

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

PANEL:	Ray Ferraro, Chair Robert Goldberg Khalid Daud Ann-Marie McLaren	Public Member Professional Member Public Member Professional Member
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BETWEEN:)	
)	
COLLEGE OF CHIROPODISTS OF ONTARIO ("College"))	Mr. B. LeBlanc for the College of Chiropractors of Ontario
)	
- and -)	
)	
PAMELA BROWN-VEZEAU)	Mr. J. Liswood for the Member
)	
)	Heard: August 13, 2013

Also present at the hearing were:
Ms. Luisa Ritacca – Independent Legal Counsel to the Panel
Ms. Judy Cohen – Complaints Officer

DECISION AND REASONS

On August 13, 2013, a panel of the Discipline Committee of the College of Chiropractors of Ontario ("Panel") conducted a hearing respecting allegations against Ms. Pamela Brown-VezEAU (the "Member") pursuant to the provisions of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18.

The Allegations

The allegations against Pamela Brown-VezEAU, ("Member"), were set out in the Notice of Hearing, dated May 3, 2012. The Notice of Hearing was entered as Exhibit 1 at the hearing. The allegations in respect of the Member's conduct were as follows:

1. Pamela Brown-Vezeau, D.Ch. was, at all material times, a chiroprapist registered to practice chiropody in the province of Ontario. Ms. Brown-Vezeau owned and practised at Kingston Foot and Ankle Clinic and Orthotic Centre in Kingston, Ontario.

2. In respect of several of her patients, Ms. Brown-Vezeau's (portion of allegation withdrawn) did not accurately record the services provided or products dispensed. In particular:

- a. Ms. Brown-Vezeau's records indicated that she provided her patients with a "Prescription Medical Appliance", which she represented to be "custom made appliances ... fitted by the manufacturing chiroprapist personally". However, in fact Ms. Brown-Vezeau did not perform the fittings.
- b. Ms. Brown-Vezeau did not conduct or properly record proper diagnoses, biomechanical examinations and gait analyses.
- c. Ms. Brown-Vezeau's billing and charting records for three patients (DB, GM and EH) were inconsistent, in that Ms. Brown-Vezeau's records indicate that invoices were issued without corresponding treatment.
- d. Withdrawn.
- e. Withdrawn.
- f. In respect of one patient, Ms. Brown-Vezeau billed the Empire Life Insurance Company a "Custom Made Rigid Orthotics Case Fee" of \$100.00. However, the device that was dispensed was not in fact a custom made rigid orthotic.
- g. Neither the invoices issued by Ms. Brown-Vezeau nor her chart specified the casting techniques used.

3. Ms. Brown-Vezeau thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to meet or contravening a standard of practice of the profession), 17 (failing to keep records as required by the

- regulations), (portion of allegation withdrawn) of section 1 of Ontario regulation 750/93 under the *Chiropody Act, 1991*.
4. (portion of allegation withdrawn), (T)here were no prescriptions setting out, among other things, the materials used for manufacturing the orthotics.
 5. For each of these reasons, Ms. Brown-Vezeau thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to meet or contravening a standard of practice of the profession), 17 (failing to keep records as required by the regulations), (portion of allegation withdrawn) of section 1 of Ontario regulation 750/93 under the *Chiropody Act, 1991*.
 6. Ms. Brown-Vezeau's clinical notes and records are inadequate, in that they failed to include adequate information with respect to:
 - a. patient history,
 - b. examinations and tests,
 - c. consultations,
 - d. clinical findings, assessments and diagnoses,
 - e. treatment,
 - f. advice provided to patients,
 - g. information concerning informed consent,
 - h. treatment plans, and,
 - i. follow up visits.
 7. Ms. Brown-Vezeau thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to meet or contravening a standard of practice of the profession), 17 (failing to keep records as required by the regulations) and (portion of allegation withdrawn) of section 1 of Ontario regulation 750/93 under the *Chiropody Act, 1991*.

Member's Plea

The Member admitted the allegations as set out in the Agreed Statement of Facts, described below. The panel conducted a plea inquiry and was satisfied that the Member's admissions were voluntary and unequivocal.

Agreed Statement of Facts

The parties filed with the panel an Agreed Statement of Facts (Exhibit #2), which provided as follows:

1. Pamela Brown-Vezeau, D. Ch. was, at all material times, a chiropodist registered to practice chiropody in the province of Ontario. Ms. Brown-Vezeau owned and practised at Kingston Foot and Ankle Clinic and Orthotic Centre in Kingston, Ontario.
2. In respect of several of her patients, Ms. Brown-Vezeau's records were inaccurate, in that they did not accurately record the services provided or products dispensed. In particular:
 - a. Ms. Brown-Vezeau's records indicated that she provided her patients with a "Prescription Medical Appliance", which she represented to be "custom made appliances ... fitted by the manufacturing chiropodist personally". However, in fact Ms. Brown-Vezeau did not perform the fittings.
 - b. Ms. Brown-Vezeau did not properly record proper diagnoses, biomechanical examinations and gait analyses.
 - c. Ms. Brown-Vezeau's billing and charting records for three patients (DB, GM and EH) were inconsistent, in that Ms. Brown-Vezeau's records indicate that invoices were issued without corresponding treatment.
 - d. In respect of one patient, Ms. Brown-Vezeau billed the Empire Life Insurance Company a "Custom Made Rigid Orthotics Case Fee" of \$100.00. However, the device that was dispensed was not in fact a custom made rigid orthotic.

- e. Neither the invoices issued by Ms. Brown-Vezeau nor her chart specified the casting techniques used.
3. Ms. Brown-Vezeau thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to meet or contravening a standard of practice of the profession) and 17 (failing to keep records as required by the regulations), of section 1 of Ontario regulation 750/93 under the *Chiropody Act, 1991*.
4. There were no prescriptions setting out, among other things, the materials used for manufacturing the orthotics.
5. Ms. Brown-Vezeau thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to meet or contravening a standard of practice of the profession) and 17 (failing to keep records as required by the regulations) of section 1 of Ontario regulation 750/93 under the *Chiropody Act, 1991*.
6. Ms. Brown-Vezeau's clinical notes and records are inadequate, in that they failed to include adequate information with respect to:
 - a. patient history,
 - b. examinations and tests,
 - c. consultations,
 - d. clinical findings, assessments and diagnoses,
 - e. treatment,
 - f. advice provided to patients,
 - g. information concerning informed consent,
 - h. treatment plans, and,
 - i. follow up visits.
7. Ms. Brown-Vezeau thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to meet or contravening a standard of practice of the profession) and 17 (failing to keep records as required by the

regulations) of section 1 of Ontario regulation 750/93 under the *Chiroprody Act, 1991*.

8. Attached hereto at the following tabs are a series of records obtained from Ms. Brown-Vezeau during the course of the College's investigation:

Patient A - Tab "A"

Patient B - Tab "B"

Patient C - Tab "C"

Patient D - Tab "D"

Patient E - Tab "E"

9. The parties agree that these facts are substantially accurate.
10. Ms. Brown-Vezeau understands the nature of the allegations that have been made against her and that by voluntarily admitting these allegations, she waives her right to require the College to otherwise prove the case against her.
11. Ms. Brown-Vezeau understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.
12. Ms. Brown-Vezeau 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 her name.
13. Ms. Brown-Vezeau understands that any agreement between her and the College does not bind the Discipline Committee.
14. Ms. Brown-Vezeau acknowledges that she has had the opportunity to receive, and has in fact received, independent legal advice.

Decision

Based on the admissions set out in the Agreed Statement of Facts and the Member's admission, the panel finds that the Member engaged in professional misconduct as set out in the Agreed Statement of Facts.

Reasons for Decision

The Panel was satisfied that the facts as admitted to revealed a pattern of poor and inadequate record keeping by the Member. This conduct is contrary to this College's standard of practice, as acknowledged by the Member.

Penalty

The parties filed a Joint Submission on Penalty and Costs, which provided as follows:

The College of Chiropractors of Ontario ("the College") and Pamela Brown-Vezeau ("the member") agree and jointly submit that the Discipline Committee make the following order:

1. The member shall appear before the Panel of the Discipline Committee to be reprimanded, the fact of which shall be recorded on the public register of the College.
2. The Panel of the Discipline Committee shall direct the Registrar to suspend the member's certificate of registration for a period of one (1) month, such suspension itself to be remitted in its entirety in the event that the member complies with paragraph 3. In the event that the suspension must be served, it shall commence on a day to be fixed by the Registrar, although such date shall be before December 1, 2013.
3. The Panel of the Discipline Committee shall direct the Registrar to impose a specified term, condition and limitation on the member's certificate of registration requiring that the member successfully complete, at her own expense and to the satisfaction of the Registrar, a record keeping course, or a minimum one day individualized remediation program addressing

record keeping, by no later than October 31, 2013. The course or program must be pre-approved by the Registrar.

4. The member shall pay to the College its costs fixed in the amount of \$5,000.00 within ninety (90) days of the date of the hearing.
5. The member acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
6. The member acknowledges that she has had the opportunity to receive, and has in fact received, independent legal advice.

Penalty Decision

Having considered the Joint Submission on Penalty and Costs and the submissions of the parties, the panel hereby orders as follows:

1. The member shall appear before the Panel of the Discipline Committee to be reprimanded, the fact of which shall be recorded on the public register of the College.
2. The Panel of the Discipline Committee shall direct the Registrar to suspend the member's certificate of registration for a period of one (1) month, such suspension itself to be remitted in its entirety in the event that the member complies with paragraph 3. In the event that the suspension must be served, it shall commence on a day to be fixed by the Registrar, although such date shall be before December 1, 2013.
3. The Panel of the Discipline Committee shall direct the Registrar to impose a specified term, condition and limitation on the member's certificate of registration requiring that the member successfully complete, at her own expense and to the satisfaction of the Registrar, a record keeping course, or a minimum one day individualized remediation program addressing record keeping, by no later than October 31, 2013. The course or program must be pre-approved by the Registrar.

4. The member shall pay to the College its costs fixed in the amount of \$5,000.00 within ninety (90) days of the date of the hearing.
5. The member acknowledges that this Joint Submission as to Penalty and Costs is not binding upon the Discipline Committee.
6. The member acknowledges that she has had the opportunity to receive, and has in fact received, independent legal advice.

Reasons for Decision

The Panel recognized that when a joint submission as to penalty is proposed, it ought to be accepted unless to do so would bring the discipline process into disrepute or the Panel would otherwise be acting contrary to the public interest. In this case, the Panel accepted the proposed penalty as it is within the appropriate range of penalty for this form of professional misconduct – namely, poor and inadequate record keeping.

The Panel considered as mitigating factors the fact that this was the Member's first time before the Discipline Committee and the fact that she agreed to several of the allegations, thereby avoiding the need and expense for a hearing.

The Panel is satisfied that the requirement for re-education of the Member in the area of record keeping is appropriate and will act as both a deterrent for the Member and will ensure ongoing public safety and public confidence in the College's ability to regulate its members.

The Reprimand represents a significant element of the penalty, which will no doubt have an impact on the Member herself and since the fact of the reprimand will be made public, it will also act as a significant general deterrent to the membership of the College

at large.

Wavier of Appeal and Reprimand

At the conclusion of the hearing, the Member waived her right of appeal and indicated a preference that the Panel's order be administered immediately following the hearing. The reprimand was administered accordingly.

I, **Ray Ferraro**, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel as listed below.

A handwritten signature in black ink, appearing to read 'Ray Ferraro', with a stylized flourish extending from the bottom left.

Ray Ferraro, Chair

Panel Members:
Ray Ferraro Robert Goldberg
Khalid Daud
Ann-Marie McLaren