



COLLEGE OF CHIROPODISTS ONTARIO

PUT YOUR BEST FOOT FORWARD

NEWSLETTER ~ WINTER ~ 2015



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**A MESSAGE FROM YOUR COUNCIL PRESIDENT
PETER STAVROPOULOS**

Your Executive and Council have established a very ambitious agenda for the year ahead.

We have initiated the process of touching base with a number of key HPRAC stakeholders in advance of the March 31, 2015 submission deadline in order to address any questions these stakeholders might have about the College's goals and objectives for the review. Other orders of business include, but are not limited to, forwarding to government the list of drugs we request be added to our prescribing and injectables list and the establishment of a roster of Experts to assist the ICRC and Discipline committees as required. We expect to soon approve the Orthotics Standard document to guide our members in this aspect of patient care.

On behalf of Council I wish to thank the many volunteers from the membership who give of their time to assist the College in fulfilling our mandate. We continually review the existing processes and protocols of our various committees to ensure that they are functioning cost-effectively and in full accordance with their role and mandate.

We have seen an increase in the number of enquiries from insurance companies and other agencies seeking clarification and guidance from the College pertaining to various aspects of our member's practice. The College believes it has an important role in serving as an accurate and reliable resource to these organizations in assisting them to better serve their clients and members of the public.

In the year ahead the College will look to work collaboratively with a number of other Colleges on several regulatory endeavours of mutual interest. We trust that this pooling of efforts will serve us well and will help to offset some of the cost of pursuing these matters unaided. This is an expectation of us as part of the Regulated Health Professions Act (RHPA) but we also believe we have much to contribute by educating the other regulatory bodies through such exchanges about the important role our members play within the healthcare community.

Lastly, but not least importantly, the College will endeavour to keep the membership well informed about all of the aforementioned efforts and developments of importance to you. As per usual, we will endeavour to do so through regular newsletters, bulletins and direct emailing. We welcome your feedback, your support and your continued involvement in the activities of the College; your College.

Sincerely,

Peter Stavropoulos, DPM

Retaining Experts to Assist the College

There have been instances where the Inquiries Complaints Review Committee (ICRC) needs to seek an expert opinion on a case from a member of the profession or from outside sources such as forensic accountants or handwriting experts. Members who serve on the ICRC may themselves be 'experts' insofar as their own standard of practice may be exemplar. However, these individuals cannot provide an expert opinion on a case because of their role on the Committee.

The areas of practice for which expert opinions may be needed include:

1. Biomechanics/Orthotics.
2. Drug Prescribing and the Administering of Substances by Inhalation or by Injection.
3. The Compromised Foot - encompasses wound care and the management of the pedal complications relating to Diabetes, Peripheral Arterial Disease (PAD), neuropathy or immune-compromise.
4. Infection Control.
5. Soft Tissue Procedures and Surgery - method and managing the patient including peri-operatively and with any post-op complications.
6. Osseous Procedures and Surgery - method and managing the patient including peri-operatively and with any post-op complications.

The College asked members who were interested to put forward their name, their particular area of expertise and curriculum vitae. The request garnered a great deal of attention and the College wishes to thank all those who applied. The College will be reviewing all applications and reporting back to the candidates.

College Membership Information 588 Chiropodists 65 Podiatrists

HPRAC UPDATE

As you are aware, the most current information about the HPRAC review can be found on the portal. It is accessible through the Members Section of the College's website. We will not repeat information in the newsletter that is found on the site.

We want to remind members that the College provided HPRAC with its submission on Friday November 28, 2014. HPRAC has posted our submission on its website and has begun the second consultation process for our review. The consultation process takes place from December 18, 2014 – March 20, 2015. If you are interested in responding to

the stakeholder consultation, you can visit HPRAC's website at http://hprac.org/en/projects/Chiropody_Podiatry.asp. We strongly suggest that before doing so, you read the College's submission as well as the 18 additional questions in their entirety. If you have any questions or comments pertaining to the submission, please post them on the portal. They will be answered in a very short period of time.

Fee Increase – Responding to Members' Concerns

The College Council wishes to advise members that each member's concerns were reviewed and addressed at Council. Member of College Council are very sensitive to the fact that the increase affects our members and that it is a significant amount. Council did not want to increase fees but felt that they had no options other than to increase the fee. We have regulatory requirements under the *Regulated Health Professions Act* that we must follow – there is no discretion to not do so. It is very expensive to do so. The College wishes to respond to some of the comments or questions that arose from members.

Reserves

At the June 2014 Council meeting, the College auditor clearly advised the College that it needed to increase the fee not only to assist with the expenses but also to build back up the College reserves. At the commencement of 2014, these reserves were over one half of a million dollars. They had been built up over the preceding 10 years. At the conclusion of 2014, this is no longer the case. It is absolutely essential that we have reserves, or savings, so that in a particularly expensive year such as 2014, we are able to draw on the reserves to cover expenses. If we had not had the size of the reserves we did, we would have faced a very tough financial crisis this past year.

Independent Audit

Each year an independent auditor conducts an audit of all the College's financial matters. The auditors attend at the College office for 4-5 days and review all invoices, cheques, bank statements etc. It is a very in depth process that provides audited financial statements for the College. These are presented by the auditor at each June Council meeting and once approved, are posted on the College's website.

Rental Premises

Some members suggested that in order to save costs, we could move the College offices from the downtown core. In actual fact, the rent in our building is less than the rent in buildings at more outlying locations. Although we have a downtown address, our building is not one of the more expensive locations in the city. We conducted a comparative analysis when we renegotiated the lease and our rent was less than buildings in north Toronto, for example. We occupy less than 1000 square feet of office space and the Registrar was able to negotiate two months free rent on signing and other incentives. Many other health regulatory Colleges that were previously not in the downtown core have since relocated their offices to the downtown area. In fact, one of our neighbours on our floor is another health regulatory College. Being located downtown makes it more

accessible for Council members, staff, attending meetings, discipline hearings and visitors to the College. It would also have cost the College a great deal to move location than to stay at our current location.

HPRAC Review

The HPRAC review has cost the College more than we budgeted for. This is mostly as a result of the route taken by HPRAC with this review. HPRAC has divided the review into 2 separate areas; the first dealing with footcare in the Province and most recently, the chiropody and podiatry review. This basically resulted in double cost because we had to respond to both reviews. The chiropody and podiatry review included 18 additional questions that we were required to respond to above and beyond the usual ones found in the application. Because of the two reviews and the additional questions, we were put to the added expense of additional research, time and hence costs. We are hopeful that the cost to the College of the HPRAC review will be far less in 2015. However, we must, at all times, be prepared to respond to questions or other requirements that HPRAC might request of us. We have no option but to reply.

Complaints

Complaints and discipline are two areas of College expenses that have grown exponentially over the past couple of years. The Inquiries, Complaints and Reports Committee (ICRC) must process every complaint that comes into the College. There is currently no discretion to not do so.

The Regulated Health Professions Act mandates that the College must process every complaint that is received – we have no discretion to not process a complaint. It is up to the ICRC to determine what happens with a complaint.

The ICRC is also **NOT able to order costs against a complainant or a member**. Therefore **ALL costs associated with a complaint are borne by the membership and are NOT recoverable**. The costs associated with a 'usual' complaints matter ranges in the neighbourhood of **\$10,000 – 25,000** depending on the complexity of the case. The costs that are associated with a complaint includes:

- Expert opinion
- Investigator
- Legal fees
- Administrative costs
- Panel member fees
- Monitoring

Many times when the ICRC panel meets, further questions are generated that need to be investigated to ensure thoroughness for the review. This requires ongoing investigation as well as the need for the panel to meet several times.

Over the past few years, the College has seen a significant increase in the number of members complaining about other members. Since ICRC costs cannot be recovered, members might consider this before making complaints about other members where there is no public safety or public issue involved. Many times these matters can be resolved by simply picking up the phone and calling the other member. Alternatively, members can call the Registrar to discuss the problem and see if the matter can be worked out.

Discipline

A Discipline panel is able to order costs. We heard members concerns about recouping more costs from those members who are involved in discipline. It seems only fair that the member who is sent to discipline should pay the costs of the discipline proceedings rather than the membership at large. We are moving forward in that direction. However, the costs ordered by a Discipline Panel against a Member will never cover 100% of the expenses incurred. This also applies in a civil litigation law suit. Given the rules related to costs and the case law that has dealt with the issue, those costs ordered by the panel will not come close to 100% indemnity and will not cover the actual expenses incurred. For one single discipline hearing, the College must pay the costs of our lawyer (prosecutor), the independent legal counsel to the discipline panel, the cost of the hearing room, the cost of the court reporter, witness fees, the discipline panel itself, hotel accommodations, to name a few. Therefore, these costs are excessively high.

At this time, there are 5 matters awaiting Discipline Hearings. All referrals to discipline, hearing dates and decisions, including penalty, are posted on the College's website.

The College listened closely to your comments and suggestions relating to the fee increase. Unfortunately, Council had absolutely no choice, given the circumstances, but to increase the fee.

Radio Frequency Ablation

The College reported on this in the Spring 2014 newsletter. We had a number of members follow up with the College questioning the information we had posted. Therefore, the College has undertaken to review the matter and we will report back to you once the review is completed.

Inhalation Regulation

As you will recall, in June 2011, the College circulated the draft Inhalation Regulation to all members. Council reviewed all the comments that were received, amended the draft Regulation accordingly and forwarded it to the government for approval. We are awaiting final approval of the Regulation and we will notify you once it has been approved.

The College is also working on a Standard of Practice for the use of inhalation. We are hopeful that it will be finally approved at the February 2015 Council meeting. One of the unique recommendations of the proposed standard is that there will need to be two

regulated members involved at all times: one person responsible for the podiatric or chiropody care (at the foot end) and the other person administering the sedation. The reason for requiring two professionals to be present is that the standard technique for inhalation requires constant monitoring of a patient and adjusting, in real time, the amount of sedation the patient is given. It is very difficult for a practitioner, who is in the middle of a procedure, to stop and deal with the issues surrounding inhalation – it breaks sterility and causes the member to lose concentration on the task at hand.

Once approved, the Standard of Practice, will assist in the creation of a didactic and clinical course. The Regulation stipulates that members will be required to take the course and successfully pass the examination as follows:

The member must have,

- i. successfully completed a program approved by Council that includes a didactic and a clinical training component provided by,
 - A. a member of the College of Physicians and Surgeons of Ontario who is recognized by that College as a specialist in anaesthesia,
 - B. a member of the Royal College of Dental Surgeons of Ontario who holds a specialty certificate of registration in dental anaesthesia, or
 - C. any other person who is approved by Council, or
- ii. satisfied the Quality Assurance Committee that
 - A. the member's education in chiropody or podiatry included a program equivalent to the program referred to in subparagraph i that was completed not more than five years before the day this Part came into force, or
 - B. the member has administered the designated substance by inhalation to patients as part of his or her practice during the five-year period before the day this Part came into force in accordance with the requirements of the Quality Assurance Committee.

More information will follow regarding the use of inhalation and the requirements for taking the course for those who wish to use inhalation in their practice.

Council News and Updates

The October Council Meeting is the annual Election Meeting for the Executive committee and the formation of Committees for the coming year.

Congratulations to **Peter Stavropoulos** who was acclaimed to the position of **President**

and to **Cesar Mendez** who was elected to the position of **Vice-President**. **Jamie Maczko** was acclaimed as a chiropractor member of the Executive Committee. **Khalid Daud** and **Wilhelmina Gonzales** return as acclaimed public members to Executive.

In the Spring College election, **John Infanti** was acclaimed as the chiropractor member in District 3, and Michael Turcotte in District 4.

At the October meeting, Council made the following appointments:

- **Millicent Vorkapich-Hill** as the podiatry member of Council representing Districts 3 and 4; and
- **Christine Burton** as a selected member of Council.

Welcome and Congratulations.

COLLEGE COMMITTEE MEMBERS 2014-15

Statutory Committees under the Regulated Health Professions Act

Executive Committee

Peter Stavropoulos - President

Cesar Mendez - Vice President

Jamie Maczko

Khalid Daud

Wilhelmina Gonzalez

Inquiries, Reports and Complaints Committee - (ICRC)

Peter Stavropoulos - Chair

Christine Burton

Donna Coyne

Khalid Daud

Julie DeSimone

Adrian Dobrowsky

Ray Ferraro

John Infanti

Grace King

Sohail Mall

Ann-Marie McLaren

Neil Naftolin

David Roth

Stephanie Shlemkevich

Barbara Sliwa

Ruth Thompson

Millicent Vorkapich-Hill

Eddie Yuen

ICRC Mandate

ICRC reviews all complaints that come into the College. A complaint must be in writing or recorded on a tape, film, disk or other medium. A member is notified of the complaint and provided 30 days to provide their response. Once the record of the complaint file is considered to be complete, a panel of the ICRC is formed to review the file and make a decision. The panel is composed of two professional members and two public members. Panels may not determine credibility but must determine whether or not the member has engaged in professional misconduct. The ICRC may refer the matter to discipline, require a member to appear before the panel of the ICRC to be cautioned, provide a written

caution or advice, refer the member to a panel of the ICRC for incapacity proceedings (if applicable) require a member to complete a specified continuing education or remediation program or take action it considers appropriate that is not inconsistent with the *Regulated Health Profession Act*, its Code, regulations or by-laws.

The vast majority of complaints are not referred to the Discipline Committee. ICRC meetings are *not* open to the public. Currently, decisions made by the ICRC are confidential and at this time are not made public.

Discipline Committee

Wilhelmina Gonzalez - Chair

Donna Coyne

Julie DeSimone

Stephen Haber

Grace King

Jamie Maczko

Ann-Marie McLaren

Peter Stavropoulos

Christine Burton

Khalid Daud

Ray Ferraro

John Infanti

John Lanthier

Sohail Mall

Cesar Mendez

Millicent Vorkapich-Hill

Discipline Committee Mandate

When specific allegations of professional misconduct resulting from a complaint or report are referred by the ICRC to discipline, the Chair of the Discipline Committee will form a panel for a Discipline Hearing. The Panel is comprised of both professional members and public members. Three members of a panel, at least one of whom must be a member who was appointed to the Council by the Lieutenant Governor in Council, constitutes a quorum. In a Discipline Hearing, the College Counsel prosecutes the member. The format is similar to a court of law where witnesses are called and both lawyers (for the College and for the Member) argue points of law. Credibility of witness can be tested. The Discipline Panel is provided with an Independent Legal Counsel who advises on points of law and respond to questions from the discipline panel. The entire Discipline Hearing is recorded by a court reporter. Discipline Hearings are open to the public. Decisions made by the Discipline Committee are made public and posted on the College website.

A discipline panel may

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.

If the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program.

If the panel makes an order under the preceding paragraph, require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under the preceding paragraph.

6. Costs including legal costs and expenses, costs and expenses incurred in investigating the matter and costs and expenses incurred in conducting the hearing.

Fitness to Practice Committee

Pete Guy - Chair

Wilhelmina Gonzales

Kim Resmer

Donna Coyne

Cesar Mendez

Fitness to Practice Committee Mandate

This Committee deals with a member who may be incapacitated. It has been rarely required at the College. The panel has the ability to suspend or impose terms, conditions or limitations on a member's certificate of registration on an interim basis if it is of the opinion that the physical or mental state of the member exposes patients to harm or injury. If the member is found to be incapacitated, the panel can make a final order that:

1. Directs the Registrar to revoke the member's certificate of registration.
2. Directs the Registrar to suspend the member's certificate of registration.
3. Directs the Registrar to impose terms, conditions and limitations on the member's certificate of registration for a specified period of time or an indefinite period of time.

Patient Relations Committee

Stephen Haber –Chair

Christine Burton

Sohail Mall

Donna Coyne

Sylvia Kovari

Patient Relations Committee Mandate

This committee reviews and oversees the Patient Relations Program. It must include measures for preventing and dealing with sexual abuse of patients including educational requirements for members, guidelines for the conduct of members with their patients, training for the College's staff and the provision of information to the public.

Quality Assurance (QA)

Anna Georgiou Chair

Julie DeSimone

Cesar Mendez

Khalid Daud

Sohail Mall

Ann-Marie McLaren

Quality Assurance Committee Mandate

This committee may do one or more of the following

1. Require individual members whose knowledge, skill and judgment have been assessed and found to be unsatisfactory to participate in specified continuing education or remediation programs.
2. Direct the Registrar to impose terms, conditions or limitations for a specified period to be determined by the Committee on the certificate of registration of a member,
 - i. whose knowledge, skill and judgment have been assessed or reassessed and have been found to be unsatisfactory, or
 - ii. who has been directed to participate in specified continuing education or remediation programs as required by the Committee and has not completed those programs successfully.
3. Direct the Registrar to remove terms, conditions or limitations before the end of the specified period, if the Committee is satisfied that the member's knowledge, skill and judgment are now satisfactory.
4. Disclose the name of the member and allegations against the member to the Inquiries, Complaints and Reports Committee if the Quality Assurance Committee is of the opinion that the member may have committed an act of professional misconduct, or may be incompetent or incapacitated

Registration Committee

Jamie Maczko - Chair
Donna Coyne
John Infanti

Christine Burton
Stephen Haber
Wilhelmina Gonzales

Registration Committee Mandate

The Registrar *shall* refer an application for registration to the Registration Committee if the Registrar has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements and

- (a.1) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant is an individual who holds a certificate from out-of-province;
- (b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition; or
- (c) proposes to refuse the application

The Committee must take into consideration the candidates' educational qualifications based upon the Agreement on International Trade (AIT).

AD HOC COMMITTEES

Registration Examination Committee

Stephanie Shlemkevich Chair

Marcella Cowan

Martin Hayles

Andrew Klayman

Kareem Salem

Danielle Bannerman

Kay Hayles

Meghan Hoult

Tracy Oliver

Elliot To

Registration Examination Committee Mandate

This Committee is responsible for the written and OSCE components of the College's Registration Examination. After the creation of the examination, the Committee continues to update questions for the examination and review the components of the OSCE.

HPRAC Referral Committee

Jamie Maczko Co-Chair

Ray Ferraro

John Infanti

Jamie Maczko

Cesar Mendez

Peter Stavropoulos Co-Chair

Pete Guy

John Lanthier

Ann-Marie McLaren

HPRAC Referral Committee Mandate

This is an ad-hoc committee of the College established to assist the College in advocating for the podiatry model.

Education Committee

Pete Guy Chair

Stephen Haber

Peter Stavropoulos

Education Committee Mandate

The Standing Committee was set up by Council to assist Council with matters relating to education. It is composed of members of the Registration Committee who wish to serve and such other persons appointed by the Executive Committee.

Standing Drug Committee

Cesar Mendez Chair

Meera Narenthiran

Millicent Vorkapich-Hill

Ann-Marie McLaren

Anamelva Revoredo

The Standing Drug Committee Mandate

This Committee is responsible for ensuring that the Drug Regulation, which the Committee was initially instrumental in formulating, is kept up-to-date. The Committee is currently reviewing amendments to the Regulation.

Technical Committee

Christine Burton Chair

Adrian Dobrowsky

John Lanthier

Meera Narenthiran

Ruth Avelino

Jonathan Hasslehurst

Tony Merendino

Tracy Oliver

Technical Committee Mandate

The Technical Committee was established by Council as an ad hoc committee. Its mandate is to support Council by responding to questions relating to the acceptability of practice modalities and emerging technologies.

Elections Committee

Sohail Mall - Chair

Donna Coyne

The Elections Committee Mandate

The Elections Committee is a standing committee of the College. This committee is mandated by the College's General By-law. The elections committee deals with disputes relating to the election of elected councillors and other matters provided in the by-laws; other disputes or issues referred to it by Council or the Executive Committee and it studies and makes recommendations to Council for improving the election process.

The College wishes to thank all our members who contribute their time and effort and help to ensure that the College fulfills its mandate of protecting the public.

The College's Registration Examination

The College's registration examination is held yearly and consists of two parts – a written component and an OSCE (Objective Structured Clinical Examination). The Registration Examination Committee continues to add items to the database of questions. They also review the OSCE process on a continuous basis. Council has approved a draft policy that deals with such matters as required accommodations when writing the examination.

The results for the 2014 registration examination was as follows;

- Of the 32 people who wrote the examination in May, 14 passed the exam and 18 were not successful in passing the exam.

- Of those who were not successful, 12 people had to rewrite the jurisprudence component only; 3 had to write the written component without jurisprudence; 1 wrote the written component with the jurisprudence; and 1 had to only complete the OSCE.
- Of the 18 who were initially not successful in passing the registration examination in May, only 2 people were not successful in passing the supplemental - one from Ontario and one from outside the Province.

Orthotics Standard of Practice

The OPMA and OSC put forward to the College suggestions to modify the current Standard of Practice. This amended Standard was circulated to the membership in 2011. The College received many comments and suggestions. They were all valuable and reviewed by the Practice Working Group and then by Council at their June 2014. This new amended standard was sent out again to the membership in November 2014. College Council will be reviewing the comments at their February 20, 2015. We will advise everyone when the orthotic standard is finally approved and will provide a copy for your information and reference.

Standing Drug Committee – Update

The College has been working towards amending the current drug regulation. The College sought input from the membership as to which drugs members believed needed to be added to the current list of drugs. The Standing Drug Committee met to review the list which was derived from input from the membership. Council has reviewed the list numerous times. At the February 2015 Council meeting, it is intended that Council will review a draft Regulation which includes the proposed amendments to the drug list. If Council approves the draft Regulation in principle, it will be circulated to members and other stakeholders for 60 days for comment. It will then come back to Council at the June meeting for final approval. In the interim, the Committee is continuing its work of putting together the information that will be needed to persuade the government to include these additional drugs to the list.

It is important to be aware of a number of matters that the Committee has considered when preparing the amended list:

1. The government has advised the College that although they will entertain amendments to our current list, they will **not** deal with any attempts to amend the list into *classes* of drugs. This is not just applicable to our College but applies to all regulatory professions whose members work from a list of drugs. The government is not yet ready to deal with classes of drugs and will not deal with any amendments put forward as classes; and
2. We know that there will be a continuing need to amend our drug list and include additional drugs. This is obviously one of the negatives of working from a list of

drugs as opposed to classes of drugs. However, the drugs that have been currently added to the list are ones which most members believed would assist in the current practice. Obviously if the scope and authorized acts are expanded pursuant to the HPRAC review, the list will need to again be reviewed and amended.

Staff Changes at the College

The College is very pleased to welcome **Meghan Hout, D. Pod. M.** to the College as our new Complaints Officer. We hope she enjoys her work with the College. The College also wishes to thank Judy Cohen who graciously stepped back into her role as Complaints Officer prior to Meghan's arrival.

Public Protection and Transparency

In or about October 4, 2014, the newly elected Minister of Health, Dr. Eric Hoskins, wrote a letter to all 28 Regulated Health Colleges (which includes the 5 Transitional Colleges under the umbrella of the "RHPA") directing all Colleges to be more transparent in all their activities. The Colleges were required to report back to the Minister, no later than December 4, 2014, outlining what initiatives the College had undertaken to be transparent and what activities they intend to do in the future. The College responded to the Minister's request on November 27, 2014. The Minister's letter and the College's response may be found at <http://www.cocoo.on.ca/transparency.html>

The College recognizes that transparency is increasingly becoming one of the most important cornerstones of good governance. The public's increased call for all organizations - particularly those with a public interest mandate - to be open and transparent has resulted in a province wide initiative that focuses on the transparency practises of all the health regulatory Colleges. Members of the public want to be thoroughly satisfied that their choices and decisions are fully informed ones. This is even more important in relation to health care decisions. Individuals have a right to access information about a healthcare professional, to be able to make an informed choice and feel safe and secure knowing that their healthcare practitioner will provide the highest standard of care.

The College also recognizes that the public has a right to understand the role of the health regulatory College and to have confidence that it exists, first and foremost, to protect the public interest. Access to information is a foundation to ensuring the public better understands the role of the College and, therefore, the best way to ensure that the public has confidence in self-regulation. As a health professions regulator, it is incumbent upon the College to ensure that the public, its members and applicants have as much information as possible to be able to make informed choices. The College has already undertaken numerous initiatives to assist in informing the public in a transparent manner.

The College is committed to enhancing transparency in our processes, decision-making and the information we provide about Chiropractors and Podiatrists. The College therefore unequivocally supports the move towards increased transparency.

College Council will be asked to consider amendments to the College's by-laws at their February meeting to allow for increased transparency.

As a regulated health professional, it is your responsibility to be aware of and uphold the College Standards, Regulations, Guidelines, and Policies. You are accountable to your patients, to your profession, and to the College. You are obligated to keep current on any revisions to Standards, Regulations, Guidelines or Policies. You must regularly check the website for new information and if you are uncertain about something, either e-mail or call the College. We are here to assist you.

Stay tuned for further information about these initiatives.

Over this past year, the College has had an increased number of complaints by the public regarding **infection control**. You have received an eBlast with information highlighting the updated Infection Control Standard and outlining your responsibilities. Adhering to the expectations in the Standard is not optional. As professionals it is your responsibility to review the revised Infection Control Standard and ensure your infection control procedures are current and that you and your staff clearly understand what is required.

Remember – if a drug or substance is NOT on the drug list, you cannot prescribe or inject it into the foot. This includes topical drugs as well.

Advertising Must Include Name and Title

It has come to the Registrar's attention that in a number of instances where members of the College are employed in a multi discipline clinic or by an orthotics laboratory, the advertising for the specified place only indicates that services are provided by a chiropractor or podiatrist. The College Advertising Guidelines require that: "Members must clearly identify their title, chiropractor or podiatrist, on any advertisement. If, for example, your practice name is "Four Corners Foot Clinic", the name and title of the member providing the care must be indicated on the signage and other advertising media."

Further, it is the member's responsibility to ensure that all advertisements comply with the advertising regulation and guidelines."

So as to stay in compliance with the College requirements, it is advised that members ensure that in all advertising by the clinic or other place of employment, as it pertains to

the advertising of Chiropractic or Podiatry services provided by the member, the listing identify the member and his or her title.

Selling Products in Your Practice

Members are reminded that they should not be selling products in their practice unless they are medically necessary. The Conflict of Interest Policy, which is on our website, (<http://www.cocoo.on.ca/conflict.html>) says in s. 3(g) that:

3. A member shall be deemed to be practising the profession while the member is in a conflict of interest where a member, or a related person or related corporation, directly or indirectly,
 - g. sells or supplies a product to a patient **unless**,
 - i. the product is medically necessary *and* is required for the prevention, treatment or management of a disease, disorder or dysfunction of the foot;

For example, a member is able to sell a TENS unit or compression stocking as long as it is medically necessary AND required for the prevention, treatment or management of a disease, disorder or dysfunction of the foot.

Discipline - Generally

As you have read elsewhere in this newsletter, the number of matters referred to discipline has dramatically increased. The *Regulated Health Professions Act, 1991* and the College's by-law mandates that that when an ICRC panel has referred specific allegations from a complaint or a report to the Discipline Committee, once the Member has been notified, the College must post on the College Website the **Notice of Hearing and the date of the referral**, which includes a Statement of Allegations. This information can be accessed at: <http://www.cocoo.on.ca/discipline-referrals.html> The College must also post the reasons and decision and the penalty of the discipline panel. This information is accessible at <http://www.cocoo.on.ca/discipline-decisions.html>.

In coming to a decision, Discipline Panels generally consider five principles of sentencing:

- Public protection
- General deterrence
- Specific deterrence
- Rehabilitation of the member
- Mitigation

The College has been looking very closely at costs generated by Discipline Hearings. The College is unwavering about what must be recovered financially from individuals who have caused the College to incur these costs because of their actions.

Discipline Decisions

1. UPDATE: Omar Qureshi

Mr. Qureshi's hearing dates were October 3, 4 and 5, 2012; April 16, 17, 18 and 19, 2013

Mr. Qureshi appealed the Discipline Panel's decision to the Divisional Court. The appeal was dismissed with costs of \$15,000 ordered to be paid to the College. The Court also put a cap of \$5,000.00 on the total cost of the practice assessments that were ordered by the discipline panel. Mr. Qureshi then sought leave to appeal this ruling to the Court of Appeal for Ontario. Leave was denied and Mr. Qureshi was further ordered to pay costs of \$1500.00 to the College.

The terms of Mr. Qureshi's Penalty Order took effect September 25, 2014. The full decision can be found on the College website:

<http://www.cocoo.on.ca/pdfs/discipline-qureshi.pdf>

2. Marzena Hardy

Marzena Hardy was referred to the Discipline Committee for certain allegations of professional misconduct. The Discipline Hearing took place on July 29, 2014. Here is an excerpt from the Discipline Panel's Decision and Reasons. The full decision can be found on the College website: <http://www.cocoo.on.ca/pdfs/discipline-hardy-2.pdf>

The Allegations

The allegations against the Member were set out in the Notice of Hearing, dated October 30, 2013. The allegations in respect of the Member's conduct were as follows:

1. Marzena Hardy was, at all material times, a chiropodist registered to practice chiropody in the province of Ontario. Ms. Hardy practiced at Academy Foot and Orthotic Clinics in Toronto, Ontario.

2. Between approximately January 2012 and January 2013, Ms. Hardy prescribed x-rays contrary to the Healing Arts Radiation Protection Act.

3. Ms. Hardy thereby engaged in professional misconduct within the meaning of paragraphs 2 (provision withdrawn); 20 (signing or issuing, in the member's professional capacity, a document that contains false or misleading statement), 31 (contravening a federal, provincial or territorial law, a municipal by-law or a by-law rule of a hospital, nursing home or other facility or agency that provides health services to the public if i) the purpose of the law, by-law or rule is to protect the public health, or ii) The contravention is relevant to the member's suitability to practice), and 33 (engaging in conduct or performing an act, in the course of practicing 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.

4. Between approximately January 2012 and January 2013, Ms. Hardy used the title "doctor". Ms. Hardy also signed her name on x-ray requisition forms as the "Referring doctor".

5. Ms. Hardy thereby engaged in professional misconduct within the meaning of paragraphs 20 (signing or issuing, in the member's professional capacity, a document that contains false or misleading statement), 30 (contravening the Act, Regulated Health Professions Act, 1991 or the regulations under either of those Acts), and 33 (engaging in conduct or performing an act, in the course of practicing 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.

Prescribing X-Rays

Between January 2012 and January 2013, the Member prescribed x-rays to be taken of patients' feet, contrary to Section 6(1) of the Healing Arts Radiation Protection Act, R.S.O. 1990, c H.2 ("HARP"). Section 6(1) of HARP prohibits members of the College from prescribing x-rays unless they have graduated from a "four-year course of instruction in chiropody" as follows:

6. (1) No person shall operate an X-ray machine for the irradiation of a human being unless the irradiation has been prescribed by,
- (c) a member of the College of Chiropodists of Ontario who has been continuously registered as a chiropodist under the *Chiropody Act* and the *Chiropody Act*, 1991 since before November 1, 1980 or who is a graduate of a four-year course of instruction in chiropody;

The x-rays were prescribed on an "Imaging Requisition Form" of True North Imaging, a company which operates several ultrasound and radiology clinics in the Greater Toronto Area. Patients of the Member who were prescribed x-rays were permitted to attend at any location operated by True North Imaging to receive the x-ray.

Once a patient was x-rayed, the Member would receive a copy of the x-ray images along with a letter from a clinic radiologist indicating their examination findings. The Member would additionally receive a bill for diagnostic services.

The Member acknowledged that she was not authorized to prescribe x-rays as she was not a "graduate of a four year course of instruction in chiropractic".

The Member admitted that by prescribing x-rays contrary to HARP, she contravened section 1 of the Professional Misconduct Regulation 750/93 under the *Chiropractic Act, 1991*, in that:

- (i) She signed or issued, in her professional capacity, a document that contains a false or misleading statement, contrary to subsection 20;
- (ii) She contravened a provincial law where (i) the purpose of the law is to protect the public health, contrary to subsection 31; and
- (iii) She engaged in conduct or performed 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 contrary to subsection 33.

Use of the Title Doctor

Between January 1, 2012 and January 1, 2013, the Member made use of the doctor title in contravention of Section 33(1) of the *Regulated Health Professions Act, 1991* which states:

Except as allowed in the regulations under this Act, no person shall use the title "doctor", a variation or abbreviation or an equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals. 1991, c. 18, s.33(1).

In particular,

a) The Member inserted her own name under "Referring Doctor" heading of the "Imaging Requisition" forms used by True Imaging North and in some cases without using the D.Ch designation following her name. The Member was additionally referred to as "Dr. Marz Hardy" on the billing statements and in the radiological reporting letters issued by True North Imaging clinics. At no point did Ms. Hardy correct the use of the doctor title by any of the True North imaging clinics.

b) The Clinic provided to patients and prospective patients a document entitled "Understanding Extended Health Insurance" (the "Insurance Document"). In two locations, the Insurance Document noted that the nature of the relationship with patients of the Clinic was that of "doctor-patient".

c) The Member was indicated on the website "Yelp" as Dr. Marz Hardy under the Clinic's profile. The Member was additionally listed as the business owner. The Terms of Service

indicated that content on the website is generated by, and is the responsibility of, the user who creates a Yelp profile.

The Member admitted that by reason of the facts set out above, she engaged in professional misconduct as defined in section 51 of Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act*, 1991 as follows:

Therefore, the Member admitted that by using the title "doctor" and by signing her name on x-ray requisition forms under the heading of "Referring doctor", she contravened section 1 of Ontario regulation 750/93 under the Chiropractic Act, 1991, in that:

- (i) She signed or issued, in her professional capacity, a document that contains a false or misleading statement, contrary to subsection 20;
- (ii) She contravened the *Regulated Health Professions Act*, contrary to subsection 30; and
- (iii) She engaged in conduct or performed 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 contrary to subsection 33.

Penalty Decision

(a) The panel directed the Registrar to suspend the Member's certificate of registration for a period of five (5) months, two and a half (2.5) of which shall be remitted in the event that the Member complied with paragraph 1(b) of this Order [below] within one (1) year from the date of the Penalty Order is signed by the Discipline Committee. The first two and a half (2.5) months of the suspension shall commence on the date that the Penalty Order is signed by the Discipline Committee and any further period of suspension which is not remitted shall be served beginning one (1) year after the Penalty Order is signed.

b) The panel directed the Registrar to impose a term, condition and limitation on the member's certificate of registration,

- (i) Requiring that she complete the ProBe course in ethics, to the satisfaction of the Registrar and at the Member's own expense;
- (ii) Permitting the College to conduct two (2) unannounced inspections and records reviews of her practice, at the Member's own expense, the cost of such inspections and records reviews not to exceed \$500 each.

c) The Member shall appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Register of the College.

d) The Member shall pay to the College's costs fixed in the amount of \$12,000.

The Reasons for Penalty and Costs can be found on the College's website at <http://www.cocoo.on.ca/pdfs/discipline-hardy-2.pdf>

3. Shannon Frizzell

The College brought allegations of professional misconduct against Shannon Frizzell, for two separate referrals to discipline. These referrals were heard on the same day, December 15, 2014. The following are excerpts from the Discipline Hearing for Ms. Frizzell:

Statement of Allegations for Discipline referral dated March 27, 2014:

1. Shannon Frizzell is a chiropodist registered to practise chiropody in the Province of Ontario. At all material times, Ms. Frizzell practiced at "Physiomed" in Cambridge, Ontario.
2. On or about January 11, 2012, GH attended Physiomed, where he was prescribed orthotics.
3. Ms. Frizzell signed the prescription for GH's orthotics, and signed an assessment of GH, even though she never assessed, or met, GH.
4. Ms. Frizzell thereby engaged in professional misconduct within the meaning of paragraphs 2 (Failing to meet or contravening a standard of practice of the profession), 20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement) and 33 (Engaging in conduct or performing an act, in the course of practicing 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.

Statement of Allegations for Discipline referral dated June 17, 2014:

1. Shannon Frizzell is a chiropodist registered to practice chiropody in the Province of Ontario. At all material times, Ms. Frizzell operated and practiced at "Guelph Foot and Ankle Clinic" in Guelph, Ontario. From in or about September 2012 to in or about December of 2012, Ms. Frizzell also maintained a consulting arrangement with Wilson Health Services, under which she would assess patients to determine medical need for orthotics and, if necessary, provide a biomechanical assessment and gait analysis and fit the products ordered by those patients.
2. Ms. Frizzell issued two invoices to patients on or about July 23, 2012, three invoices to patients on or about August 2, 2012 and two invoices to patients on or about August 23, 2012 for chiropody services and custom-made orthotics. Ms. Frizzell subsequently accepted, in full payment of each of those invoices; less than the invoiced amounts, in circumstances where she knew or ought to have known that the invoices were being or had been submitted by the patients for reimbursement under their group insurance policies, based upon the full invoiced amounts.
3. In the case of the two invoices issued on August 23, 2012, the subsequent payment (for less than the invoiced amount) was made by means of a money order payable to Shannon

Frizzell, dated October 3, 2012, over a month after the invoices had been issued, marked "Amount Paid in Full by Check"(sic), initialed by Ms. Frizzell and submitted to the patients' insurance carrier, Manulife Financial, in support of two extended health care claims dated August 23, 2012.

4. Although Ms. Frizzell's "reasonable and customary" charge to patients for certain custom-made orthotics was \$500 per pair, during the period from April 2012 to July 2013 Ms. Frizzell repeatedly reduced that "reasonable and customary" charge based upon the patient's individual benefit coverage under his or her extended health insurance, charging different reduced amounts for the same orthotics depending upon the patient's benefit coverage.

5. Ms. Frizzell engaged in professional misconduct within the meaning of paragraphs 2 (Failing to meet or contravening a standard of practice of the profession), 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 practicing 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 Chiropractic Act, 1991.

6. From in or about April 2012 until in or about July 2013, in connection with her practice, Ms. Frizzell used stationary bearing a logo with the initials "SF", followed by the title: Dr. Shannon Frizzell, BSc, D, Ch

7. From in or about April 2012 until in or about July 2013, Ms. Frizzell used that stationary to record her clinical assessment of patients, including gait analysis, biomechanical assessment, diagnosis and recommended treatment. During that period, Ms. Frizzell signed numerous assessments using the title "Dr. Shannon Frizzell D. Ch., Chiropractist #960418".

8. From in or about April 2012 until in or about July 2013, Ms. Frizzell accepted cheques from patients which were made payable to "Dr." or "Doctor" Frizzell, in payment for chiropractic services and orthotics, and failed to ensure that the cheques were corrected to remove any such references to "Dr." or "Doctor".

9. Ms. Frizzell 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), 30 (Contravening the Act, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts) , and 33 (Engaging in conduct or performing an act, in the course of practicing 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 *Chiropractic Act*, 1991.

The Member admitted the allegations as set out in the Notices of Hearing.

Decision on Penalty

The Panel accepted the joint submission on penalty and costs and accordingly ordered as follows:

1. Shannon Frizzell shall appear before the Panel of the Discipline Committee to be reprimanded, the fact of which shall be recorded on the public register of the College.
2. The Discipline Committee directs the Registrar to suspend Shannon Frizzell's certificate of registration for a period of six (6) months, one and one half (1 ½) month of which shall be remitted in the event that the Member complies with paragraph 3 set out below within one (1) year from the date the Penalty Order is signed by the Discipline Committee. The first four and one half (4 ½) months of the suspension shall commence on January 1, 2015 and any further period of suspension which is not remitted shall be served beginning one (1) year thereafter.
3. The Discipline Committee directs the Registrar to impose a term, condition and limitation on the Member's certificate of registration,
 - a. Requiring that she complete the ProBE course in ethics, to the satisfaction of the Registrar and at the Member's own expense;
 - b. Permitting the College to conduct two (2) unannounced inspections and records reviews of her practice, at the Member's own expense, the cost of such inspections and records reviews not to exceed \$500 each.
4. The Member shall pay to the College its costs fixed in the amount of \$15,000.00 that must be paid in instalments over a 15 month period.

The terms of Ms. Frizzell's Penalty Order took effect December 19, 2014.

Ms. Frizzell's suspension commenced January 1, 2015.

The full Discipline Decision can be found on the College website, including the Reasons for the Penalty and Costs: <http://www.cocoo.on.ca/discipline-decisions.html>

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UPCOMING COUNCIL MEETINGS:

Friday, February 20, 2015

Friday, June 19, 2015

Friday, October 23, 2015

Friday, February 26, 2016

Friday, June 24, 2016

Friday, October 21, 2016

Friday, February 24, 2017

Friday, June 23, 2017

Friday, October 27, 2017

All Council meetings of the College of Chiropractors of Ontario are open to both the membership and the public. Since space is limited, if you wish to attend please contact Sheila at ext. 226. The Council meetings are generally held in the Conference Room: 19th Floor at 180 Dundas Street West in Toronto.

Please Note: Complete Council Minutes are posted on the College website once they have been approved at the following Council meeting.