

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

DOMINIC BELLO

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **DOMINIC BELLO** 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:

Jordan Glick
WEIRFOULDS LLP
Barristers & Solicitors
4100 - 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: (416) 947-5082
Fax: (416) 365-1876
jglick@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, 2017



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

TO: Dominic Bello
37 Sylvadene Pkwy
Woodbridge, ON L4L 2M5

STATEMENT OF ALLEGATIONS (BELLO -1710)

1. Dominic Bello (the “**Member**”) was, at all material times, a chiropodist registered to practise chiropody in the province of Ontario.
2. Between in or about January 2015 and in or about May 2017 (the “**Relevant Period**”), the Member engaged in the practice of chiropody and/or represented that he was engaged in the practice of chiropody at, and/or in association with, and/or in consultation with, some or all of the following locations (the “**Practice Locations**”):
 - a. 37 Sylvadene Parkway, Woodbridge, Ontario;
 - b. 1017 Wilson Avenue, Suite 300, North York, Ontario;
 - c. 4181 Sladeview Crescent, Unit 26, Sladeview Crescent, Mississauga, Ontario;
 - d. 9555 Yonge Street, Suite 304, Richmond Hill, Ontario;
 - e. Alma Lux Inc., at 1675 The Chase, Unit 20, Mississauga, Ontario;
 - f. Bio Tech Foot, at 8301 Jane St, Unit 24C, Toronto, Ontario;
 - g. Brampton Orthotics Lab, at 5 Edvac Drive, Unit 1, Brampton, Ontario;
 - h. Central Orthotic Lab (formerly Gateway Orthotics), at 55 Administration Road, Unit 33 & 34, Concord, Ontario;
 - i. Comfort + Medical Supplies, at 27 Carlton Street, Suite 305, Toronto, Ontario;
 - j. Dynamic Prescription Orthotics, at 48 Grovetree Road, Etobicoke, Ontario;
 - k. Fieldgate Medical Supplies Inc., 3423 Fieldgate Drive, Mississauga, Ontario;
 - l. First Choice Foot and Health Care, at 8301 Jane Street, Unit 12, Vaughan, Ontario;
 - m. Infinity Medical Group, at 214-1111 Finch Avenue West, Toronto, Ontario;
 - n. Lega Medical Supplies Inc., at 2100 Ellesmere Road, Unit 104, Toronto, Ontario;
 - o. Medeya Health Centre, at 7880 Keele Street, Suite 11, Concord, Ontario;
 - p. Oscar/Oskar Shoe & Medical Supply, 1500 Royal York Road, Unit 10, Toronto, Ontario;
 - q. Quadmed Medical Supplies and Services, 1170 Sheppard Avenue West, Unit 22, Toronto, Ontario;
 - r. Right Move Orthotics Centre, at 4481 Highway 7 East, Unionville, Ontario;

- s. Right Step Medical, at 1225 Dundas Street East, Unit 6, Mississauga, Ontario;
 - t. Scarborough Rouge Physiotherapy, at 4830 Sheppard Avenue East, Units 3 & 5, Scarborough, Ontario;
 - u. The Royal Feet, 2761 Markham Road, Unit D34, Scarborough, Ontario;
 - v. Uti-Rote Enterprises, 460 Renforth Drive, Unit 8, Etobicoke, Ontario;
 - w. Veta Comfort Medical Inc., at 2050 Steeles Avenue West, Unit 2, Concord, Ontario;
 - x. Wise & Well Centre, at 5-1970 Dundas Street East, Mississauga, Ontario; and/or
 - y. Yorkstar Rehab Centre, 4801 Keele Street, Unit 57, North York, Ontario.
3. The Member did not inform the College of Chiropractors of Ontario that he practised at all of the Practice Locations. According to his patient files, the Member often attended at more than one Practice Location in a single day.
4. With rare exceptions, the Member recommended orthotics for those referred to him at the Practice Locations, often along with orthopedic shoes. In one or more instances during the Relevant Period including, but not limited to, with respect to one or more of the patients listed in Schedule "A", the Member overprescribed and/or gave patients unnecessary prescriptions for orthotics and/or orthopedic shoes in that:
- a. the Member's patient records did not record sufficient information to lead one to conclude that the use of orthotics and/or orthopedic shoes was clinically indicated;
 - b. the Member did not record having discussed other treatment options with the patient and/or determined if a different treatment was appropriate before prescribing orthotics and/or orthopaedic shoes as required per the standards; and/or
 - c. the Member did not meet with and/or perform an examination and/or assessment of the patient, but nonetheless prescribed and/or recommended orthotics for them.
5. During the Relevant Period, the Member prescribed and/or recommended orthotics and/or orthopedic shoes for patients at the Practice Locations including, but not limited to, one or more of the patients listed in Schedule "A". He made one or more of these prescriptions and/or recommendations without:
- a. meeting with the patient in-person;
 - b. taking an adequate patient history;
 - c. performing an adequate chiropody assessment;

- d. obtaining and documenting, in a timely manner, informed patient consent;
 - e. providing a range of treatment options;
 - f. using a casting or scanning procedure that meets the standards of practice. In particular, foam box impressions were used for one or more of his patients including, but not limited to, one or more of the patients listed in Schedule "A";
 - g. personally performing the casting or scanning procedure or otherwise having a designated chiropodist, podiatrist, or properly trained assistant/support person do so, as outlined in the standards of practice;
 - h. personally evaluating the casts or scans to ensure they were accurate or ensuring a another designated chiropodist or podiatrist did so;
 - i. personally fitting the orthotics and/or orthopedic shoes to ensure that the device met the prescription and the contours of the patient's foot and/or ensuring that those steps were performed by another chiropodist or podiatrist; and/or
 - j. offering and/or conducting a follow-up after the orthotics and/or orthopedic shoes had been dispensed. In particular, for one or more of the Member's patients, including but not limited to the patients listed in Schedule "A", the patient record contained no indication that a follow-up took place or was offered.
6. During the Relevant Period, for one or more patients including, but not limited to, one or more patients listed in Schedule "A", the prescription for orthotics prepared by the Member was inadequate in that:
- a. the Member did not meet with the patient at all;
 - b. the Member did not evaluate and/or record the patient's medical history;
 - c. a biomechanical examination was not performed;
 - d. a gait analysis was not performed;
 - e. a foot exam with appropriate measurements and observations was not taken and/or recorded;
 - f. it did not involve an assessment and recording of the activities and environmental requirements of use;
 - g. appropriate casting or scanning techniques were not used; and/or
 - h. it did not contain the patient information required by the College's standards, including the weight, age, activity level, biomechanical data pertinent to the patient's deformity, and/or other information required for the creation of appropriate prescription custom foot orthoses under the College's standards.

7. The Member did not take all reasonable steps necessary to ensure that his patient records were being kept in accordance with the regulations governing records and/or the College of Chiropractors of Ontario's Standards of Practice pertaining to Records. In particular, during the Relevant Period, one or more of the patient records including, but not limited to, one or more of the records for patients listed in Schedule "A":
 - a. did not contain a complete medical history of the patient;
 - b. did not contain a treatment plan;
 - c. did not contain a copy of every written informed consent and/or reasonable information that an informed consent was obtained;
 - d. did not accurately document the date(s) of the patient's visit(s), the date(s) of various examinations, assessments, fittings, and/or castings, and/or the date(s) on which the orthotics and/or orthopedic shoes were dispensed to the patient;
 - e. did not contain reasonable information about every examination performed by the Member and reasonable information about every clinical finding, diagnosis and assessment made by the Member;
 - f. did not contain reasonable information about all significant advice given by the member;
 - g. did not contain reasonable information about every order made by the Member for examinations, tests, consultations or treatments to be performed by any other person;
 - h. inaccurately and/or misleadingly represented that the Member had performed certain assessments, examinations, treatments, castings, fittings, and/or dispensing, when those steps had been performed by someone else and/or were not performed;
 - i. contained the Member's signature signing off on examinations, assessments, castings, fittings and/or dispensing for patients for whom he did not perform these services;
 - j. inaccurately and/or misleadingly documented that casting for orthotics was performed and that certain treatments were performed, either in the Member's clinical notes, the patient invoice, the insurance documentation, or elsewhere in the patient record;
 - k. did not document any follow-up appointment(s) that were offered to patients who received orthotics and/or orthopedic shoes; and/or
 - l. were not personally written by the Member at the time of the patient's appointment or within 24 hours thereafter.

8. During the Relevant Period, one or more patients at the Practice Locations including, but not limited to, one or more of the patients listed in Schedule "A", were charged for the Member's chiropody services when the services were in fact provided by a staff member who was not a chiropodist or podiatrist and/or were not provided at all.
9. During the Relevant Period, one or more patients at the Practice Locations including, but not limited to, one or more of the patients listed in Schedule "A", were charged for the Member's chiropody services when the Member did not provide any services to such patients.
10. During the Relevant Period, for one or more patients including, but not limited to, one or more of the patients listed in Schedule "A":
 - a. the patient invoice(s) and/or documents prepared for the patient's insurance company inaccurately and/or misleadingly represented that the Member had provided certain services to the patient and/or dispensed orthotics and/or orthopedic shoes to the patient when he had not done so;
 - b. the Member submitted, or allowed to be submitted, invoices and receipts to one or more patients' insurers that did not accurately reflect the services provided, the individual who provided the services, the date on which the services were provided, and/or the method used to obtain models of the patient's foot for the fabrication of orthotics;
 - c. the supplier invoice(s) and/or documents submitted to the patient's insurance company were inaccurate and/or misleading in that the suppliers of orthotics and/or orthopaedic shoes listed in the invoice(s) and/or documents did not exist and/or did not sell orthotics or orthopaedic shoes.
11. By reason of the conduct alleged in paragraphs 1-10 above, the Member engaged in professional misconduct in that he violated:
 - a. the following subsections of Ontario Regulation 750/93 under the *Chiropody Act, 1991*:
 - i. 1.2 (Failing to meet or contravening a standard of practice of the profession), and, in particular, the standards pertaining to:
 1. Assessment and Management;
 2. Orthotics and/or Prescription Custom Foot Orthoses;
 3. Patient Relations
 4. Prescription Footwear; and/or
 5. Records;

- ii. 1.3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purpose in a situation in which a consent is required by law, without such consent);
 - iii. 1.17 (Failing to keep records as required by the regulations);
 - iv. 1.18 (Falsifying a record relating to the member's practice);
 - v. 1.20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
 - vi. 1.21 (Submitting an account or charge for services that the member knows is false or misleading);
 - vii. 1.30 (Contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts) and, in particular:
 - 1. the provisions of Ontario Regulation 750/93 under the *Chiropody Act, 1991* specified in this Notice of Hearing,
 - 2. the provisions of Ontario Regulation 203/94 under the *Chiropody Act, 1991* specified in this Notice of Hearing; and/or
 - 3. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*.
 - viii. 1.33 (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); and/or
- b. sections 13, 16, and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.

SCHEDULE "A"

1. R.I.
2. S.M.
3. A.Z.
4. E.Z.
5. D.K.
6. S.K.
7. A.K.
8. P.K.
9. M.K.

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**Lawyers for the College of Chiropractors of
Ontario**