

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

**B E T W E E N:**

**COLLEGE OF CHIROPODISTS OF ONTARIO**

- and -

**MICHAEL HENRY PATRICK DOHERTY**

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **Michael Henry Patrick Doherty** 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 a Schedule 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.

If the discipline panel finds that you are incompetent, 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 and to specify criteria to be satisfied for the removal of the suspension.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time, and to specify criteria to be satisfied for the removal of the terms, conditions and limitations.

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  
PO Box 35, TD Bank Tower  
Toronto, ON M5K 1B7  
t. (416) 947-5080  
f. (416) 365-1876  
e. [dmckenna@weirfoulds.com](mailto:dmckenna@weirfoulds.com)

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

**Date:** September 5, 2019



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

**TO: Michael Henry Patrick Doherty**  
University Dundas Health Centre  
438 University Avenue  
Suite 1816  
Toronto, ON M5G 2K8

## **STATEMENT OF ALLEGATIONS**

1. At all material times, Michael Henry Patrick Doherty (“**Mr. Doherty**” or the “**Member**”) was a registered member of the College.
  
2. During the period from in or about March to April 2018, Mr. Doherty 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*:
  - (i) paragraph 2 (failing to meet or contravening a standard of practice of the profession);
  
  - (ii) paragraph 18 (falsifying a record relating to the member’s practice);
  
  - (iii) paragraph 20 (signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement);
  
  - (iv) paragraph 21 (submitting an account or charge for services that the member knows is false or misleading); and/or
  
  - (v) 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**

3. At all material times, Mr. Doherty was a chiropodist registered with the College to practise chiropody in the Province of Ontario.
4. In or about the period between March and April 2018 (the “**Relevant Period**”), the Member engaged in the practice of chiropody at the University Dundas Health Centre, also referred to as the University Foot Clinic, located in Toronto, Ontario (the “**Clinic**”).
5. During the Relevant Period, the Member provided chiropody services to P.G., including prescribing two pairs of custom orthotics for P.G. on or about March 22, 2018.
6. The Member advised P.G. that the cost of the custom orthotics was \$500.00 a pair, and that each pair of orthotics included a new pair of shoes.
7. The Member explained to P.G. that many shoes do not accommodate orthotic inserts and the cost of the shoes provided by the Clinic would be covered under P.G.’s extended healthcare plan, provided he had sufficient insurance coverage.
8. The Member was aware or ought to have been aware that the cost of the new shoes was not an appropriate charge to be covered by insurance benefits.
9. After ordering and paying for the two pairs of orthotics, P.G. was invited to pick out two pairs of shoes. He selected a black pair of Ecco dress shoes and a pair of Saucony running shoes.
10. After selecting the two pairs of shoes, P.G. was told that the order would be processed and everything would be ready for pick-up at the same time.

11. The invoice provided to P.G. by the Clinic was \$1,095.00. This included a \$95.00 charge for chiropody initial assessment and \$1,000 for the two pairs of orthotics.
12. The invoice provided to P.G. by the Clinic did not make reference to two pairs of shoes and/or indicate that \$1,000 charge for the orthotics included the cost of the new shoes.
13. On or about April 12, 2018, P.G. returned to the Clinic to pick up the order. He tried on the new shoes with the custom orthotics. As the shoes fit and felt comfortable, P.G. took the shoes and the orthotics home.
14. P.G. later submitted a claim for the orthotics and chiropody services provided by the Member to his insurance carrier, Sun Life Financial ("**Sun Life**").
15. On or about June 6, 2018, Sun Life submitted a complaint to the College with respect to the orthotics prescribed by the Member to P.G.

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Lawyers for the College of  
Chiropodists of Ontario

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