

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

PANEL:

Grace King, Chair
Jim Daley – Public Member
Peter Guy – Professional Member
Tony Merendino – Professional Member

BETWEEN:

COLLEGE OF CHIROPODISTS OF ONTARIO (the “College”))	JORDAN GLICK for the College
)	
- and -)	STEPHAN INTRALIGI for the Member, DOMENIC BELLO
)	
DOMENIC BELLO)	LUISA RITACCA, Independent Legal Counsel
)	
)	Heard: June 20, 2017
)	

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on June 20, 2017 at Victory Verbatim, in Toronto.

The Allegations

The allegations against Domenic Bello (the “Member”) as stated in the Notice of Hearing dated March 31, 2017, (Exhibit 1, tab 1) are as follows.

IT IS ALLEGED THAT:

1. Dominic Bello (the “**Member**”) was, at all material times, a chiroprapist registered to practise chiroprapy in the province of Ontario.
2. Between in or about April 2010 and in or about December 2016 (the “**Relevant Period**”), the Member engaged in the practice of chiroprapy and/or represented that he was engaged in the practice of chiroprapy at, and/or in

association with, and/or in consultation with, some or all of the following locations (the “**Practice Locations**”):

- a. 37 Sylvadene Parkway, Woodbridge, Ontario;
- b. Care Plus Physiotherapy, at 9705 James Potter Road, Brampton, Ontario;
- c. Comfort + Medical Supplies, at 27 Carleton Street, Suite 305, Toronto, Ontario;
- d. Dynamic Prescription Orthotics, at 48 Grovetree Road, Etobicoke, Ontario;
- e. Central Orthotic Lab (formerly Gateway Orthotics), at 55 Administration Road, Unit 33 & 34, Concord, Ontario and/or 8301 Jane Street, Unit 12, Concord, Ontario, and/or 5 Edvac Drive, Unit 1, Brampton, Ontario;
- f. Infinity Medical Group, at 214-1111 Finch Avenue West, Toronto, Ontario;
- g. Lega Medical Supplies Inc., at 2100 Ellesmere Road, Unit 104, Toronto, Ontario;
- h. Med Star Solution, at 5050 Dufferin Street, Suite 223, Toronto, Ontario;
- i. Medeya Health Centre, at 7880 Keele Street, Suite 11, Concord, Ontario;
- j. North York Pain Relief, at 1017 Wilson Avenue, Suite 300, North York, Ontario;
- k. Pro Med Health & Supply, at 398 Steeles Avenue West, Suite 209, Thornhill, Ontario;
- l. Progressive Health Care, 8131 Yonge Street, Suite 206, Thornhill, Ontario;
- m. Right Move Orthotic Centre, at 4481 Highway 7 East, Markham, Ontario;
- n. Scarborough Rouge Physiotherapy, at 4830 Sheppard Avenue East, Units 3 & 5, Scarborough, Ontario;
- o. Wardenwood Health Centre, at 549 Bur Oak Avenue, Suite 1, Markham, Ontario;
- p. Wise & Well Centre, at 5-1970 Dundas Street East, Mississauga, Ontario; and/or
- q. WH Physio Clinic, at 3869 Jane Street, Toronto, Ontario.

3. The Member did not inform the College of Chiropractors of Ontario that he practised at all of the Practice Locations. According to his patient files, the

Member often attended at more than one Practice Location in a single day.

4. With rare exceptions, the Member recommended orthotics for those referred to him at the Practice Locations, often along with orthopedic shoes and/or compression stockings. In one or more instances during the Relevant Period including, but not limited to, with respect to one or more of the patients listed in Schedule “A”, the Member overprescribed and/or gave patients unnecessary prescriptions for orthotics, orthopedic shoes, and/or compression stockings in that:

- a. The Member’s patient records did not record sufficient information to lead one to conclude that the use of orthotics, orthopedic shoes, and/or compression stockings was clinically indicated;
- b. The Member did not record having discussed other treatment options with the patient and/or determined if a different treatment was appropriate before prescribing orthotics, orthopaedic shoes and/or compression stocking as required per the standards; and/or
- c. The Member did not meet with and/or perform an examination and/or assessment of the patient, but nonetheless prescribed and/or recommended orthotics, orthopedic shoes, and/or compression stockings for them.

5. During the Relevant Period, the Member prescribed and/or recommended orthotics, orthopedic shoes and/or compression stockings for patients at the Practice Locations including, but not limited to, one or more of the patients listed in Schedule “A”. He made one or more of these prescriptions and/or recommendations without:

- a. taking an adequate patient history;
- b. performing an adequate chiropody assessment;
- c. obtaining and documenting, in a timely manner, informed patient consent;
- d. providing a range of treatment options;
- e. using a casting or scanning procedure that meets the standards of practice. In particular, foam box impressions were used for one or more of his patients including, but not limited to, one or more of the patients listed in Schedule “A”ⁱ;
- f. personally performing the casting or scanning procedure or otherwise having a designated chiropodist, podiatrist, or properly trained assistant/support person do so, as outlined in the standards of practice;
- g. Personally evaluating the casts or scans to ensure they were accurate or ensuring a designated chiropodist or podiatrist did so. In particular, the Member did not ensure that the patient’s foot was compared to the cast or scan to verify that it was an accurate reflection of the patient’s condition and the contours of the patient’s foot, as outlined in the standards of practice;
- h. personally fitting the orthotics and/or orthopedic shoes to ensure

ⁱ Schedule “A” has not been reproduced here.

that the device met the prescription and the contours of the patient's foot and/or ensuring that those steps were performed by another chiropodist or podiatrist; and/or

i. Offering and/or conducting a follow-up after the orthotics and/or orthopedic shoes had been dispensed. In particular, for one or more of the Member's patients, including but not limited to the patients listed in Schedule "A", the patient record contained no indication that a follow-up took place or was offered.

6. During the Relevant Period, for one or more patients including, but not limited to, one or more patients listed in Schedule "A", the prescription for orthotics prepared by the Member was inadequate in that:

a. the Member did not evaluate and/or record the patient's medical history;

b. a biomechanical examination was not performed;

c. a gait analysis was not performed;

d. a foot exam with appropriate measurements and observations was not taken and/or recorded;

e. it did not contain the patient information required by the College's standards, including the weight, age, activity level, biomechanical data pertinent to the patient's deformity, and/or other information required for the creation of appropriate prescription custom foot orthoses under the College's standards;

f. it did not involve an assessment and recording of the activities and environmental requirements of use;

g. appropriate casting or scanning techniques were not used; and/or

h. it did not contain the necessary information including, but not limited to, information required under the College's standards related to the materials to be used in the fabrication of the orthotic, the required flexibility, the posting correction required and/or the depth of the heel seat.

7. The Member did not take all reasonable steps necessary to ensure that his patient records were being kept in accordance with the regulations governing records and/or the College of Chiropodists of Ontario's Standards of Practice pertaining to Records. In particular, during the Relevant Period, one or more of the patient records including, but not limited to, one or more of the records for patients listed in Schedule "A":

a. did not contain a complete medical history of the patient;

b. did not contain a treatment plan;

c. did not contain a copy of every written informed consent and/or reasonable information that an informed consent was obtained;

d. did not accurately document the date(s) of the patient's visit(s), the date(s) of various examinations, assessments, fittings, and/or castings, and/or the date(s) on which the orthotics and/or orthopedic shoes were dispensed to the patient;

- e. did not contain reasonable information about every examination performed by the Member and reasonable information about every clinical finding, diagnosis and assessment made by the Member;
 - f. did not contain reasonable information about all significant advice given by the member;
 - g. did not contain reasonable information about every order made by the Member for examinations, tests, consultations or treatments to be performed by any other person;
 - h. did not contain every written report received by the Member with respect to examinations, tests, consultations or treatments performed by other health professionals or any other person that provided services to the client in relation to the fitting and dispensing of orthotics and/or orthopedic shoes;
 - i. inaccurately and/or misleadingly represented that the Member had performed certain assessments, examinations, castings, fittings, and/or dispensing, when those steps had been performed by someone else and/or were not performed;
 - j. contained the Member's signature signing off on examinations, assessments, castings, fittings and/or dispensing for patients for whom he did not perform these services;
 - k. inaccurately and/or misleadingly documented that casting for orthotics was performed, either in the Member's clinical notes, the patient invoice, the insurance documentation, or elsewhere in the patient record;
 - l. did not document any follow-up appointment(s) that were offered to patients who received orthotics and/or orthopedic shoes;
 - m. were not personally written by the Member at the time of the patient's appointment or within 24 hours thereafter; and/or
 - n. did not contain proof of payment for charges related to chiropractic services.
8. The Member's record keeping practices were additionally inadequate in that:
- a. he did not keep a daily appointment book listing the names of the patients he examined, treated, and/or to whom rendered any services; and/or
 - b. he failed to maintain control over the location(s) and/or access to and/or manner of storage of his patients' files.
9. During the Relevant Period, one or more patients at the Practice Locations including, but not limited to, one or more of the patients listed in Schedule "A", were charged for the Member's chiropractic services when the services were in fact provided by a staff member who was not a chiropractor or podiatrist and/or were not provided at all.
10. During the Relevant Period, for one or more patients including, but not limited to, one or more of the patients listed in Schedule "A":
- a. the patient invoice(s) and/or documents prepared for the patient's insurance company inaccurately and/or misleadingly represented that the Member had provided certain services to the patient when he had not done so;

and/or

b. the Member submitted, or allowed to be submitted, invoices and receipts to one or more patients' insurers that did not accurately reflect the services provided, the individual who provided the services, the date on which the services were provided, and/or the method used to obtain models of the patient's foot for the fabrication of orthotics.

11. The Member failed to ensure that he was aware of and maintained control over the manner in which one or more of the Practice Locations billed patients for his chiropody services to patients including, but not limited to, one or more of the patients listed in Schedule "A".

Allegations Specific to First Choice Foot & Health Care

12. In or about January of 2016, Mr. Bello provided chiropody services to customers of First Choice Foot & Health Care ("**First Choice**") in Vaughan, Ontario.

13. While Mr. Bello provided chiropody services at First Choice, First Choice advertised that it provided "Free Shoes" to qualified clients and that its services included "Custom Made orthotics", "Footwear" and "Compression Stockings". Mr. Bello's name and title were not indicated on First Choice Advertising.

14. In or about January of 2016, two individuals (the "**Clients**") attended at First Choice as a result of First Choice advertising. The Clients were fitted for orthotics, selected shoes, were invoiced and paid \$800. The Clients supplied insurance coverage information to First Choice.

15. The Member was identified on invoices, including invoices that were provided to the insurance company, as having provided chiropody services to the Clients. However, at no time did the Member provide chiropody services to the Clients.

16. As of December 2016, neither the orthotics nor shoes were dispensed to the Clients by First Choice and/or the Member.

17. By reason of the conduct alleged in paragraphs 1-11 above, the Member engaged in professional misconduct in that he violated:

a. the following subsections of Ontario Regulation 750/93 under the *Chiropody Act, 1991*:

i. 1.2 (Failing to meet or contravening a standard of practice of the profession), and, in particular, the standards pertaining to:

1. Assessment and Management;
2. Orthotics and/or Prescription Custom Foot Orthoses;
3. Patient Relations
4. Prescription Footwear; and/or
5. Records;

- ii. 1.3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purpose in a situation in which a consent is required by law, without such consent);
- iii. 1.17 (Failing to keep records as required by the regulations);
- iv. *Allegation withdrawn*;
- v. 1.20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
- vi. *Allegation withdrawn*;
- vii. 1.30 (Contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts) and, in particular:
 - 1. the provisions of Ontario Regulation 750/93 under the *Chiropody Act, 1991* specified in this Notice of Hearing,
 - 2. the provisions of Ontario Regulation 203/94 under the *Chiropody Act, 1991* specified in this Notice of Hearing; and/or
 - viii. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*.
- ix. 1.33 (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); and/or
- b. sections 13, 14, 16, and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.
- 18. *Allegations withdrawn*:

Member's Plea

The Member admitted the allegations set out in the Notice of Hearing, save for those allegations at paragraphs 17(a)(iv), (vi) and 18, which the College sought to withdraw.

The panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

The panel allowed the withdrawal of the allegations at paragraphs 17(a)(iv), (vi) and 18 as requested.

Agreed Statement of Facts

Counsel for the College and Member advised the panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 1, tab 2) which provided as follows:

1. Dominic Bello (the “**Member**”) is and was at all material times a chiroprapist registered to practise chiroprapy in the Province of Ontario.
2. Between April 2010 and December 2016 (the “**Relevant Period**”), the Member engaged in the practice of chiroprapy at the following locations (the “**Practice Locations**”):
 - (a) 37 Sylvadene Parkway, Woodbridge, Ontario;
 - (b) Care Plus Physiotherapy, at 9705 James Potter Road, Brampton, Ontario;
 - (c) Comfort + Medical Supplies, at 27 Carleton Street, Suite 305, Toronto, Ontario;
 - (d) Dynamic Prescription Orthotics, at 48 Grovetree Road, Etobicoke, Ontario;
 - (e) Central Orthotic Lab (formerly Gateway Orthotics), at 55 Administration Road, Unit 33 & 34, Concord, Ontario and/or 8301 Jane Street, Unit 12, Concord, Ontario, and/or 5 Edvac Drive, Unit 1, Brampton, Ontario;
 - (f) Infinity Medical Group, at 214-1111 Finch Avenue West, Toronto, Ontario;
 - (g) Lega Medical Supplies Inc., at 2100 Ellesmere Road, Unit 104, Toronto, Ontario;
 - (h) Med Star Solution, at 5050 Dufferin Street, Suite 223, Toronto, Ontario;
 - (i) Medeya Health Centre, at 7880 Keele Street, Suite 11, Concord, Ontario;
 - (j) North York Pain Relief, at 1017 Wilson Avenue, Suite 300, North York, Ontario;
 - (k) Pro Med Health & Supply, at 398 Steeles Avenue West, Suite 209, Thornhill, Ontario;
 - (l) Progressive Health Care, 8131 Yonge Street, Suite 206, Thornhill, Ontario;
 - (m) Right Move Orthotic Centre, at 4481 Highway 7 East, Markham, Ontario;
 - (n) Scarborough Rouge Physiotherapy, at 4830 Sheppard Avenue East, Units 3 & 5, Scarborough, Ontario;
 - (o) Wardenwood Health Centre, at 549 Bur Oak Avenue, Suite 1, Markham, Ontario;
 - (p) Wise & Well Centre, at 5-1970 Dundas Street East, Mississauga, Ontario; and/or

(q) WH Physio Clinic, at 3869 Jane Street, Toronto, Ontario.

3. The Member did not inform the College of Chiropodists of Ontario that he practised at all of the Practice Locations.

4. With rare exceptions, the Member recommended orthotics for those referred to him at the Practice Locations, often along with orthopedic shoes and/or compression stockings. The Member acknowledges that with respect to e patients listed in Schedule "A", the Member overprescribed and/or gave patients unnecessary prescriptions for orthotics, orthopedic shoes, and/or compression stockings in that:

(a) In some cases, the Member's patient records did not record sufficient information to lead one to conclude that the use of orthotics, orthopedic shoes, and/or compression stockings was clinically indicated;

(b) The Member did not record having discussed other treatment options with the patient and/or determined if a different treatment was appropriate before prescribing orthotics, orthopaedic shoes and/or compression stocking as required per the standards; and/or

(c) In some cases, the Member did not meet with and/or perform an examination and/or assessment of the patient, but nonetheless prescribed and/or recommended orthotics, orthopedic shoes, and/or compression stockings for them.

5. During the Relevant Period, the Member prescribed and/or recommended orthotics, orthopedic shoes and/or compression stockings for patients at the Practice Locations as identified in Schedule "A". He made these prescriptions and/or recommendations without some or all of:

(a) taking an adequate patient history;

(b) performing an adequate chiropody assessment;

(c) obtaining and documenting, in a timely manner, informed patient consent;

(d) providing a range of treatment options;

(e) using a casting or scanning procedure that meets the standards of practice. In particular, foam box impressions were used for numerous patients;

(f) in some cases, personally performing the casting or scanning procedure or otherwise having a designated chiropodist, podiatrist, or properly trained assistant/support person do so, as outlined in the standards of practice;

(g) personally evaluating the casts or scans to ensure they were accurate or ensuring a another designated chiropodist or podiatrist did so. In particular, the Member did not ensure that the patient's foot was

compared to the cast or scan to verify that it was an accurate reflection of the patient's condition and the contours of the patient's foot, as outlined in the standards of practice;

(h) personally fitting the orthotics and/or orthopedic shoes to ensure that the device met the prescription and the contours of the patient's foot and/or ensuring that those steps were performed by another chiroprapist or podiatrist; and,

(i) offering and/or conducting a follow-up after the orthotics and/or orthopedic shoes had been dispensed.

6. During the Relevant Period, for the patients identified in Schedule "A", the prescription for orthotics prepared by the Member was inadequate in that:

(a) omitted;

(b) omitted;

(c) omitted;

(d) a foot exam with appropriate measurements and observations was not taken and/or recorded;

(e) it did not contain the patient information required by the College's standards, including the weight, age, activity level, biomechanical data pertinent to the patient's deformity, and/or other information required for the creation of appropriate prescription custom foot orthoses under the College's standards;

(f) it did not involve an assessment and recording of the activities and environmental requirements of use;

(g) appropriate casting or scanning techniques were not used; and/or

(h) it did not contain the necessary information including, but not limited to, information required under the College's standards related to the materials to be used in the fabrication of the orthotic, the required flexibility, the posting correction required and/or the depth of the heel seat.

7. The Member did not take all reasonable steps necessary to ensure that his patient records were being kept in accordance with the regulations governing records and/or the College of Chiroprapists of Ontario's Standards of Practice pertaining to Records. In particular, during the Relevant Period, the records pertaining to the patients identified in Schedule "A":

(a) did not contain a complete medical history;

(b) did not contain a treatment plan;

- (c) did not contain a copy of every written informed consent and/or reasonable information that an informed consent was obtained;
- (d) did not accurately document the date(s) of the patient's visit(s), the date(s) of various examinations, assessments, fittings, and/or castings, and/or the date(s) on which the orthotics and/or orthopedic shoes were dispensed to the patient;
- (e) did not contain reasonable information about every examination performed by the Member and reasonable information about every clinical finding, diagnosis and assessment made by the Member;
- (f) did not contain reasonable information about all significant advice given by the Member;
- (g) did not contain reasonable information about every order made by the Member for examinations, tests, consultations or treatments to be performed by any other person;
- (h) did not contain every written report received by the Member with respect to examinations, tests, consultations or treatments performed by other health professionals or any other person that provided services to the client in relation to the fitting and dispensing of orthotics and/or orthopedic shoes;
- (i) in some cases, inaccurately and/or misleadingly represented that the Member had performed certain assessments, examinations, castings, fittings, and/or dispensing, when those steps had been performed by someone else or were not performed;
- (j) contained the Member's signature signing off on examinations, assessments, castings, fittings and/or dispensing for patients for whom he did not perform these services;
- (k) omitted;
- (l) omitted;
- (m) omitted; and
- (n) omitted.

8. The Member's record keeping practices were additionally inadequate in that:

- (a) he did not keep a daily appointment book listing the names of the patients he examined, treated, and/or to whom rendered any services; and,
- (b) he failed to maintain control over the location(s) and/or access to and/or manner of storage of his patients' files.

9. During the Relevant Period, patients listed in Schedule "A" were charged for the Member's chiropody services when the services were in fact provided by a staff member who was not a chiropodist or podiatrist or were not provided at all.

10. During the Relevant Period, for one or more patients including, but not limited to, one or more of the patients listed in Schedule “A”:

(a) the patient invoice(s) and/or documents prepared for the patient’s insurance company inaccurately and/or misleadingly represented that the Member had provided certain services to the patient when he had not done so; or

(b) the Member submitted, or allowed to be submitted, invoices and receipts to one or more patients’ insurers that did not accurately reflect the services provided, the individual who provided the services, the date on which the services were provided, and/or the method used to obtain models of the patient’s foot for the fabrication of orthotics.

11. The Member failed to ensure that he was aware of and maintained control over the manner in which one or more of the Practice Locations billed patients for his chiropody services to patients including, but not limited to, one or more of the patients listed in Schedule “A”.

Allegations Specific to First Choice Foot & Health Care

12. omitted.

13. omitted.

14. omitted.

15. omitted.

16. omitted.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

17. By reason of the conduct alleged above, the Member engaged in professional misconduct in that he violated:

(a) the following subsections of Ontario Regulation 750/93 under the *Chiropody Act, 1991*:

(i) 1.2 (Failing to meet or contravening a standard of practice of the profession), and, in particular, the standards pertaining to:

(A) Assessment and Management;

(B) Orthotics and/or Prescription Custom Foot Orthoses;

(C) Patient Relations

(D) Prescription Footwear; and/or

(E) Records;

(ii) 1.3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purpose in a situation in which a consent is required by law, without such consent);

(iii) 1.17 (Failing to keep records as required by the regulations);

(iv) withdrawn;

(v) 1.20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);

(vi) withdrawn;

(vii) 1.30 (Contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts) and, in particular:

(A) the provisions of Ontario Regulation 750/93 under the *Chiropody Act, 1991* specified in this Notice of Hearing,

(B) the provisions of Ontario Regulation 203/94 under the *Chiropody Act, 1991* specified in this Notice of Hearing; and/or

(C) section 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991.

(viii) 1.33 (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); and/or

(b) sections 13, 14, 16, and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.

MEMBER'S ACKNOWLEDGEMENTS

18. The Member understands the nature of the allegations that have been made against him and that by voluntarily admitting to these allegations, he waives his right to require the College to otherwise prove the case against him.

19. The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.

20. The Member understands that depending on any penalty ordered by the Discipline Committee, the panel's decision and reasons may be published, including the facts contained herein and his name.

21. The Member understands that any agreement between him and the College does not bind the Discipline Committee.

Reasons for Decision

In coming to this decision, the panel considered the following: the Member's admission of professional misconduct, the joint submission of the Agreed Statements of Facts, and the parties' submissions.

Following deliberations, the Panel was satisfied that the conduct described in the Agreed Statement of Facts did constitute professional misconduct as alleged in the Notice of Hearing and as admitted by the Member. The Panel found that members of the profession would reasonably regard the conduct admitted as disgraceful, dishonourable and unprofessional and that the member failed to meet the Standards of Practice of the profession by:

1. not advising the College of all the locations at which the member practiced.
2. over prescribing and/or giving patients unnecessary prescriptions for orthotics, orthopedic shoes and/or compression stockings
3. prescribing and/or recommending devices without taking an adequate patient history, performing an adequate chiropody assessment, obtaining in a timely manner informed patient consent, providing a range of treatment options, using improper procedure and/or not properly evaluating the accuracy of patient assessments
4. not maintaining adequate patient records
5. submitting or allowing to be submitted inaccurate invoices to insurers.

Furthermore, in concluding that the Member's conduct would reasonably be regarded as disgraceful, dishonourable and unprofessional, the Panel noted that the misconduct here was not an isolated incident. It consisted of a pattern of several incidents, with many different patients and various locations and over a long period of time. It certainly appeared to the Panel that the conduct seemed to be specifically motivated by financial gain.

Penalty

Counsel for the parties advised the panel that a Joint Submission as to Penalty and Costs had been agreed upon. The Joint Submission as to Penalty and Costs provides as follows:

1. The College of Chiropractors of Ontario (the "College") and Mr. Dominic Bello (the "Member") agree and jointly submit for the Discipline Committee to make the following order:
 - (a) Directing the Registrar to suspend the Member's certificate of registration for a period of eight (8) months, one month of which shall be remitted in the event that the Member complies with paragraph 2(a) below. The suspension shall begin on a day to be chosen by the Member but shall not begin later than July 1st, 2017.

2. Directing the Registrar to impose a term, condition and limitation on the Member's certificate of registration:

(a) Requiring the Member to complete the ProBe ethics course at his own expense and provide proof thereof to the Registrar before the completion of the compulsory seven (7) month term of suspension.

(b) Restricting the Member from imaging, casting, prescribing, constructing, fitting, dispensing and/or ordering the fabrication of orthotics, prescription footwear, custom shoes and/or modified orthopaedic shoes for a period of nine (9) months, which period begins to run at the conclusion of the suspension period. The Member is additionally not entitled to assign these duties to anyone else, regardless of whether he receives a fee, during the nine (9) months where the restriction applies.

(i) Requiring the Member's practice to be supervised for a period of fifteen (15) months, which period begins to run at the conclusion of the suspension period, on the following terms:

(A) The supervisor shall be appointed by the Registrar and shall be a professional member of the College of Chiropodists of Ontario;

(B) The Member must identify to the supervisor and the Registrar his schedule of practice for seeing patients and identify the locations where patients are seen and where patient records are kept. In the event that the Member's schedule changes, he must immediately identify such changes to the Registrar and to his supervisor;

(C) The supervisor shall visit with the Member in person on four occasions at the Member's site(s) of practice on four (4) occasions, at least two of which must fall within months nine (9) to fifteen (15) of the supervisory period where the restrictions identified at paragraph 2(b) have lapsed;

(D) The supervisor shall determine the length of each visit;

(E) In conducting site visits, the supervisor shall engage the Member in discussions regarding ethics and ethical issues, practice management, record keeping, client assessment, treatment and management plan and orthotics and custom footwear standards;

(F) The supervisor shall prepare a report to the Registrar every other session detailing what occurred at the prior two (2) supervisory sessions.

(G) The Member shall pay the costs of the supervision (to a maximum of \$350 per site visit and \$350 per supervisory report) and shall fully reimburse the College for these costs within thirty (30) days of receiving an invoice from the College for the supervision; and,

3. Directing the Member to appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Public Register of the College.
4. Directing the Member to pay the College's costs fixed in the amount of \$15,000 to be paid by certified cheque immediately upon the rendering of an oral decision provided this proposed penalty is accepted in full.
5. The Member acknowledges that pursuant to section 56 of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, the decision and reasons, or a summary thereof, will be published in the College's annual report and may be published in any other publication of the College with the Member's name.
6. The Member acknowledges that this Joint Submission as to Penalty is not binding upon the Discipline Committee.
7. The Member acknowledges that he has had the chance to receive independent legal advice and did so before agreeing to this Joint Submission.

Decision

The panel considered the Joint Submissions on Penalty and Costs. Having regard to the law regarding joint submissions, the panel is satisfied that the penalty and costs order proposed would not bring the process of this College into disrepute and is not otherwise contrary to the public interest. In the circumstances the penalty proposed is reasonable.

Penalty Decision

The panel accepts the Joint Submission as to Penalty and accordingly makes an order:

1. That the Registrar be directed to suspend the Member's certificate of registration for a period of eight (8) months, one month of which shall be remitted in the event that the Member complies with paragraph 2(a) below. The suspension shall begin on a day to be chosen by the Member but shall not begin later than July 1st, 2017.
2. That the Registrar be directed to impose a term, condition and limitation on the Member's certificate of registration:
 - (a) The Member is required to complete the ProBe ethics course at his own expense and provide proof thereof to the Registrar before the completion of the compulsory seven (7) month term of suspension.
 - (b) The Member is restricted from imaging, casting, prescribing, constructing, fitting, dispensing and/or ordering the fabrication of orthotics, prescription footwear, custom

shoes and/or modified orthopaedic shoes for a period of nine (9) months, which period begins to run at the conclusion of the suspension period. The Member is additionally not entitled to assign these duties to anyone else, regardless of whether he receives a fee, during the nine (9) months where the restriction applies.

(i) The Member's practice is required to be supervised for a period of fifteen (15) months, which period begins to run at the conclusion of the suspension period, on the following terms:

(A) The supervisor shall be appointed by the Registrar and shall be a professional member of the College of Chiropractors of Ontario;

(B) The Member must identify to the supervisor and the Registrar his schedule of practice for seeing patients and identify the locations where patients are seen and where patient records are kept. In the event that the Member's schedule changes, he must immediately identify such changes to the Registrar and to his supervisor;

(C) The supervisor shall visit with the Member in person on four occasions at the Member's site(s) of practice on four (4) occasions, at least two of which must fall within months nine (9) to fifteen (15) of the supervisory period where the restrictions identified at paragraph 2(b) have lapsed;

(D) The supervisor shall determine the length of each visit;

(E) In conducting site visits, the supervisor shall engage the Member in discussions regarding ethics and ethical issues, practice management, record keeping, client assessment, treatment and management plan and orthotics and custom footwear standards;

(F) The supervisor shall prepare a report to the Registrar every other session detailing what occurred at the prior two (2) supervisory sessions.

(G) The Member shall pay the costs of the supervision (to a maximum of \$350 per site visit and \$350 per supervisory report) and shall fully reimburse the College for these costs within thirty (30) days of receiving an invoice from the College for the supervision; and,

3. That the Member be directed to appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Public Register of the College.
4. That the Member be directed to pay the College's costs fixed in the amount of \$15,000 to be paid by certified cheque immediately upon the rendering of an oral decision provided this proposed penalty is accepted in full.
5. The Member acknowledges that pursuant to section 56 of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, the decision and reasons, or a summary thereof, will be published in the College's annual report and may be published in any other publication of the College with the Member's name.

Reasons for Penalty Decision

The panel concluded that the proposed penalty is reasonable and in the public interest and accepted the Joint Submission as to Penalty. The Panel's reasons for accepting the Joint Submission as to Penalty are as follows:

1. This was the first time the member appeared before the College's Discipline Committee.
2. By admitting the allegations of professional misconduct and entering into an Agreed Statement of Facts and a joint submission as to penalty, the Member has saved the College considerable time and expenses, which would have been incurred had the matter proceeded on a contested basis.
3. The penalty addresses strong corrective elements; namely
 - a. The suspension of the Member's certificate of registration for eight months (8), one month which shall be remitted in the event that the Member complies with the ProBe ethics course.
 - b. The Member must complete the ProBe ethics course at his own expense and provide proof thereof to the Registrar before the completion of the seven (7) month term of suspension.
 - c. The restriction of the Member from imaging, casting, prescribing, constructing, fitting, dispensing and/or ordering fabrication of orthotics, prescription footwear, custom shoes and/or modified orthopaedic shoes for a period of nine (9) months, which period begins at the conclusion of the suspension period. The Member is

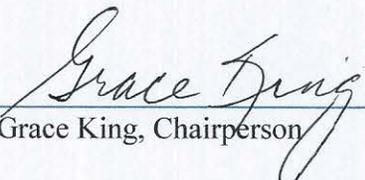
additionally not entitled to assign these duties to anyone else, regardless of whether he receives a fee, during the nine (9) months where the restriction applies.

d. The Member's practice is to be supervised for a period of fifteen months at the conclusion of the suspension period at the Member's expense.

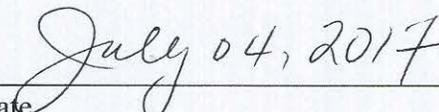
This lawful penalty sends a strong message that the College will not tolerate knowingly breaches of the Standards of Practice of record keeping and orthotics.

At the conclusion of the hearing, having confirmed that the Member waived any right to appeal, the panel delivered its reprimand.

I, Grace King, sign this Decision and Reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:



Grace King, Chairperson



Date

Jim Daley
Peter Guy
Tony Merendino