

**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 of 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

Telephone: (416) 947-5082
Facsimile: (416) 365-1876
Email: 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: March 31, 2017



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

TO: Dominic Bello

Statement of Allegations

STATEMENT OF ALLEGATIONS (BELLO -1520)

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 April 2010 and in or about December 2016 (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. Care Plus Physiotherapy, at 9705 James Potter Road, Brampton, Ontario;
 - c. Comfort + Medical Supplies, at 27 Carleton Street, Suite 305, Toronto, Ontario;
 - d. Dynamic Prescription Orthotics, at 48 Grovetree Road, Etobicoke, Ontario;
 - e. Central Orthotic Lab (formerly Gateway Orthotics), at 55 Administration Road, Unit 33 & 34, Concord, Ontario and/or 8301 Jane Street, Unit 12, Concord, Ontario, and/or 5 Edvac Drive, Unit 1, Brampton, Ontario;
 - f. Infinity Medical Group, at 214-1111 Finch Avenue West, Toronto, Ontario;
 - g. Lega Medical Supplies Inc., at 2100 Ellesmere Road, Unit 104, Toronto, Ontario;
 - h. Med Star Solution, at 5050 Dufferin Street, Suite 223, Toronto, Ontario;
 - i. Medeya Health Centre, at 7880 Keele Street, Suite 11, Concord, Ontario;
 - j. North York Pain Relief, at 1017 Wilson Avenue, Suite 300, North York, Ontario;
 - k. Pro Med Health & Supply, at 398 Steeles Avenue West, Suite 209, Thornhill, Ontario;
 - l. Progressive Health Care, 8131 Yonge Street, Suite 206, Thornhill, Ontario;
 - m. Right Move Orthotic Centre, at 4481 Highway 7 East, Markham, Ontario;
 - n. Scarborough Rouge Physiotherapy, at 4830 Sheppard Avenue East, Units 3 & 5, Scarborough, Ontario;
 - o. Wardenwood Health Centre, at 549 Bur Oak Avenue, Suite 1, Markham, Ontario;
 - p. Wise & Well Centre, at 5-1970 Dundas Street East, Mississauga, Ontario; and/or
 - q. WH Physio Clinic, at 3869 Jane Street, Toronto, 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 and/or compression stockings. 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, orthopedic shoes, and/or compression stockings in that:
 - a. The Member's patient records did not record sufficient information to lead one to conclude that the use of orthotics, orthopedic shoes, and/or compression stockings 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, orthopaedic shoes and/or compression stocking 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, orthopedic shoes, and/or compression stockings for them.
5. During the Relevant Period, the Member prescribed and/or recommended orthotics, orthopedic shoes and/or compression stockings 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. taking an adequate patient history;
 - b. performing an adequate chiropody assessment;
 - c. obtaining and documenting, in a timely manner, informed patient consent;
 - d. providing a range of treatment options;
 - e. 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";
 - f. personally performing the casting or scanning procedure or otherwise having a designated chiropractor, podiatrist, or properly trained assistant/support person do so, as outlined in the standards of practice;
 - g. personally evaluating the casts or scans to ensure they were accurate or ensuring a another designated chiropractor or podiatrist did so. In particular, the Member did not ensure that the patient's foot was compared to the cast or scan to verify that it

- 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. did not contain every written report received by the Member with respect to examinations, tests, consultations or treatments performed by other health professionals or any other person that provided services to the client in relation to the fitting and dispensing of orthotics and/or orthopedic shoes;
 - i. inaccurately and/or misleadingly represented that the Member had performed certain assessments, examinations, castings, fittings, and/or dispensing, when those steps had been performed by someone else and/or were not performed;
 - j. 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;
 - k. inaccurately and/or misleadingly documented that casting for orthotics was performed, either in the Member's clinical notes, the patient invoice, the insurance documentation, or elsewhere in the patient record;
 - l. did not document any follow-up appointment(s) that were offered to patients who received orthotics and/or orthopedic shoes;
 - m. were not personally written by the Member at the time of the patient's appointment or within 24 hours thereafter; and/or
 - n. did not contain proof of payment for charges related to chiropractic services.
8. The Member's record keeping practices were additionally inadequate in that:

- a. he did not keep a daily appointment book listing the names of the patients he examined, treated, and/or to whom rendered any services; and/or
 - b. he failed to maintain control over the location(s) and/or access to and/or manner of storage of his patients' files.
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 services were in fact provided by a staff member who was not a chiropodist or podiatrist and/or were not provided at all.
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 when he had not done so; and/or
 - 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.
11. The Member failed to ensure that he was aware of and maintained control over the manner in which one or more of the Practice Locations billed patients for his chiropody services to patients including, but not limited to, one or more of the patients listed in Schedule "A".

Allegations Specific to First Choice Foot & Health Care

12. In or about January of 2016, Mr. Bello provided chiropody services to customers of First Choice Foot & Health Care ("**First Choice**") in Vaughan, Ontario.
13. While Mr. Bello provided chiropody services at First Choice, First Choice advertised that it provided "Free Shoes" to qualified clients and that its services included "Custom Made orthotics", "Footwear" and "Compression Stockings". Mr. Bello's name and title were not indicated on First Choice Advertising.
14. In or about January of 2016, two individuals (the "**Clients**") attended at First Choice as a result of First Choice advertising. The Clients were fitted for orthotics, selected shoes, were invoiced and paid \$800. The Clients supplied insurance coverage information to First Choice.
15. The Member was identified on invoices, including invoices that were provided to the insurance company, as having provided chiropody services to the Clients. However, at no time did the Member provide chiropody services to the Clients.

16. As of December 2016, neither the orthotics nor shoes were dispensed to the Clients by First Choice and/or the Member.
17. By reason of the conduct alleged in paragraphs 1-11 above, the Member engaged in professional misconduct in that he violated:
 - a. the following subsections of Ontario Regulation 750/93 under the *Chiroprody 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 *Chiroprody 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 *Chiroprody Act, 1991* specified in this Notice of Hearing,
 2. the provisions of Ontario Regulation 203/94 under the *Chiroprody 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, 14, 16, and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.
18. By reason of the conduct alleged in paragraphs 12-16 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. 1.20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
 - ii. 1.21 (Submitting an account or charge for services that the member knows is false or misleading);
 - iii. 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 7, 8 and 12 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to advertising.

SCHEDULE "A"

Scarborough Rouge

A.J.R.

C.C.

H.D.

Dynamic Prescription Orthotics

J.S.

S.S.

B.D.

B.D.

K.S.

K.S.

S.S.

J.A.

M.T.

C.S.

R.S.

A.A.

S.K.

H.C.

Comfort + Medical Supplies

K.F.R.

M.A.

R.M.

K.M.

Wise & Well

S.W.E.

V.W.E.

I.M.P.

N.R.

Y.Z.

D.R.

M.R.

M.R.

J.P.

S.P.

B.P.

M.B.

G.B.

M.D.

M.P.

R.P.

A.L.

E.D.C.

G.D.C.

J.J.

I.J.

R.B.

O.P.

N.G.

Infinity Medical Group

I.K.

I.K.

L.B.

B.B.

J.G.

K.C.

N.A.

M.L.

N.R.

G.S.

Medeya Health Centre

J.C.

E.G.

I.K.

A.M.

A.R.

T.B.

V.K.

Right Move Orthotic Centre

D.I.

S.I.

A.I.

P.Y.

N.Y.

Care Plus Physiotherapy

N.G.

S.R.

C.T.

Gateway Orthotics

K.W.A.

I.S.

L.R.

S.Y.

G.T.

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

NOTICE OF HEARING

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