

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

B E T W E E N :

COLLEGE OF OPTICIANS OF ONTARIO

- and -

REGAN MITCHELL

**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 as Schedule “A”. 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**. 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 the member 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:

**Anastasia- Maria Hountalas**  
Steinecke Maciura LeBlanc  
Barristers & Solicitors

401 Bay Street  
Suite 2308, P.O. Box 23  
Toronto, ON M5H 2Y4

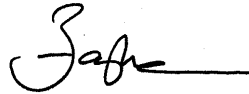
Direct: (416) 644-4781  
Fax: (416) 593-7867  
Email: [ahountalas@sml-law.com](mailto:ahountalas@sml-law.com)

**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  
College of Opticians of Ontario

**TO: REGAN MITCHELL**  
Phoenix/Mitchell Optical  
3460 Petawawa Blvd, Unit 2  
Petawawa, ON, K8H 1X3

**STATEMENT OF SPECIFIED ALLEGATIONS  
REGAN MITCHELL**

**The Registrant**

1. At all material times, Regan Mitchell (the “Registrant”) was a registered optician in Ontario.
2. The Registrant holds a Refraction Designation from the College.

**Refraction and Dispensing**

3. On or about April 24, 2013, the Registrant signed an undertaking to the College agreeing not to dispense optical appliances without a prescription from an optician or physician (the “undertaking”).
4. It is alleged that between in or about May 2013 and 2021, the Registrant routinely performed refractions on patients contrary to the undertaking and/or the required criteria for refraction by doing one or more of the following:
  - a. When the Registrant determined that the results of a refraction were “normal”, he dispensed optical appliances to the patient on the basis of his refractions without a prescription, authorization and/or referral from an authorized prescriber; and/or
  - b. When the Registrant determined that the results of a refraction were “abnormal”, he referred the patient to an ophthalmologist without providing a copy of the results of the refraction.

**Record Keeping**

5. It is further alleged that between in or about May 2013 and 2021, the Registrant failed to retain a copy of invoices and/or receipts for services and/or optical appliances as required.

**Allegations of Professional Misconduct**

6. 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 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991* and pursuant to one or more of the following paragraphs of section 1 of Ontario Regulation 828/93:
  - a. Paragraph 2 (Contravening a standard of practice of the profession, more particularly the standards on refraction and/or record keeping in force at the time);
  - b. Paragraph 26 (Contravening any provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, more particularly, section 5(1) of the *Opticianry Act, 1991*); and/or
  - c. Paragraph 28 (Engaging in conduct or performing 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).

**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.

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DISCIPLINE COMMITTEE OF THE  
COLLEGE OF OPTICIANS  
OF ONTARIO

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**NOTICE OF HEARING**

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**STEINECKE MACIURA LEBLANC**

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**Anastasia-Maria Hountalas**

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Lawyers for the College of Opticians  
of Ontario