

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

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

**COLLEGE OF CHIROPODISTS OF ONTARIO**

**- and -**

**DAVID D'ALIMONTE**

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **DAVID D'ALIMONTE** 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 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 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:

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

Telephone: (416) 619-6295  
Facsimile: (416) 365-1876  
Email: [awilbee@weirfoulds.com](mailto:awilbee@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: November 30 2017



---

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

**TO: David D'Alimonte**  
c/o Jermall W. Estwick  
Campione & Vaturi  
Barristers & Solicitors  
1110 Finch Avenue West, Suite 800  
North York, ON M3J 2T2

**Statement of Allegations**

1. David D'Alimonte (the "Member") was, at all material times, a chiropodist registered to practise chiropody in the province of Ontario.
2. Since in or about 2008, the Member has engaged in the practice of chiropody at Toronto Family Foot & Ankle Clinic (the "Clinic").
3. In or around November 2013, the Great-West Life Assurance Company ("GWL") began a review of claims that the Member and/or the Clinic had submitted to GWL (the "GWL Investigation").
4. For the period from in or about July 2012 to in or about June 2015, GWL had paid in excess of \$3 million for claims related to the Clinic, and approximately \$2 million of the payments made were for orthotics or orthopedic shoes.
5. The GWL Investigation revealed that the Member was issuing prescriptions for unnecessary medical treatments and/or devices and that benefits claims were made for orthotics and/or orthopedic shoes where services were not provided and/or non-medical footwear was provided.
6. Patients signed documentation allowing the Clinic to submit claims and receive payment directly from GWL. The Member then submitted or allowed this to be submitted to GWL, along with false documentation that he prepared, in order to receive payment from GWL.
7. On or around April 21, 2015, an undercover investigator attended the Clinic and was seen by the Member. The Member advised the investigator that orthotics were not required. The Member provided the investigator with a shoe catalogue from which the investigator selected non-orthopedic shoes. The Member then issued false documentation and submitted a false claim to GWL on behalf of the investigator for orthopedic shoes, for which the Clinic received payment. On or around June 16, 2015, the investigator returned to the Clinic and was given two pairs of shoes that had been selected from the catalogue. The shoes received were not orthopedic nor did they contain orthotics.

8. On or around July 10, 2015, the Member met with a representative of the Special Investigations Unit of GWL. During this conversation, the Member admitted, and it is alleged, that he had submitted false billings to GWL over a period of approximately five to six years. He acknowledged that he had been providing patients with non-medical footwear while representing to GWL that he had provided orthopedic shoes.
9. On or around November 6, 2015, GWL and the Member entered into a Settlement Agreement following from the GWL Investigation, whereby the Member agreed to pay \$1,100,000.00 to GWL.
10. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the Member falsified documents and/or records, signed and/or issued documents that he knew were false and/or misleading, and/or submitted accounts for services he knew to be false in that he:
  - a. submitted, or allowed to be submitted, invoices and/or receipts to GWL, and/or other insurers, that inaccurately and/or misleadingly represented that the Member had provided certain services to the patient when he had not done so;
  - b. submitted, or allowed to be submitted, invoices and/or receipts to GWL, and/or other insurers, representing that medical footwear would be dispensed to patients when no medical footwear was ever dispensed;
  - c. issued false prescriptions indicating that patients had foot conditions that they did not have; and/or
  - d. fabricated patient records.
11. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the Member overprescribed and/or gave patients unnecessary prescriptions for orthotics and/or orthopedic shoes in that he:
  - a. did not perform an adequate examination and/or assessment of the patient, but nonetheless prescribed and/or recommended orthotics or orthopedic shoes for them;

- b. did not discuss other treatment options with the patient and/or determine if a different treatment was appropriate before prescribing orthotics and/or orthopedic shoes; and/or
- c. prescribed and/or recommended orthotics or orthopedic shoes to patients who did not require orthotics and/or orthopedic shoes.

12. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the prescriptions for orthotics and/or orthopedic shoes prepared by the Member were inadequate in that:

- a. the Member did not evaluate and/or record the patient's medical history;
- b. a gait analysis was not performed;
- c. a foot exam with appropriate measurements and observations was not taken and/or recorded;
- d. 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;
- e. it did not involve an assessment and recording of the activities and environmental requirements of use; and/or
- f. a cast or scan of the patient's foot was not created.

13. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the Member prescribed and/or recommended orthotics and/or orthopedic shoes 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. creating a cast or scan of the patient's foot;
- f. 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
- g. offering and/or conducting a follow-up after the orthotics and/or orthopedic shoes had been dispensed.

14. 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 Chiropodists of Ontario's Standards of Practice pertaining to Records. One or more of the patient records for the Member's patients at the Clinic:

- a. were damaged, incomplete, altered and/or illegible;
- b. did not contain a complete medical history of the patient;
- c. did not contain the name and address of the primary care physician and/or any referring health professional;
- d. did not contain a treatment plan;
- e. did not contain a copy of every written informed consent and/or reasonable information that an informed consent was obtained;
- f. did not accurately document 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;
- g. did not contain reasonable information about all significant advice given by the Member; and/or

- h. did not accurately document follow-up appointments with patients who received orthotics and/or orthopedic shoes;

15. By reason of the conduct alleged in paragraphs 1-14 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 a consent);

- iii. 1.14. (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);

- iv. 1.17 (Failing to keep records as required by the regulations);

- v. 1.18 (Falsifying a record relating to the member's practice);

- vi. 1.20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);



- vii. 1.21 (Submitting an account or charge for services that the member knows is false or misleading);
  - viii. 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*;
  - ix. 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 and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.

---

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

---

**NOTICE OF HEARING**

---

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

**Alexandra Wilbee**

Telephone: (416) 619-6295  
Facsimile: (416) 365-1876  
awilbee@weirfoulds.com

Lawyers for the College of Chiropractists  
of Ontario