

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF CHIROPODISTS OF ONTARIO**

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

-and-

STEPHEN GALPERIN

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario has referred specified allegations against **STEPHEN GALPERIN** (Registration #850150) to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*. Further information about the allegations is contained in the Statement of Allegations which is attached to this Notice of Hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code* for the purposes of deciding whether the allegations are true.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

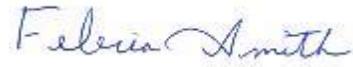
You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the solicitor for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
Barristers & Solicitors
4100-66 Wellington Street West
P.O. Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
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e. dmckenna@weirfoulds.com

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Date: February 19, 2020

A handwritten signature in blue ink that reads "Felecia Smith".

Felecia Smith, LL.B.
Registrar
College of Chiropodists of Ontario
180 Dundas Street West, Suite 2102
Toronto, Ontario
M5G 1Z8

TO: Stephen Galperin

STATEMENT OF ALLEGATIONS

1. Stephen Galperin (“**Mr. Galperin**” or the “**Member**”) was at all material times a registered member of the College.

2. During the period in or about July to November 2018 (the “**Relevant Period**”), the Member engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 750/93 under the *Chiropody Act, 1991*:
 - a. paragraph 2 (failing to meet or contravening a standard of practice of the profession), and, in particular, the College’s standards pertaining to:
 - i. Patient Relations;
 - ii. Assessment and Management;
 - iii. Records; and/or
 - iv. Prescription Custom Foot Orthoses;

 - b. paragraph 10 (practising the profession while the member is in a conflict of interest);

 - c. paragraph 17 (failing to keep records as required by the regulations);

 - d. paragraph 18 (falsifying a record relating to the member’s practice);

- e. paragraph 20 (signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
- f. paragraph 21 (submitting an account or charge for services that the member knows is false or misleading);
- g. paragraph 22 (charging a fee that is excessive in relation to the services or devices charged for);
- h. paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts), and in particular:
 - i. Ontario Regulation 750/93 (Professional Misconduct) under the *Chiropody Act, 1991*, as specified in this Notice of Hearing;
 - ii. Ontario Regulation 203/94 (General); and/or
 - iii. Section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*; and/or
- i. paragraph 33 (engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional).

PARTICULARS OF THE ALLEGATIONS

1. At all material times, the Member was a chiroprapist registered with the College to practise chiroprasty in Ontario.
2. During the Relevant Period described above, the Member was engaged in the practice of chiroprasty at Idol Eyes and Feet, located at 9333 Weston Road, Woodbridge, Ontario, L4H 2E2 (the "**Clinic**").

A. Incident #1

3. On or about July 31, 2018, an investigator from Manulife Financial attended at the Clinic using the pseudonym David Cousins. The purpose of the attendance at the Clinic was to inquire about orthotics.
4. Upon arrival at the Clinic, the investigator spoke to staff about obtaining orthotics. The investigator was informed by the Clinic staff, identified as "Gabriela", that the cost for orthotics was \$400.00. The investigator was also advised that there was a \$100.00 fee for the chiroprapist who would conduct an examination.
5. The investigator was further informed by Gabriela that, if he purchased two pairs of orthotics, he would receive a \$500.00 credit redeemable at Moda Shoes, a shoe store located across the street at 9200 Weston Road in Woodbridge.
6. The shoe store is also owned by the Clinic.

7. Based on that information, the investigator made an appointment for August 8, 2018.
8. On or about August 8, 2018, the investigator returned to the Clinic. He again spoke to Gabriela and another member of the Clinic staff, identified as "Francis". Prior to seeing the Member, the investigator was instructed by staff to complete several forms, including a medical history and an insurance coverage form.
9. After completing the forms, the investigator was directed to a room down the hallway where he then met with the Member. At that time, "Francis" informed the Member that the investigator would be obtaining two pairs of shoes or words to that effect.
10. Mr. Galperin proceeded to examine the investigator.
11. The examination lasted approximately 15 minutes. The examination conducted by the Member included the investigator standing, sitting and the Member examining the investigator's feet.
12. The Member then obtained impressions of the investigator's feet with the use of a foam box.
13. At the conclusion of the examination, the Member advised the investigator that his orthotics would be ready in about two weeks. The Member then provided the investigator with some advice on the use of the orthotics

14. The investigator then attended at the front desk and was required to pay 50% of the orthotics costs, as well as the chiropodist fee. When asked, the investigator was advised by Clinic staff that, when the orthotics were ready and picked up, the investigator would be provided with a \$600.00 credit for Moda Shoes.
15. On or about August 27, 2018, the investigator returned to the Clinic and was provided with his orthotics. The investigator was not seen by the Member or fitted with the orthotics by the Member or any other chiropodist.
16. At that time, the investigator was also provided with an appointment card that had his name on it and a notation of \$600.00, which he was directed by the Clinic staff to take to Moda Shoes to be exchanged for shoes.
17. On or about August 30, 2018, the investigator attended at Moda Shoes and was greeted by a woman working at the store. The investigator presented the card to the woman who advised him that he could obtain \$600.00 of products from the store. In exchange for the card, the investigator was provided with two pairs of dress shoes, one pair of dress boots, a pair of flip flops, and three pairs of socks.
18. The insurance coverage form submitted to Manulife for the orthotics, which was signed by the Member, does not disclose the \$600 shoe credit provided to the investigator or the shoes obtained by the investigator for the \$600.00 credit.

B. Incident #2

19. On or about October 2, 2018, a Manulife investigator attended at the Clinic using the pseudonym Emily Daniels. The purpose of the attendance at the Clinic was to inquire about orthotics.
20. Upon arrival at the Clinic, the investigator was greeted by a woman at reception. When asked if the Clinic provided orthotics, the woman responded affirmatively and advised the investigator that an appointment with a chiropodist was required.
21. The investigator was informed that the chiropodist worked on Wednesdays and Saturdays.
22. After checking the Clinic's appointment calendar, the investigator was booked for an appointment with the Member for October 17, 2018, at 4:00 p.m.
23. On or about October 17, 2018, the investigator attended at the Clinic for her appointment with the Member. After completing some forms provided to her by the receptionist, the investigator was directed by the Member to an examination room.
24. The Member conducted an assessment and reviewed the medical history form with the investigator. The Member asked the investigator about foot pain, to which the investigator responded that she had heel pain for approximately a year and that it had become worse in the last six months.

25. The Member informed the investigator that the heel pain was “plantar fasciitis”. The Member said to the investigator that orthotics would be fine, but shoes are more important, or words to that effect.
26. The Member informed the investigator that she needed wide shoes. The Member also indicated that “pump bumps” are caused by pressure and switching between high-heel and low-heel shoes, or words to that effect.
27. The Member took an impression of the investigator’s feet using a foam box.
28. The Member also advised the investigator to take the orthotics for a “test drive” or words to that effect, and he also recommended memory foam slippers, clogs or Birkenstock sandals.
29. After the examination, the investigator attended at the reception and asked the receptionist about the costs. She was informed that the orthotics were \$400.00 and a \$100.00 fee for the chiropodist’s assessment. The investigator paid a \$250.00 deposit.
30. The investigator was also informed by Clinic staff that, when the orthotics were dispensed to her, the balance owing would then be paid by the investigator and the store would submit paperwork to the insurance company on her behalf.
31. On or about November 14, 2018, the investigator returned to the Clinic in response to a voicemail from “Francis”. At that time, the investigator was asked if

she had received her "credit note", to which the investigator responded in the negative.

32. The receptionist then located the investigator's file and noted that a \$250.00 balance was still owing. The receptionist then asked if "Francis" had explained to the investigator about the credit note. The receptionist then said words to the effect that, "we charge the insurance company \$400.00 but the orthotics only cost \$250.00. We give you the balance as a credit towards glasses or whatever."
33. The receptionist then proceeded to write \$200.00 on the back of an appointment card and provided the card to the investigator, along with the orthotics. The investigator was told that she could redeem the \$200.00 credit at Moda Shoes.
34. When she obtained her orthotics, the investigator was not seen by the Member or fitted with the orthotics by the Member or any other chiroprapist.
35. The investigator then left the Clinic and attended at Moda Shoes across the street. Upon arrival at the store, the investigator was greeted by a man, identified as "Mimo", who assisted the investigator in picking out a pair of Vince Camuto boots, valued at \$200.00
36. The investigator obtained the boots in exchange for the \$200.00 credit note provided to her by the receptionist at the Clinic.

37. The insurance coverage form submitted to Manulife for the orthotics, which was signed by the Member, does not disclose the \$200 shoe credit provided to the investigator or the shoes obtained by the investigator for the \$200.00 credit.

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

STEPHEN GALPERIN

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