

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

("College")

- and -

JOHN INFANTI

("Member")

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario (the "College") has referred specified allegations against you, **John Infanti** (Registration #900291), to the Discipline Committee of the College. The allegations were referred to the Discipline Committee 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 the Statement of Allegations attached to this Notice of Hearing. A discipline panel will hold a hearing, on a date to be fixed by the Chair of the Discipline Committee, at the offices of the College of Chiropractors of Ontario at 180 Dundas Street West, Suite 1901, Toronto, ON M5G 1Z8 or electronically via Zoom or other electronic means, 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 DISCIPLINE 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 THESE 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.

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 lawyer for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
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PO Box 35, TD Bank Tower
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At the hearing, the College intends to introduce as business records, under section 35 and/or 52 of the *Evidence Act*, any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, the College intends to introduce as business records the patient records and financial records of the Member related to the patient care that is the subject matter of the allegations.

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.



Date: March 17, 2023

Nicole Zwiers, Registrar and CEO
College of Chiropodists of Ontario
180 Dundas Street West
Toronto, ON M5G 1Z8

TO: JOHN INFANTI

STATEMENT OF ALLEGATIONS

1. On or about June 11, 1990, John Infanti (the “**Member**”) was first registered, in the chiroprapist classification, as a member of the College.

2. On October 18, 2021, a hearing was held before a panel of the Discipline Committee, at which time the Member was found by the panel to have engaged in professional misconduct. As a result, the discipline panel made a variety of penalty orders with which the Member was required to comply. The panel’s written reasons were released on November 16, 2021.

3. It is alleged that, during the period from about May 24, 2022 to December 31, 2022 (the “**Relevant Period**”), the Member engaged in conduct that constitutes professional misconduct pursuant to the following:
 - (a) Clause 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and as defined in one or more of the following paragraphs of section 1 of the Professional Misconduct Regulation (O. Reg. 750/93) under the *Chiroprody Act, 1991*:
 - (i) paragraph 1 – contravening a term, condition or limitation imposed on the member’s certificate of registration;

 - (ii) paragraph 2 – failing to meet or contravening a standard of practice of the profession; specifically, the Patient Relations Standard and/or Records;

 - (iii) paragraph 30 – contravening the *Act*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts;

- (iv) paragraph 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;
- (v) paragraph 34 – failing to reply within thirty days to any written enquiry from the College or its officers, employees or agents;
- (vi) paragraph 36 – failing to comply with an order of the Complaints Committee, the Discipline Committee or the Fitness to Practise Committee; and/or
- (vii) paragraph 37 – failing to carry out a requirement of the Complaints Committee, the Discipline Committee or the Fitness to Practise Committee or breaching an undertaking given to one of those committees or to the Registrar.

PARTICULARS OF THE ALLEGATIONS

1. On or about June 11, 1990, John Infanti (the “**Member**”) was first registered as a member of the College, in the chiropody classification.
2. On October 18, 2021, the Member was found to have engaged in professional misconduct by a panel of the Discipline Committee. The panel’s written reasons were released on November 16, 2021 (“**Discipline Decision**”).
3. As a result of the findings of professional misconduct, the discipline panel made a number of orders, in accordance with a joint submission by the College and the Member, as penalty for the Member’s misconduct (the “**Penalty Order**”).
4. The Penalty Order included, among other orders, a suspension of the Member’s certificate of registration for seven months (which commenced on November 8, 2021) and time-limited terms, conditions, and limitations (“**TCLs**”) imposed on the Member’s certificate of registration once the Member’s suspension was lifted.
5. As outlined in the Discipline Decision, the TCLs required the following:
 - (a) Upon returning to practice, the Member was prohibited from imaging, casting, prescribing, constructing, fitting, dispensing and/or ordering the fabrication of orthotics and orthopaedic shoes for a period of six (6) months (the “**Restricted Period**”). The Member is additionally not entitled to assign these duties to anyone else at his clinic, regardless of whether he receives a fee, during the Restricted Period, but shall refer such duties to another chiropodist in good standing at another clinic not affiliated with the Member’s clinic.
 - (b) At his own expense, the Member was required to receive supervision of his chiropody practice with a supervisor approved by the Registrar for a period

of one (1) year from the date on which the Member returns to practice from the suspension. The supervision requirement included that:

- The supervisor would visit with the Member in person on at least four (4) occasions – twice in the first six months and twice in the last six months;
- The visits with the supervisor would be unannounced;
- The supervisor would determine the length of each visit;
- In conducting the supervision, the supervisor would discuss ethics, practice management, record-keeping and compliance with the College's standards with the Member;
- The supervisor would provide a report to the Registrar after the second (2) visit and after the fourth (4) visit;
- The Member would seek and obtain consent from his patients to share personal health information with his supervisor in order to allow the supervisor to review client files and engage in review; and
- The Member would provide the supervisor with the Discipline Committee's decision and then provide written confirmation to the Registrar, signed by the supervisor, that the supervisor has received and reviewed the decision.

6. The Member's suspension was lifted on May 24, 2022. On that date, the College sent an email to the Member confirming the requirements of his supervision.

7. Among other things, the Member was informed that Murtaza Najmudin had been assigned by the College to be the Member's mentor. The Member was advised that

Mr. Najmudin would be in contact with him and the College also provided the Member with Mr. Najmudin's contact information. Mr. Najmudin was also copied on the College's email to the Member.

8. In the College's email dated May 24, 2022, the Member was advised to contact the College if he had any questions about the process. The Member did not respond to the email and/or reach out to the College with any questions.
9. On or about June 15, 2022, Mr. Najmudin contacted the Member, via email, to make the arrangements for supervision of the Member's practice. Specifically, the Member was requested to provide the details relating to the Member's practice, including the days the Member was practising and his practice locations.
10. The Member did not respond to Mr. Najmudin's email and/or provide Mr. Najmudin and/or the College with the details that were requested.
11. Additional emails and/or communications were subsequently sent to the Member by the College and/or Mr. Najmudin for the purpose of facilitating supervision of the Member's practice.
12. Among other communications, the College emailed the Member on or about August 11, 2022, at which time the Member was directed to provide the College and Mr. Najmudin with a list of his practice locations and his schedule.
13. In addition, by email dated September 7, 2022, the College directed the Member to provide Mr. Najmudin with his homecare schedule and to advise where the Member was storing his patient records.
14. At no time between the period from approximately May 24, 2022, to December 31, 2022, did the Member communicate to Mr. Najmudin and/or to the College about when and/or where he was seeing patients.

15. At no time between the period from approximately May 24, 2022, to December 31, 2022, did the Member meet with Mr. Najmudin (in person or otherwise), make himself available to meet with Mr. Najmudin, and/or disclose the necessary information to allow the College to supervise his practice, as was required.
16. Despite requests, during the period from May 24, 2022, to December 31, 2022, the Member failed to respond to inquiries from Mr. Najmudin and/or the College as to the location of his patient records.
17. Between the period from approximately May 24, 2022, to December 31, 2022, the Member impeded the College's efforts to supervise his practice, which was required by the Penalty Order and to ensure compliance with the TCLs.
18. During the period from approximately May 24, 2022 to December 31, 2022, the Member saw at least five (5) patients for eleven (11) appointments, including on or about the following dates:
 - July 14, 2022 – M.P.
 - August 11, 2022 – F.M.
 - September 9, 2022 – B.P.
 - September 22, 2022 – M.P.
 - November 26, 2022 – S.F.
 - November 26, 2022 – T.F.
 - November 29, 2022 – B.P.
 - December 14, 2022 – M.P.

- December 20, 2022 – S.F.
 - December 20, 2022 – T.F.
 - December 29, 2022 – B.P.
19. Among other professional misconduct (as outlined in the Statement of Allegations), it was a breach of the TCLs imposed on the Member's certificate of registration for the Member to practise unsupervised.
20. Such conduct by the Member, as outlined above, was also a violation of the Penalty Order.

COLLEGE OF CHIROPODISTS OF ONTARIO
(“College”)

- and -

JOHN INFANTI
(“Member”)

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

NOTICE OF HEARING

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Lawyers for the College of
Chiropractors of Ontario
