

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

PANEL:	Peter Stavropoulos, Chair Donna Coyne Khalid Daud	Professional Member Public Member Public Member
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BETWEEN:

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)	
COLLEGE OF CHIROPODISTS)	Mr. Bernard LeBlanc
OF ONTARIO)	for the College of
)	Chiropodists
)	of Ontario
)	
- and -)	
)	
PAUL A. SCOTTI)	Mr. Josh Liswood
)	for Mr. Paul A. Scotti
)	
)	Heard: May 16, 2013

Also present at the hearing were:

Mr. Brian Gover - Independent Legal Counsel to the Panel
Ms. Charlene Massey - Court Reporter

DECISION AND REASONS

Introduction

A hearing before a panel of the Discipline Committee (the “Panel”) of the College of Chiropodists of Ontario (the “College”) was held on May 16, 2013. The College has a mandate to regulate the practice of the chiropody profession and to govern its members and, in so doing, serve and protect the public interest.

The Allegations

The allegations against Paul A. Scotti, (the "Member"), were set out in the Notice of Hearing, dated February 19, 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. Paul A. Scotti, D.Ch. was, at all material times, a chiropodist registered to practise chiropody in the province of Ontario. Mr. Scotti practised at West Toronto Foot and Ankle Clinic in Toronto, Ontario.
2. Since 2009, Mr. Scotti has been using the title "podiatrist", a variation or abbreviation or an equivalent in another language, despite the fact that Mr. Scotti has never been registered as a podiatrist.
3. In particular, Mr. Scotti advised a patient that he was a podiatrist and he called himself a podiatrist in advertising directories.
4. Mr. Scotti thereby engaged in professional misconduct within the meaning of paragraphs 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsections 7(1)(a), 8(2)(b) and 9(b), and section 12, of O. Reg. 203/94 under the *Chiropody Act, 1991*) and 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) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

5. Since 2009, Mr. Scotti has been holding himself out as a person who is qualified to practise in Ontario as a podiatrist, despite the fact that Mr. Scotti has never been registered as a podiatrist. In particular, Mr. Scotti has:
 - a. advised a patient that he was a podiatrist;
 - b. called himself a podiatrist in advertising directories; and,
 - c. advertised his clinic as a “full service chiropody/podiatry centre”.

6. Mr. Scotti thereby engaged in professional misconduct within the meaning of paragraphs 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsections 7(1)(a), 8(2)(b) and 9(b), and section 12, of O. Reg. 203/94 under the *Chiropody Act, 1991*) and 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) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

7. Between approximately 2009 and the present, Mr. Scotti has used the title “doctor”, or a variation or abbreviation of the title “doctor”, in the course of providing or offering to provide, in Ontario, health care to individuals. In particular, Mr. Scotti has:
 - a. referred to himself as “Dr. Scotti” on a sign in the window of his clinic;
 - b. called himself “Dr. Scotti” in advertising directories; and
 - c. displayed a poster advertising his practice which contained the word “Doc”.

8. Mr. Scotti has thereby engaged in professional misconduct within the meaning of paragraphs 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsection 33(1) of the *Regulated Health Professions Act, 1991*, and subsections 7(1)(a) and 8(2)(b) and section 12 of O. Reg. 203/94 under the *Chiropody Act,*

1991) and 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) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

9. Mr. Scotti has advertised his practice without identifying himself. Mr. Scotti thereby engaged in professional misconduct within the meaning of paragraphs 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsection 8(1) of O. Reg. 203/94 under the *Chiropody Act, 1991*) and 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) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

Member's Plea

The Member admitted some of the allegations, as reflected in the Agreed Statement of Facts, described below. The Panel conducted a plea inquiry and concluded that the Member's admission was voluntary, informed and unequivocal.

Agreed Statement of Facts

The Agreed Statement of Facts (Exhibit #2) provides as follows.

1. Paul A. Scotti, D.Ch. was, at all material times, a chiropodist registered to practise chiropody in the province of Ontario. Mr. Scotti practised at West Toronto Foot and Ankle Clinic in Toronto, Ontario.
2. Since 2009, Mr. Scotti has been holding himself out as a person who is qualified to practise in Ontario as a podiatrist, despite the fact that Mr. Scotti has never been registered as a podiatrist. In particular, Mr. Scotti has advertised his

clinic as a “full service chiropody/podiatry centre”

3. As examples of such advertising, attached at **Tab “A”** is a copy of an advertisement from the Etobicoke Yellow Pages from September, 2011. Attached at **Tab “B”** is a copy of a picture taken of Mr. Scotti’s signage at his clinic in September, 2011 and attached at **Tab “C”** is a copy of a picture taken of a poster from a display at a Costco store in Etobicoke in September, 2011.

4. Mr. Scotti thereby engaged in professional misconduct within the meaning of paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsections 7(1)(a) and 8(2)(b) and section 12, of O. Reg. 203/94 under the *Chiropody Act, 1991*) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

5. Mr. Scotti has used the title “doctor”, or a variation or abbreviation of the title “doctor”, in the course of providing or offering to provide, in Ontario, health care to individuals. In particular, Mr. Scotti has:

- a. referred to himself as “Dr. Scotti” on a sign in the window of his clinic; and,
- b. displayed a poster advertising his practice which contained the word “Doc”.

6. Examples of this are illustrated at **Tab “C” and Tab “D”**, which is a copy of a picture taken from a sign posted on the front door of Mr. Scotti’s clinic in September, 2011.

7. Mr. Scotti has thereby engaged in professional misconduct within the meaning of paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsection 33(1) of the *Regulated Health Professions Act, 1991*, and

subsections 7(1)(a) and section 12 of O. Reg. 203/94 under the *Chiropody Act, 1991*) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

8. Mr. Scotti has advertised his practice without identifying himself. See for example **Tab "A"** and **Tab ""C"**. Mr. Scotti thereby engaged in professional misconduct within the meaning of paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsection 8(1) of O. Reg. 203/94 under the *Chiropody Act, 1991*) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

9. The parties agree that these facts are substantially accurate.

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

11. Mr. Scotti understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.

12. Mr. Scotti 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.

13. Mr. Scotti understands that any agreement between him and the College does not bind the Discipline Committee.

14. Mr. Scotti acknowledges that he has had the opportunity to receive, and has in fact received, independent legal advice.

Decision

Consistent with the Member's admission of professional misconduct and the Agreed Statement of Facts and in light of the parties' submissions and the advice of its independent legal counsel, the Panel made the following finding:

Mr. Scotti has engaged in professional misconduct within the meaning of paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, specifically, subsection 33(1) of the *Regulated Health Professions Act, 1991*, and subsections 7(1)(a), 8(1) and 8(2)(b) and section 12 of O. Reg. 203/94 under the *Chiropody Act, 1991*) of O. Reg. 750/93 under the *Chiropody Act, 1991*.

Penalty Decision and Reasons

Counsel for the College advised the Panel that a Joint Submission as to Penalty and Costs ("Joint Submission", Exhibit #3) had been agreed upon. The Joint Submission requested that the Panel make an order 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 the event that the member successfully completes to the satisfaction of the Registrar two (2) random inspections of the member's advertising and advertising records, including but not limited to advertising and advertising records in the member's place(s) of practice, such inspections to be at the member's expense, to take place by no later than July 31, 2013, and which may take place without notice to the Member. In the event

that the Member fails to successfully complete such inspections, the suspension shall begin at such time to be fixed by the Registrar, such time to be no later than September 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 the inspections described in the preceding paragraph.
4. The member shall pay to the College its costs fixed in the amount of \$2,500.00 within three (3) months 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 he has had the opportunity to receive, and has in fact received, independent legal advice.

Upon deliberation, the Panel accepted the terms and conditions on the Joint Submission and imposed 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 the event that the Member successfully completes to the satisfaction of the Registrar two (2) random inspections of the member's advertising and advertising records, including but not limited to advertising and advertising records in the member's place(s) of practice, such inspections to be at the Member's expense, to take place by no later than July

31, 2013, and which may take place without notice to the member. In the event that the Member fails to successfully complete such inspections, the suspension shall begin at such time to be fixed by the Registrar, such time to be no later than September 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 the inspections described in the preceding paragraph.
4. The Member shall pay to the College its costs fixed in the amount of \$2,500.00 within three (3) months of the date of the hearing.

The Panel's reasons for accepting the Joint Submission are as follows:

1. The penalty order proposed in the Joint Submission is reasonable in light of the professional misconduct described in the Agreed Statement of Facts (Exhibit #2) and that the Panel found was engaged in by the Member.
2. Further, on the basis of the cases reviewed by College Counsel and reproduced in the Joint Brief of Authorities, the Panel was satisfied that the penalty order proposed in the Joint Submission is within the range of appropriate range of penalties imposed as a consequence of findings of professional misconduct in other similar cases.
3. Consequently, there was no basis for departing from the Joint Submission. As we were advised by independent legal counsel, a Discipline panel should only depart from a joint submission where by accepting it, the panel would bring the administration of justice into disrepute.

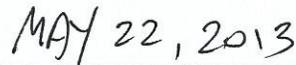
Administration of Reprimand

The Chair asked if the Member was prepared to waive his right of appeal so that the reprimand provided for in the Joint Submission and the Panel's penalty order could be administered. Counsel for the Member stated on the record that the Member had waived his right of appeal. The reprimand was therefore administered to the Member on the same day, on the record.

I, **Peter Stavropoulos**, 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.



Peter Stavropoulos, Chair



Date: May 22 2013.

Panel Members:

Peter Stavropoulos, Chair
Donna Coyne
Khalid Daud