

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

PANEL:

Jim Daley, Chair
Martin Hayles
Sasha Kozera
Sohail Mall

BETWEEN:

)	ALEXANDRA WILBEE and MEGHAN
)	HOULT for the College
)	
COLLEGE OF CHIROPODISTS OF ONTARIO)	
(the “College”))	
)	
- and -)	JERMALL ESTWICK for the
)	Member, DAVID D’ALIMONTE
)	
DAVID D’ALIMONTE)	
)	JUSTIN SAFAYENI, Independent Legal
)	Counsel
)	
)	Heard: November 1, 2018
)	
)	Court Reporter is Noemi Panameno

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on November 1, 2018 at Victory Verbatim, in Toronto.

The Allegations

The allegations against David D’Alimonte (the “Member”) as stated in the Notice of Hearing dated November 30, 2017, (Exhibit 1) are as follows.

1. David D’Alimonte (the “Member”) was, at all material times, a chiropodist registered to practise chiropody in the province of Ontario.
2. Since in or about 2008, the Member has engaged in the practice of chiropody at Toronto Family Foot & Ankle Clinic (the “Clinic”).

3. In or around November 2013, the Great-West Life Assurance Company (“GWL”) began a review of claims that the Member and/or the Clinic had submitted to GWL (the “GWL Investigation”).
4. For the period from in or about July 2012 to in or about June 2015, GWL had paid in excess of \$3 million for claims related to the Clinic, and approximately \$2 million of the payments made were for orthotics or orthopedic shoes.
5. The GWL Investigation revealed that the Member was issuing prescriptions for unnecessary medical treatments and/or devices and that benefits claims were made for orthotics and/or orthopedic shoes where services were not provided and/or non-medical footwear was provided.
6. Patients signed documentation allowing the Clinic to submit claims and receive payment directly from GWL. The Member then submitted or allowed this to be submitted to GWL, along with false documentation that he prepared, in order to receive payment from GWL.
7. On or around April 21, 2015, an undercover investigator attended the Clinic and was seen by the Member. The Member advised the investigator that orthotics were not required. The Member provided the investigator with a shoe catalogue from which the investigator selected non-orthopedic shoes. The Member then issued false documentation and submitted a false claim to GWL on behalf of the investigator for orthopedic shoes, for which the Clinic received payment. On or around June 16, 2015, the investigator returned to the Clinic and was given two pairs of shoes that had been selected from the catalogue. The shoes received were not orthopedic nor did they contain orthotics.
8. On or around July 10, 2015, the Member met with a representative of the Special Investigations Unit of GWL. During this conversation, the Member admitted, and it is alleged, that he had submitted false billings to GWL over a period of approximately five to six years. He acknowledged that he had been providing patients with non-medical footwear while representing to GWL that he had provided orthopedic shoes.
9. On or around November 6, 2015, GWL and the Member entered into a Settlement Agreement following from the GWL Investigation, whereby the Member agreed to pay \$1,100,000.00 to GWL.
10. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the Member falsified documents and/or records, signed and/or issued documents that he knew were false and/or misleading, and/or submitted accounts for services he knew to be false in that he:
 - a. submitted, or allowed to be submitted, invoices and/or receipts to GWL, and/or other insurers, that inaccurately and/or misleadingly represented that the Member had provided certain services to the patient when he had not done so;
 - b. submitted, or allowed to be submitted, invoices and/or receipts to GWL, and/or other insurers, representing that medical footwear would be dispensed to patients when no medical footwear was ever dispensed;

- c. issued false prescriptions indicating that patients had foot conditions that they did not have; and/or
 - d. fabricated patient records.
11. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the Member overprescribed and/or gave patients unnecessary prescriptions for orthotics and/or orthopedic shoes in that he:
- a. did not perform an adequate examination and/or assessment of the patient, but nonetheless prescribed and/or recommended orthotics or orthopedic shoes for them;
 - b. did not discuss other treatment options with the patient and/or determine if a different treatment was appropriate before prescribing orthotics and/or orthopedic shoes; and/or
 - c. prescribed and/or recommended orthotics or orthopedic shoes to patients who did not require orthotics and/or orthopedic shoes.
12. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the prescriptions for orthotics and/or orthopedic shoes prepared by the Member were inadequate in that:
- a. the Member did not evaluate and/or record the patient's medical history;
 - b. a gait analysis was not performed;
 - c. a foot exam with appropriate measurements and observations was not taken and/or recorded;
 - d. it did not contain the patient information required by the College's standards, including the weight, age, activity level, biomechanical data pertinent to the patient's deformity, and/or other information required for the creation of appropriate prescription custom foot orthoses under the College's standards;
 - e. it did not involve an assessment and recording of the activities and environmental requirements of use; and/or
 - f. a cast or scan of the patient's foot was not created.
13. It is alleged that, with respect to one or more of the patients to whom the Member provided chiropody services at the Clinic, the Member prescribed and/or recommended orthotics and/or orthopedic shoes without:
- a. taking an adequate patient history;
 - b. performing an adequate chiropody assessment;
 - c. obtaining and documenting, in a timely manner, informed patient consent;

- d. providing a range of treatment options;
 - e. creating a cast or scan of the patient's foot;
 - f. personally fitting the orthotics and/or orthopedic shoes to ensure that the device met the prescription and the contours of the patient's foot and/or ensuring that those steps were performed by another chiropodist or podiatrist; and/or
 - g. offering and/or conducting a follow-up after the orthotics and/or orthopedic shoes had been dispensed.
14. The Member did not take all reasonable steps necessary to ensure that his patient records were being kept in accordance with the regulations governing records and/or the College of Chiropodists of Ontario's Standards of Practice pertaining to Records. One or more of the patient records for the Member's patients at the Clinic:
- a. were damaged, incomplete, altered and/or illegible;
 - b. did not contain a complete medical history of the patient;
 - c. did not contain the name and address of the primary care physician and/or any referring health professional;
 - d. did not contain a treatment plan;
 - e. did not contain a copy of every written informed consent and/or reasonable information that an informed consent was obtained;
 - f. did not accurately document date(s) of the patient's visit(s), the date(s) of various examinations, assessments, fittings and/or castings, and/or the date(s) on which the orthotics and/or orthopedic shoes were dispensed to the patient;
 - g. did not contain reasonable information about all significant advice given by the Member; and/or
 - h. did not accurately document follow-up appointments with patients who received orthotics and/or orthopedic shoes;
15. By reason of the conduct alleged in paragraphs 1-14 above, the Member engaged in professional misconduct in that he violated:
- a. the following subsections of Ontario Regulation 750/93 under the *Chiropody Act, 1991*:
 - i. 1.2 (Failing to meet or contravening a standard of practice of the profession), and, in particular, the standards pertaining to:
 - 1. Assessment and Management;
 - 2. Orthotics and/or Prescription Custom Foot Orthoses;

3. Patient Relations;
 4. Prescription Footwear; and/or
 5. Records;
- ii. 1.3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purpose in a situation in which a consent is required by law, without such a consent);
 - iii. 1.14. (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. 1.17 (Failing to keep records as required by the regulations);
 - v. 1.18 (Falsifying a record relating to the member's practice);
 - vi. 1.20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
 - vii. 1.21 (Submitting an account or charge for services that the member knows is false or misleading);
 - viii. 1.30 (Contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts) and, in particular:
 1. the provisions of Ontario Regulation 750/93 under the *Chiropody Act, 1991* specified in this Notice of Hearing;
 2. the provisions of Ontario Regulation 203/94 under the *Chiropody Act, 1991* specified in this Notice of Hearing; and/or
 3. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*;
 - ix. 1.33 (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); and/or
- b. sections 13 and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.

Member's Plea

The Member admitted that he engaged in professional misconduct as described at paragraph 15 of the Notice of Hearing.

The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

Agreed Statement of Facts

Counsel for the College and Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts which provided as follows:

MEMBER'S BACKGROUND

1. David D'Alimonte (the "**Member**") is and was at all material times a chiroprapist registered to practise chiropody in the province of Ontario.
2. Since in or about 2008, the Member has engaged in the practice of chiropody at Toronto Family Foot & Ankle Clinic (the "**Clinic**").

INVESTIGATION

3. In or around November 2013, the Great-West Life Assurance Company ("**GWL**") began a review of claims that the Member and/or the Clinic had submitted to GWL (the "**GWL Investigation**").
4. For the period from in or about July 2012 to in or about June 2015, GWL had paid in excess of \$3 million for claims related to the Clinic, and approximately \$2 million of the payments made were for orthotics or orthopedic shoes.
5. The GWL Investigation revealed that the Member was issuing prescriptions for some unnecessary medical treatments and/or devices and that benefits claims were made for orthotics and/or orthopedic shoes where some services were not provided and/or non-medical footwear was provided.
6. Patients (the "**GWL Patients**") signed documentation allowing the Clinic to submit claims and receive payment directly from GWL. The Member then submitted or allowed this to be submitted to GWL, along with false or improper documentation that he prepared, in order to receive payment from GWL.
7. On or around April 21, 2015, an undercover investigator (the "**GWL Investigator**") attended the Clinic and was seen by the Member. The Member advised

the GWL Investigator that orthotics were not required. The Member provided the GWL Investigator with a shoe catalogue from which the GWL Investigator selected non-orthopedic shoes. The Member then issued false documentation and submitted a false claim to GWL on behalf of the GWL Investigator for orthopedic shoes, for which the Clinic received payment. On or around June 16, 2015, the GWL Investigator returned to the Clinic and was given two pairs of shoes that had been selected from the catalogue. The shoes received were not orthopedic nor did they contain orthotics.

8. On or around July 10, 2015, the Member met with a representative of the Special Investigations Unit of GWL. During this conversation, the Member admitted that he had submitted false billings to GWL over a period of approximately five to six years. He acknowledged that he had been providing patients with non-medical footwear while representing to GWL that he had provided orthopedic shoes.

9. On or around November 6, 2015, GWL and the Member entered into a Settlement Agreement following from the GWL Investigation, whereby the Member agreed to pay \$1,100,000.00 to GWL.

FACTUAL ADMISSIONS

10. With respect to multiple GWL Patients to whom the Member provided chiropody services at the Clinic, the Member falsified or created inaccurate documents and/or records, signed and/or issued documents that he knew were false and/or misleading, and/or submitted accounts for services he knew to be false or inaccurate in that he:

- a. submitted, or allowed to be submitted, invoices and/or receipts to GWL, and/or other insurers, that inaccurately and/or misleadingly represented that the Member had provided certain services to the patient when he had not done so;
- b. submitted, or allowed to be submitted, invoices and/or receipts to GWL, and/or other insurers, representing that medical footwear would be dispensed to patients when, at times, no medical footwear was ever dispensed;
- c. issued false or unnecessary prescriptions indicating that patients had foot conditions that they did not have; and/or
- d. created misleading patient records.

11. With respect to multiple GWL Patients to whom the Member provided chiropody services at the Clinic, the Member overprescribed and/or gave patients unnecessary prescriptions for orthotics and/or orthopedic shoes in that he, at times:

- a. did not perform an adequate examination and/or assessment of the patient, but nonetheless prescribed and/or recommended orthotics or orthopedic shoes for them;
- b. did not fully discuss other treatment options with the patient and/or determine if a different treatment was appropriate before prescribing orthotics and/or orthopedic shoes; and/or

- c. prescribed and/or recommended orthotics or orthopedic shoes to patients who did not require orthotics and/or orthopedic shoes.

12. With respect to multiple GWL Patients to whom the Member provided chiropody services at the Clinic, the prescriptions for orthotics and/or orthopedic shoes prepared by the Member were inadequate in that, at times:

- a. the Member did not evaluate and/or record the patient's medical history;
- b. a gait analysis was not performed;
- c. a foot exam with appropriate measurements and observations was not taken and/or recorded;
- d. it did not contain the patient information required by the College's standards, including the weight, age, activity level, biomechanical data pertinent to the patient's deformity, and/or other information required for the creation of appropriate prescription custom foot orthoses under the College's standards;
- e. it did not adequately involve an assessment and recording of the activities and environmental requirements of use; and/or
- f. a cast or scan of the patient's foot was not created.

13. With respect to multiple GWL Patients to whom the Member provided chiropody services at the Clinic, the Member prescribed and/or recommended orthotics and/or orthopedic shoes without, at times:

- a. taking an adequate patient history;
- b. performing an adequate chiropody assessment;
- c. obtaining and documenting, in a timely manner, informed patient consent;
- d. providing a range of treatment options;
- e. creating a cast or scan of the patient's foot;
- f. personally fitting the orthotics and/or orthopedic shoes to ensure that the device met the prescription and the contours of the patient's foot and/or ensuring that those steps were performed by another chiropodist or podiatrist; and/or
- g. offering and/or conducting a follow-up after the orthotics and/or orthopedic shoes had been dispensed.

14. The Member did not take all reasonable steps necessary to ensure that his patient records were being kept in accordance with the regulations governing records and/or the College of Chiropodists of Ontario's Standards of Practice pertaining to Records. Multiple patient records for the Member's patients at the Clinic had at least one of the following deficiencies:

- a. were damaged, incomplete, altered and/or illegible;
- b. did not contain a complete medical history of the patient;
- c. did not contain the name and address of the primary care physician and/or any referring health professional;
- d. did not contain a complete treatment plan;
- e. did not contain a copy of every written informed consent and/or reasonable information that an informed consent was obtained;
- f. did not accurately document date(s) of the patient's visit(s), the date(s) of various examinations, assessments, fittings and/or castings, and/or the date(s) on which the orthotics and/or orthopedic shoes were dispensed to the patient;
- g. did not contain reasonable information about all significant advice given by the Member; and/or
- h. did not accurately document follow-up appointments with patients who received orthotics and/or orthopedic shoes.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

15. By reason of the conduct outlined above, and as alleged in the Notice of Hearing, the Member admits that he committed acts of professional misconduct in that he violated:

- a. the following subsections of Ontario Regulation 750/93 under the *Chiropody Act, 1991*:
 - i. 1.2 (Failing to meet or contravening a standard of practice of the profession), and, in particular, the standards pertaining to:
 - 1. Assessment and Management;
 - 2. Orthotics and/or Prescription Custom Foot Orthoses;
 - 3. Patient Relations;
 - 4. Prescription Footwear; and/or
 - 5. Records;
 - ii. 1.3 (Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purpose in a situation in which a consent is required by law, without such a consent);
 - iii. 1.14. (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. 1.17 (Failing to keep records as required by the regulations);
 - v. 1.18 (Falsifying a record relating to the member's practice);
 - vi. 1.20 (Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
 - vii. 1.21 (Submitting an account or charge for services that the member knows is false or misleading);
 - viii. 1.30 (Contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts) and, in particular:
 - 1. the provisions of Ontario Regulation 750/93 under the *Chiropody Act, 1991* specified above;
 - 2. the provisions of Ontario Regulation 203/94 under the *Chiropody Act, 1991* specified below; and
 - 3. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*;
 - ix. 1.33 (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); and
- b. sections 13 and 17 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, pertaining to the required record-keeping practices.

MEMBER'S ACKNOWLEDGEMENTS

16. The Member understands the nature of the allegations that have been made against him and that by voluntarily admitting to these allegations, he waives his right to require the College to otherwise prove the case against him.
17. The Member irrevocably acknowledges and agrees that all of the facts in this Agreed Statement of Fact are true.
18. The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.
19. The Member understands that depending on any penalty ordered by the Discipline Committee, the panel's decision and reasons may be published, including the facts contained herein and his name.
20. The Member understands that any agreement between him and the College does not bind the Discipline Committee.

21. The Member acknowledges that he has obtained independent legal advice from Jermall Estwick, of the firm of Campione & Associates Professional Corporation prior to signing this Agreed Statement of Fact.

Reasons for Decision

In coming to this decision, the Panel considered the following: the Member's admission of professional misconduct, the joint submission of the Agreed Statements of Facts, and the parties' submissions.

Following deliberations, the Panel was satisfied that the conduct described in the Agreed Statement of Facts did constitute professional misconduct as alleged in the Notice of Hearing and as admitted by the Member. The Panel found that members of the profession would reasonably regard the conduct admitted as disgraceful, dishonourable and unprofessional and that the member failed to meet the Standards of Practice of the profession by:

- (a) submitting insurance claims that were falsified, inaccurate or misleading;
- (b) over-prescribing and/or giving patients unnecessary prescriptions for orthotics and/or orthopedic shoes;
- (c) prescribing and/or recommending orthotics or orthopedic shoes without:
 - (i) taking an adequate patient history;
 - (ii) performing an adequate chiropody assessment;
 - (iii) obtaining in a timely manner informed patient consent;
 - (iv) providing a range of treatment options;
 - (v) creating a cast or scan of the patients foot;
 - (vi) personally fitting the orthotics and/or orthopedic shoes to ensure that the device met the prescription and the contours of the patients foot; and/or
 - (vii) offering and or conducting a follow up appointment

- (d) preparing prescriptions for orthotics and/or orthopedic shoes that were inadequate in that at times the member:
 - (i) did not evaluate and/or record the patients medical history;
 - (ii) did not perform a gait analysis;
 - (iii) did not take and/or record a foot exam with appropriate measurements and observations;
 - (iv) had records that did not contain the patient information required by the College's standards;
 - (v) did not adequately involve an assessment and recording of the activities and environmental requirements of use; and/or
 - (vi) did not create a cast or scan of the patient's foot; and
- (e) failing to ensure that his patient records were being kept in accordance with the regulations and standards of the College pertaining to records, including multiple deficiencies as detailed in the Agreed Statement of Fact

Furthermore, in concluding that the Member's conduct would reasonably be regarded as disgraceful, dishonourable and unprofessional, the Panel noted that the misconduct here was not an isolated incident. It consisted of a pattern of several incidents with many different patients over a long period of time. The Member's actions resulted in putting the entire profession under unjustified scrutiny from the public and from insurance companies regarding a very significant component of patient care within the profession. It certainly appeared to the Panel that the conduct was specifically motivated by financial gain.

Penalty

Counsel for the parties advised the Panel that a Joint Submission as to Penalty and Costs had been agreed upon. During the hearing, a minor amendment to the Joint Submission as to Penalty and Costs was made on consent of the parties, and this revised version was presented to the Panel for consideration. The Joint Submission as to Penalty and Costs, as amended, provides as follows:

1. The College of Chiropractors of Ontario (the “College”) and Mr. David D’Alimonte (the “Member”) agree and jointly submit that the Discipline Committee make the following Order:
 - (a) an Order requiring the Member to appear before the panel to be reprimanded, and a notation of the fact of the reprimand to be recorded on the public register of the College; and
 - (b) an Order requiring the Member to pay the College’s costs and expenses fixed in the amount of twenty thousand dollars (\$20,000.00), payable by certified cheque in the amount of ten thousand dollars (\$10,000.00) on November 1, 2018, and two post-dated cheques in the amount of five thousand dollars (\$5,000.00) each, dated November 30, 2018 and December 31, 2018 respectively, all to be provided to the College on November 1, 2018. If the post-dated cheque for November 30, 2018 does not clear, and payment of \$5,000.00 is not made within 2 business days of the Member being notified of such default in writing, then the entire costs amount outstanding is immediately due and payable (\$10,000).
2. The Member acknowledges that pursuant to section 56 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, the decision and reasons, or a summary thereof, will be published in the College’s annual report and may be published in any other publication of the College with the Member’s name.
3. The Member acknowledges that this Joint Submission as to Order and Costs is not binding upon the Discipline Committee.
4. The Member acknowledges that he has obtained independent legal advice from Jermall Estwick, of the firm of Campione & Associates Professional Corporation, prior to signing this Joint Submission as to Order and Costs.

Decision and Reasons for Penalty

The Panel considered the Joint Submissions on Penalty and Costs. The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member’s practice.

The Panel also considered the principle that the Panel should accept a joint submission on penalty unless convinced that doing so would bring the process of this College into disrepute and would be contrary to the public interest. This principle played a particularly important role in this case.

The Panel was presented with evidence that prior to the hearing, the Member signed an “Undertaking and Acknowledgment” whereby he undertook and acknowledged as follows:

1. I hereby permanently resign from the College, effective November 1, 2018.
2. I will hereafter refrain from engaging in the practice of chiropody and podiatry, as described under the heading “Scope of practice” in section 4 of the *Chiropody Act, 1991*, S.O. 1991, c. 20 (the “*Act*”), or using any of the titles set out in section 10 of the *Act*.
3. I will hereafter refrain from reapplying for a certificate of registration with the College, or in any way seeking the reinstatement of my certificate of registration with the College.
4. I acknowledge that the Registrar will record on the College Register the fact of my voluntary Undertaking and Acknowledgement to resign and permanently refrain from reapplying for a certificate of registration, seeking reinstatement of my certificate of registration, engaging in the practice of chiropody and podiatry as described in section 4 of the *Act*, or using any of the titles set out in section 10 of the *Act*.
5. I am signing this Undertaking and Acknowledgement voluntarily and without compulsion or duress.
6. I have obtained independent legal advice from Jermall Estwick, of the firm of Campione & Associates Professional Corporation, prior to signing this Undertaking and Acknowledgement.

Although the Undertaking and Acknowledgment was not part of the Joint Submission on Penalty and Costs, it informed the Panel’s view that, in the circumstances of this case, the penalty proposed by the parties is reasonable and is so ordered by the Panel.

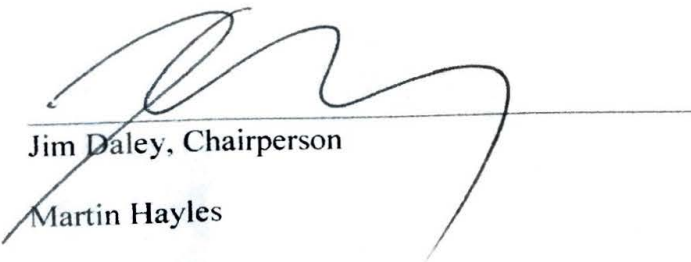
The Panel’s reasons for accepting the Joint Submission as to Penalty and Costs are as follows:

1. The Member ought to have known his conduct was in breach of the standards of the profession and would be regarded as disgraceful, dishonourable and unprofessional. His actions appear to be entirely financially motivated. His actions bring shame to his fellow members and to the public. His behaviour has required investigation and ultimately this hearing which results in significant economic cost that other members must bear. His conduct calls into question this profession’s ability to self-regulate. In addition, the public interest is served by not having the Member in practice.

2. The penalty incorporates elements of both general and specific deterrence, which will no doubt be viewed by both the member and the membership at large as severe, namely resignation from the College. Agreeing to immediately resign from the College and refraining from reapplying for a certificate of registration from the College is reasonable and just.
3. Agreeing to resign from the College sends a clear message to the membership that such conduct will not be tolerated by the College and that there should be no incentive to behave in such a manner for short term financial gain.
4. The Member's contribution to the College's costs is appropriate as other members of the College who do not engage in professional misconduct should not bear the entire burden of the costs associated with the investigation and hearing of this matter.

At the conclusion of the hearing, having confirmed that the Member waived any right to appeal, the Panel delivered its reprimand, a copy of which is attached to these Reasons.

I, Jim Daley, sign this Decision and Reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:



Jim Daley, Chairperson

Martin Hayles

Sasha Kozera

Sohail Mall

Date

NOVEMBER 15, 2018

REPRIMAND

As you know, Mr. D'ALIMONTE, 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. Breaching the standards of practice of the profession;
2. Not obtaining informed consent;
3. Prescribing and recommending treatments when they were not medically necessary;
4. Failing to keep proper records;
5. Falsifying a record;
6. Signing or issuing false and misleading documents;
7. Submitting an account or charge for services that you knew to be false or misleading.

The fact that you engaged in professional misconduct is a matter of profound concern. You have brought discredit to the entire 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 profession, and yourself.

Your actions resulted in putting the entire profession under unjustified scrutiny from the public and from insurance companies regarding a very significant component of patient care within the profession.

Your conduct is totally unacceptable to your fellow chiropodists and to the public. Of special concern to us is the fact that the professional misconduct in which you engaged has involved fraudulent insurance claims and billings for a significant sum, inadequate record keeping, inadequate treatment, failure to obtain consent.

In summary, your conduct was disgraceful, dishonourable and unprofessional.

Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which you have engaged. Due to the seriousness of your misconduct resignation is appropriate and in the public interest.

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 have any questions or do you wish to make any comments?

Thank you for attending today. We are adjourned.