

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

-and-

PAUL ANTHONY SCOTTI

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE (ICRC) of the College of Chiropractors of Ontario has referred specified allegations against **PAUL ANTHONY SCOTTI** (Registration # 050228) 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 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 \$35,000.00 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
4100-66 Wellington Street West
P.O. Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
e. dmckenna@weirfoulds.com

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 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: December 4, 2023



Nicole Zwiers
Registrar and Chief Executive Officer
College of Chiropodists of Ontario
180 Dundas Street West, Suite 2102
Toronto, Ontario M5G 1Z8

TO: PAUL ANTHONY SCOTTI

STATEMENT OF ALLEGATIONS

1. Paul Anthony Scotti (“**Member**”) was at all material times a registered member of the College.

2. It is alleged that during the period from approximately March 2023 to November 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 standards pertaining to:
 - a. Assessment and Management;
 - b. Patient Relations;
 - c. Records;
 - d. Prescription Custom Foot Orthoses; and
 - e. Competence.
 - (ii) paragraph 10 – practising the profession while the member is in a conflict of interest;

- (iii) 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;
- (iv) 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;
- (v) paragraph 17 – failing to keep records as required by the regulations;
- (vi) paragraph 20 – signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement;
- (vii) paragraph 21 – submitting an account or charge for services that the member knows is false or misleading;
- (viii) paragraph 30 – contravening the *Chiropractic Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, including, but not limited to, Ontario Regulation 203/94, Part II (Advertising) and Part III (Records);
- (ix) 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. Background

1. At all material times, the Member was registered with the College in the chiroprapist classification to practise chiroprapy in Ontario. The Member was first registered on or about July 5, 2005.
2. During the Relevant Period, the Member's primary practice location was reported to the College as being the West Toronto Foot & Ankle Clinic Inc., located at 781 The Queensway, Unit N, in Toronto, Ontario (the "**Clinic**").
3. The Member was and remains the owner, director and/or shareholder of the Clinic.
4. During the Relevant Period, the Member also operated Body Sync, which was a business name registered by the Clinic under the *Business Names Act*, RSO 1990, c. B.17.
5. Body Sync was advertised by the Member as an "independent" laboratory that manufactured orthotics and orthopaedic shoes. The registered business address for Body Sync was the Member's home address.

B. The Complaint

6. On or about August 21 2023, the College received a complaint from R.M. (the "**Patient**") about the Member (the "**Complaint**").

7. As set out in the Complaint, the Patient attended at the Clinic on or about May 29, 2023, complaining of a painful right foot. At the time, the foot was swollen and/or bruised in the area of the first metatarsophalangeal joint.
8. Following his assessment, the Member did not advise or refer the Patient to see a physician or other health care practitioner, or to attend a hospital for an ultrasound or further assessment. Instead, the Member prescribed orthotics for the Patient and communicated to the Patient that they had plantar fasciitis.
9. Following the assessment, and while in the reception area of the Clinic, the Patient made a comment to the effect that they were happy to have found an experienced “podiatrist”. Neither the Member nor his staff, who were present at the time, corrected the Patient or confirmed that the Member was not a podiatrist.
10. The Patient re-attend at the Clinic on June 6, 2023, to be dispensed the orthotics. The Patient was not properly fitted or given any break-in instructions. The Patient was also not advised about the importance of re-attending for follow-up.
11. The orthotics dispensed to the Patient were purportedly manufactured by “Body Sync”. As a result of wearing the orthotics prescribed by the Member, the Patient experienced increased pain in the foot, which also radiated to the leg and hip.
12. On or about July 17, 2023, the Patient was subsequently seen by a physician, who ordered an ultrasound. The ultrasound revealed that the Patient had flexor hallucis tenosynovitis.

C. Summary of the Investigation

13. In prescribing orthotics to his patients, the Member did not perform or document an adequate assessment and/or determine that the treatments provided by the Member were medically necessary or required for the prevention, treatment or management of a disease, disorder, or dysfunction of the foot.

14. In particular, the Member failed to:
 - (a) obtain and document an adequate and/or current patient history;
 - (b) conduct and document an adequate assessment, including, without limiting to, use of a foam box;
 - (c) obtain and/or document informed consent, including discussion with patients about the benefits and risks of various treatment options;
 - (d) determine if a different treatment plan was appropriate in the circumstances before prescribing orthotics;
 - (e) advise, refer, or assist patients to find the necessary professional help when a condition or status of the patient fall outside his scope of practice, education or experience;
 - (f) discuss and/or document the treatment plan;
 - (g) properly dispense the orthotics;
 - (h) provide appropriate follow-up care to the patient; and/or

- (i) communicate with patients accurately and/or in the patient's best interest.
15. In prescribing orthotics to his patients, the Member engaged in the practice of over-prescribing or over-utilizing specific treatment options – a business practice that is contrary to the College's standards and/or conflict of interest policy.
 16. In prescribing orthotics to his patients, the Member signed, issued, and/or submitted documents that were false and/or misleading, including but not limited to misrepresenting his relationship to Body Sync.
 17. The Member failed to maintain patient records, including financial records, in accordance with the regulations and the College's standards.
 18. Additional information and disclosure about the allegations against the Member will be provided in advance of the hearing.

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Lawyers for the College of
Chiropractors of Ontario