

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

- and -

BETTY MCTAGUE

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario (the “**College**”) has referred specified allegations against **Betty McTague (Registration #830124)** to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*.

Further information about the allegations is contained in 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 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 lawyer for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
Barristers & Solicitors
4100-66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7
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The College intends to introduce as business records, under section 35 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 and financial records related to the patient care that is the subject of the allegations.

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.

A handwritten signature in blue ink, appearing to read "Nicole Zwiers".

Date: February 28, 2023

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

TO: BETTY MCTAGUE

STATEMENT OF ALLEGATIONS

1. On or about August 25, 1983, Betty McTague (the “**Member**”) was first registered as a member of the College.

2. It is alleged that, during the period from approximately July 2022 to January 2023 (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 *Chiropody Act, 1991*:
 - (i) paragraph 2 – failing to meet or contravening a standard of practice of the profession and, in particular, the College’s written standards in relation to:
 - i. Assessment and Management;
 - ii. Competence;
 - iii. Infection Control;
 - iv. Nail and Cutaneous Soft Tissue Surgery;
 - v. Patient Relations; and/or
 - vi. Records.
 - (ii) paragraph 17 – failing to keep records as required by the regulations;

- (iii) paragraph 30 – contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts and, in particular, Ontario Regulation 203/94;
- (iv) paragraph 31 – contravening a federal, provincial or territorial law, a municipal by-law or a by-law or 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 practise.
- (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

1. On or about August 25, 1983, the Member was first registered with the College in the chiropodist classification. At all times material to these allegations, the Member practised chiropody at a clinic located at 1 Elora Street South, Suite 4, Harriston, Ontario (the “**Clinic**”).
2. On or about August 22, 2022, the College received a complaint from the Wellington Dufferin Guelph Public Health Unit (the “**PHU**”) with respect to the Member (the “**Complaint**”).
3. In particular, the PHU reported to the College that it had received information about unsafe conditions at the Member’s practice and PHU conducted an unannounced inspection at the Clinic on August 22, 2022. A Health Service Provider Inspection Report was prepared by the PHU inspector(s) that outlined numerous concerns and deficiencies with the Member’s practice.
4. In particular, the PHU inspection revealed that the Member was failing to abide by Provincial Infectious Diseases Advisory Committee (“**PIDAC**”) standards and/or the College’s standards for medical device reprocessing and infection control at the Clinic.
5. As a result, the PHU inspector issued a Cease and Desist Order to the Member on or about August 23, 2022 (the “**Order**”), under the provisions of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7.
6. The Order prohibited the Member, effective immediately, from providing services that required reusable critical or semi-critical medical equipment or devices.
7. It is an offence under section 100(1) of the *Health Protection and Promotion Act*, for a person to disobey an order issued under that Act.

8. In addition, it is also an offence under section of 42(1) of the *Health Protection and Promotion Act*, to hinder or obstruct a public health inspector or a person acting under a direction of a medical officer of health from lawfully carrying out a power, duty or direction under that Act.
9. On or about October 12, 2022, the PHU received new information that the Member was practising in violation of the Order. The PHU attend at the Clinic for follow-up, but was obstructed by the Member from carrying out an inspection of the Clinic. The Member also refused to provide PHU inspectors with any documents.
10. Subsequently, on or November 1, 2022, the PHU made a further unannounced visit to the Clinic (this time in attendance with an investigator appointed by the College), and again the Member refused to allow the PHU to conduct an inspection and directed the PHU inspector(s) to leave.
11. To date, the Order remains in effect.
12. Based on the investigation by the College, the Member's practice remains in non-compliance with the standards, including in relation to instrument reprocessing and infection control. For example, the Member has acknowledged that she does not use biological indicators each day (only once a week), does not use chemical indicators in every sterilization package, and, in her opinion, those requirements are not necessary.
13. In addition, the physical space at the Clinic does not have a one-way workflow (from dirty to clean) in the reprocessing area to prevent cross-contamination when reprocessing reusable equipment/devices.

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Lawyers for the College of
Chiropractors of Ontario
