



**College of
Chiropodists
of Ontario**

**PROFESSIONAL REGULATION
IN THE
PUBLIC INTEREST**

ANNUAL REPORT 2007

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

John Infanti, Chiropractor

Vice President

Robert Goldberg, Podiatrist

Elected Members

Sally Ciona, Chiropractor (from Sept. 2005)
Erin Fairbanks Chiropractor (from Sept.2006)
Allen Frankel, Podiatrist (from Sept. 2003)
Anna Georgiou, Chiropractor (from Sept. 2004)
Robert Goldberg Podiatrist (from Sept 2006)
David Greenberg, Podiatrist (from Sept. 2002)
John Infanti, Chiropractor (from Sept 2002)
Colin McQuistan, Chiropractor (from 2007)
David Roth, Podiatrist (from Sept 2007)
Stephanie Shlemkevich Chiropractor (from Sept 2006)
Dennis Walsh Chiropractor (from Sept 2006)

Academic Members

Tony Young, Chiropractor (from 2006)
Meera Narenthiran, Chiropractor (from 2006)

Public Members

Sarma Donepudi (from 2006)
Sousan Eissabigloo (from 2006)
Ray Ferraro (from 2005)
Wilhelmina Gonzales (from 2005)
Karen King (from 2006 - 2007)
Esrick Quintyn (from 2006)

Non-Council Committee Members

Sarah Kerwin, Chiropractor
Sylvia Kovari, Chiropractor
Kim Resmer, Chiropractor
Giovanna Riolo, Chiropractor
Stuart Sackman, Podiatrist
Anamelva Revoredo, Chiropractor

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 2007 IN REVIEW

Joint Report from the President and Registrar

The College of Chiropodists of Ontario has an important role in regulating chiropodists and podiatrists in the public interest. This past year the College had an extremely successful year as it prepared for anticipated future change and moved forward in improving its regulatory processes.

The College continued to work with its counterparts across Canada to finalize the AIT process. The American Podiatry schools, through the American Podiatric Medical Association, underwent an extensive program review which directly affected the AIT process. Once the podiatry program competency review was completed, the AIT Chair was expected to pursue further funding as the current funding for the AIT consortium expired in 2007.

The College continued to work with the Ministry of Health and Long Term Care throughout the year in finalizing the draft drug regulation. The College finally approved and adopted a new general By-law and prepared and approved a draft new fees by-law. The random practice assessment program was launched through Quality Assurance. Assessors were selected and trained and participants randomly selected.

A policy dealing with delegation, assignments and orders was approved. A draft guideline dealing with the prescribing and use of compression stockings was distributed to the membership for comment. HPRAC was asked by the Minister of Health in 2006 to "review issues relating to the regulation of chiropody and podiatry and provide advice as to whether and how there should be changes to existing legislation regarding these related professions". The Minister also asked that the Council include "an analysis of the current model of foot care in Ontario, issues regarding restricted titles, and whether the existing limitations on the podiatrist class of members should continue." An ad-hoc committee of the College was established to assist College Council in formulating a response and providing information relating to the Minister's questions. This committee consists of professional Council members, those appointed by the Lieutenant Governor and representatives of the Ontario Podiatric Medical Association and the Ontario Society of Chiropodists.

The registration examination working group will be assisting Dr. Dwight Harley, Director of Psychometrics Division of Studies in Medical Education at the Faculty of Medicine and Dentistry, University of Alberta to create a College registration examination. This work is anticipated to be completed by the end of 2008.

The College worked with the Ministry of Health and Long-Term Care, through the Health Human Resources and Modelling Unit, on the Allied Health Human Resources Database Pilot Project (ADHHRDB). The College's data was amalgamated with that of the other colleges that participated in the pilot and the aggregate results were analyzed and presented to the Ministry. The data will assist the Ministry in analyzing the movement of health care professionals within Ontario from the commencement of their career until their retirement. The College also continued to support the Ontario Society of Chiropodists in

their submission to the Minister of Health relating to x-rays, which has been referred to the Healing Arts Radiation Protection Commission. The Association is asking for amendments to the *Healing Arts Radiation Protection Act* which would allow chiropractic class members of the College to prescribe x-rays.

It has been a very busy but productive year and we look forward with anticipation to 2008.

EXECUTIVE COMMITTEE

Members

Ray Ferraro

Anna Georgiou (from September 2007)

Robert Goldberg (from September 2007)

Craig Hunt (until September 2007)

John Infanti (until September 2007)

Karen King (from September 2007)

Esrick Quintyn (until September 2007)

Bruce Ramsden (until September 2007)

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*. The Committee continued to work with the Ministry of Health and Long Term Care on finalizing the College's drug regulation. Amongst other work, members of the College attended a meeting at the Ministry of Health and Long-Term Care to discuss further developments and current status of the College's drug regulation. The College held a meeting with the Ontario Society of Chiropractors to discuss issues the Association had regarding the proposed drug regulation.

The Committee recommended to Council the approval of a new fees by-law. It also recommended two policies for approval; the first, a guideline dealing with the prescribing and use of compression stockings and the second, a policy dealing with assignment, orders and delegation. The College was asked to provide information to the National Investigative Unit of Veteran's Affairs regarding orthotics and orthopaedic footwear. The College put together a package of information which included information about orthotics and footwear as well as the Standards of Practice relating to orthotics, footwear, safety and the manufacturing of orthotic devices and safety and the practice environment. The Executive Committee put out a request for proposals to experts in the field relating to the preparation of a College registration examination. The Committee received three responses and recommended one service provider to Council who would be very helpful in producing a registration examination.

The College was invited to participate in the Healthy Foot Exhibit at the Bata Shoe Museum sponsored by the Michener Institute, the College's educational partner for the chiropody program. The Committee worked to change an insurance company's policy for the benefit of the public to allow members to be both prescriber and dispenser of orthotics as long as the orthotics and shoes have been constructed or customized in an off-site facility. This presented problems for members practising in remote areas where separation of the function could prove very difficult, if not impossible. The College was concerned about access to care and ensuring that the public was able to access the very best care possible. The Committee also recommended to Council that the College begin review of the 1998 submission 'Request for Amendments to Regulation 682 Made Under the Laboratory and Specimen Collection Centre Licensing Act' which was filed with the Ministry but never pursued.

The Committee referred one matter to discipline, closed one file and issued 3 Notice of Appointments.

QUALITY ASSURANCE COMMITTEE

Members

Anna Georgiou, Chiropodist (Chair)
Wilhelmina Gonzales, Public Member
Sarma Donepudi, Public Member
Stuart Sackman, Podiatrist
Meera Narenthiran, Chiropodist
Giovanna Riolo, Chiropodist

The primary objective of the Quality Assurance Program is to provide members of the College of Chiropodists 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 2007:

Continuing Education Program

CE Log Program

The Committee completed the first phase of their review for those members randomly selected to participate in the 2004-2005 continuing education program. While most members were found to be satisfactory or better, a few were found to be unsatisfactory. Some were deemed to be unsatisfactory because they had not met the minimum standards and number of continuing education hours required for this two year cycle. Some failed to file any of the required information with the College and therefore additional information and follow-up was required with these particular members. As required under the College's QA regulation, a practice assessment maybe initiated for these members if they ultimately 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. 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."

Declaration of Completion

Members of the College are required to execute a Declaration of Completion on the Member's Annual Renewal form which states that "I have reviewed my practice and completed the Quality Assurance Self-Assessment Tool. I have created a plan to address the continued professional developmental objectives I have identified in this Self-Assessment Tool. I understand that I must retain the completed Self-Assessment Tool and Continuing Education log in my files".

Practice Assessment Program

Mandatory Practice Assessment

There was one mandatory assessment that continued into the 2007 fiscal year. This assessment related to a member's failure to file their CE logs. A re-assessment of this member's practice was conducted as a result of deficiencies observed during the initial assessment and a report is to be finalized.

Random Practice Assessments

A roster of members from across the province have been selected as practice assessors and have completed training which will allow them to act as practice assessors for the launch of the random practice assessment program. The practice assessment tools and check lists were reviewed and updated. One percent of the membership was randomly selected to participate in the random practice assessments. The random practice assessments continued throughout the year. When the assessors completed their reports, the QA committee reviewed them and determined what, if any next steps were required.

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 was one new referral to the QA committee from complaints. The assessment of the member's practice was completed, the report reviewed by the QA committee and recommendations made.

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 took place on November 1 – 3, 2007 in Toronto.

COMPLAINTS COMMITTEE

Members

Sally Ciona, Chiropractor, Chair

Wilhelmina Gonzales, Public Member (until Oct /07)

David Greenberg, Podiatrist
Karen King, Public Member (until Oct 07)
Esrick Quintyn, Public Member (from Oct /07)
David Simard, Chiropodist

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 2007, a total of 13 complaints were received. The Complaints Committee met seven times and reviewed and made decisions for six complaints. Seven complaints received in 2007 were still being processed as at December 31, 2007.

The Complaints Committee noted some common themes while reviewing the complaints submitted to the College.

In particular the Committee reminds members of the need to:

- Ensure that information and billing submitted to insurance companies is correct and accurate, and to discontinue providing free footwear.
- Effectively communicate with clients in regards to all treatment and billing practices.
- Maintain appropriate boundaries with clients.

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:

2002	16 complaints
2003	17 complaints
2004	10 complaints
2005	10 complaints
2006	10 complaints
2007	13 complaints

Committee Activity during the past year:

	2006	2007
Total complaints received in the calendar year	12	13
Complaints		

resolved in the calendar year	4	6
Carried forward to the next calendar year.	8	7
How the complaints were resolved for each calendar year.	<p><i>Complaints resolved in 2006:</i> 2 closed with a referral to QA 2 closed- No action.</p> <p><i>As of May/07, 6 additional cases resolved:</i> 1 closed with written caution 4 closed- no action 1 closed – referral to QA Two cases with decisions still pending</p> <p>1 case from 2006 appealed to HPARB.</p>	<p>Cases resolved in 2007 pending from 2006: 1 closed with written caution 3 closed- no action. 1 closed with advice 1 closed – referral to QA</p> <p>1 case from 2006 was appealed to HPARB and HPARB upheld the College's decision.</p> <p>Complaints resolved in 2007: 2 closed with no action [1 under appeal to HPARB]. 1 closed - oral caution 3 referred to Discipline 7 matters outstanding to be dealt with in 2008</p>

DISCIPLINE COMMITTEE

Members

Allen Frankel, Podiatrist (Chair)

Ray Ferraro, Public Member

Sarah Kerwin, Chiropractor

Meera Narenthiran, Chiropractor

Sarma Donepudi, Public Member

Wilhelmina Gonzales (from September 2007)

Susan Eissabigloo (from September 2007)

Esrick Quintyn, Public Member (until September 2007)

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.

Matters Dealt with in 2007

Nilkanthra Patel

A panel of the Discipline Committee was formed on November 27, 2007 to hear a matter regarding a chiropody member, Nilkanthra Patel. A Statement of Agreed facts was filed on the consent of both parties. Nilkanthra Patel is a chiropodist registered to practise in Ontario. At all material times Mr. Patel practiced chiropody in Barrie, Ontario. On or about November 14, 2006, Mr. Patel pled guilty and was found guilty of possession of child pornography, contrary to subsection 163.1(4) of the Criminal Code of Canada. Mr. Patel received a six months conditional sentence order and 18 months probation. The parties agreed that the conduct described above constitutes professional misconduct pursuant to paragraph 51(1)(a) of the *Health Professions Procedural Code*, in that Mr. Patel has been found guilty of an offence that is relevant to his suitability to practise.

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. It therefore found Mr. Patel had committed professional misconduct.

The parties filed a Joint Submission on Penalty and Costs. The Panel ordered the following penalty and costs:

1. Mr. Patel shall appear before a panel of the Discipline Committee to be reprimanded, the fact of which shall appear on the College register.
2. The Registrar shall suspend Mr. Patel's certificate of registration for nine (9) weeks, to be served in three (3) periods of three weeks each, on dates to be set by the Registrar, but in any event the suspension will be fully served within nine (9) months of the date of the hearing.
3. The Registrar shall impose a term, condition and limitation on Mr. Patel's certificate of registration prohibiting him from being alone with a person under the age of sixteen (16) years during the practice of chiropody. This term, condition and limitation will remain on Mr. Patel's certificate of registration for as long as he practises chiropody.
4. The Registrar shall impose a term, condition and limitation on Mr. Patel's certificate of registration requiring him to be assessed by a registered mental health practitioner (a clinical psychologist or psychiatrist) approved by the

Registrar as soon as possible and no later than two (2) months following the date of the hearing, for the purpose of determining whether it is safe for Mr. Patel to practise chiropody. The mental health practitioner will provide to the Registrar a report containing his or her opinion about the safety of Mr. Patel continuing to practise chiropody. Mr. Patel will execute any consent documents necessary to permit the mental health practitioner to release reports to the Registrar in accordance with this order of the discipline panel

5. The Registrar shall impose a term, condition and limitation on Mr. Patel's certificate of registration requiring Mr. Patel to cease the practice of chiropody in the event that the mental health practitioner reports to the Registrar that it is not safe for Mr. Patel to continue to practice chiropody and Mr. Patel will refrain from the practice of chiropody until a mental health practitioner acceptable to the Registrar reports to the Registrar that it is safe for Mr. Patel to resume practise.
6. The Registrar shall impose a term, condition and limitation on Mr. Patel's certificate of registration requiring him to undergo additional assessments by a mental health practitioner acceptable to the Registrar and to provide a report to the Registrar at such frequency as shall be recommended by the mental health practitioner, subject to the following:
 - a. The assessments shall take place over a period of two (2) years following the date of this hearing unless the mental health practitioner recommends an extension of that period in which case the period shall be extended in accordance with that recommendation but with the proviso that it shall not be extended to a period exceeding a total of three (3) years;
 - b. The frequency of the assessments shall be once every four (4) months or at such other frequency as shall be recommended by the mental health practitioner provided that the frequency shall not be greater than once every two (2) months or less than once per year.
7. The cost of any assessment or report required by this order shall be borne by Mr. Patel.
8. The terms, conditions and limitations set out in paragraphs 4, 5 and 6 herein will be removed from Mr. Patel's certificate of registration once the Registrar is satisfied that they have been fulfilled.
9. Mr. Patel shall pay to the College a portion of its costs in the matter in the amount of \$2500.00 to be paid in full within twelve (12) months of the date of the hearing.

REGISTRATION COMMITTEE

Members

Bruce Ramsden, Chair (Podiatrist) (until September 2007)

Steve Cassel (Chiropodist) (until September 2007)

Sarma Donepudi (Public Member)

Karen King (Public member)(until December 2007)

Tony Young Academic Member (from September – December 2007)

Dennis Walsh (from September 2007)

Mandate

The Registration Committee is a statutory committee under the *Regulated Health Professions Act*, 1991 with the mandate to consider referrals from the Registrar relating to applications for a certificate of registration. 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.

Applications for Registration

The Registrar referred one applicant to the Registration Committee pursuant to section 15(1) b of the *Regulated Health Professions Act*, 1991. The reason for the referral was because the applicant did not graduate from a recognized school of education and did not have the appropriate authority under the Immigration and Refugee Protection Act (Canada) to practice the profession in Canada. The Committee directed the Registrar to issue a Certificate of Registration, General Class, to the applicant upon the applicant's payment of all applicable fees and to impose the following term, condition and limitation on that Certificate of Registration, that the member shall not engage in the practice of chiropractic in Ontario until he satisfies the Registrar of the College that he has received appropriate authority under the Immigration and Refugee Protection Act (Canada) to practise Chiropractic in Canada.

College Registration Examination

In 2007, the College Council appointed a Registration Examination Committee whose task is to prepare an independent College registration examination. The College also hired Dr. Dwight Harley, an Adjunct Associate Professor and Director of the Psychometrics Division of Study in Medical Education, Faculty of Medicine and Dentistry at the University of Alberta, to assist with the process. The College is planning to have the examination completed by the end of 2008 or early in 2009.

PATIENT RELATIONS**Members**

Erin Fairbanks, Chiropractor

Sarma Donepudi, Public Member

Karen King, Public Member

Sylvia Kovari, Chiropractor

Ray Ferraro, Public Member (from September 2007)

Sousan Eissabigloo, Public Member (from September 2007)

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

Stephanie Shlemkevich, Chiropractor

Esrick Quintyn, Public Member

Kim Resmer, Chiropractor

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

There were no matters brought before the Fitness to Practice Committee in 2007.

COLLEGE OF CHIROPODISTS OF ONTARIO

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