

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

-and-

DAVID CHOI

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **DAVID CHOI** (Registration #0101701) 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 the Statement 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.

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*.

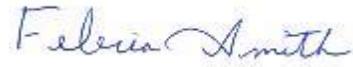
You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the solicitor for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
Barristers & Solicitors
4100-66 Wellington Street West
P.O. Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
f. (416) 365-1876
e. 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: December 20, 2019



Felecia Smith, LL.B.
Registrar
College of Chiropodists of Ontario
180 Dundas Street West, Suite 2102
Toronto, ON M5G 1Z8

TO: David Choi
341 Balliol Street
Toronto, Ontario
M4S 1E1

STATEMENT OF ALLEGATIONS

1. David Choi (“**Mr. Choi**” or “**Member**”) was at all material times a registered member of the College.

2. During the period in or about July 2018 (“**Relevant Period**”), the Member 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 *Chiropractic Act, 1991*:
 - a. paragraph 2 (failing to meet or contravening a standard of practice of the profession), and, in particular, the College’s standards pertaining to:
 - i. Assessment and Management;
 - ii. Patient Relations;
 - iii. Records; and/or
 - iv. Prescription Custom Foot Orthoses;

 - b. paragraph 10 (practising the profession while the member is in a conflict of interest);

 - c. paragraph 14 (providing treatment to a patient where the member knows or ought to know that the provision of the treatment is ineffective, unnecessary or deleterious to the patient or is inappropriate to meet the needs of the patient);

 - d. paragraph 17 (failing to keep records as required by the regulations);

 - e. paragraph 18 (falsifying a record relating to the member’s practice);

 - f. paragraph 20 (signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement);

- g. paragraph 21 (submitting an account or charge for services that the member knows is false or misleading);
- h. paragraph 22 (charging a fee that is excessive in relation to the services or devices charged for);
- i. paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts), specifically:
 - i. Ontario Regulation 750/93 (Professional Misconduct) under the *Chiropody Act, 1991*, as specified in this Notice of Hearing;
 - ii. Ontario Regulation 203/94 (General) under the *Chiropody Act, 1991*, and, in particular, the Advertising (Part II) and Records (Part III);
 - iii. Ontario Regulation 830/93 (Registration) under the *Chiropody Act, 1991*; and/or
 - iv. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*; and/or
- j. 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

1. At all material times, the Member was a chiropodist registered with the College to practise chiropody in Ontario.
2. During the Relevant Period, the Member was engaged in the practice of chiropody at Medical Orthopedics Inc., located at 220 Royal Crest Road in Markham, Ontario (the “**Clinic**”).
3. On or about September 18, 2018, the College received a complaint from Manulife about the Member (the “**Complaint**”).
4. As set out in the Complaint, Manulife commenced a “secret shopper” investigation during the summer of 2018 in relation to the Clinic. The focus of the investigation related to patients at the Clinic being offered and receiving incentives in the form of free shoes with the purchase of orthotics.
5. As part of the investigation, a Manulife investigator (identifying herself under the alias Emily Daniels) contacted the Clinic to arrange an assessment for orthotics. During her initial call with the Clinic, the investigator was asked which patient had referred her to the Clinic and her occupation. Upon advising that she was a teacher, the investigator was asked to provide her plan and certificate number.
6. The investigator attended at the Clinic for her appointment on July 5, 2018.
7. Upon arrival, the investigator was greeted and asked by the Clinic reception staff to complete medical intake forms. Prior to completing the forms, the investigator was asked by the Member to follow him into the treatment room.
8. While in the treatment room, the investigator informed the Member that she had sore feet and she expressed an interest in orthotics. In response, the Member asked the investigator a number of questions and completed an assessment.

9. The assessment conducted by the Member included a gait analysis and measuring the investigator's feet for orthotics with the use of foam box impressions.
10. During her assessment, the investigator asked the Member whether orthotics would help her sore feet and she also expressed an interest in orthotics for high-heeled shoes. In response to this inquiry, the Member said words to the effect that orthotics would help but not fix the problem entirely. He also expressed reluctance in recommending orthotics for high-heeled shoes.
11. Upon being advised that she was a teacher, the Member informed the investigator that her insurance coverage included two pairs of orthotics. He then instructed the investigator to return to the front desk where the staff would explain the process for submitting the insurance claims to her insurer and for receiving her orthotics.
12. Upon returning to the reception, the investigator was instructed on completing her insurance forms – one form for the Member's assessment for \$90.00 and a second form for the orthotics at \$700.00.
13. After paying for the \$90.00 assessment fee, the investigator was handed a plastic card by reception staff with a number "2" on it and then directed to the adjoining shoe store, A Smart Step, for "next steps".
14. As instructed, the investigator attended the adjoining shoe store and was greeted by staff. The investigator was then informed by staff that she had a \$200 plus tax shoe allowance for any shoes in the store. In addition, she was provided with a list of other shoe outlets and was told by staff that they could order shoes from any of those outlets that the investigator liked.
15. On or about July 24, 2018, the investigator received an email indicating that her orthotics and shoes were ready for pick-up. Thereafter, on or about July 26, 2018, the investigator attended at the Clinic. After paying for her orthotics and signing-off on the insurance form (which had been re-dated to July 26, 2018), the investigator was again directed to the adjoining shoe store by the Clinic staff.

16. Upon entering the shoe store, the investigator was greeted by staff. After providing her name to staff, the investigator was handed a bag containing her orthotics and a pair of Michael Kors dress shoes. The investigator tried on the shoes and then left the store.
17. The Member was not involved in dispensing or fitting the investigator's orthotics and the investigator was not provided with any use or follow-up instructions.
18. During the Relevant Period or at any time, the Member did not disclose to the College that the Clinic was one of his practice locations.

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Lawyers for the College of
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