

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

- and -

JONATHAN BRYCE TOMINES

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario (“**College**”) has referred specified allegations against you, **JONATHAN BRYCE TOMINES** (Registration #120020), 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 PARAGRAPHS, 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
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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, financial records, or other records that relate to 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: September 7, 2023

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

TO: JONATHAN BRYCE TOMINES

STATEMENT OF ALLEGATIONS

1. On or about July 4, 2012, Jonathan Bryce Tomines (the “**Member**”) was first registered as a member of the College in the chiroprapist classification.

2. It is alleged that, during the period from approximately October 2021 to November 2021 (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 2 – failing to meet or contravening a standard of practice of the profession and, in particular, the College’s written standards pertaining to:
 - i. Assessment and Management;
 - ii. Nail and Cutaneous Soft Tissue Surgery;
 - iii. Competence;
 - iv. Patient Relations; and/or
 - v. Records;

- (ii) paragraph 14 – providing treatment to a patient where the member knows or ought to know that the provision of the treatment is ineffective, unnecessary or deleterious to the patient or is inappropriate to meet the needs of the patient;
- (iii) paragraph 15 – failing to advise the patient to consult with a physician or other regulated health professional where the member recognizes, or ought to recognize, a condition that is beyond the competence or experience of the chiropractor or that requires such a consultation to ensure the proper care of the patient;
- (iv) paragraph 17 – failing to keep records as required by the regulations;
- (v) paragraph 30 – contravening the *Act*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, and specifically Ontario Regulation 203/94 (General) under the *Chiropractic Act, 1991*; and/or
- (vi) 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 July 4, 2012, Jonathan Bryce Tomines (the “**Member**”) was first registered as a member of the College in the chiropodist classification.
2. During the Relevant Period, the Member practised chiropody at the Mississauga Foot Clinic, located at 250 Dundas Street West, Suite 305, in Mississauga, Ontario (the “**Clinic**”).
3. The Member established the Clinic in about 2017 or 2018. The Member was and/or remains the sole owner of the Clinic and was responsible for, among other things, setting operational and/or clinical policies for the Clinic.
4. During the Relevant Period, S.M. (the “**Patient**”) was assessed and treated by Julie Wellman, a chiropodist who practised at the Clinic. Specifically, Ms. Wellman performed nail avulsion surgery on the Patient’s right toe on or about October 9, 2021.
5. In accordance with Clinic policy, the Patient was directed to email photos to the Clinic during the Relevant Period that depicted the post-operative condition of his right toe.
6. Because Ms. Wellman was absent when the Patient provided his photos to the Clinic, the Member was involved in the Patient’s post-operative care.

7. Specifically, the Member was involved in the Patient's one-week and five-week follow-up care after his nail surgery and the Member reviewed the photos provided by the Patient.
8. However, in reviewing the photos and being responsible for the follow-up care, the Member failed to meet with the Patient and/or assess the Patient and/or identify, in a timely way or at all, that the Patient had developed melanoma on the right toenail – a condition that ultimately resulted in the Patient having his right toe amputated.
9. In providing chiropody care to the Patient during the Relevant Period, the Member breached the standards of the profession and other provisions of the Professional Misconduct Regulation by:
 - failing to conduct and/or document appropriate post-surgery follow-up for the Patient;
 - failing to maintain records in accordance with the regulations and the College's standards;
 - failing to recognize, in a timely way and/or at all, that the Patient's condition required professional help that was beyond the Member's scope of practice, education, or experience;

- failing to explain to the Patient and/or have any discussions with him about the range of potential outcomes for his symptoms and/or their seriousness, including his presentation with Hutchinson's sign nail; and/or
 - failing to refer the Patient, in a timely way, to a physician or other health professional for a biopsy and/or other assessments to ensure that the Patient received proper and timely care.
10. Additional information and disclosure about the allegations against the Member will be provided in advance of the hearing.

COLLEGE OF CHIROPODISTS OF ONTARIO
(the “College”)

- and -

JONATHAN BRYCE TOMINES
(the “Member”)

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CHIROPODISTS OF ONTARIO**

NOTICE OF HEARING

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Lawyers for the College of
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