

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

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

**IN THE MATTER OF** a Hearing directed  
by the Inquiries, Complaints and Reports Committee of  
the College of Chiropractors of Ontario  
pursuant to Section 26(1) of the *Health Professions Procedural Code*  
being Schedule 2 of the *Regulated Health Professions Act, 1991*,  
S.O. 1991, c. 18, as amended.

**BETWEEN:**

**COLLEGE OF CHIROPODISTS OF ONTARIO**

**- and -**

**JASON LIU**

**PANEL MEMBERS:**

Peter Stavropoulos	Chair, Professional Member
Allan Katz,	Public Member
Stephen Haber	Professional Member
Donna Shewfelt	Professional Member

**COUNSEL FOR THE COLLEGE:** Debra McKenna

**REPRESENTATIVE FOR THE  
MEMBER:** Lonny Rosen

**INDEPENDENT LEGAL  
COUNSEL:** Luisa Ritacca

**Hearing Date:** December 16, 2022

**Decision Date:** December 19, 2022

**Release of Written Reasons:** December 20, 2022

## DECISION & REASONS

1. This matter came on for hearing before a panel of the Discipline Committee on December 16, 2022. With the consent of the parties, this matter was heard electronically.
2. At the outset of the hearing, the panel was advised that the parties had reached an agreement and as such this matter proceeded as an uncontested hearing.

### **The Allegations**

3. The allegations made against the Member were set out in a Notice of Hearing, dated September 30, 2021. The Notice of Hearing can be found at Tab 1 of Exhibit 1 and the allegations are as follows:
  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 *Chiropody 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 chiropodist 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 Chiropody 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 chiropodists 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.

### **Member’s Plea**

4. The Member admitted that he engaged in professional misconduct as described in the Notice of Hearing, as set out above.
5. The Panel conducted an oral plea inquiry and was satisfied that the Member’s admissions were voluntary, informed, and unequivocal.

### **Agreed Statement of Facts**

6. The evidence at the hearing proceeded by way of agreement. The parties tendered an Agreed Statement of Facts which can be found at Tab 2 of Exhibit 1. The material portions of the Agreed Statement of facts provide as follows:
  1. **THE PARTIES** agree that the following facts may be accepted as true and proven by the Discipline Committee in this matter:

## A. Overview

2. Jason Chin Chen Liu ("**Mr. Liu**" or the "**Member**") was at all material times a registered member of the College. He was first registered with the College on or about July 9, 2014.
3. During the period from approximately December 2017 to December 2020 (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.
4. 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.
5. 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

6. On or about December 18, 2020, the College received a complaint from Adrian Dobrowsky, the Clinical Liaison Officer at the Michener Institute of Education regarding the practice of the Member (the "**Complaint**").
7. In the Complaint, Mr. Dobrowsky explained he had received information about the Member and a company associated with the Member, identified as Chiropody Contracting Inc. ("**CCI**").
8. 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.
9. During the Relevant Period, the sole officer and director of CCI was the Member's spouse, Hei Man Shing – also known as Natalie Shing. Ms. Shing is not a member of the College and has no training in the practice of chiropody.
10. As outlined in the Complaint, the Member used his position as an adjunct faculty member at the Michener Institute of Education to access and recruit graduates from the chiropody program.
11. In addition to practising at the Clinic, some of the new graduates hired by the Member were also contracted by CCI to provide chiropody services for other businesses (the "**CCI Clinics**"). The Member spoke directly with some of the new graduates he hired about working with CCI.
12. CCI was a chiropody staffing company, and entered into agreements whereby CCI would arrange, for a fee, to have a chiropodist attend at various CCI Clinics and provide chiropody services there. During the Relevant Period, CCI had agreements in place with approximately 87 different practice locations.
13. 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.
14. Most 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. The chiropody services provided at some of the CCI Clinics were for the assessment and sale of orthotics only.

15. If Mr. Liu were to testify it would be his evidence that he was not aware during the Relevant Period of the volume of orthotics being prescribed at the CCI Clinics, but now understands that some of the new graduates saw and prescribed orthotics to approximately thousand patients in a three-month time frame while working for CCI.
16. The Member acknowledges that the practice model adopted at the CCI Clinics was non-compliant with College's standards and constituted inappropriate business practises.
17. In addition, the chiroprodists recruited by the Member were compensated by CCI and/or the CCI Clinics for their services based on the number of orthotics they prescribed – for which CCI received a fee.
18. The Member also acknowledges that such a compensation model constituted a conflict of interest.

### **C. Sun Life Investigations**

19. In or about 2020, investigations conducted by Sun Life revealed that benefit claims had been submitted from CCI Clinics between August 2019 and August 2020 from chiroprodists associated with CCI. No claims submissions by the Member were identified as problematic.
20. The investigations also revealed a number of concerns about those benefit claims, including the 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 proper dispensing of orthotics to patients.
21. For example, records demonstrated that, on certain dates, as many as 34 patients were scheduled and assessed for orthotics at the CCI Clinics within a six-hour period.
22. If Mr. Liu were to testify it would be his evidence that he was not aware of these concerns during the Relevant Period.
23. As a result of the investigations, several chiroprodists recruited by the Member to work for CCI – some of whom had only practised for a year – were delisted by Sun Life, including:
  - N.N.
  - R.M.
  - D.D.
  - M.K.
  - K.C.

### **D. College Standards**

24. The following written standards of the College, which is appended as **Exhibit "A"** and **Exhibit "B"** to the Agreed Statement of Facts, are standards of practice of the profession within the meaning of paragraph 2 of section 1 of the *Professional Misconduct Regulation*, O. Reg. 750/93:
  - i. Patient Relations; and
  - ii. Safety and the Practice Environment.

25. In addition, the Member acknowledges and admits that the College's Conflict of Interest Policy (the "**Policy**"), which is also appended as **Exhibit "C**, states as follows:

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.

26. 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.

27. 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.

28. As a result, during the Relevant Period, the Member was practicing in association with a commercial business (being, CCI) and in a conflict of interest, contrary to the College's regulations and standards.

29. The Member acknowledges that, when it came to his attention that inappropriate business practices were occurring at the CCI Clinics, he failed to take any action – notwithstanding that the Member had introduced the new chiropodists to CCI, which put them into those clinics, and CCI was being paid for them to provide services.

30. In so doing, the Member also admits that he failed to comply with the standards and meet the expectations of the profession, as outlined in the College's Code of Ethics, which is appended as **Exhibit "D**, including:

- 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.

#### **E. Summary of Professional Misconduct**

31. Based on the facts set out in paragraphs 1 to 28 above, the Member admits that he engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, Ont. Reg. 750/93:

- (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 *Chiropody 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.

#### **F. Acknowledgements**

- 32. The Member understands the nature of the allegations that have been made against him and that, by voluntarily admitting these facts, he waives his right to require the College to otherwise prove the allegations.
- 33. The Member understands that the panel of the Discipline Committee can accept that the facts herein constitute professional misconduct and, in particular, can accept his admissions that they constitute professional misconduct.
- 34. The Member understands that the panel of the Discipline Committee can make orders as a result of a finding of professional misconduct, as described in the Notice of Hearing. The Member understands that if the panel makes a finding or findings of professional misconduct against him, the panel’s decision and its reasons, and/or a summary of its reasons, including the facts contained herein, and the Member’s name will be published, including but not limited to, in the College’s publications, in the College’s public register, on the College’s website, and/or on CanLII.
- 35. The Member acknowledges that he has had the opportunity and has obtained independent legal advice with respect to this matter. He further acknowledges that he is entering into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress.

#### **Decision and Reasons**

- 7. Based on the Member’s admissions as set out in the Agreed Statement of Facts, the panel was satisfied that the Member engaged in professional misconduct as alleged.

8. The panel considered the evidence presented in this case as outlined in the Agreed Statement of Facts. The panel agreed that the conduct as outlined here failed to meet the standard expected of a member in every regard cited. Especially troubling to the panel was the impact the member's conduct had on several new graduate members of this College which included their being delisted by insurance companies which will be severely detrimental to their careers. While they too are responsible for, and must account for, their choices, decisions and actions in their individual career paths, it cannot be overlooked that the member was viewed as an authority figure to them by virtue of his being a former instructor to them and that they were initially approached by him while still students.

### **Joint Submission on Penalty and Costs**

9. The Panel received and considered a Joint Submission on Penalty and Costs from the parties (the "**Joint Submission**") which sought the following:
1. An oral reprimand;
  2. An order suspending the Member's certification of registration for a period of four (4) months;<sup>1</sup>
  3. An order directing the Registrar to impose terms, conditions, and limitations on the Member's certificate of registration requiring the following:
    - (a) Prior to returning to practice, the Member shall successfully complete the Probe Ethics Course at his own expense and provide documentary evidence of his successful completion of those remedial steps to the satisfaction of the Registrar;
    - (b) Upon returning to practice after his suspension, the Member is required to provide any chiropody educational institution that retains him to teach students and/or provide clinical placements for students with the discipline panel's decision; and
    - (c) Upon returning to practice after his suspension, the Member is required to inform the Registrar that he has been retained by a chiropody educational institution to teach students and/or provide clinical placements for students and confirm that he has provided the educational institution with the discipline panel's decision.
  4. An order directing the Member to pay costs to the College in the amount of \$15,000.00, which amount will be paid by the Member on the following schedule:

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<sup>1</sup> During the period of suspension, the Member is not permitted to practise chiropody and shall comply with the College's Guideline for Suspension: [www.cocoo.on.ca/pdf/guidelines/suspension\\_guideline.pdf](http://www.cocoo.on.ca/pdf/guidelines/suspension_guideline.pdf) For the sake of clarity, this includes, among other things, the Member is not permitted to use the restricted title of chiropodist, or hold himself out as being able to practise, or hold himself out as a member of the College. The Member is not permitted to invoice or earn any income from the practice of chiropody (directly or through a health profession corporation) or be present at the Member's primary practice location or any secondary practice location or attend at a practice setting where chiropody patients are in attendance, to be involved in or participate in any of the chiropody care to be provided to chiropody patients.

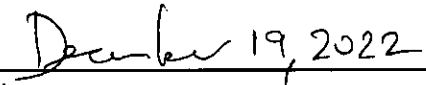
- \$7,500.00 on the day of the hearing – December 16, 2022;
  - \$937.50 on January 16, 2023;
  - \$937.50 on February 16, 2023;
  - \$937.50 on March 16, 2023;
  - \$937.50 on April 16, 2023;
  - \$937.50 on May 16, 2023;
  - \$937.50 on June 16, 2023;
  - \$937.50 on July 16, 2023; and
  - \$937.50 on August 16, 2023.
5. An order that the discipline panel's decision will be published, in detail with the Member's name, in the College's official publications, on the College's website, on the College's public register and/or on the website operated by the Canadian Legal Information Institute (CanLII).
  6. The College and the Member agree that if the Discipline Committee accepts this Joint Submission on Penalty, there will be no appeal or judicial review of the decision to any forum.

### **Decision and Reasons for Penalty and Costs**

10. The Panel reviewed the Joint Submission and received submissions from counsel. The Panel accepted the Joint Submission and made an order consistent with its terms before the conclusion of the hearing.
11. The Panel is satisfied that the terms contained in the Joint Submission are reasonable, proportionate, and will maintain public confidence in the Discipline Committee.
12. While very troubled to hear the evidence and the facts of this case as presented by College counsel, and as outlined in the Agreed Statement of Facts, the panel gave great weight to the fact the Member readily admitted his guilt, and he expressed remorse for his actions and, through his counsel, he was entirely cooperative with the College counsel in bringing this matter to a resolution. In coming to its decision, the panel considered the evidence of this specific case, and weighed it against the case law established by this College in hearing other similar matters, the public protection that is achieved and served by ensuring adequate specific and general deterrence by supporting fair and well considered Penalty and Cost decisions, and lastly the fact that the matter came to this panel in an uncontested manner. All these things considered, the panel believes that the Penalty and Cost as presented by the proposal jointly presented by counsel, does not do a disservice to the aforementioned principles, but rather, the panel believes it to be just and appropriate and therefore supports the submission.
13. At the conclusion of the hearing, having confirmed that the Member waived any right to appeal, the Panel delivered an oral reprimand on the record. A copy of the reprimand is attached here at Appendix A.

I, Peter Stavropoulos, sign this decision and reasons as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:

  
\_\_\_\_\_  
Peter Stavropoulos, Chairperson

  
\_\_\_\_\_  
Date

Allan Katz,  
Stephen Haber  
Donna Shewfelt

**APPENDIX A****COLLEGE OF CHIROPODISTS OF ONTARIO v. JASON LIU**

As you know, Mr. Liu as part of its penalty, this Discipline panel has ordered you be given an oral reprimand.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

Although you will be given an opportunity to make a statement at the end of the reprimand, this is not an opportunity for you to review the decision made by the Discipline panel, nor a time for you to debate the merits of our decision.

The panel has found that you have engaged in professional misconduct in the following ways:

1. You failed to meet the standards of practice of the profession, including the Patient Relations and Safety and the Practice Environment Standard
2. You engaged in conduct that put you in a conflict of interest
3. You engaged in conduct contrary to your obligations under the Chiropractic Act, the RHPA and the Regulations thereunder
4. You engaged in conduct which would reasonably be regarded by other members of this profession as disgraceful, dishonourable or unprofessional.

The fact that you engaged in professional misconduct is a matter of profound concern. You have brought discredit to the entire chiropractic profession and to yourself. Public confidence in this profession has been put in jeopardy. The result of your misconduct is that you have let down the public, the chiropractic profession, and yourself.

Your conduct is totally unacceptable to your fellow chiropractors and to the public. Of special concern to us is the fact that the professional misconduct in which you

engaged has involved using your position of authority and trust as a teacher to recruit new graduates to work in your wife's business. Your conduct put these new graduates in an impossible position. As a result of the trust they put in you, they now find themselves in trouble with insurers, including several who have been now delisted. This will no doubt have a long-term effect on their careers and earning potential.

We appreciate that you have taken responsibility here and that you were willing to admit misconduct. We certainly hope that means you have recognized the error of your ways and that you will not put colleagues – especially new colleagues – in such a position moving forward.

We also want to make it clear to you that while the penalty that this panel has imposed upon you is a fair penalty, a more significant penalty will likely be imposed by another Discipline panel in the event that you are ever found to have engaged in professional misconduct again.

As you heard earlier, you will now be given an opportunity to respond if you wish. Remember this is not an opportunity for you to review the decision or debate its correctness. Do you wish to make any comments?

Thank you for attending today. We are adjourned.