94 to the *Optometry Act*.
14. Dr. Zoberi admits that he failed to maintain the standards of practice of the profession contrary to paragraph 1.14 of Ontario Regulation 119/94 to the *Optometry Act*.
15. Dr. Zoberi admits that he failed to make or maintain a patient record for his encounters with patients, including Patient X, while his certificate of registration was under suspension from January 17, 2018 to July 6, 2018, as required by Part IV of Ontario Regulation 119/94 to the *Optometry Act*, contrary to paragraph 1.24 of Ontario Regulation 119/94 to the *Optometry Act*.
16. Dr. Zoberi admits that with respect to the admitted facts, he engaged in conduct or performed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonorable, unprofessional or unethical contrary to paragraph 1.39 of Ontario Regulation 119/94 to the *Optometry Act*.
17. The Member acknowledges, admits and agrees that these allegations are true.
18. It is agreed and understood that the COM1846 and REG1804 matters will be consolidated and heard together at the same time.

## **Submissions of the Parties on Finding**

College counsel submitted that the allegations related to a complaint received by the College from Patient X. Exhibit 1 introduces the allegations with respect to Patient X, wherein the Member was alleged to have contravened the *Regulated Health Professions Act, 1991* and the Regulation 119/94 of the *Optometry Act, 1991*, when the Member practised while his certificate was suspended.

As well, it is alleged that the Member provided an incomplete eye examination to Patient X and failed to make or maintain records, and that this conduct would reasonably be regarded by members as disgraceful, dishonourable, unprofessional and unethical.

The College requested that paragraphs (d), (e) and (f) of Exhibit 1 be withdrawn, i.e., paragraphs 1.28, 1.30 and 1.33 of Regulation 119/94.

College counsel submitted that Exhibit 2 introduces allegations with respect to similar conduct, wherein the Member was alleged to have contravened the *Regulated Health Professions Act, 1991* and the Regulation 119/94 of the *Optometry Act, 1991*, when the Member practised more generally while his certificate was suspended. As well, it is alleged that the Member failed to

maintain the standards when he provided incomplete eye examinations to patients, failed to make or maintain records, and that this conduct would reasonably be regarded by members as disgraceful, dishonourable, unprofessional and unethical.

The College requested that paragraph (e) of Exhibit 2 be withdrawn, i.e., paragraph 130 of Regulation 119/94.

The Member submitted to the Panel that his father was ill and was in the last two months of his life at the time the Member engaged in the impugned conduct. The Member admitted that he had not renewed his certificate of registration and he said he tried to get another Optometrist to cover for him right before his certificate was suspended. The Member admitted that he was wrong to practise while he was suspended.

### **Finding on Misconduct**

After considering the Agreed Statement of Facts and the submissions of College counsel and the Member, the Panel found that the facts supported the findings of professional misconduct as set out in the Agreed Statement of Facts, more particularly, the conduct amounted to professional misconduct pursuant to paragraphs 1.14, 1.16, 1.24 and 1.39 of Ontario Regulation 119/94, under the *Optometry Act, 1991*, S.O. 1991.

The Panel made no finding under paragraph 1.1 of Ontario Regulation 11/94 as in its view the conduct did not amount to a breach of a “term, condition and limitation” on the Member’s certificate of registration.

The Panel accepted the withdrawal of paragraphs 1.28, 1.30 and 1.33 of Ontario Regulation 119/94, under the *Optometry Act, 1991*, S.O. 1991. In its view these paragraphs of the professional misconduct regulation were not warranted given the parties’ submission that the Member did not generally charge the clients for the treatment provided while he was suspended. Given that the Member was pleading guilty to four heads of misconduct, the Panel was prepared to grant the request for the withdrawal of the others.

### **Reasons for Finding of Misconduct**

The Member was present at the hearing and he agreed with the College that the conduct set out in the Agreed Statement of Facts, which he admitted engaging in, constitutes professional misconduct.

After considering the Agreed Statement of Facts and the submissions of counsel, the Panel found that the College proved the allegations on a balance of probabilities.

The Panel felt that the information included in the Agreed Statement of Facts and as presented by College counsel clearly showed that the facts constituted the various heads or labels of misconduct to which the Member pled guilty. The Panel agreed that practising while suspended



was inappropriate and was clearly professional misconduct, and that failing to do proper eye examinations or keep records appropriately was also professional misconduct. The fact that the Member was suspended and knew he should not have been practising was not a valid excuse for not properly examining the patients or complying with all of the other standards of practice applicable to optometrists, including record keeping.

After making its findings of misconduct, the Panel indicated that it was prepared to proceed to the penalty phase of the hearing.

### **JOINT SUBMISSION ON PENALTY**

College counsel provided to the Panel a Joint Submission on Penalty (and Costs) that was signed by the Member and it was marked as Exhibit 4.

The Joint Submission proposed the following Order:

1. The Member shall attend in person before the Panel of the Discipline Committee, at the conclusion of the hearing, to receive a public, verbal reprimand, a copy of which shall be published on the College Register;
2. The Member's certificate of registration shall be suspended for sixty (60) days, uninterrupted, as of the date of the Panel's Order;
3. The Member shall participate in the following College-approved educational and remedial programs, as follows:
  - (a) The Member shall, at his own expense, successfully complete with an unconditional pass the PROBE Program on professional/problem-based ethics offered in Ontario and the ProBe Plus follow-up module, within two (2) years of the date of this Order;
  - (b) The Member shall submit, during or in relation to any period of suspension that may arise in the five-year period following the date of this Order, to such investigative measures as the Registrar deems necessary and appropriate to confirm that the Member is not practicing while under suspension, including but not limited to inquiries, chart reviews, interviews, attendances and investigative techniques.
4. The Member shall pay \$10,000 as a contribution towards the investigation, prosecution and resolution costs incurred by the College in this matter. Payment shall be made in the following manner on the date of the hearing:
  - (a) one (1) cheque dated the date of the hearing in the amount of \$2,000; and

- (b) four (4) post-dated cheques, provided to the College on the date of the hearing, each in the amount of \$2,000 and each dated on the day of the month commencing one month after the hearing.

### **College Submissions on Penalty**

College counsel provided cases to the Panel to assist them in their deliberations.

College counsel submitted that the Supreme Court of Canada in *R. v Anthony-Cook* (2016 SSC 43) decision has set the test for rejection a joint submission very high and that the Panel could only reject if the acceptance of the penalty would bring the administration of justice into disrepute or be otherwise contrary to the public interest.

Counsel also briefly reviewed other cases dealing with similar conduct, including (*Ontario (College of Physicians and Surgeons of Ontario) v. Fikry*, 2019 ONCPSD 53, *Ontario (College of Physicians and Surgeons and Clowater)*, 2016 ONCPSD 19, *Syan (Re)*, [2016] OCPD No 15; *Ontario (College of Massage Therapists of Ontario) v Adam Muklewicz*, 2016 ONCMTO 9; *Law Society of Ontario v Isaac*, [2018] LSDD No 108; and *College of Nurses v Sherese Peters*, 2012 CanLII 98102 (ON CNO).

While these other cases are not binding on the Panel, they show what previous panels have ordered for similar conduct. The cases demonstrate that a guiding principle is that a member who practises while suspended should not be in a better position as a result of the conduct, i.e., if the period of illegal practice was two months then a suspension of two months was often the starting point, with adjustments then being made depending on the relevant aggravating or mitigating circumstances. The cases reviewed by College counsel included a range of suspensions from two months to seven months.

College counsel submitted that the Panel was required to take into account both the aggravating and mitigating factors in the case.

College counsel reiterated that the starting point for the assessment of penalty is that there should not be any sense that the Member has profited as a result of the misconduct, i.e. the period of suspension should match how long the Member practised while suspended.

College counsel also submitted that in terms of mitigating factors, there are no prior findings against the Member, the Member has been co-operative with the investigation and readily accepted responsibility for his actions and acknowledged his guilt.

With respect to the aggravating factors, counsel submitted that the Member was aware of his suspension and chose to continue practising. It is serious for a Member to practise while they are not authorized to do so. As well, the Member knowingly provided a substandard level of clinical care in that he did not provide complete eye examinations to patients and failed to keep records,

making it difficult for the College to figure out what care was provided to them. There was no evidence of harm, but there is also an inability to understand what occurred in the examinations.

Along with the aggravating and mitigating factors, College counsel submitted that the purpose of penalty is threefold: to protect the public; to serve as a deterrent (both specific and general) and to rehabilitate the Member so that he does not engage in this conduct again. In this case the Member would receive a reprimand and serve a two month suspension which would serve the purposes of specific and general deterrence so there would be no incentive for him to repeat this conduct. The recorded reprimand would remain on the public register and will be visible to the public and other members of the profession. With respect to general deterrence, this would send a message to members of the profession that this conduct will be responded to seriously and will lead to a suspension.

College counsel submitted that the Panel should also consider that the conduct occurred during a period of hardship for the Member: the Member had failed investments, financial difficulties and his father was very ill. The College has taken into consideration the Member's cooperation and accepting responsibility when he agreed to the Joint Submission. As to the very real concern regarding ethical behaviour, the parties have agreed that that the Member must complete the ProBE and ProBE Plus programs. He will be called on to reflect, study and to write an essay and the administrators of ProBE will have the relevant material from the hearing so they will know what conduct is at issue.

Counsel also submitted that they have built into the joint submission the ability of the College to take immediate action if there is a concern that the Member was again practising while suspended under paragraph 3(b) of the joint submission.

The Member has also agreed to pay costs in the amount of \$10,000 towards the costs incurred by the College, which is a significant sum.

College counsel submitted that while this is at the lower end of the range for penalty, it is a reasonable resolution and would not bring the administration and principles of justice into disrepute.

After deliberating, the Panel requested further explanation from College counsel in regards to the lack of any element in the Joint Submission to address the record keeping issues and incomplete eye examinations provided by the Member.

College counsel submitted that there had been no issue with respect to the Member's record keeping or clinical practice outside of when he practised while suspended. The Member had not kept records during his period of suspension because he knew he should not have been practising. There has been no broader concern as a result of the investigation. College counsel submitted that the ProBE course is intensive and all of the materials that the College has are given to ProBE and therefore all of the issues will be engaged in that context.

ProBE Plus is an additional term, condition and limitation where periodically every few months a ProBE representative will revisit the issues with the Member to ensure that the reflection has been meaningful. The College has every expectation that all of the relevant issues in this case will be addressed as part of ProBE and ProBE Plus.

College counsel submitted that if there was a broader deficiency detected in the course of the investigation they would have been addressed by separate requirements in the penalty.

### **Member Submissions on Penalty**

The Member made submissions on his own behalf, explaining that he accepted the submissions made by College counsel. He stated that there were extenuating circumstances after his father passed away and he agreed that he failed to renew his certificate of registration in a timely way. He said that he had no bad intentions and will not do this again.

### **Decision on Penalty**

After deliberating, the Panel accepted the Joint Submission on Penalty (and costs) and made an order consistent with its terms (the requirement to complete the ProBe course and submit to investigative steps during any future period of suspensions will appear as terms, conditions and limitations on the Member's certificate).

### **Reasons for Penalty**

After deliberating and considering the submissions of counsel for the College and the Member, the Panel determined the penalty was fair and reasonable, being neither too lenient nor too onerous and made the Order as jointly submitted by the parties, keeping in mind that the test for rejecting a Joint Submission on Penalty as articulated by the Supreme Court of Canada in *R v. Anthony-Cook* is very high.

College counsel provided analogous cases in which similar conduct occurred resulting in penalties that included suspensions as well as terms, conditions and limitations.

While some of the cases provided by College counsel had greater periods of suspension, the Panel recognized that no two cases are alike. The Panel also took into consideration the mitigating factors in this case as outlined by College counsel.

In regards to the record keeping concerns that were raised, the Panel was satisfied that no concerns were found during the College's investigation outside of the issue regarding the Member practicing while suspended and that the record keeping issues were directly linked to the Member knowing he should not have been practicing during that period, which suggests that the conduct is primarily an ethical issue rather than a knowledge, skill or judgment issue.

The College's standards of practice exist to ensure that the public is protected and failure to maintain those standards puts patients at risk. The Panel believes that the totality of the penalty order is such that it will act as a general deterrent to other members of the profession and that its focus on rehabilitation will also help to ensure that the Member himself does not repeat this conduct in the future. The Panel was particularly comforted by the fact that the Member is required to complete ProBE Plus where the Member will be required to engage every few months to revisit the issues and ensure that his reflection has been meaningful. ProBE Plus is a personalized follow-up module that is tailored to meet the issues that were dealt with through the course of ProBE and will ensure that the remediation has in fact been effective and that the Member is indeed meeting the standards of practice.

The Panel was also of the view that the penalty appropriately took into consideration the mitigating factors in this case, including the fact that the Member had no previous findings against him, he cooperated fully with the College and pled guilty, thereby saving time and resources and that he was sincere and remorseful and prepared to learn from this experience and improve his practice. The Panel also considered that this was a period of hardship for the Member, both personally with his ailing father, and financially.

At the conclusion of the hearing the Panel administered the reprimand to the Member, a copy of which is attached to this decision.

Dated this 22<sup>nd</sup> day of January, 2020, at Toronto, Ontario.

A handwritten signature in black ink, appearing to read "Patrick Quaid". The signature is fluid and cursive, with a large initial "P" and "Q".

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Dr. Patrick Quaid, Chair

On behalf of:

Ms. Suzanne Allen  
Dr. Jim Hoover  
Mr. Howard Kennedy  
Dr. Karin Simon

## **TEXT OF PUBLIC REPRIMAND**

**College of Optometrists of Ontario and Dr. Kashif Zoberi**

**January 10, 2020**

After receiving all the evidence in the case, the panel wishes to express on the behalf of the profession and the public our significant disappointment and concern about not only the disgraceful, dishonourable, unprofessional and unethical conduct as a result of practicing under suspension, but also the obvious lack of concern for patient safety due to incomplete eye examinations being performed and a virtual lack of record keeping, bringing disrepute to the profession and its perception in the public eye. We hope that moving forward, you are fully aware that this behaviour is unacceptable, and that the public deserves nothing less than excellence in clinical care. It is already egregious to practice whilst suspended, but simply stunning to also do so incompletely. None of us in this room would accept this level of care for our loved ones and that should always be the bottom line, public protection. We expect you to fully comply with the terms of the penalty and we trust that we will not see you in front of the discipline panel again in the future. Any future reoccurrence would certainly warrant a harsher penalty.