

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

-and-

EDDIE K. CHAN

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario ("College") has referred specified allegations of professional misconduct against **EDDIE K. CHAN** (Registration #070278) 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: May 19, 2020



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

TO: Eddie K. Chan
EC Orthotics
1 Queen Street East, Box 68
Concourse Level
Toronto, Ontario
M5C 2W5

STATEMENT OF ALLEGATIONS

1. Eddie K. Chan (“**Mr. Chan**” or the “**Member**”) was at all material times a registered member of the College.
2. During the period in or about November 2014 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. Assessment and Management;
 - ii. Patient Relations;
 - iii. Records;
 - iv. Prescription Footwear;
 - v. 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), 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*;
 - 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 Ontario.
2. During the Relevant Period defined above, the Member was engaged in the practice of chiropody at EC Orthotics, which operates at two clinic locations in Toronto, Ontario: 1 Queen Street East, Toronto, Ontario, M5C 2W5 and 77 King Street West, Toronto, Ontario (collectively, the “**Clinic**”).
3. In addition to his clinical practice, the Member is also the owner of the Clinic and manages the Clinic’s operations.
4. During the Relevant Period, the Member also practiced at the following locations:
 - Downtown Foot Clinic
123 Queen Street West,
Toronto, Ontario
M5H 3M9
 - Toronto Laser Nail
20 Richmond Street East
Toronto, Ontario
M5C 2R9

B. The Complaint

5. On or about June 18, 2018, the College received a complaint from Sun Life Insurance (“**Sun Life**”) with respect to the Member (the “**Complaint**”).

6. As set out in the Complaint, Sun Life regularly conducts reviews with respect to the services and/or products that are provided to its plan members and/or their dependents, including claims with respect to orthotics and/or orthopaedic shoes.
7. During the Relevant Period, Sun Life conducted a review in relation to the Member and the various clinics that he owns and/or operates.
8. As indicated in the Complaint, Sun Life raised concerns about the Member over-prescribing medical products for financial benefit and/or charging for services not rendered.
9. In particular, among other concerns, the Member had issued and/or submitted benefit claims to Sun Life for orthopaedic shoes and/or shoe modifications that were, in essence, an off-the-shelf shoe in which the Member and/or his staff had placed a temporary foot pad inside of the shoe.
10. The insurance claims issued and/or submitted to Sun Life by the Member had no permanent modifications made to the off-the-shelf shoe.
11. The Member was aware or ought to have been aware that the cost of the shoes and/or the “shoe modifications” were not an appropriate charge to be covered by Sun Life’s insurance benefits.
12. The Member was aware or ought to have been aware that the documentation issued and/or submitted by the Member for the insurance claims was false and/or misleading.

13. The Member was also aware or ought to have been aware that the costs charged by the Member for the “shoe modifications” were excessive in the circumstances.
14. In addition to claims for “shoe modifications”, the Member also prescribed, issued and/or submitted claims to Sun Life for custom-made orthotics for his patients.
15. At the time of prescribing the orthotics and/or submitting those claims to Sun Life, the Member was practising in a conflict of interest.
16. During the Relevant Period, the Member was a shareholder, officer, or director of Paragon Orthotic Laboratory (“Paragon”).
17. Paragon is a business incorporated in British Columbia and a manufacturer of orthotics.
18. The Clinic was a customer of Paragon and purchased orthotics from Paragon for the Member’s patients.
19. In addition to prescribing and selling orthotics manufactured by Paragon, the Member was also offering and/or paying an incentive commission to the other chiropodists working at the Clinic to prescribe and sell orthotics made by Paragon.
20. Attached as Schedule “A” is a list of the patients for whom the Member issued invoices and/or submitted benefit claims for “shoe modifications” and/or custom made orthotics.

SCHEDULE "A"

SUMMARY OF FEES FOR PRODUCTS

Patient	Date of Appointment	Fees
Y.Z.	11/21/2014	Shoes - \$50.00 Bunion modification - \$100.00 Metatarsal pad - \$150.00
Y.Z.	10/02/2015	Shoes - \$50.00 Bunion modification - \$150.00 Metatarsal pad - \$100.00
F.Y.	12/30/2015	Shoes - \$300.00
S.K.	12/21/2016	Shoes - \$300.00
D.K.	04/13/2017	Shoes - \$250.00
S.K.	12/29/2017	Shoes - \$150.00 Heel lift - \$75.00 Valgus pad - \$75.00
C.C.	12/30/2017	Orthotics - \$650.00 Shoes - \$100.00 Metatarsal pad - \$75.00 Valgus pad - \$75.00
D.K	01/23/2018	Orthotics - \$400.00 Shoes - \$250.00
S.A.	03/27/2018	Orthotics - \$300.00 Shoes - \$150.00 (x2) Metatarsal pad - \$100.00 Valgus pad - \$100.00
J.N.	11/20/2018	Shoes - \$250.00
G.G.	11/23/2018	Orthotics - \$400.00 Orthotics - \$300.00

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

EDDIE K. CHAN

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

NOTICE OF HEARING

WEIRFOULDS LLP

Barristers & Solicitors
4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Debra McKenna

t. (416) 947-5080

f. (416) 365-1876

e. dmckenna@weirfoulds.com

Lawyers for the College of
Chiropractors of Ontario