

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

-and-

ALAN MARK LUSTIG

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario has referred specified allegations against **ALAN MARK LUSTIG** (Registration # 730848) to the Discipline Committee of the College. 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 **July 26 to July 30, 2021**, 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
e. dmckenna@weirfoulds.com

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: April 9, 2021

A handwritten signature in blue ink that reads "Julie Maciura". The signature is written in a cursive style and is positioned above a solid horizontal line.

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

TO: ALAN MARK LUSTIG

STATEMENT OF ALLEGATIONS

1. Alan Mark Lustig (“**Mr. Lustig**” or the “**Member**”) was at all material times a registered member of the College.

2. It is alleged that during the period from approximately October 2020 to November 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* (“*Code*”) 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 standards pertaining to:
 - a. Patient Relations;

 - ii. paragraph 30 – contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, specifically:
 - a. section 33 of the *Regulated Health Professions Act, 1991*, SO 1991 c. 18; and,

- b. sections 7(a) and 12 of General Regulation (O. Reg. 203/94)
under the *Chiropody Act, 1991*, SO 1991, c. 20

- iii. 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. At all material times, the Member was registered with the College as a podiatrist to practise chiropody in Ontario. He was first registered with the College on or about July 1, 1973
2. During the Relevant Period, the Member practised at Village Health – Foot Clinic, located at 85 Laird Drive, Suite 201, in the City of Toronto (the “**Clinic**”).
3. At all materials times, the Member was also the chief medical director, employee, and/or consultant with The Orthotic Group (“**TOG**”), an orthotics manufacturer. TOG’s corporate head office and laboratory is located at 160 Markland Street in Markham, Ontario.
4. On or about November 18, 2020, information was brought to the attention of the College that the Member was using the restricted title of “Dr.” in relation to his practice, contrary to the provisions of the *Regulated Health Professions Act* and the College’s standards and regulations.
5. As a result of this information, a Registrar’s Investigation was commenced on or about November 27, 2020.
6. During the course of the investigation, it was confirmed that the email address used by the Member in relation to his practice at the Clinic was and/or continues to be “Dr. Lustig <drlustig@villagehealth.ca>”.

7. In addition, in relation to advertising for TOG, the Member is described on the TOG website (<https://www.tog.com/PractitionerSite/Home.aspx>) as a member of the Medical Team as follows:

Dr. Alan Lustig
Podiatrist
Chief Medical Director, TOG

Dr. Alan Lustig is a Podiatrist and Chief Medical Director of The Orthotic Group, the largest manufacturer of custom foot orthotic devices in Canada. He co-founded The Orthotic Group in 1986. Dr. Lustig graduated from the New York College of Podiatric Medicine. He has been in private practice as a Doctor of Podiatric Medicine and Surgery in Toronto for over 40 years. He co-founded one of Canada's premier hospital foot clinics at Sunnybrook Medical Centre in 1974. He specializes in lower extremity biomechanics and the treatment of abnormal gait conditions with custom foot orthotics and custom ankle foot orthotic leg braces. Dr. Lustig is presently practicing at the Village Health facility in the Leaside area of Toronto. For over 30 years, Dr. Lustig has lectured in over 50 cities across North America on biomechanics and foot orthotic therapy. He has one of the largest foot orthotic practices in North America. He has published numerous papers on lower extremity medicine and has written a book on computer gait analysis. He has worked extensively in the Canadian foot orthotic manufacturing industry for over 30 years.

COLLEGE OF CHIROPODISTS OF ONTARIO
(the “College”)

- and -

ALAN MARK LUSTIG
(the “Member”)

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

NOTICE OF HEARING

WEIRFOULDS LLP

Barristers & Solicitors
4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Debra McKenna

t. (416) 947-5080

f. (416) 365-1876

e. dmckenna@weirfoulds.com

Lawyers for the College of
Chiropractors of Ontario