

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

-and-

DAVID CHOI

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **DAVID CHOI** (Registration #010170) 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
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: September 9, 2020



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

TO: David Choi

STATEMENT OF ALLEGATIONS

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

2. During the period from about March 2016 to May 2019 (“**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. Assessment and Management;
 - ii. Patient Relations;
 - 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), specifically:
 - 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) under the *Chiropody Act, 1991*, and, in particular, Records (Part III);
 - iii. Section 30(1) of the *Regulated Health Professions Act, 1991*;
 - iv. 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 chiropodist registered with the College to practise chiropody in Ontario.
2. During the Relevant Period, the Member was engaged in the practice of chiropody at My Orthotics, located at 200 Finch Avenue West, Suite 227, in Toronto, Ontario (the “**Clinic**”).
3. On or about May 7, 2019, the College received a complaint on behalf of Sun Life Assurance Company of Canada (“**Sun Life**”) about the Member (the “**Complaint**”).
4. As set out in the Complaint, Sun Life conducted a review of claims submitted to Sun Life in order to ensure the accuracy and validity of those claims.
5. In or about June 2018, Sun Life has received a tip from a plan member (S.R) about a “cash-splitting” scheme that was occurring at the Clinic. As a result, Sun Life commenced an investigation with respect to the Member and the Clinic.
6. During the course of its investigation, Sun Life interviewed approximately sixteen plan members and it was confirmed that false claims for chiropody assessments, purportedly conducted by the Member, has been submitted to Sun Life.
7. The investigation revealed that Sun Life plan members did not receive chiropody assessments conducted by the Member. Rather, notwithstanding claim documents and/or patient records submitted to Sun Life indicating otherwise, the assessments were completed by staff.

8. As part of its investigation, the Member was interviewed by Sun Life. The Member explained that he typically only saw and/or assessed a patient one time. For any subsequent visits and/or for the renewal of an orthotics prescription, the Member permitted staff to conduct the patient assessments and/or determine whether the patient needed to see the Member for an assessment.
9. When orthotics were prescribed, the Member would simply sign the prescription. The Member did not see and/or assess the patients. In terms of records, Clinic staff would photocopy the Member's initial assessment and the Member would re-sign the re-assessment.
10. The re-assessment was submitted to Sun Life to support the insurance claim.
11. Notwithstanding that the Member did not assess the patients, an \$80.00 fee was charged and/or submitted to Sun Life for the purported chiropody assessments conducted by the Clinic staff.
12. In addition to not conducting and/or documenting an adequate assessment for the prescription of the orthotics, including casting orthotics with the use of a foam box, the Member was not involved in dispensing or fitting the orthotics and/or did not provide patients with dispensing advice and/or follow-up care.
13. The Sun Life plan members/patients identified in the investigation as are follows:
 - C.B. (and dependents)
 - M.B. (and dependents)

- J.D. (and dependents)
- P.J. (and dependents)
- Y.K. (and dependents)
- E.K. (and dependents)
- S.M. (and dependents)
- R.M. (and dependents)
- D.P. (and dependents)
- A.P. (and dependents)
- Y.P. (and dependents)
- A.R. (and dependents)
- S.R. (and dependents)
- J.S. (and dependents)
- G.T. (and dependents)
- K.Y. (and dependents)

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Lawyers for the College of
Chiropractors of Ontario