

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

JOHN MANHAEVE

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **JOHN MANHAEVE** 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: February 23, 2017



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

TO: John Manhaeve

Statement of Allegations

1. John Manhaeve (the “**Member**”) is (and was at all materials times) a chiroprapist registered to practise chiropody in the Province of Ontario.

Undercover Investigation Number 1

2. In or about October of 2013, an undercover investigator (“**UI1**”), retained by an insurance company, attended City View Health Center (“**City View**”) where he was recruited to submit a false insurance claim for orthotics. UI1 was counseled as to how to obtain a prescription for orthotics and was advised that once a prescription was issued, City View would assist in making an insurance claim for orthotics though no orthotics would be dispensed.

3. In or about December 2013, UI1 returned to City View with a valid prescription. The private investigator was not examined at City View, nor was he cast for orthotics. Nonetheless, a claim was submitted to the insurance company for two pairs of orthotics on UI1’s behalf. Attached to the claim was a receipt indicating a charge of \$1,000 for services including an initial assessment, biomechanical gait analysis, casting using a foam impression, manufacturing, dispensing, fitting and follow-up. None of these services were performed.

4. In or about January 2014, UI1 returned to City View where he selected “off the shelf” shoes. No orthotics were dispensed and no further examinations was conducted.

5. In or about May and June of 2016, the Member falsely indicated to the insurance company that he performed the gait analysis and biomechanical assessment on UI1 and that he fitted and dispensed two pairs of custom orthotics.

Undercover Investigation Number 2

6. In or about November of 2015, a second undercover investigator (“**UI2**”), retained by the same insurance company, attended at Total Family Wellness Clinic (“**Wellness Clinic**”) where he was recruited to submit a false insurance claim for orthotics. UI2 was advised that while a claim would be made for orthotics, the orthotics would not be dispensed. In turn, UI2 would receive fifty percent of the proceeds of the insurance claim.

7. In or about December of 2015, the Wellness Clinic submitted a claim to the insurance company for orthotics on behalf of UI2. The documents supplied to the insurance company included a prescription for orthotics as a result of a diagnosis of pes planus. The documents indicated that the Member had conducted a bio-mechanical assessment and gait analysis and a three dimensional casting of UI2's foot on or about November 11, 2015. A receipt for \$500 was supplied indicating that the Member had fitted and dispensed the orthotics to UI2 on or about November 25, 2015.

8. The Member never spoke to UI2, never conducted an assessment or casting and never fitted or dispensed orthotics to UI2.

9. By virtue of the conduct described in paragraphs 2 to 8 of this Statement of Allegations, Mr. Manhaeve engaged in professional misconduct within the meaning of paragraphs 20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement), 21 (Submitting an account or charge for services that the member knows is false or misleading) 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 section 1 of Ontario Regulation 750/93 under the *Chiropody Act, 1991*.

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Lawyers for the College of Chiropractors
of Ontario
