

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

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

**THE COLLEGE OF OPTOMETRISTS OF ONTARIO**

**-AND-**

**DR. KASHIF ZOBARI**

**NOTICE OF HEARING**

**THE INQUIRIES, COMPLAINTS, AND REPORTS COMMITTEE OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO** has referred the following allegations about you to the Discipline Committee:

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 above allegations are set out in Schedule “A” of this Notice of Hearing.

**TAKE NOTICE THAT THE DISCIPLINE COMMITTEE WILL HOLD A HEARING** pursuant to the provisions of the Health Professions Procedural Code (the “Code”) which is Schedule 2 to the *Regulated Health Professions Act, 1991*, R.S.O. 1991 cs. 18 and the Discipline Committee’s Rules of Procedure (a copy of which is available to you upon request) for the purpose of deciding whether you are guilty of professional misconduct.

**AND FURTHER TAKE NOTICE THAT** a hearing will be held before a panel of the Discipline Committee of the College of Optometrists of Ontario on a date to be set at the Pre-Hearing Conference on the date to be determined at 65 St. Clair Avenue East, Suite 900, Toronto, Ontario.

**AND FURTHER TAKE NOTICE THAT** at the hearing a panel of the Discipline Committee will do the following:

1. Consider the allegations of professional misconduct;
2. Make its findings based exclusively on evidence admitted before it; and
3. Determine whether in respect of the allegations you have committed an act or acts of professional misconduct.

**AND FURTHER TAKE NOTICE THAT** pursuant to subsections 51(2) of the Code, if the Panel finds you guilty of professional misconduct, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke your certificate of registration.
2. Directing the Registrar to suspend your certificate of registration for a specified period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.

4. Requiring you to appear before the panel to be reprimanded.
5. Requiring you to pay a fine of not more than \$35,000 to the Minister of Finance.

**AND FURTHER TAKE NOTICE THAT** pursuant to section 53.1 of the Code if the Panel finds you guilty of professional misconduct the Panel may make an Order requiring you to pay all or part of the College's legal costs and expenses incurred in investigating this matter and conducting the hearing.

**AND FURTHER TAKE NOTICE THAT** you are entitled to be represented by counsel at the said Hearing and to call witnesses and to adduce evidence in answer to the allegations set out in this Notice of Hearing.

**AND FURTHER TAKE NOTICE THAT** a member whose conduct is being investigated in proceedings before the Discipline Committee is entitled to certain disclosure of evidence pursuant to section 42 of the Code. To facilitate that process, you or your lawyer may contact directly the lawyer for the College of Optometrists of Ontario. The College's lawyer in this matter is:

Andrew M. Porter  
Lenczner Slaght Royce Smith Griffin  
Barristers  
Suite 2600  
130 Adelaide Street West  
Toronto ON M5H 3P5  
Tel: (416) 865-3554  
Fax: (416) 865-3732  
Email: [aporter@litigate.com](mailto:aporter@litigate.com)

**AND FURTHER TAKE NOTICE THAT** if you do not attend at the Pre-Hearing Conference on the date above, or on any subsequent date fixed by the Discipline Committee, the panel of the Discipline Committee may proceed in your absence and you will not be entitled to any further notice.

**AND FURTHER TAKE NOTICE** that the College intends to introduce any writings and/or records that were made in the usual and ordinary course of business as business records under section 35 of the Evidence Act, R.S.O. 1990, c. E.23, as amended.

DATED at Toronto, Ontario this 12<sup>th</sup> day of June, 2019.

**COLLEGE OF OPTOMETRISTS  
OF ONTARIO**

65 St. Clair Avenue East  
Suite 900  
Toronto ON M4T 2Y3

(Signed)

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**Paula L. Garshowitz, O.D.**  
**Registrar**

**LENCZNER SLAGHT ROYCE  
SMITH GRIFFIN LLP**

Barristers  
Suite 2600  
130 Adelaide Street West  
Toronto ON M5H 3P5

Andrew M. Porter (62336P)

Tel: (416) 865-3554  
Fax (416) 865-3732  
Email: [aporter@litigate.com](mailto:aporter@litigate.com)

TO: Kashif Zoberi

**Schedule "A"**

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.

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**DR. KASHIF ZOBERI**

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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 1199/94 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 above allegations are set out in Schedule “A” of this Notice of Hearing.

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3. Directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Requiring you to appear before the panel to be reprimanded.
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Andrew M. Porter  
Lenczner Slaght Royce Smith Griffin  
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Suite 2600  
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Toronto ON M5H 3P5  
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DATED at Toronto, Ontario this 12<sup>th</sup> day of June, 2019.

**COLLEGE OF OPTOMETRISTS  
OF ONTARIO**

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Suite 900  
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(Signed)

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**Dr. Paula Garshowitz**  
**Registrar**

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Barristers  
Suite 2600  
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TO: Kashif Zoberi

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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.