



**College of
Chiropodists
of Ontario**

**PROFESSIONAL REGULATION
IN THE
PUBLIC INTEREST**

ANNUAL REPORT 2006

COLLEGE OF CHIROPODISTS

MISSION STATEMENT

The College of Chiropractors of Ontario regulates Chiropractors and Podiatrists in the public interest. The College ensures that the public receives competent care from Chiropractors and Podiatrists by:

- Regulating the practice of the profession and governing the members in accordance with the Chiropractic Act, the Regulated Health Professions Act and the regulations and by-laws
- Establishing standards of practice
- Establishing educational requirements for entry to practice and continuing competence
- Addressing concerns from the public

Educating and providing information to the public about Chiropractic and Podiatry

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College Council

President

Bruce Ramsden, Podiatrist

Vice President

Norm Kew, Chiropodist

Elected Members

Sally Ciona, Chiropodist (from Sept. 2005)
Allen Frankel, Podiatrist (from Sept. 2003)
Anna Georgiou, Chiropodist (from Sept. 2004)
David Greenberg, Podiatrist (from Sept. 2002)
J. Craig Hunt, Chiropodist (from 2001)
John Infanti, Chiropodist (from 2002)
Norm Kew, Chiropodist (from Sept. 2000)
Julie Levesque-DeSimone, Chiropodist (from 2000)
Bruce Ramsden, Podiatrist (from 2001)

Academic Members

Steven Cassel, Chiropodist (from 2001)
Meera Narenthiran, Chiropodist (from 2006)

Public Members

Norm Baker (from 2000)
Karlene Harry (from 2005)
Ray Ferraro (from 05/05)
Wilhelmina Gonzales (from 09/05)
Dan Houssar (from 2003)

Non-Council Committee Members

Sarah Kerwin, Chiropodist
Sylvia Kovari, Chiropodist
Kim Resmer, Chiropodist
Giovanna Riolo, Chiropodist
Stuart Sackman, Podiatrist

Other Committee Members

Meera Narenthiran, Chiropodist (from 2006)
Sylvia Kovari, Chiropodist (from 2003)
Anamelva Revoredo, Chiropodist

College Staff

Registrar

Felecia Smith

Complaints Officer

Marilyn Bartlett

Executive Assistant and Membership Coordinator

Sharon Cole

College Advisors

Legal Counsel..... Alan Bromstein

Auditor..... Clarke Henning LLP

THE YEAR 2006 IN REVIEW

Joint Report from the President and Registrar

In December, 2005, the Executive met with Brendan Walsh, HRDC, and Brendan Bennett, Consortium Chair from Nova Scotia, who both provided a presentation and an update regarding AIT. The committee is now in the process of completing an exhaustive list of competencies and meeting with educators from Britain, USA, and Canada to gain their co-operation in completing an assessment of competencies and evaluating their education. The steering committee is scheduled to meet some time in the spring to assess, discuss and proceed with the AIT process.

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Bruce Ramsden and Norm Kew attended a Steering Committee meeting in Vancouver, B.C. on March 25 and 26, 2006. The purpose of the meeting was to assess and discuss further procedures on the AIT process and to prepare information that will be circulated to professional associations, regulatory colleges and educational institutions. At the conclusion of the meeting, Mr. Ramsden and Mr. Kew were provided with a lengthy document in questionnaire format outlining all the competencies that could be performed by Chiropractors and Podiatrists. Bruce Ramsden will be responsible for completing the forms from a podiatry perspective, and Norm Kew and Craig Hunt will complete the forms from a chiroprody perspective. Bruce completed the forms.

Drugs

Mr. Bromstein responded saying that the Ministry has indicated that they want the College to respond to the OMA's letter indicating that they are incorrect with respect to the training for chiropractors and to their understanding of diagnosis. It is imperative that the college respond to the OMA. If the Ministry indicates that they are only prepared to move forward with half of the drug regulation, then that matter will come back to Council for its determination. Mr. Bromstein believes that the Ministry will not say that they are only prepared to move forward with half the drug regulation.

The College has received correspondence from the OMA relating to the drug regulation. The Registrar will be speaking with the Ministry to discuss and seek further direction. We continue to view this issue of paramount importance and will keep Council updated as more information comes available.

Referral

I am writing on behalf of the College of Chiropractors of Ontario (the "College") to officially request a referral to the Health Professions Regulatory Advisory Council ("HPRAC") pursuant to section 12 of the *Regulated Health Professions Act, 1991* ("RHPA").

The College strongly believes that it is in the public interest to move from a chiropody model of foot care as manifested by the *Chiropody Act, 1991* to a podiatry model of care. Such a model would be consistent with the foot care delivery models now in place in all Canadian provinces where foot specialists are regulated, as well as in the United States of America and Mexico. It also represents the model currently being used or adopted in the United Kingdom and countries such as Australia, New Zealand, South Africa and several European countries. The model would be better able to respond to Ontarians' demands and expectations for quality footcare and permit the mobility of practitioners into Ontario to ensure an adequate supply of trained professionals. The proposal is supported by both the Ontario Society of Chiropractors and by the Ontario Podiatric Medical Association.

Create a working group of Council composed of Julie Levesque-DeSimone, Anna Georgiou, Norm Baker and Bruce Ramsden to address concerns raised about the submission. The working group's first task is to determine what aspects of the submission are not factual and to propose solutions to Council to address those concerns by March 1, 2006.

All in favour: Unanimous

Anna Georgiou reported that she received input on the Footwear Standard from the OPMA, OSC and Council member Sally Ciona. Their suggestions have been incorporated into the draft Footwear Standard. Ms. Georgiou has reviewed journals and other relevant information pertaining to the standard. She would also like to circulate the draft Footwear Standard to the membership for their input.

MOTION

Moved by: Anna Georgiou

Seconded by: John Infanti - TO -

Accept the Prescription Footwear Standard as amended.

All in favour: Unanimous

CARRIED

Michener

Ms. Burns pointed out that the launch of the new and revised Chiropody program will be held at the Bata Shoe Museum on October 4, 2006.

There are approximately twenty-nine students who have enrolled in this year's Chiropody program. Ms. Burns said the program has been designed to accept a maximum of thirty-two students for September 2007. The curriculum development is progressing on schedule. Ms. Burns commented on the pharmacology course, adding that the Michener has retained the services of a physician/pharmacologist who is developing and teaching the pharmacology course in order for the criteria to be in place for changes to the College's new drug regulation.

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During the re-design of the chiropody program, the Michener took into consideration the future of the program if it moves to a podiatry model. She said they will be able to respond expeditiously and adjust without difficulty to the program changes, which has been part of their strategy during the program redesign process.

Dr. Paul Gamble, President and CEO at the Michener Institute was invited to attend the Council meeting to provide an update on the future of the Michener Chiropody Program. Based on the history, lack of recognition, understanding and qualifications of the program, the Michener Institute and its faculty felt compelled to redesign the curriculum to address the required competencies in order for the graduates to be eligible for registration.

The chiropody program was suspended in September 2005, enabling the Michener adequate time to create a new model route.

The Michener Institute has determined that the existing prerequisites for the chiropody program are inappropriate. The program has moved to a graduate diploma which means the student must to be a graduate of a baccalaureate program before they can be admitted to the chiropody program.

The Michener decided not to restrict it purely to a B.Sc., but it will be a baccalaureate degree with contents specific credits available. The program will continue to be a 3-year academic cycle.

David Greenberg inquired about what diploma would be given at the completion of the chiropody course. Dr. Gamble advised that it would be a post-graduate diploma in chiropody.

Based upon Dr. Gamble's verbal presentation, Council anticipates no difficulty in approving the chiropody program once all the components are presented at the May 26, 2006 Council meeting.

The students are receiving more hands-on experience than in the past which gives them the opportunity to apply their training earlier on in the program. The curriculum may appear to include new content, but it actually has a mandate that is much larger than just content, it is also about preparing the type of practitioner that is able to work and thrive in today's environment. She added that there will be a certain amount of radiography training in the new curriculum at the entry level. The Michener will also be including radiography training and other diagnostic tests in a continuing education level. Continuing Education programs will become available for practising chiropodists, depending on the results of the needs-assessment analysis for the profession.

- One meeting has been held in 2006.
- Three meetings have been held since the September 30, 2005 Council meeting.
- Five new complaints have been initiated since the September 30, 2005 Council meeting.

- Ten new complaints were received in 2005. There was one complaint withdrawn.
- There continues to be 5 complaints under consideration.
 - one has been withdrawn
 - one closed – no action
 - two closed – written caution
 - one closed – oral caution
- One complaint has been received in 2006.

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- Number of meetings held in 2006: 3
- Number of meetings since last Council meeting: 2
- Number of new complaints since last Council meeting: 1
- Total number of complaints received in 2006: 4
- Number of complaints still under consideration: 5
- Manner of the disposition of complaints since last Council meeting:
 - **4 closed – no action**
 - **1 closed – written caution**

There was one discipline hearing held in November 2005. The results of that hearing is now posted on the College website.

Delegation – Working Group to be Formed

The Registrar reported that a working group is being organized to determine whether it is necessary for the College to develop a policy on delegation.

David Greenberg said that for the Podiatry members, OHIP may not pay for services rendered in their office if OHIP believes the services were delegated to a staff member. Alan Bromstein, legal counsel, added that if OHIP maintains that under the RHPA the member does not have the authority to delegate, you should ask OHIP to indicate where that is written, because OHIP is a branch of the Ministry of Health and Long-Term Care and their policy states that a professional member can delegate as long as there is no regulation prohibiting the member from doing so.

David Greenberg provided an update relating to the activities of the Delegation Committee. The committee has held several conference call meetings and have exchanged several e-mails. The committee has created a draft policy on Assignment, Orders and Delegation. The Registrar explained that there are outstanding issues relating to the policy and the committee will be addressing those issues at their next meeting.

Application for Disabled Person Parking Permit - Information

The President referred Council to the letter received from the Ministry of Transportation dated September 9, 2005, wherein they indicate that they are considering the College's request to add chiropractors and podiatrists to the list of medical practitioners who would be able to certify a Disabled Person Parking Permit.

Canadian Diabetes Educator Certification Board – Information

The Registrar reported that the chiropody/podiatry profession has been approved to be certified as a Canadian Diabetes Educator. The College has received several calls from the membership asking for clarification on the requirement of 800 hours of diabetes education. The Registrar refers the members to the Canadian Diabetes Educator Certification Board's website for clarification.

College Registration Exam - update

The President reported that David Shaw, Podiatrist will assist the College with developing a registration exam. Mr. Shaw will make arrangements with the College to organize a committee comprised of chiropractors and podiatrists.

Compression Stockings and Lymphatic Drainage – Craig Hunt

Craig Hunt reported that a conference call meeting is scheduled for October 23rd. The committee will be developing a policy for compression stockings and lymphatic drainage. Mr. Hunt said the committee welcomes and will consider any comments or suggestions from Council members.

Registration Examination - Update

The Registrar reported on the proposed College's Registration Examination. One of the concerns is finding assistance and working within a limited budget. The College has identified the Performance Assessment Group Inc. in Kingston, Ontario as specialists for developing registration examinations. They have developed and worked with several large organizations including redesigning the bar admission course for the Law Society of Upper Canada

The training for peer assessors is now complete. The committee is in the final stages of completing the self assessment tool. The website will be updated to reflect the changes to the CE program and information received from the assessors. Another follow-up QA meeting will be scheduled in mid-June. The new CE cycle for 2006-2007 has commenced and all members of the College have been mailed their package of CE material.

The committee made some significant changes to the guidelines and requirements of the CE Log program. The 10% of the membership who are randomly selected to participate in the program will no longer be required to submit documents as proof of attendance at CE programs/conferences. The members will, however, be required to complete the CE Log and submit certificates or receipts as proof of attendance. The revised CE cycle package was mailed to the randomly selected members on April 10, 2006.

Revisions have been made to the requirements under Category A and B to allow for more flexibility for the member and to offer the member a wider range of programs that will now be accepted.

Practice Assessment Program

The assessor training sessions have been completed.

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From the 2002/2003 cycle the members in the “unsatisfactory category” submitted the documents requested by the college. In the “failure to submit category,” one member submitted the required documentation, one member did not renew their membership, and three members have not responded to the College’s request for the CE material.

There was one practice assessment performed by Anna Georgiou which is now complete.

The practice assessment program will be launched in the latter part of 2006 or early 2007. There were minor changes made to the forms used in the practice assessment

College Council said they would review the OSC’s submission and offer their support in any way possible, but would not be in a position to provide legal advice. A letter will be sent in support from the College supporting the OSC’s request.

Refer to the Executive Committee for their next meeting to submit documentation to the Department of Veterans Affairs including the orthotic standard, the draft footwear standard, information that had been forwarded to Manulife to support changes in their policies regarding Chiropodists and Podiatrists as prescribers and providers of orthotics and orthopaedic footwear.

All in favour: Unanimous

The College received a letter dated September 15, 2006 from Marilyn Wang at the Ministry of Health and Long-Term Care advising that the Red Tape Reduction Act matters have been approved. This will now enable the College to amend College by-laws

Respectfully submitted,

Bruce Ramsden, D.Ch.
President

Felecia Smith
Registrar

EXECUTIVE COMMITTEE

Members

Bruce Ramsden (Podiatrist)

Norm Baker (Public Member) (to September 2006)

Ray Ferraro (from September 2006)

Dan Houssar (Public Member) (to September 2006)

Craig Hunt (Chiropractor)

John Infanti, (Chiropractor) (from September 2006)

Norman Kew (Chiropractor) (to September 2006)

Esrick Quintyn (Public Member) (from September 2006)

The Executive Committee (Committee) is a statutory committee that provides leadership to Council and makes decisions between Council meetings. It has all the powers of the Council with respect to any matter that in the Committee's opinion requires immediate attention, other than the powers to make, amend or revoke a regulation or by-law. The Registrar attends all Executive meetings. The committee deals with cases referred by the Complaints Committee and the Registrar regarding members who might be incapacitated as a result of a mental health disorder or substance abuse. The Committee also refers members to discipline as a result of professional misconduct allegations. During the year, the Committee continued to deal with matters that fell within the College's statutory objectives as outlined in the *Regulated Health Professions Act*.

In January 2006, the Executive Committee recommended to Council for approval a letter to the Minister of Health and Long Term Care requesting a referral to the Health Professions Regulatory Advisory Council ("HPRAC") pursuant to section 12 of the *Regulated Health Professions Act, 1991* ("RHPA"). The College strongly believes that it is in the public interest to move from a chiropody model of foot care as manifested by the *Chiropody Act, 1991* to a podiatry model of care. An addendum letter was also forwarded to the Minister in May 2006 in order to clarify some information that was set out in the original letter requesting the referral.

On March 25 and 26, 2006, the College President attended an AIT working meeting in British Columbia. Due to the fact that the American schools of podiatric medicine were doing an extensive review of their programs, the AIT consortium was experiencing problems completing the competency profile for each of the Provinces. The consortium believed that working group could not move forward without the American podiatric schools being involved.

The Committee began reviewing a policy dealing with assignment, orders and delegation and one dealing with the prescribing of compression stockings. The College also began formation of a working group to deal with the preparation and completion of a College registration examination. A Committee put out a request for proposals in search of an expert to act as a consultant on the examination.

The Executive Committee referred two matters to discipline and approved three s.75 notice of appointments of an investigator. The Committee assisted in the College's participation in the Allied Health Human Resources database project with the Ministry of Health and Long Term Care.

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The Executive Committee met with the Ontario Society of Chiropractors and the Ontario Podiatric Medical Association several times in order to ensure open lines of communication.

All of which is respectfully submitted

QUALITY ASSURANCE COMMITTEE

Members

Anna Georgiou, Chiropractor (Chair)
Wilhelmina Gonzales, Public Member (October 2006)
Karlene Harry (to June 2006)
Stuart Sackman, Podiatrist
Meera Narenthiran, Chiropractor
Giovanna Riolo, Chiropractor

The primary objective of the Quality Assurance Program is to provide members of the College of Chiropractors of Ontario with the opportunity to enhance their knowledge base and clinical skills so as to encourage excellence in the delivery of foot care to the public.

The following reflects the work of the committee during 2006:

Continuing Education Program

CE Log Program

The Committee completed the first phase of the random CE Log review for the 2004-2005 cycle. While most members were found to be satisfactory or better, several were unsatisfactory. Additional information has been requested from these members for the cycle ending December 31, 2005. A practice assessment will be initiated for members who do not fulfill the minimum requirements for continuing education.

Self-Assessment Tool

Members are required to complete a minimum of one self-assessment during each CE cycle and retain the completed Self Assessment Tool in their files.

Declaration of Completion

Members of the College are required to submit the Declaration of Completion confirmation in accordance with:

O.Reg. 203/94 s.29. (1) says: "A member shall maintain a record of his or her self-assessments and continuing education activities, and submit them to the College upon request."

This statement will now be incorporated on the Member's Annual Registration form.

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Practice Assessment Program

Several members from across the province have completed the practice assessor training. The practice assessment tools and check lists have been reviewed. The time line for the first cycle of the 1% random selection of members for practice assessments was completed in the Spring of 2007. The random practice assessments are continuing.

Quality Assurance Working Group

The chair of the QA committee continues to participate in the working group with QA representatives from all the regulated health professions. This includes a review of each College's QA program, the sharing of information and the organization of a National Competency Conference which is scheduled for November 1 – 3, 2007 in Toronto.

Standards of Practice Revision

The Prescription Footwear Standard of Practice was finalized and approved by Council at the September 2006 meeting. A practice working group has been created to review, amend and/or create other standards beginning with the Orthotics Standard of Practice.

Referrals from Complaints Committee

There were three new referrals to the QA committee in 2006 and consequently, three practice assessments were completed. The outcomes of these assessments are being reviewed and further action is continuing.

COMPLAINTS COMMITTEE**Members**

Sally Ciona, Chiropractor, Chair (from September 2006)

John Infanti, Chiropractor, Chair (to September 2006)

Ray Ferraro, Public Member (to September 2006)

Wilhelmina Gonzales, Public Member

David Greenberg, Podiatrist

Karen King, Public Member (from September 2006)

Kim Resmer, Chiropractor (to November 2006)

David Simard, Chiropractor (from January 2007)

Marilyn Bartlett, Complaints Officer

The mandate of the Complaints Committee is to investigate and consider complaints filed with the Registrar regarding the conduct of a member of the College. The responsibility of the committee is to conduct a thorough investigation and review of all records and documents relevant to a complaint and determine an appropriate action according to the RHPA, 1991.

In 2006, the Complaints Committee met eight times and reviewed and wrote decisions for four complaints. Eight complaint received in 2006 [Dec 30/05] were still being processed.

The Complaints Committee noted some common themes while reviewing the complaints submitted to the College. In an effort to decrease the number of complaints being submitted to the College, the Committee would like to remind members to review the Standards of Practice for patient relations, record keeping, and the prescribing and dispensing of Orthotics.

In particular the Committee reminds members of the need to:

- Conduct a full and complete examination before determining the most appropriate treatment plan for a client,
- Ensure that information submitted to insurance companies is correct (i.e. receipt issued indicating that the client has paid in full, means he/she has paid in full.)
- Ensure that orthotics are manufactured in a manner that is consistent with the College's standard of practice.

The Complaints Committee reminds members that the number of complaints received and investigated, contributes to the College's overall operational costs, which ultimately affects membership fees.

The following table outlines the number of complaints received by the College over the past 6 years:

2000	16 complaints
2001	9 complaints
2002	16 complaints
2003	17 complaints
2004	10 complaints
2005	12 complaints

Committee Activity during the past year:

	2005	2006
Total complaints received in the calendar year	11 [minus 1 withdrawn]	12
Complaints resolved in the calendar year	4	4
Carried forward to the next calendar year.	6	8
How the complaints were resolved for each calendar year.	1 withdrawn 5 closed – No action. 2 closed – written caution. 1 closed – oral caution. 1 case still pending.	<i>Complaints resolved in 2006:</i> 2 closed with a referral to QA 2 closed- No action. <i>As of May 2007, 6 additional cases resolved:</i>

	1 case from 2004 appealed to HPARB. CC decision upheld	1 closed with written caution 4 closed- no action. 1 closed – referral to QA Two cases with decisions still pending. 1 case from 2006 appealed to HPARB.
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DISCIPLINE COMMITTEE

Members

Allen Frankel, Podiatrist (Chair)

Dan Houssar, Public Member (to September 2006)

Julie Levesque-DeSimone, Chiropracist (to May 2006)

Norm Baker, Public Member (to May 2006)

Ray Ferraro, Public Member

Sarah Kerwin, Chiropracist

Meera Narenthiran, Chiropracist (from September 2006)

Sarma Donepudi, Public Member (from September 2006)

Esrick Quintyn, Public Member (from September 2006)

The Discipline Committee is a statutory committee under the *Regulated Health Professions Act*.

The Discipline Committee holds hearings into allegations of a member's professional misconduct or incompetence which has been referred to the Committee by the Executive or Complaints Committees. If a panel of the Discipline Committee finds a member has committed an act of professional misconduct it may make orders doing any or more of the following:

- Directing the Registrar to revoke or suspend a member's certificate of registration or to impose terms, conditions and limitations on the member's certificate of registration;
- Requiring the member to appear before the Committee to be reprimanded;
- Requiring the member to pay a fine not exceeding \$35,000.00 to the Minister of Finance
- Requiring a member to pay all or a portion of the College's costs related to the matter brought before the discipline committee.

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Matters Dealt with in 2006**1. JAMES HILL**

A panel of the Discipline Committee was formed on November 30, 2006, to hear a matter regarding a chiropractor member, James Hill. A Statement of Agreed Facts was filed on the consent of both parties. On or about March 10, 2006, Mr. Hill pled guilty to defrauding the Ontario Health Insurance Plan (OHIP) of the sum of money not exceeding \$5,000 by submitting claims for payment of medical services to patients that his wife, Millicent Vorkapich-Hill, (podiatrist) was not entitled to claim for which OHIP remitted payment to Millicent Vorkapich-Hill, contrary to section 380(1) of the *Criminal Code*. Mr. Hill billed OHIP using his wife's OHIP billing number for patients that he treated.

Mr. Hill submitted to OHIP 781 billings for services rendered in the amount of approximately \$9,743.15 under the provider number issued to Millicent Vorkapich-Hill.

The conduct described above constitutes professional misconduct pursuant to paragraph 51(1) (a) of the *Health Professions Procedural Code*, in that Mr. Hill was found guilty of an offence that is relevant to his suitability to practice."

DECISION ON FINDING OF PROFESSIONAL MISCONDUCT

The Panel was satisfied that the conduct described in the Statement of Agreed Facts constituted professional misconduct as defined by paragraph 51(1)(a) of the Health Professions Procedural Code of the *Regulated Health Professions Act, 1991*. The panel therefore found Mr. Hill had committed an act of professional misconduct. The parties filed a Joint Submission on Penalty and Costs which included the following:

1. Mr. Hill shall receive a reprimand, the fact of which shall be recorded on the register.
2. Mr. Hill's certificate of registration will be suspended for six (6) months on a date to be set by the Registrar.
3. The Registrar shall suspend three (3) months of the suspension ordered in paragraph 2 herein and Mr. Hill shall be required to serve the remaining three (3) months of the six (6) month suspension if he fails to comply with the remainder of this Order. If any dispute shall arise between Mr. Hill and the College as to whether he is in breach of a provision of this Order, the dispute shall be referred to a Panel of the Discipline Committee for further adjudication. The parties shall have the opportunity to make full submissions to that Panel before *it* renders a decision. If thereafter, the Panel determines that Mr. Hill has breached a provision of this Order, then he shall be required to serve the remaining three (3) months of the six (6) month suspension, to commence on a date to be fixed by the Registrar.
4. The Registrar shall impose the following specified term, condition and limitation on Mr. Hill's certificate of registration:
 - a. Mr. Hill shall successfully complete an ethics course approved by the Registrar within twelve (12) months of the date the Panel's order becomes final; and

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b. For a period of two (2) years, commencing immediately following the completion of the first three (3) months of the suspension referred to in paragraph 2 herein, Mr. Hill shall submit to inspections of his billing records, with inspections up to three (3) times in each of those years, at Mr. Hill's cost.

5. Mr. Hill shall pay to the College costs of \$4,500 to be paid in full within eighteen (18) months of the date the Panel's order becomes final, at the rate of at least \$250 per month, No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Mr. Hill shall be at liberty to increase the amount of his monthly payment, solely at his discretion.

In the Panel's view, the penalty imposed constituted a fair one which balanced all of the principles of sentencing. The conduct which Mr. Hill engaged in was a serious breach of his professional and ethical obligations and the Panel wanted members of the profession to know that conduct of this nature would result in significant sanctions, At the same time, however, the Panel believed that the penalty proposed took into consideration Mr. Hill's remorse and his cooperation with the College as well as other mitigating circumstances. For that reason the Panel felt that penalty jointly submitted was an appropriate one.

2. IVAN MORAVAC

A panel of the Discipline Committee was formed on November 30, 2006 to hear a matter regarding Mr. Ivan Moravac, chiropractor. The Discipline Panel found Mr. Moravac guilty of professional misconduct pursuant to paragraph 10 (conflict of interest), paragraph 20 (signing or issuing a document that contains a false or misleading statement), and paragraph 33 (disgraceful, dishonorable or unprofessional conduct) of section 1 of Ontario Regulation 750/93, as amended. The Panel accepted the agreed statement of facts, of which are highlighted below.

Preparing Prescriptions for Clients Not Seen by Mr Moravac

In or about 2004, Mr. Moravac wrote prescriptions for orthotics for several patients despite not having seen them. The panel agreed that this conduct constituted professional misconduct pursuant to paragraph 20 (signing or issuing a document that contains a false or misleading statement) of section 1 of Ontario Regulation 750/93, as amended.

False or misleading Records

In or about 2004, Mr. Moravac created false or misleading records that implied that he had seen the several patients when he had, in fact, not seen them. The panel agreed that this conduct constituted professional misconduct pursuant to paragraph 20 (signing or issuing a document that contains a false or misleading statement) of section 1 of Ontario Regulation 750/93, as amended.

Billing for orthotics not yet paid for by client

In or about June 2004 and in or about September 2003, Mr. Moravac permitted to be issued a statement of account to several patients indicating that they had paid for orthotics when they had not in fact paid for orthotics.

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Conflict of Interest

On or about 2004, Mr. Moravac was paid approximately \$5000 by Healthworks Wellness Centre for each prescription for orthotics that he wrote. The panel determined that this conduct constituted professional misconduct pursuant to paragraph 10 (conflict of interest) of section 1 of Ontario Regulation 750/93, as amended.

False or Misleading Statement to Investigator

On or about February 27, 2006, Mr. Moravac made a misleading statement to an investigator for the College when he stated that in 2004 he saw patients at Healthworks Wellness Centre on Tuesday and Thursdays. The panel decided that this conduct constituted professional misconduct pursuant to paragraph 33 (disgraceful, dishonourable or unprofessional conduct) of section 1 of Ontario Regulation 750/93, as amended.

DECISION ON FINDING OF PROFESSIONAL MISCONDUCT

The Panel was satisfied that the conduct described in the Statement of Agreed Facts constituted professional misconduct as defined by paragraphs 20, 10 and 33 of section 1 of Ontario Regulation 750/93, as amended, under the Chiroprody Act, 1991. The panel therefore found Mr. Moravac had committed acts of professional misconduct.

PENALTY

The parties filed a Joint Submission on Penalty and Costs which included the following:

1. Mr. Moravac will receive a reprimand which will be recorded on the College's register.
2. Mr. Moravac's certificate of registration will be suspended for five months on a date to be set by the Registrar but in any event to be fully served no later than 10 months from the date the Discipline panel's order becomes final.
3. There will be a specified term, condition and limitation on Mr. Moravac's certificate of registration that he must practice under supervision for a period of two years upon completion of the suspension referred to in paragraph 2. The terms of the supervision will be set by the Registrar and will take into account Mr. Moravac's work environment at the time. Mr. Moravac will be responsible for the costs of the supervision and will fully reimburse the College for these costs within 30 days of receiving an invoice from the College for the supervision. Failure to pay any of these invoices from the College within 30 days will result in Mr. Moravac's certificate of registration being automatically suspended until such invoices are fully paid.
4. There will be specified terms, conditions and limitations on Mr. Moravac's certificate of registration that he must successfully complete, at his cost, an ethics course acceptable to the Registrar and a record keeping course acceptable to the Registrar within six months of the completion of the suspension referred to in paragraph 2.
5. There will be a specified term, condition and limitation on Mr. Moravac's certificate of registration that he will be subject to monitoring of his practice for a period of two years after the completion of the period of supervision described in paragraph 3. The monitoring will consist of visits to Mr. Moravac's practice up to

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two times per year by a monitor chosen by the College. Mr. Moravac will be responsible for the costs of the monitoring and will fully reimburse the College for these costs within 30 days of receiving an invoice from the College for the monitoring. Failure to pay any of these invoices from the College within 30 days will result in Mr. Moravac's certificate of registration being automatically suspended until such invoices are fully paid.

6. Mr. Moravac agrees to pay to the College costs in the amount of \$8,000, payment of which must be made in full within 30 months of the completion of the suspension referred to in paragraph 2. The costs will be paid pursuant to a payment schedule of 29 consecutive monthly payments of \$266.66 and the 30th consecutive monthly payment of \$266.86. The first of these monthly payments will be made no later than the first day of the month following the completion of Mr. Moravac's suspension. Mr. Moravac's certificate of registration will be automatically suspended if he does not fully pay the costs described in this paragraph within 30 months of the completion of his suspension and Mr. Moravac's certificate of registration will not be reinstated until he fully pays the costs.

7. The term, condition and limitation in paragraph 3 will be removed from Mr. Moravac's certificate of registration when the term, condition and limitation has been complied with.

8. The term, condition and limitation in paragraph 4 of this order will be removed from Mr. Moravac's certificate of registration when Mr. Moravac successfully completes the courses described.

9. The term, condition and limitation in paragraph 5 of this order will be removed from Mr. Moravac's certificate of registration when the term, condition and limitation has been complied with.

In the Panel's view, the penalty imposed constituted a fair one which balanced all of the principles of sentencing. The conduct, which Mr. Moravac engaged in, was a serious breach of his professional and ethical obligations. The Panel is hopeful that members of the profession reading this Decision will understand that conduct of this nature will not be tolerated. At the same time, however, the Panel believed that the penalty ordered gave recognition to Mr. Moravac's cooperation with the College as well as other mitigating circumstances.

3. SUZANNE TANAKA

A panel of the Discipline Committee was formed on June 26, 2006, to hear a matter regarding a chiropractor member, Suzanne Tanaka.

A Notice of Hearing containing a Statement of Allegation and an Agreed Statement of Facts was filed on the consent of both parties and accepted by the Panel. The Discipline Panel found Ms. Tanaka guilty of professional misconduct for failing to keep records as required by the regulations and for disgraceful, dishonorable or unprofessional misconduct.

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DECISION ON FINDING OF PROFESSIONAL MISCONDUCT

The Panel was satisfied that the conduct described in the Agreed Statement of Facts constituted professional misconduct as defined by paragraphs 33 and 17 of section 1 of Ontario Regulation 750/93, as amended, under the *Chiropody Act*, 1991. It, therefore, found Ms. Tanaka had committed acts of professional misconduct.

PENALTY

The parties filed a Joint Submission on Penalty and Costs and suggested that the following penalty would be appropriate in the circumstances:

1. Ms. Tanaka appeared before the Panel to be reprimanded.
2. Ms. Tanaka's certificate of registration be suspended for 8 weeks, to be served at a time determined by the Registrar but in any event, to be fully served no later than 15 months from the date of the Panel's order.
3. That a term, condition, limitation be imposed upon Ms. Tanaka's certificate of registration that she successfully complete (at her cost) an ethics course approved by the Registrar, within 12 months of the Panel's order.
4. That a term, condition, limitation be imposed upon Ms. Tanaka's certificate of registration that she successfully complete (at her cost) a record keeping course approved by the Registrar, within 12 months of the Panel's order.
5. That a term, condition, limitation be imposed upon Ms. Tanaka's certificate of registration that she submit to monitoring by way of inspections (at her cost) of her practice, wherever that may be located, such inspections to be done upon at least 24 hours notice to her, a maximum of two times per year over the course of two years from the date the suspension is fully completed; and
6. Ms. Tanaka pay to the College the amount of \$3500.00 in contribution towards the costs of the investigation and prosecution of this matter. The terms, conditions and limitations in paragraphs 3 and 4 will be removed from Ms. Tanaka's certificate of registration when each of the courses has been successfully completed.
7. The terms, conditions and limitations in paragraph 5 will be removed 2 years following the completion of Ms. Tanaka's suspension.

REASONS FOR THE PENALTY

In the Panel's view, the penalty imposed constituted a fair one which balanced all of the principles of sentencing. The conduct which Ms. Tanaka engaged in was a serious breach of her professional and ethical obligations. The Panel also wanted members of the profession to know that conduct of this nature would not be tolerated. At the same time, however, the Panel believed that the penalty gave recognition to Ms. Tanaka's remorse, her restitution and her co-operation with the College as well as other mitigating circumstances.

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Generally, the Discipline panel believes that any penalty must be sufficiently onerous to be a deterrent to any member who might consider acting in an inappropriate manner. Therefore members can expect penalties to include periods of suspension in addition to other terms and conditions.

Allen Frankel
Chair, Discipline Committee

REGISTRATION COMMITTEE

Members

Norm Baker, Public Member (Chair) (until May 2006)

Bruce Ramsden, Podiatrist (from September 2007)

Wilhelmina Gonzales, (from October 2005)

Steven Cassel, Chiropractor, Academic Member (until September 2007)

The Registration Committee is a statutory committee under the RHPA with the mandate to consider referrals of applications for a certificate of registration from the Registrar. After considering an application for registration, the committee may Direct the Registrar to:

- Issue a certificate of registration;
- Issue a certificate of registration if the applicant successfully completes examinations set or approved by the committee;
- Issue a certificate of registration if the applicant successfully completes additional training specified by the committee;
- Impose specified terms, conditions and limitations on a certificate of registration of the applicant and specify a limitation on the applicant's right to apply for an order removing or modifying any term, condition or limitation imposed on a member's certificate of registration as a result of a committee proceeding; and/or
- Refuse to issue a certificate of registration

The Committee also considers members' applications for an order removing or modifying any term, condition or limitation imposed on a member's certificate of registration as a result of a Committee proceeding.

The Committee has not dealt with any matters in 2006. The Registration Committee has deferred further review of the registration and examination regulations until possible legislative changes have been made relating to the College's agreement to move the direction of foot care towards a podiatry model of practice.

PATIENT RELATIONS

Members

Norm Kew, Chiropractor (Chair) (until September 2006)

Ray Ferraro, Public Member (until September 2006)

Dan Houssar, Public Member (until September 2006)

Erin Fairbanks, Chiropractor (from September 2006)

Sarma Donepudi, Public Member (from September 2006)

Karen King, Public Member (from September 2006)

Sylvia Kovari, Chiropractor

The Patient Relations Committee is a statutory committee under the provisions of the *Regulated Health Professions Act, 1991*. The role of the Committee is to advise Council regarding the College Patient Relations Program. The Patient Relations Program must include measures for prevention and dealing with abuse of patients. These measures must include:

- Educational requirements for members;
- Guidelines for the conduct of members with their patients;
- Education of College Council and staff; and
- The provision of information to the public.

The Patient Relations Committee also administers the College program on the maintenance and administration of a fund for therapy and counseling for persons, who while patients, were sexually abused by members.

FITNESS TO PRACTICE COMMITTEE

Members

Julie Levesque-DeSimone, Chiropractor (Chair) [until September 2006]

Stephanie Shlemkevich (Chiropractor) [from September 2006]

Esrick Quintyn (Public Member) [from September 2006]

Kim Resmer (Chiropractor) [from September 2006]

Dan Houssar, Public Member [until September 2006]

Meera Narenthiran, Chiropractor [until September 2006]

The Fitness to Practice Committee is a statutory committee. The Committee holds hearings relating to a member's incapacity that has been referred to the Committee by the Executive Committee. If the Committee finds that a member is incapacitated, it must make an order directing the Registrar to do any one or more of the following:

- Revoke the member's certificate of registration.
- Suspend the member's certificate of registration.

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- Impose terms, conditions and limitations on the member's certificate of registration.

There were no matters brought before the Fitness to Practice Committee in 2006.

Respectfully submitted by,

Julie Levesque-DeSimone, Chair

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