

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

B E T W E E N:

THE COLLEGE OF OPTOMETRISTS OF ONTARIO

-AND-

DR. ERROL L. NORONHA

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. Dr. Errol Noronha committed an act or acts of professional misconduct as provided by paragraph 51(1)(c) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, C.18, and defined in the following paragraphs of Ontario Regulation 119/94 and as set out in the particulars at Schedule "A":
 - a. paragraph 1.1 contravened a term, condition or limitation to which the member's certificate of registration is subject;
 - b. paragraph 1.36 contravened by act or omission, the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and
 - c. paragraph 1.39 in that he engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

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, S.O. 1991, c.18 and the Discipline Committee’s Rules of Procedure for the purpose of deciding whether you committed an act or acts 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.

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 subsection 51(2) of the Code, if the Panel finds you committed an act or acts 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 committed an act or acts of professional misconduct the Panel may make an Order requiring you to pay all or part of the College's legal costs and 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:

Julia Martin Law
440 Laurier Avenue West, Suite 200
Ottawa ON
K1R 7X6

Tel: (613)513-6735
Email: julia@juliamartinlaw.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.

DATED at Toronto, Ontario this 28 day of November, 2024.

**COLLEGE OF OPTOMETRISTS
OF ONTARIO**

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



**Joe Jamieson, M.Ed, OCT
Registrar and Chief Executive
Officer**

TO: Dr. Errol L. Noronha



Schedule “A”

1. At all material times, Dr. Errol Noronha was an optometrist duly registered with the College of Optometrists of Ontario.

Failure to Undergo Practice Assessment and Failure to Respond to College

2. In or about 2021, the College determined that Dr. Noronha had failed to complete the Continuing Education requirements for the three-year period from 2018 to 2020. The College therefore notified him that he was required to complete a practice assessment and pay the associated fee of \$5,650.00 by February 15, 2022.
3. Dr. Noronha failed to respond to any of the College’s numerous attempts to contact him via various methods (e.g., emails, regular mail, registered mail, in-person delivery) and he failed to pay the fee.
4. On or about November 27, 2023, the College suspended Dr. Noronha’s certificate of registration administratively due to non-payment of the Continuing Education deficiency fee.
5. In or about November, the Quality Assurance Committee (“QAC”) decided to direct the Registrar to place terms, conditions and limitations (“TCLs”) on Dr. Noronha’s certificate of registration if and when his administrative suspension was lifted because he still had not completed the practice assessment.
6. On or about January 10, 2024, Dr. Noronha paid the practice assessment fee of \$5,650.00, which lifted his administrative suspension. However, his certificate of registration was immediately suspended again, starting on January 10, 2024, for a period of six (6) months as per the TCLs directed by the QAC.
7. The deadline to submit patient files for the practice assessment was April 15, 2024. Dr. Noronha failed to ever submit the patient files as required. In addition, he failed to respond to the College when staff sent reminders about this requirement.
8. The QAC decided to direct the Registrar to again place TCLs on Dr. Noronha’s certificate of registration once the initial TCLs expired on July 10, 2024, to suspend his certificate of registration until he completes the practice assessment.
9. Dr. Noronha has not completed the practice assessment to date.

Practising while Certificate of Registration under Suspension

10. From in or about November 27, 2023, to in or about January 4, 2024, Dr. Noronha practised optometry at Glazier Opticians in Oakville, Ontario, while his certificate of registration was under suspension. In particular, Dr. Noronha provided eye examinations and other optometric services to the patients as set out at Schedule 1 to the Notice of Hearing.

Professional Misconduct

11. It is alleged that Dr. Noronha failed to comply with the following provisions:

- a. subsection 26(1) of Ontario Regulation 119/94 made under *the Optometry Act, 1991*, S.O. 1991 c. 35, by failing to comply with the College's mandatory continuing education program;
- b. subsection 27(1) of Ontario Regulation 119/94, by failing to comply with the requirement to undergo a practice assessment; and
- c. subsection 82(1) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991 c.18 (the "Code"), by failing to cooperate with the QAC as required.

12. Dr. Noronha committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code and defined in the following paragraphs of Ontario Regulation 119/94:

- a. paragraph 1.1 contravened a term, condition or limitation to which the member's certificate of registration is subject.
- b. paragraph 1.36 contravened by act or omission, the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
- c. paragraph 1.39 engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

Schedule 1

Patient	Date seen by Dr. Noronha
1. S.R.	November 27, 2023
2. W.S.	November 27, 2023
3. S.D.	November 28, 2023
4. S.W.	November 28, 2023
5. A.V.	November 29, 2023
6. T.L.	November 29, 2023
7. P.T.	November 30, 2023
8. L.H.	November 30, 2023
9. S.D.	December 4, 2023
10. S.H.	December 4, 2023
11. I.B.	December 5, 2023
12. M.C.	December 5, 2023
13. A.C.	December 7, 2023
14. C.H.	December 7, 2023
15. D.D.	December 8, 2023
16. N.A.	December 8, 2023
17. M.H.	December 9, 2023
18. J.K.	December 9, 2023
19. Y.A	December 11, 2023
20. J.C.	December 11, 2023
21. S.N.	December 12, 2023
22. S.N.	December 12, 2023

23. J.M.	December 19, 2023
24. D.B.	December 19, 2023
25. S.D.	December 20, 2023
26. E.F.	December 20, 2023
27. J.M.	December 21, 2023
28. U.K.I.	December 21, 2023
29. R.P.	December 22, 2023
30. D.P.	December 22, 2023
31. M.M.	December 23, 2023
32. I.H.	December 23, 2023
33. K.C.	December 27, 2023
34. T.I.	December 27, 2023
35. S.S.	December 27, 2023
36. D.F.B.	December 28, 2023
37. C.M.B.	December 28, 2023
38. J.R.	December 28, 2023
39. L.W.	January 2, 2024
40. R.A.	January 2, 2024