

the other parties present including Dr. Cantrup. The hearing remained open to the public as there were no requests made by either Counsel to close the hearing.

4. Following the joint submission, the Panel made findings of misconduct against the Member and then imposed their order on penalty. These are the reasons in support of that order.

II. The Allegations of Misconduct

5. The allegations against Dr. Cantrup as stated in the **Notice of Hearing** were as follows:

1. You committed an act or acts of professional misconduct as provided by section 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, and as set out by section 1 (1) of O.Reg. 119/94, as amended, under the Optometry Act, 1991, S.O. 1991, c.35, in that:

- a) You failed to abide by a written undertaking given by you to the College and/or a Committee, and/or failed to carry out an agreement entered into with the College and/or a Committee, contrary to paragraph 35 of O.Reg 119/94, section 1(1); and
- b) You engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional and/or unethical, contrary to paragraph 39 of O.Reg. 119/94, section (1)1.

6. Dr. Cantrup pleaded guilty to the allegations as detailed in the Notice of Hearing. Her admission was confirmed by the Chair to be voluntary, informed and unequivocal by way of an oral plea inquiry.

III. Member's Plea

7. The Member admitted the allegation of misconduct as set out in the Notice of Hearing.
8. The Panel conducted an oral plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

IV. Agreed Statement of Facts

9. There was an **Agreed Statement of Facts** presented by counsel as Exhibit 2 in support of the Member's plea. Both parties agreed that the facts set out in the paragraphs below reflect an accurate statement of the facts with respect to the allegations outlined in the Notice of Hearing.
10. Dr. Cantrup was found by the Quality Assurance Committee (QAC) of the College of Optometrists of Ontario, upon practice assessment and re-assessment, to have deficiencies with respect to her practice. The deficiencies identified related to: (a) binocular testing; and (b) patient management, including record-keeping.

11. The QAC notified Dr. Cantrup of these issues by way of letter dated December 17, 2012, and required her to undergo remediation activities as a result.
12. As of September 16, 2013, Dr. Cantrup had failed to engage in the remediation activities required by the QAC and on the same date, she signed an undertaking for the purposes of ensuring that she complete the remediation activities required of her by the QAC, as contemplated in December 17, 2012 letter referenced above.
13. The undertaking required Dr. Cantrup to do the following:
 - i) Obtain a practice coach, approved by the College, within 30 days of the execution of the undertaking. (this would have been by October 16, 2013)
 - ii) Ensure delivery to the College of the Practice Coach's signed undertaking within 60 days of the execution of the undertaking. (this would have been by November 16, 2013)
 - iii) Ensure delivery to the College of a draft coaching program for approval by the Registrar. (this would have been by November 16, 2013)
 - iv) Complete the remedial program, as contemplated by the QAC, within six months of the Registrar's approval of the remedial program.
14. In the same undertaking, Dr. Cantrup also acknowledged that "I have, to date, failed to cooperate with the decision of the QAC, including its decision regarding the engagement of remediation with a Quality Assurance Coach, and such other requirements, as set out in the College's letter to me dated December 17, 2012." In addition, Dr. Cantrup acknowledged that "A breach of any term of this Undertaking may constitute an act of professional misconduct and may result in the referral of the specified allegations to the Discipline Committee of the College".
15. On January 8, 2014, the Practice Coach advised the College that there had been no contact from Dr. Cantrup as of that date, however on January 9, 2014, the Practice Coach received the signed, draft coaching plan, and this was approved by the Registrar on January 15, 2014.
16. On January 15th, 2014, the Registrar wrote to Dr. Cantrup, advising that the coaching plan had been approved and advised her that she would be expected to abide by all terms and deadlines specified in the above-referenced undertaking.
17. On October 16, 2014, Dr. Cantrup wrote to the College, advising the College of the circumstances that had prevented her from satisfying the terms of the September 16, 2013 undertaking.
18. Further mitigating circumstances presented in the Agreed Statement of Facts included:

- a) She is a mother of three young children who suffers from significant [REDACTED] health issues, financial stressors, and the stress associated with [REDACTED] proceedings, along with the stress relating to her regulatory and legal problems with the College.
- b) Dr. Cantrup has acted responsively and cooperatively in this prosecution.
- c) The focus in this matter is on remediation rather than punishment.

19. All letters of correspondence and undertakings were filed as exhibits in the Agreed Statement of Facts.

V. Finding

20. After reviewing the Agreed Statement of Facts and submissions from both Counsel, the Panel unanimously found that the facts set out in the Agreed Statement of Fact proved that Dr. Cantrup was guilty of professional misconduct as set out in the Notice of Hearing. Dr. Cantrup failed to abide by a written undertaking given to her by the College and Dr. Cantrup engaged in conduct that having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional and/or unethical.

VI. Joint Submission on Penalty

21. Counsel for the College and Counsel for the Member made a Joint Submission on Penalty.

22. The Joint Submission on Penalty follows:

- a) The member shall be required to appear before the Discipline Committee and be reprimanded;
- b) The Terms, Conditions, and Limitations, as attached to this Joint Submission on Penalty as Schedule "A", shall be imposed on the member's Certificate of Registration until such time as the obligations imposed upon the member are satisfied;
- c) The member shall pay costs to the College in the amount of \$5,000, due within 30 days of the date that the Discipline Committee renders its decision in this matter; and
- d) The terms of the above penalty shall be included in the Register of the College and shall be full accessible to the public.

23. Schedule A components include a Remediation Activities Program followed by a Remediation Activities Program Reassessment. The Program pertains to BV testing, patient management and record-keeping which commences with 25 charts selected at the discretion of the Registrar with specific deadlines for the commencement and completion of the program. Dr. Cantrup is obligated to ensure that both an interim report and final report prepared by herself and signed by the Practice Coach are completed in accordance with defined stipulations and deadlines. The

Reassessment will involve a selection of a further 25 charts for review by an assessor designated by the Registrar.

24. The Schedule also lays out details of Dr. Cantrup's obligation to advise the College of non-compliance. Consequences of Dr. Cantrup's failure to satisfy these obligations will result in an indefinite suspension of Dr. Cantrup's Certificate of Registration until such time as her obligations under both the Remediation Activities Program and Remediation Activities Program Reassessment are satisfied. The Registrar will have the discretion, to be exercised reasonably, to determine whether reasons for Dr. Cantrup's failure to meet any terms should excuse her from an indefinite suspension or other sanctions.

VII. Submissions on Penalty

a) College's Submissions

25. Mr. Moher made submissions about why the Joint Penalty Submission was appropriate in the circumstances of this case. He submitted that the Panel should consider that there are two phases to the submitted penalty; phase I including coaching activities within a set time frame and phase II including obligations. He submitted that the joint penalty submission was not intending to be punitive and that results of the remedial program will remain separate to the fulfillment of the obligations of the Discipline penalty.

b) Member's Submissions

26. Mr. Wilton made submissions with respect to the appropriate penalty and reminded the Panel that the Joint Penalty Submission came about after much consideration and discussion between Mr. Moher representing the College, himself representing Dr. Cantrup and Dr. Marlee Spafford, the Discipline Committee Chair at the pre-hearing conference. All parties involved believe the Joint Submission meets the purposes of:
1. The protection of the public;
 2. The specific deterrence of the member from this type of conduct; and
 3. The general deterrence to ensure that other members of the profession will not engage in conduct of this nature.
27. Following a question from the Panel, Mr. Moher again clarified that the Terms, Conditions, and Limitations do not contemplate sanctions solely based on the results of the clinical reviews of assessments. Concerns about Dr. Cantrup's clinical abilities, if serious enough, will be dealt with by other means separate from the Terms, Conditions, and Limitations that were being proposed by both the College and Dr. Cantrup, and are outside the scope of any penalty that is being put before the Discipline Committee. This is also outlined in both the Agreed Statement of Facts and the Joint Submission of Penalty.

c) Independent Legal Counsel's Advice

28. Independent Legal Counsel for the panel, Mr. Mendicino, was asked for advice by the Panel prior to their recess to consider the penalty. He submitted that the Panel should not vary from the Joint Penalty Submission unless the proposed penalty was so far outside the range of appropriate penalties that it would create a miscarriage of justice.

VIII. Order and Reasons on Penalty and Costs

29. For the reasons that follow, the Panel unanimously accepted the Joint Penalty Submission and concluded that it would constitute a fit and appropriate order in all of the circumstances.
30. The Panel found that specific deterrence, general deterrence and the public interest are all served by the penalty. The penalty is appropriate to the nature of the professional misconduct while protecting the public and preserving the public's confidence in the profession and maintaining high professional stands.
31. Dr. Cantrup's specific deterrence is created by the public and member accessibility to the case. The consequence of indefinite suspension if the terms, conditions and limitations are not met also serve as strong, specific deterrence to the Member ideally ensuring that she will not engage in professional misconduct again.
32. The financial Penalty ordered in accordance with the Panel's authority under s.53.1 of the Health Professions Procedural Code, Schedule 2 under *Regulated Health Professions Act*. The Panel found that the \$5,000 costs order is significant with respect to Dr. Cantrup's mitigating circumstances as it includes costs ordered, in addition to the costs incurred by the member for the process of rehabilitation. Cost in addition to the public and member accessibility to the case were found to provide appropriate deterrence to other members of the profession from engaging in similar misconduct.
33. The Panel found that the public is protected by minimizing the potential of recurrence through the issue of reporting obligations and consequences; and further by mandating Dr. Cantrup, who was originally found deficient in professional skills, to complete the outlined Remediation Activities Program and subsequent Reassessment.
34. At the conclusion of the hearing, Dr. Cantrup waived her right of appeal and proceeded to receive the reprimand from the Discipline Panel.

Dated this 29 day of July 2015 at Oakville, Ontario.

(signed)

Dr. Margaret Armstrong, Chair

TEXT of PUBLIC REPRIMAND
Delivered on June 15, 2015
In the case of the
College of Optometrists of Ontario and Dr. Petra Cantrup

Dr. Cantrup: You have been found guilty of professional misconduct as you have failed to abide by a written undertaking given to you by the College. You have acted in an unprofessional manner.

We expect that going forward you will reinstate your respect for the authority of this College in fulfilling its mandate of public protection. We would also encourage you to improve communication with the College.

We expect you to follow through with the terms, conditions and limitations that you have undertaken today.