

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

B E T W E E N:

THE COLLEGE OF OPTOMETRISTS OF ONTARIO

-AND-

DR. CASEY TEPPERMAN

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 failed to refer Patient X to another professional whose profession is regulated under the *Regulated Health Professions Act, 1991* when you recognized or should have recognized a condition of the eye or vision system that appeared to require such a referral contrary to paragraph 1.11 of Ontario Regulation 119/94, in that you failed, between April, 2008 and October, 2016, to refer Patient X to an ophthalmologist for investigation with respect to a raised nevus found on Patient X’s iris;
- (b) You failed to maintain the standard of practice of the profession contrary to paragraph 1.14 of Ontario Regulation 119/94, in that you failed, between April, 2008 and October, 2016 to diagnose, appropriately record, adequately monitor, and/or refer Patient X to an ophthalmologist for further investigation of an iris nevus;
- (c) You failed to make or maintain Patient X’s health record in accordance with applicable standards, in that you did not record Patient X’s complete health and oculo-visual history between April, 2008 and October, 2016, including with respect to the finding of an iris nevus, nor any clinical findings with respect to the iris nevus, despite conducting numerous ocular examinations of Patient X, contrary to paragraph 1.24 and Part IV, ss. 10(2)(4) and (6), Ontario Regulation 119/94; and
- (d) You engaged in conduct or performed acts that, having regard to all the circumstances, would reasonably be regarded by members of the profession as

disgraceful, dishonourable, unprofessional or unethical contrary to paragraph 1.39 of Ontario Regulation 119/94, in that you engaged in the conduct set out above at paragraphs (a) through (c).

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. Requirement 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
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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 15th day of August, 2018.

**COLLEGE OF OPTOMETRISTS
OF ONTARIO**

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

(Signed)

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

**LENCZNER SLAGHT ROYCE
SMITH GRIFFIN LLP**

Barristers
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Andrew M. Porter (62336P)

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TO: Dr. Casey Tepperman

Schedule "A"

1. Patient X was a patient of Dr. Tepperman's colleague from 2003 to 2008, during which period the colleague monitored and recorded, on a regular basis, a nevus found on Patient X's left iris.
2. Dr. Tepperman's colleague subsequently left the practice.
3. Dr. Tepperman first saw Patient X on April 19, 2008, at which time a new history form was completed. There is no mention of an iris nevus on Patient X's left eye in that document.
4. Dr. Tepperman saw Patient X on the following dates:
 - (a) April 19, 2008
 - (b) August 22, 2008
 - (c) January 8, 2011
 - (d) March 10, 2012
 - (e) March 6, 2013
 - (f) April 6, 2013
 - (g) August 26, 2013
 - (h) December 1, 2014
 - (i) December 7, 2015
 - (j) October 17, 2016.
5. During these encounters Dr. Tepperman performed a number of comprehensive eye examinations, adjusted prescriptions for Patient X's spectacles and, latterly, monitored the development of Patient X's cataracts.
6. With the exception of a cursory note regarding the March, 2012 encounter, Dr. Tepperman's patient health records for Patient X do not record the diagnosis, presentation, or monitoring of any changes to the nevus present on Patient X's left iris.
7. At the October 2016 encounter, at Patient X's request, Dr. Tepperman made a referral to two ophthalmologists for an assessment of Patient X's suitability for cataract surgery.
8. Thereafter, Patient X was diagnosed by one of the ophthalmologists with a "large 3.8 x 3.0 mm elevated iris nevus at 3 o'clock; smaller 0.5 x 0.5 nevus at 6 o'clock." The ophthalmologist immediately referred Patient X to Princess Margaret Hospital for testing.

9. On December 6, 2016 Patient X was assessed by ocular oncologists at the Princess Margaret Hospital and diagnosed with iris melanoma.