

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

IVAN MORAVAC

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **IVAN MORAVAC** 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 Statements of Allegations which are 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. The hearing will take place at **1:00 pm on Thursday November 1, 2018 at Victory Verbatim, 222 Bay Street, Suite 900, Toronto, ON M5K 1H6.**

**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 (LSO #54274B)**  
**GlickLaw**  
Simcoe Chambers  
116 Simcoe Street, Suite 100  
Toronto, ON M5H 4E2  
  
T: (416) 596-2960 x235  
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jglick@glicklaw.ca

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: October 18, 2018



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

**TO:** Ivan Moravac  
8768 Sideroad 17  
Acton, ON L7J 2L9

**STATEMENT OF ALLEGATIONS (MORAVAC – File 1718)**

1. Ivan Moravac (the “**Former Member**”) initially registered with the College of Chiropractors of Ontario (the “**College**”) in August 1986. On April 13, 2018, the Former Member resigned his membership with the College.
2. Within the years 2015 to 2018 (the “**Relevant Period**”), the Former Member engaged in the practice of chiropractic at Sole Feet Health Inc. (“**Sole Feet**”) and/or Henley Foot and Ankle Clinic (“**Henley**”). The Former Member is the direct, indirect, and/or beneficial owner of Sole Feet.
3. In or about August of 2017, the College received information that the Former Member was running an insurance benefits scheme whereby clients and potential clients were incentivized with gift cards to maximize insurance benefits relating to orthotics, orthopaedic shoes and/or compression stockings. The information suggested that the Former Member targeted members of the Toronto Police Service (“**TPS**”) as clients.
4. In or about September of 2017, an investigator, retained by the College, contacted Sole Feet under the pretext of having been recently hired by TPS and in need of orthotics.
5. On or about September 27<sup>th</sup>, 2017, the investigator attended at Sole Feet where:
  - a. she was immediately advised that her insurance coverage would allow her to claim two pairs of orthotics for \$1000 Cdn;
  - b. she filled out a client information sheet which included a request for her group and policy number for insurance purposes;
  - c. she was assessed, on a limited basis, by the Former Member and advised that she required orthotics;
  - d. she was then advised again that her insurance coverage would allow her to claim two pairs of orthotics for \$1000 Cdn, though she indicated that she only desired to purchase a single pair;
  - e. the investigator did not see the Former Member again with respect to her assessment and treatment. Scans of her feet were taken by a woman who was previously sitting at the reception desk (the “**Receptionist**”). The scans were not reviewed by the Former Member;
  - f. she was advised by the Receptionist that the promotion involving mall gift certificates for TPS employees ceased a month prior but that they had replaced that program with a give-away for free shoes;
  - g. she was provided with a catalogue for shoes and advised that she could otherwise go on the website [www.TOG.com](http://www.TOG.com) and order a pair of shoes of her choice; and,
  - h. she was charged \$500 Cdn for the visit and orthotics which she paid by credit card before departing.

6. On or about September 28, 2017, the investigator called Sole Feet and ordered a pair of boots from the catalogue.
7. On or about October 6, 2017, the investigator attended at Sole Feet where a chiropractor dispensed the orthotics. The Former Member was not present, nor was there any further contact and/or follow-up.
8. On or about November 30, 2017, the investigator attended at Sole Feet to pick up the boots. She was not required to sign any documentation or pay for them.
9. In respect of the investigator's assessment and treatment, the Former Member did not:
  - a. take an adequate medical history;
  - b. obtain and document, in a timely manner, informed patient consent;
  - c. perform an adequate chiropody assessment, including a gait analysis;
  - d. provide a range of treatment options;
  - e. personally perform the casting or scanning procedure or otherwise have a designated chiropodist, podiatrist, or properly trained assistant/support person do so, as outlined in the standards of practice;
  - f. personally evaluate the casts or scans to ensure they were an accurate reflection of the investigator's condition and the contours of the investigator's foot, as outlined in the standards of practice;
  - g. personally fit the orthotics and/or orthopedic shoes to ensure that the device met the prescription and the contours of the investigator's foot and/or ensure that those steps were performed by another chiropodist or podiatrist;
  - h. offer and/or conduct a follow-up and/or advise the investigator of the needs for long term checkups after the orthotics had been dispensed; and/or,
  - i. explain what the investigator may expect regarding the outcomes of her treatment.
10. The Former Member's record of the investigator's visit, including but not limited to the documentation regarding clinical findings, prescription and receipt, was false, inaccurate and/or misleading in that:
  - a. it indicated that a physical cast was taken when it was not; and,
  - b. it indicated that a bio-mechanical examination was performed when it was not.
11. The Former Member's record of the investigator's visit did not contain:
  - a. a history of the patient;
  - b. a written informed consent and/or reasonable information that an informed consent was obtained;

- c. reasonable information about every examination performed and reasonable information about every clinical finding, diagnosis and assessment made by the Former Member; and/or,
  - d. reasonable information about every order made by the Former Member for examinations, tests, consultations or treatments to be performed by any other person; and/or,
  - e. reasonable information about all significant advice given by the Former Member including treatment options.
12. The investigator subsequently conducted an investigation of the Former Member's practice during the Relevant Period.
13. 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 Former Member overprescribed and/or gave patients unnecessary prescriptions for orthotics and/or compression stockings in that:
- a. The Former Member did not perform a sufficient examination and/or assessment of the patient, but nonetheless prescribed and/or recommended orthotics and/or compression stockings for them;
  - b. The Former 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 Former Member prescribed orthotics, often in multiples, for children as young as 5 and/or 6 years old.
14. During the Relevant Period, the Former Member prescribed and/or recommended orthotics and/or compression stockings for patients 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. performing an adequate chiropody assessment, including a gait analysis and/or biomechanical examination;
  - b. obtaining and documenting, in a timely manner, informed patient consent;
  - c. providing a range of treatment options;
  - d. 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;
  - e. personally evaluating the casts or scans to ensure they were accurate or ensuring another designated chiropodist or podiatrist did so. In particular, the Former Member did not ensure that the patient's foot was compared to the cast or scan to

verify that it was an accurate reflection of the patient's condition and the contours of the patient's foot, as outlined in the standards of practice;

- 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;
  - g. offering and/or conducting a follow-up and/or advising the patient of the needs for long term checkups after the orthotics and/or orthopedic shoes had been dispensed. In particular, for one or more of the Former 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, or that the Former Member advised of the need for long term checkups; and/or,
  - h. explaining what the patient may expect regarding the outcomes of their treatment.
15. During the Relevant Period, for one or more patients including, but not limited to, one or more patients listed in Schedule "A", the Former Member permitted individuals who were not registered chiropodists or podiatrists to dispense orthotics and/or compression stockings.
16. The Former 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. 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" did not contain:
- a. a history of the patient;
  - b. a written informed consent and/or reasonable information that an informed consent was obtained;
  - c. reasonable information about every examination performed and reasonable information about every clinical finding, diagnosis and assessment made by the Former Member; and/or,
  - d. reasonable information about every order made by the Former Member for examinations, tests, consultations or treatments to be performed by any other person; and/or,
  - e. reasonable information about all significant advice given by the Former Member including treatment options.
17. During the Relevant Period, the Former Member, directly and/or indirectly, offered free shoes and/or gift certificates to one or more patients including, but not limited to, one or more patients listed in Schedule "B", when those patients purchased orthotics and/or compression stockings.
18. In or about 2018, the Former Member was delisted from an insurance company, meaning that patients were no longer allowed to claim benefits where the Former Member provided professional services and/or prescribed orthotics.

19. By reason of the conduct alleged in paragraphs 1-18 above, the Former Member engaged in professional misconduct in that he violated section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and in particular, 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. Patient Relations;
    3. Prescription Custom Foot Orthoses;
    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. 1.14 Providing treatment to a patient where the Former Member knows or ought to have known 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 Former Member's practice);
  - vi. 1.21 (Submitting an account or charge for services that the Former 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. sections 13 and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.
  - 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

**Appendix "A"**

1. A.F.
2. S.F.
3. E.F.
4. P.B.
5. D.B.
6. D.G.
7. G.P.
8. R.P.
9. S.P.
10. N.P.
11. J.T.
12. S.F.
13. N.F.
14. P.F.
15. R.F.
16. S.B.

**Appendix "B"**

1. P.B.
2. D.B.
3. D.G.
4. G.P.
5. R.P.
6. S.P.
7. N.P.
8. J.T.
9. S.F.
10. N.F.
11. P.F.
12. R.F.
13. S.B.

**STATEMENT OF ALLEGATIONS (MORAVAC – File 1812)**

1. Ivan Moravac (the “**Former Member**”) initially registered with the College in August 1986. On April 13, 2018, the Former Member resigned his membership with the College.
2. Within the years 2015 to 2018 (the “**Relevant Period**”), the Former Member engaged in the practice of chiropody at Sole Feet Health Inc. (“**Sole Feet**”) and/or Henley Foot and Ankle Clinic (“**Henley**”). The Former Member is the direct, indirect, and/or beneficial owner of Sole Feet.
3. In approximately March or April 2018, the Former Member abruptly closed Sole Feet without providing notice to his patients and/or the College. When patients attempted to contact Sole Feet and/or the Former Member, the Former Member did respond to their inquiries.
4. The Former Member discontinued professional services to his patients without arranging for alternative services, without giving patients a reasonable opportunity to arrange alternative services, and without a request from patients to discontinue professional services.
5. For a number of patients, including but not limited to J.C. and C.M., the Former Member and/or his designates assisted clients to submit claims to insurers for orthotics, orthopedic shoes, and/or compression stockings, and was paid for those claims, but failed to dispense those products to his patients.
6. With respect to patient J.C., the Former Member was paid to repair an old pair of orthotics which were not repaired and/or provide to J.C. prior to the Former Member’s resignation, nor did the Former Member advise J.C. of the closure of Sole Feet and his resignation from the College.
7. The Former Member left at least five pairs of orthotics, belonging to patients H.B., B.B., and R.L., at Sole Feet without arranging for the orthotics to be dispensed and/or dispensing them himself.
8. The Former Member did not take reasonable steps 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. In particular, the Former Member:
  - a. failed to securely store his patient records and ensure his patient records remained confidential when he left patient records in an unlocked barn with a leaking roof outside his home;
  - b. failed to securely store his patient records and ensure his patient records remained confidential when he left patient records in the Sole Feet clinic in bags, shelves, and/or unlocked cabinets, when he no longer practised at the clinic; and/or
  - c. failed to take reasonable steps after resigning his membership with the College to ensure:

- i. his patient records were transferred to another member of the College; and/or
  - ii. that his patients were notified that he intended to resign and notified that they could obtain copies of their patient record(s).
9. During the course of the investigation, the Former Member provided inaccurate and/or misleading information to the College and/or its investigators regarding his ownership interest (direct or beneficial) in Sole Feet.
10. By reason of the conduct alleged in paragraphs 1-9 above, the Former Member engaged in professional misconduct in that he violated section 51(1)(c) of the *Health Professionals Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and in particular, 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. Patient Relations; and/or
    2. Records;
  - ii. 1.8 (Discontinuing professional services that are needed without arranging alternative services or giving patients a reasonable opportunity to arrange alternative services);
  - iii. 1.12 (Breaching an agreement with patient relating to professional services for the patient or fees for such services);
  - iv. 1.17 (Failing to keep records as required by the regulations);
  - v. 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. sections 13 and 20 of Ontario Regulation 203/94 under the *Chiropody Act*, pertaining to the required record-keeping practices;
  - vi. 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).

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

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**NOTICE OF HEARING**

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