

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

PANEL:

Cesar Mendez, Chair	Professional Member
Donna Coyne	Professional Member
Anne Marie McLaren	Professional Member
Grace King	Public Member

BETWEEN:

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)	
COLLEGE OF CHIROPODISTS)	Jill Doherty
OF ONTARIO)	for the College of
)	Chiropodists
)	of Ontario
)	
- and -)	
)	
SHANNON FRIZZELL)	Graeme Hamilton
)	for the Member
)	
)	Heard: December 15, 2014

Also present at the hearing was:

Luisa Ritacca – Independent Legal Counsel to the Panel

Meghan Hault – Complaints Officer, College of Chiropodists of Ontario

DECISION AND REASONS

Introduction

A hearing before a Panel of the Discipline Committee (“Panel”) of the College of Chiropodists of Ontario (“College”) was held on December 15, 2014. The hearing concerned allegations of professional misconduct against a member of the College, Ms. Shannon Frizzell (the “Member”). The College has a mandate to regulate the practice of the

chiropractic profession and to govern its members and, in so doing, serve and protect the public interest.

The Allegations

The allegations against the Member were set out in the Notices of Hearing, dated March 27 and June 17, 2014, which were entered as Exhibits 1 and 2 respectively.

The allegations in respect of the Member's conduct as set out in Exhibit 1 were as follows:

Notice of Hearing, dated March 27, 2014

1. Shannon Frizzell is a chiropractor registered to practise chiropractic in the Province of Ontario. At all material times, Ms. Frizzell practiced at "Physiomed" in Cambridge, Ontario.
2. On or about January 11, 2012, GH attended Physiomed, where he was prescribed orthotics.
3. Ms. Frizzell signed the prescription for GH's orthotics, and signed an assessment of GH, even though she never assessed, or met, GH.
4. Ms. Frizzell thereby engaged in professional misconduct within the meaning of paragraphs 2 (Failing to meet or contravening a standard of practice of the profession), 20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement) and 33 (Engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of Ontario regulation 750/93 under the *Chiropractic Act, 1991*.

The allegations in respect of the Member's conduct as set out in Exhibit 2 were as follows:

Notice of Hearing, dated June 17, 2014

The allegations in respect of the Member's conduct were as follows:

1. Shannon Frizzell is a chiropodist registered to practice chiropody in the Province of Ontario. At all material times, Ms. Frizzell operated and practiced at "Guelph Foot and Ankle Clinic" in Guelph, Ontario. From in or about September 2012 to in or about December of 2012, Ms. Frizzell also maintained a consulting arrangement with Wilson Health Services, under which she would assess patients to determine medical need for orthotics and, if necessary, provide a biomechanical assessment and gait analysis and fit the products ordered by those patients.
2. Ms. Frizzell issued two invoices to patients on or about July 23, 2012, three invoices to patients on or about August 2, 2012 and two invoices to patients on or about August 23, 2012 for chiropody services and custom-made orthotics. Ms. Frizzell subsequently accepted, in full payment of each of those invoices; less than the invoiced amounts, in circumstances where she knew or ought to have known that the invoices were being or had been submitted by the patients for reimbursement under their group insurance policies, based upon the full invoiced amounts.
3. In the case of the two invoices issued on August 23, 2012, the subsequent payment (for less than the invoiced amount) was made by means of a money order payable to Shannon Frizzell, dated October 3, 2012, over a month after the invoices had been issued, marked "Amount Paid in Full by Check"(sic), initialed by Ms. Frizzell and submitted to the patients' insurance carrier, Manulife Financial, in support of two extended health care claims dated August 23, 2012.
4. Although Ms. Frizzell's "reasonable and customary" charge to patients for certain custom-made orthotics was \$500 per pair, during the period from April 2012 to July 2013 Ms. Frizzell repeatedly reduced that "reasonable and customary" charge based upon the patient's individual benefit coverage under his or her extended health insurance, charging different reduced

amounts for the same orthotics depending upon the patient's benefit coverage. In particular) Ms. Frizzell did so with respect to the following invoices:

- (i) Two invoices issued July 23, 2012 to E.N. and J.N.;
- (ii) Two invoices issued August 23, 2012 to J.K. and P.K.;
- (iii) Four invoices issued in *April* of 2012 and then reissued, by means of three invoices, in December 2012 to D.A., T.A., C.A. and B.A.; and
- (iv) Two invoices issued on May 10, 2013 to P.C. and A.C.

5. By reason of the conduct described in paragraphs 1 to 4 of this Statement of Allegations, Ms. Frizzell engaged in professional misconduct within the meaning of paragraphs 2 (Failing to meet or contravening a standard of practice of the profession), 20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement), 21 (Submitting an account or charge for services that the member knows is false or misleading) and 33 (Engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of Ontario Regulation 750/93 under the *Chiropody Act*, 1991.
6. From in or about April 2012 until in or about July 2013, in connection with her practise, Ms. Frizzell used stationary bearing a logo with the initials "SF", followed by the title:

Dr. Shannon Frizzell, BSc, D, Ch

7. From in or about April 2012 until in or about July 2013, Ms. Frizzell used that stationary to record her clinical assessment of patients, including gait analysis, biomechanical assessment, diagnosis and recommended treatment. During that period, Ms. Frizzell signed numerous assessments using the title "Dr. Shannon Frizzell D. Ch., Chiropodist #960418".

8. From in or about April 2012 until in or about July 2013, Ms. Frizzell accepted cheques from patients which were made payable to "Dr." or "Doctor" Frizzell, in payment for chiropody services and orthotics, and failed to ensure that the cheques were corrected to remove any such references to "Dr." or "Doctor".
9. By reason of the conduct described in paragraphs 6 to 8 of this Statement of Allegations, Ms. Frizzell engaged in professional misconduct within the meaning of paragraphs 20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement), 30 (Contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts), and 33 (Engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) 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 Notices of Hearing. The Panel conducted a plea inquiry and was satisfied that the Member's admissions were informed, voluntary and unequivocal.

The Facts

The parties provided the panel with two separate Agreed Statements of Facts in relation to the Notices of Hearing. The Agreed Statements of Facts and attachments constituted the entirety of the evidence filed in support of the College's case and the Member's admissions.

Agreed Statement of Facts (re: Notice of Hearing, dated March 27, 2014) (Ex. 3)

1. Ms. Frizzell (the "Member") has been registered since 1996 as a chiropody class member of the College of Chiropodists of Ontario. At the time of the

allegations made in the complaint, the Member was the Medical Director and Vice-President, Sales and Marketing of Ontario Orthotic Lab Inc. (OOLab), which manufactures custom foot orthotics. In addition to her work at OOLab, the Member maintained a small private chiropody practice, wherein she consulted at various clinics. The Member also served as President of the Ontario Society of Chiropodists from 1997-1999, and currently serves as Chair of the Communications Committee on the Board of Directors.

2. In the fall of 2011, the Member presented at a "lunch and learn" session at the Physiomed clinic in Cambridge, Ontario. The "lunch and learn" was put on shortly after the clinic first opened to promote the services available at the clinic amongst general practitioners working in the community. The Member presented on orthotics and their benefits. During her presentation, the Member demonstrated how to conduct biomechanical assessments and gait analyses by conducting them on the attending practitioners.
3. Following that presentation, the Member was contacted by the clinic from time to time to see clinic patients who needed to be seen by a chiropodist.
4. On or about December 16, 2011, a patient, G.H., received a referral and prescription for orthotics from his family doctor.
5. On or about January 11, 2012, G.H. attended at Physiomed, where a biomechanical assessment and gait analysis was performed on G.H. by a physiotherapist employed at the clinic.
6. Based upon the above assessment by the physiotherapist, orthotics were ordered, manufactured and, on or about February 2, 2012, dispensed to G.H. by someone other than the Member.
7. A claim for benefits was submitted to G.H.'s insurer with respect to the orthotics. Included in the materials submitted to G.H.'s insurer was a biomechanical assessment form on OOLab's letterhead (a copy of which is attached as **Tab 1** hereto), bearing G.H.'s name and entitled "Biomechanical Assessment" and "Orthotic Device Prescription". The form listed the Member as a practitioner

"involved in the hands on manufacturing process only" and bore her electronic signature. The biomechanical assessment form was submitted to G.H.'s insurer without the Member's specific knowledge, although the Member was aware that these forms were being supplied to Physiomed and other clinics to be submitted in support of insurance claims.

8. On or about March 1, 2012, G.H.'s insurer denied the claim and requested additional information regarding the orthotics, including a medical referral for the orthotics, a gait analysis, a laboratory invoice and the date the orthotics were dispensed.
9. The explanation of benefits G.H. received denying his claim included the following note:

01-BEFORE WE CAN ASSESS YOUR CLAIM FOR ORTHOTICS, WE REQUIRE:

--A MEDICAL REFERRAL, INCLUDING A DIAGNOSIS:

--THE GAIT ANALYSIS AND COPY OF THE LABORATORY INVOICE;

--THE DATE THE ORTHOTICS WERE DISPENSED.

--(S. FRIZZELL, D. CH.)

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10. GH provided the medical referral from his family doctor and requested that Physiomed supply the other additional information required by his insurer. At Physiomed's request, the Member attended at the clinic and wrote on GH's invoice "Dispensed by Dr. S. Frizzell, B. Sc., D. Ch. #960418" and affixed her signature.
11. An unknown individual subsequently wrote "The orthotics were dispensed at the above date January 11th, 2012 [sic] by Dr. Shannon Frizzell, B. Sc., D. Ch. reg# 960418" on the same invoice below the Member's signature. The Member is not aware of who wrote this note on the invoice or when it was added.

12. G.H. was not present at Physiomed when the Member attended and she never met G.H. or dispensed orthotics to him, although the Member did review GH's chart when she attended at the clinic, prior to signing the invoice.
13. In May 2013, prior to the commencement of these proceedings, the Member modified OOLab's biomechanical assessment and gait analysis form by removing her name and signature from it. She did so after being cautioned by the Inquiries, Complaints and Reports Committee in regards to another matter that the form could be misread as suggesting that the Member had conducted the assessment.
14. The Member admits that by reason of the conduct described in this agreed Statement of Facts, she engaged in professional misconduct within the meaning of paragraphs 2 (Failing to meet or contravening a standard of practice of the profession), 20 (.Signing or issuing, in the member's professional capacity , a document that contains a false or misleading statement), and 33 (Engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of *Ontario Regulation 750/93* under the *Chiropractic Act, 1991*.
15. The Member understands the nature of the allegations that have been made against her and that by voluntarily admitting to these allegations; she waives her right to require the College to otherwise prove the case against her.
16. The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.
17. The Member understands that the panel's decision and reasons may be published, including the facts contained herein along with her name.
18. The Member understands that any agreement between her and the College does not bind the Discipline Committee.
19. The Member acknowledges that she has had the opportunity to receive independent legal advice and has done so.

Agreed Statement of Facts (re: Notice of Hearing, dated June 17, 2014) (Ex. 4)

1. Shannon Frizzell (the "Member") is a chiroprapist registered to practise chiroprapy in the Province of Ontario. At the time of the allegations made in the complaint, the Member was the Medical Director and Vice-President, Sales and Marketing of Ontario Orthotic Lab Inc. (OOLab), which manufactures custom foot orthotics. In addition to her work at OOLab, the Member maintained a small private chiroprapy practice, including an in-home clinic that carried on business as the "Guelph Foot and Ankle Clinic".
2. From in or about September 2012 to in or about December of 2012, the Member also maintained a consulting arrangement with Wilson Health Services, under which she would assess patients to determine their medical need for orthotics and, if necessary, provide a biomechanical assessment and gait analysis and fit the products ordered by those patients.
3. The Member issued two invoices to patients on or about July 23, 2012, three invoices to patients on or about August 2, 2012 and two invoices to patients on or about August 23, 2012 for chiroprapy services and custom-made orthotics. The Member subsequently accepted, in full payment of each of those invoices, less than the invoiced amounts, in circumstances where she knew or ought to have known that the invoices were being or had been submitted by the patients for reimbursement under their group insurance policies, based upon the full invoiced amounts. Copies of those invoices are attached as **Tab A** to this Agreed Statement of Facts.
4. In the case of the two invoices issued on August 23, 2012, the subsequent payment (for less than the invoiced amount) was made by means of a money order payable to Shannon Frizzell, dated October 3, 2012, over a month after the invoices had been issued, marked "Amount Paid in Full by Check"(sic), initialed by the Member and submitted to the patients' insurance carrier, Manulife Financial, in support of two extended health care claims dated August 23, 2012.

Copies of those receipts are attached as **Tab B** to this Agreed Statement of Facts.

5. From in or about April 2012 until in or about July 2013, in connection with her practise, the Member used stationary bearing a logo with the initials "SF", followed by the title:

“Dr. Shannon Frizzell, BSc, D, Ch”

6. From in or about April 2012 until in or about July 2013, the Member used that stationary to record her clinical assessment of patients, including gait analysis, biomechanical assessment, diagnosis and recommended treatment. During that period, the Member signed numerous assessments using the title "Dr. Shannon Frizzell D. Ch., Chiropodist #960418". Copies of those assessments are attached as Tab C to this Agreed Statement of Facts.
7. The Member admits that by reason of the conduct described in paragraphs 1 to 4 of this Agreed Statement of Facts, she engaged in professional misconduct within the meaning of paragraphs 2 (Failing to meet or contravening a standard of practice of the profession), 20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement), 21 (Submitting an account or charge for services that the member knows is false or misleading) and 33 (Engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of *Ontario Regulation 750/93* under the *Chiropody Act, 1991*.
8. The Member admits that by reason of the conduct described in paragraphs 5 to 6 of this Agreed Statement of Facts, she engaged in professional misconduct within the meaning of paragraphs 20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading

statement), 30 (Contravening the Act, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts), and 33 (Engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of *Ontario Regulation 750/93* under the *Chiropractic Act, 1991*.

9. The Member understands the nature of the allegations that have been made against her and that by voluntarily admitting to these allegations; she waives her right to require the College to otherwise prove the case against her.
10. The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.
11. The Member understands that the panel's decision and reasons may be published, including the facts contained herein along with her name.
12. The Member understands that any agreement between her and the College does not bind the Discipline Committee.
13. The Member acknowledges that she has had the opportunity to receive independent legal advice and has done so.

Decision and Reasons

Based on the admissions set out in the Agreed Statements of Facts and the Member's admission, the Panel finds that the Member engaged in professional misconduct within the meaning of paragraphs 2, 20, 21, 30 and 33 of Ontario Regulation 750/93 of the *Chiropractic Act, 1991*.

Reasons for Decision

In coming to this decision, the Discipline Panel considered the following; the Member's admission of professional misconduct, the joint submission of the Agreed Statements of Facts (Exhibit #3, Exhibit #4), and the parties' submissions. Following deliberations, the Panel was satisfied that the conduct described in the Agreed Statements of Facts constitute

professional misconduct as alleged in the Notices of Hearing and as admitted by the Member.

Penalty Submissions

The parties filed a Joint Submission on Penalty (Exhibit #5), which provided as follows:

1. The College of Chiropractors of Ontario (the "College") and Ms. Shannon Frizzell (the "Member") agree and jointly submit that the Discipline Committee make the following order:
 - (a) An Order directing the Registrar to suspend the Member's certificate of registration for a period of six (6) months, one and one half (1 1/2) months of which shall be remitted in the event that the Member complies with paragraph 1(b) of this Order within one (1) year from the date the Penalty Order is signed by the Discipline Committee . The first four and one half (4 1/2) months of the suspension shall commence on the date that the Penalty Order is signed by the Discipline Committee and any further period of suspension which is not remitted shall be served beginning one (1) year after the Penalty Order is signed .
 - (b) An Order directing the Registrar to impose a term, condition and limitation on the Member's certificate of registration,
 - (i) requiring that she complete the ProBe course in ethics, to the satisfaction of the Registrar and at the Member 's own expense;
 - (ii) permitting the College to conduct two (2) unannounced inspections and records reviews of her practice, at the Member's own expense, the cost of such inspections and records reviews not to exceed \$500 each.
 - (c) An Order requiring the Member to appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Register of the College.

- (d) An Order requiring the Member to pay the College's costs fixed in the amount of \$15,000 to be paid according to the following schedule:
 - (i) \$3,000 at the time the Penalty Order is signed,
 - (ii) \$3,000 within six (6) months of the date the penalty Order is signed,
 - (iii) \$3,000 within nine (9) months of the date the penalty Order is signed,
 - (iv) \$3,000 within twelve (12) months of the date the penalty Order is signed, and
 - (v) \$3,000 within fifteen (15) months of the date the penalty Order is signed
- 2. 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.
- 3. The Member acknowledges that this Joint Submission as to Penalty is not binding upon the Discipline Committee.
- 4. The Member acknowledges that she has had the chance to receive, and in fact has received, independent legal advice.

Decision on Penalty

The Panel accepts the joint submission on penalty and costs and accordingly orders as follows:

- 1. Shannon Frizzell 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 Discipline Committee directs the Registrar to suspend Shannon Frizzell's certificate of registration for a period of six (6) months, one and one half (1 1/2) month of which shall be remitted in the event that the Member complies with paragraph 3 set out below within one (1) year from the date the Penalty Order is signed by the Discipline Committee. The first four and one half (4 ½) months of the suspension shall commence on January 1, 2015 and any further period of suspension which is not remitted shall be served beginning one (1) year thereafter.

3. The Discipline Committee directs the Registrar to impose a term, condition and limitation on the Member's certificate of registration,

- a. Requiring that she complete the ProBe course is ethics, to the satisfaction of the Registrar and at the Member's own expense;
- b. Permitting the College to conduct two (2) unannounced inspections and records reviews of her practice, at the Member's own expense, the cost of such inspections and records reviews not to exceed \$500 each.

4. The Member shall pay to the College its costs fixed in the amount of \$15,000.00 to be paid according to the following schedule:

- a. \$3,000.00 at the time the penalty Order is signed,
- b. \$3,000.00 within six (6) months of the date of the penalty Order is signed,
- c. \$3,000.00 within nine (9) months of the date of the penalty Order is signed,
- d. \$3,000.00 within twelve (12) months of the date of the penalty Order is signed, and;
- e. \$3,000.00 within fifteen (15) months of the date of the penalty Order is signed.

Reasons for Penalty

The panel accepted the Joint Submission on Penalty. As set out in more detail below, the panel concluded that this penalty – while reasonable – was in many respects on the low end of the penalty spectrum. The panel understands that the penalty was in keeping with penalties imposed in similar cases, which were referred to by counsel during their submissions; however, the panel struggled with accepting the joint submission. The panel understands its obligations not to depart from a joint submission unless accepting the joint submission would bring its administration into disrepute. The panel does not believe that the penalty imposed would bring its administration into disrepute.

In coming to its decision to accept the joint submission, the panel considered the following mitigating factors:

1. This was the Member's first time appearing before the College's Discipline Committee.
2. By admitting the allegations of professional misconduct and entering into Agreed Statements of Facts and a joint submission as to penalty, the Member has saved the College considerable time and expense, which would have been incurred had the matter proceeded on a contested basis.

The panel considered the following aggravating factors as well:

1. The professional misconduct was not an isolated incident; rather it consisted of several incidents occurring across several different locations and several different practice settings consistent with a deliberate pattern in the Member's conduct.
2. The use of the title Doctor was planned and intentional conduct as demonstrated by the deliberate inclusion of this title into stationary/letterhead.
3. Several of the allegations and corresponding conduct appear to be specifically motivated by financial gain.

4. The Member is a seasoned practitioner who has been, and continues to be, extensively involved in several professional associations in various capacities. In these roles (as acknowledged in the submitted document, Materials in Support, Exhibit #6), the Member has been involved in activities that would have specifically kept her informed, updated, and well versed on the very matters found to have been breached in the allegations.

Having ultimately come to the conclusion that the penalty, – while reasonable – was on the low end of the penalty spectrum, the panel makes the following observations:

1. The penalty incorporates a component of rehabilitation through the requirement that the Member enroll, and complete, the ProBe ethics course which has been described by College Council as a very high caliber ethics course. The Panel has been advised that this course can be customized to this individual's specific circumstances and specifically be tailored to address the concerns of the Discipline Panel. The completion of this ethics course, in combination with the order for unannounced inspections and records reviews of the Member's practice by the College, will support the Member in moving forward in compliance with the College's regulations.
2. The amount of the costs ordered, the unannounced inspections and records reviews of the Member's practice by the College at the Member's expense, and the publication and reporting of the case on the College website and in College newsletters will act as a specific deterrence to the Member and a general deterrence to the profession as a whole.
3. The unannounced inspections and records reviews of the Member's practice by the College and the publication and reporting of the case on the College website and in College newsletters will serve to protect the public from similar continued misconduct by this Member.
4. The reporting of the case on the College website and in College newsletters is consistent with the College's mandate to protect the public and to do so in a fair and transparent manner.

Having waived her rights of appeal, the Panel administered the Reprimand at the conclusion of the hearing. A copy of the reprimand is attached at Schedule "A" of these reasons.

I, Cesar Mendez, 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.



Cesar Mendez, Chair

Date: December 19, 2014.

Panel Members:

Donna Coyne

Ann-Marie McLaren

Grace King

Schedule "A"

Oral Reprimand

As you know, Ms. Frizzell as part of its penalty order, this Discipline Panel has ordered that you receive a reprimand. You agreed to this as part of your Joint Submission with the College.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College. We will also attach this to the end of our reasons for decision once released.

Although you will be given an opportunity to make a statement at the end of the reprimand, this is *not* an opportunity for you to review the decision made by the Discipline Panel, *nor* a time for you to debate the merits of our decision.

The panel has found that you have engaged in professional misconduct in a number of different ways. They are as follows:

1. Misusing the title "Dr";
2. Signing invoices you knew or ought to have known were false; and
3. Signing a document with respect to patient GH, which suggested you had conducted an assessment, when in fact you had never assessed or met G. H.; and

It is a matter of profound concern to this Panel that you have engaged in these forms of professional misconduct. By doing so, you have brought discredit to the profession and to yourself. Public confidence in this profession has been put in jeopardy. Moreover, in light of your specific professional positions and associations, the result of your misconduct is

particularly disappointing. You have significantly let down the public, the profession, and yourself.

We need to make it clear to you that your conduct is unacceptable.

Of special concern to us is that fact that the professional misconduct in which you engaged has involved issues with the ordering and billing of orthotics. Your actions result in putting the entire profession under unjustified scrutiny from the public and insurance companies regarding a very significant component of patient care within the profession.

As you know, this is a small College. Your behavior has required investigation and ultimately this hearing, all resulting in a significant economic cost which must now be absorbed by the rest of the membership.

Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which you have engaged.

We believe that the penalty that this Panel has imposed is a fair penalty, however, the Panel also believes that this penalty is on the low end of the range of what is reasonable for this conduct and that we intend to make that clear in our reasons for this decision. We also want to make it very clear that you certainly can expect that a more significant penalty will be imposed by another Discipline Panel in the event that you are ever found to have engaged in professional misconduct again.

As I have already stated, this is *not* an opportunity for you to review the decision or debate the correctness of the decision which, in any event, was agreed to by your counsel. However, do you have any questions or do you wish to make any comments?