

**DISCIPLINE COMMITTEE OF  
THE COLLEGE OF OPTICIANS OF ONTARIO**

B E T W E E N:

COLLEGE OF OPTICIANS OF ONTARIO

- and -

RHONDA SIMMIE SHADLYN

**NOTICE OF HEARING**

**THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF OPTICIANS OF ONTARIO** (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26(1)1 of the *Health Professions Procedural Code* (the “Code”) which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this Notice of Hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Code* for the purposes of deciding whether the allegations are true.

**THE HEARING WILL BE HELD** before a panel of the Discipline Committee (the “Panel”) at a place, date and time to be determined by the Registrar of the College or their designate. You may have a representative appear on your behalf.

**SUBSECTION 51(2) OF THE CODE PROVIDES THAT** if the Panel finds that you have committed 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 \$35,000.00, to the Minister of Finance;

6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Code; and/or
7. If the Panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts you may be required to reimburse under the order under paragraph 6.

**PURSUANT TO SECTION 53.1 OF THE CODE**, in an appropriate case, if the Panel finds that you committed professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. The College's legal costs and expenses;
2. The College's costs and expenses incurred in investigating the matter; and
3. The College's costs and expenses incurred in conducting the hearing.

**YOU ARE ENTITLED TO KNOW** what evidence against you the College has or knows about. The initial disclosure has been served with this Notice of Hearing. To communicate with the lawyers for the College, please contact:

**Natasha S. Danson**  
Steinecke Maciura LeBlanc  
Barristers & Solicitors  
401 Bay Street, P.O. Box 23  
Suite 2308  
Toronto, ON M5H 2Y4

Telephone: (416) 583-2550  
Facsimile: (416) 593-7867  
Email: [ndanson@sml-law.com](mailto:ndanson@sml-law.com)

**YOU MUST ALSO MAKE** disclosure in accordance with section 42.1 of the *Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

**IF YOU PREFER TO COMMUNICATE** with the College in French or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

**IF YOU DO NOT ATTEND THE HEARING IN PERSON OR IF YOU ARE NOT REPRESENTED BY SOMEONE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.**



Date: December 16, 2022

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**Fazal Khan**  
Registrar and CEO  
College of Opticians of Ontario

**TO: RHONDA SIMMIE SHADLYN**  
Roshad Optical  
6476 Main Street  
Whitchurch-Stouffville, ON L4A 5Z4

## STATEMENT OF SPECIFIED ALLEGATIONS

### The Registrant

1. At all material times, Rhonda Simmie Shadlyn (the "Registrant") was a registered optician in Ontario. The Registrant owns and works at Roshad Optical, currently located in Stouffville, Ontario (the "Clinic").

### Client A and Family

2. Between approximately 2016 and 2018, Client A and/or his family attended at the Clinic on at least three (3) occasions.
3. It is alleged that the Registrant issued approximately fifteen (15) receipts indicating that she issued "lenses" and frames to Client A and/or his family, when in fact Client A and/or his family purchased non-prescription sunglasses from the Registrant.
4. It is alleged that the Registrant subsequently re-wrote the receipts described in paragraph 3 above and submitted them to Client A's insurer in or about 2020.
5. Despite including information about the lenses, the Registrant did not obtain a valid prescription for Client A and/or his family.
6. It is further alleged that the Registrant failed to keep records as required for Client A and/or his family, including by doing one or more of the following:
  - a. Failing to obtain and retain a copy of a valid prescription; and/or
  - b. Failing to record patient history, prescription details, the identity of the optician who performed various tasks, an ongoing management plan and/or other required information in the patient record; and/or
  - c. Failing to maintain records in a manner that ensures that a patient or investigator has access to the records, including by being unable to locate at least two (2) documents in the patient record; and/or
  - d. Failing to ensure that personal health information is retained, transferred and disposed of securely and in accordance with privacy legislation, including by storing patient records in a disorganized and unsecured manner.

### Client B

7. On or about March 3, 2021, Client B, an undercover investigator posing as a client, attended at the Clinic and advised the Registrant that he wanted to purchase non-prescription sunglasses.
8. It is alleged that Registrant duplicated the prescription from Client B's eyeglasses.
9. It is alleged that the Registrant issued approximately two (2) receipts indicating that she dispensed "lenses" and frames to Client B, when in fact Client B purchased non-prescription sunglasses from the Registrant.

10. It is alleged that the Registrant included a "prescription" or information relating to a prescription on the receipts described in paragraph nine (9) above.
11. It is further alleged that the Registrant failed to keep records as required for Client B, including by doing one or more of the following:
  - a. Failing to note the duplication of a prescription; and/or
  - b. Failing to include patient history, the identity of the optician who performed various tasks, an ongoing management plan, and/or other required information; and/or
  - c. Failing to maintain clear and legible financial records; and/or
  - d. Failing to ensure that personal health information is retained, transferred and disposed of securely and in accordance with privacy legislation, including by storing patient records in a disorganized and unsecured manner.
12. It is alleged that the receipts issued by the Registrant are records related to her practice.

#### **Allegations of Professional Misconduct**

13. As a result of the above, it is alleged that the Registrant engaged in the following acts of professional misconduct as set out in section 1 of Ontario Regulation 828/93:
  - a. She contravened a standard of practice of the profession (paragraph 2), including Standard 2: Professional Conduct and/or Standard 5: Record Keeping;
  - b. She falsified a record relating to her practice (paragraph 21);
  - c. She signed or issued, in her professional capacity, a document that she knows or ought to know contains a false or misleading statement (paragraph 23);
  - d. She submitted an account or charge for services that she knows or ought to know is false or misleading (paragraph 24); and/or
  - e. She engaged in conduct or performed an act, in the course of practicing opticianry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional (paragraph 28).

**APPENDIX**

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

DISCIPLINE COMMITTEE OF  
THE COLLEGE OF OPTICIANS  
OF ONTARIO

**NOTICE OF HEARING**

**STEINECKE MACIURA LEBLANC**

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Lawyers for the College of Opticians  
of Ontario