

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

FLORDELIZA ADORNA SY

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario has referred specified allegations against **Flordeliza Adorna Sy** (Registration #090306) 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
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
f. (416) 365-1876
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: April 24, 2020



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

TO: Flordeliza Adorna Sy
Clarkson Footcare and Orthotic Centre
1375 Southdown Road, Unit 3
Mississauga, Ontario L5J 2Z1

STATEMENT OF ALLEGATIONS

1. At all material times, Flordeliza Adorna Sy (“Ms. Sy” or the “**Member**”) was a registered member of the College of Chiropodists of Ontario (the “**College**”).

2. During the period from approximately July 2019 to December 2019 (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 20 (signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
- e. paragraph 21 (submitting an account or charge for services that the member knows is false or misleading);
- f. paragraph 22 (charging a fee that is excessive in relation to the services or devices charged for);
- g. 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 in particular Part II and Part III therein; 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
- h. 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

A. Background

1. At all material times the Member was a chiropodist registered with the College to practise chiropody in the Province of Ontario.
2. During the Relevant Period from July 2019 to December 2019, the Member was engaged in the practice of chiropody at the Lambeth Footcare and Orthotics Centre, located at 2320 Main Street, London, Ontario (the "**Clinic**").
3. In addition to the Clinic, the Member also engaged in the practice of chiropody during the Relevant Period at the Clarkson Footcare and Orthotic Centre at 1375 Southdown Road, Unit 3, in Mississauga, Ontario.

B. The Complaint

4. On or about July 31, 2019, the College received a complaint from a chiropodist ("**AC**") with respect to the Member (the "**Complaint**").
5. In the Complaint, AC advised that she had received an advertisement in the mail about the opening of the Clinic and expressed concerns about the contents of the advertisement (the "**Flyer**"). A copy of the Flyer was forwarded to the College.
6. In particular, the Flyer stated as follows:

Promotion: FREE SHOES FOR EVERY ORTHOTICS for the first 100 Clients. (Pls bring this flyer) Covered by Extended Health Insurance. Can do Direct Billing.

C. College's Investigation

7. The Clinic was opened in or about October 2018.
8. In or about July 2019, the Member began an advertising initiative to promote her practice and the opening of the Clinic. The purpose of the advertising initiative was to increase the number of patients at the Clinic.
9. As part of the advertising, the Member extended an offer to potential patients, via the Flyer, indicating that patients would receive free shoes with any orthotics dispensed by the Clinic.
10. The Flyer was mailed to potential patients.
11. When patients attended at the Clinic with the Flyer, the Member conducted an assessment to provide orthotics. Patients were charged \$600.00, which included \$100.00 for the Member's assessment and \$500.00 for the orthotics.
12. The Member then provided patients with free shoes from the Nike store with their orthotics.

13. Patient were required to pay for the Member's assessment and orthotics up-front and the Member then submitted a benefits claim to the patient's insurer on their behalf.
14. Several individuals responded to the Flyer and subsequently obtained orthotics and free shoes from the Member, including LB, MB, OP, OP, LA, and DA.
15. The benefit forms and patient records prepared and/or submitted, and/or signed by the Member do not disclose that the patient received free shoes with their orthotics.
16. After receiving their orthotics and free shoes, none of the patients (LB, MB, OP, OP, LA, and DA) were seen and/or contacted by the Member for any follow-up care.
17. A similar promotion of free shoes was also offered at the Mississauga Clinic, which was advertised on the website for the Mississauga Clinic.

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Lawyers for the College of
Chiropodists of Ontario
