

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

-and-

JASON CHIN CHEN LIU

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario has referred specified allegations against **JASON CHIN CHEN LIU** (Registration # 140005) to the Discipline Committee. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991* (the “*Code*”). Further information about the allegations is contained in the Statement of Allegations, which is attached to this Notice of Hearing. A discipline panel will hold a hearing on a date to be fixed by the Registrar, 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 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 solicitor for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
Barristers & Solicitors
4100-66 Wellington Street West
P.O. Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
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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: September 30, 2021



Nicole Zwiars

College of Chiropodists of Ontario
180 Dundas Street West, Suite 2102
Toronto, ON M5G 1Z8

TO: JASON CHIN CHEN LIU

STATEMENT OF ALLEGATIONS

1. Jason Chin Chen Liu (“**Mr. Liu**” or the “**Member**”) was at all material times a registered member of the College.

2. It is alleged that during the period from approximately December 2017 to December 2020 (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 Ontario Regulation 750/93 (Professional Misconduct Regulation) under the *Chiroprody Act, 1991*:
 - (i) paragraph 2 – failing to meet or contravening a standard of practice of the profession and, in particular, the College’s standards as follows:
 - a. Patient Relations; and/or
 - b. Safety and the Practice Environment.
 - (ii) paragraph 10 – practising the profession while the member is in a conflict of interest;
 - (iii) paragraph 28 – practising in the employment of or in association with a commercial business;

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

PARTICULARS OF THE ALLEGATIONS

A. Overview

1. At all times material to these allegations, the Member was registered with the College as a chiropractor in Ontario. He was first registered with the College on or about July 9, 2014.
2. During the Relevant Period, the Member was in private practice and the owner of the West Mississauga Foot Clinic (the '**Clinic**'), located at 1550 South Gateway Road, Unit 205, in Mississauga, Ontario.
3. The Member also maintained a practice location and/or was an owner of the Cloverdale Foot Care Clinic, located at 250 The East Mall, in Toronto, Ontario.
4. In addition to his private practice, the Member was an instructor at the Michener Institute of Education and at St. Michael's Hospital during the Relevant Period.

B. The Complaint

5. On or about December 18, 2020, the College received a complaint from Adrian Dobrowsky, the Clinical Liaison Officer for the Michener regarding the practice of the Member (the "**Complaint**").
6. In the Complaint, Mr. Dobrowsky explained he had received information about alleged unethical behaviour by the Member and a company associated with the Member, identified as Chiropractic Contracting Inc. ("**CCI**").

7. CCI was incorporated on or about December 1, 2017. The registered head office of CCI is the same address as the Clinic – 1550 South Gateway Road, Unit 205, in Mississauga, Ontario.
8. The sole officer and director of CCI is the Member's spouse, Hei Man Shing – also known as Natalie Shing. Ms. Shing is not a chiropodist or a podiatrist and she has no training in the practice of chiropody.
9. As outlined in the Complaint, the Member used his access as adjunct faculty at the Michener Institute to recruit new graduates from the chiropody program.
10. In addition to practising at the Clinic, some or all of the new graduates hired by the Member were also “contracted” by CCI to provide chiropody services at other businesses (the “**CCI Clinics**”). The Member spoke directly with some or all of the new graduates he recruited about working with CCI.
11. In particular, CCI entered into various agreements whereby CCI would arrange, for a fee, to have a chiropodist attend at the CCI Clinics and provide chiropody services there.
12. In her role, Ms. Shing arranged the chiropodist's schedule and directed which CCI Clinic(s) the chiropodist would attend on a particular day and for how long – sometimes upward of ten to twelve hours and/or at multiple clinics in a single day.

13. Most (if not all) of the CCI Clinics were not chiropody clinics, did not offer a full-scope practice, or did not have any full-time chiropodist or podiatrist on staff. All or almost all of the chiropody services provided at the CCI Clinics were for the assessment of orthotics only – a practice model that is non-compliant with the College’s standards.
14. After being contracted by CCI, some or all of the new graduates felt a pressure to prescribe orthotics while working at the CCI Clinics. As described in the Complaint, the new graduates would see over a thousand orthotic patients in a three-month time frame working for CCI.

C. Sun Life Investigations

15. In or about 2020, investigations conducted by Sun Life revealed that benefit claims had been submitted from approximately 87 CCI Clinics between August 2019 and August 2020 from chiropodists associated with CCI.
16. The investigations also revealed a number of concerns about those benefit claims, including offering of incentives, over-prescribing, inappropriate billings, and failing to comply with the College’s standards. This included the failure to conduct appropriate assessments and/or properly dispense orthotics to patients.
17. For example, records demonstrate that, on certain dates, as many as 34 patients were scheduled and assessed for orthotics at the CCI Clinics within a six-hour period.

18. As a result of the investigations, several chiropractors recruited by the Member – some of whom had only practised between one and three years – were delisted by Sun Life, including:

- N.N.
- R.M.
- D.D.
- M.K.
- K.C.

D. Summary of Allegations

19. Among other provisions, the College's Conflict of Interest Policy (the "**Policy**") states:

A member has a conflict of interest for the purposes of paragraph 10 of section 2 of O. Reg. 750\93 **where the member or a related person or a related corporation** has a relationship as a result of which a reasonable person could conclude that **the personal interests of the member, the related person or related corporation could improperly influence the member's professional judgment** or conflict with his or her duty to act in the best interests of the patient.

20. Under the Policy, a "related corporation" is defined as a corporation wholly or substantially owned or controlled by the member or a related person. A "related person" means any person connected with the member by blood relationship, marriage, common-law, adoption, and/or other circumstances.

21. Based on the Policy, CCI was and is a “related corporation” and the Member’s spouse is a “related person” within the meaning of paragraph 10 of section 2 of the Professional Misconduct Regulation.
22. As a result, at the time of these events, the Member was practicing in association with a commercial business (CCI) and in a conflict of interest, contrary to the College’s regulations.
23. Some or all of the chiropodists recruited by the Member were compensated by CCI and/or the CCI Clinics for their services based on the number of orthotics they prescribed and/or the number of patients they saw – for which CCI received a fee. Such compensation models are a conflict of interest.
24. In addition, it was brought to the Member’s attention that inappropriate business practices were occurring at the CCI Clinics and the Member failed to take any action – notwithstanding that the Member and CCI had put the chiropodists into those clinics and CCI was being paid for them to be there and provide services.
25. In so doing, the Member failed to comply with the College’s standards and meet the expectations of the profession, as outlined in the College’s Code of Ethics:
 - Members shall not participate in any arrangement that could be considered as a conflict of interest;
 - Members shall not exploit any relationship that furthers his or her own [...] financial, and political or business interest.

- Members shall maintain professional integrity and conduct all professional activities, programs and relations honestly and responsibly.
- Members shall refrain from engaging in behaviour that could be construed as harassment or abuse of colleagues, associates, or employees.

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