

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

BETWEEN:

**COLLEGE OF CHIROPODISTS OF ONTARIO
("College")**

-and-

**JAMES WILLIAM HILL
("Mr. Hill")**

Panel Members:	Ray Ferraro	Chair, Public Member
	Meera Narenthiran	Professional Member
	Sarah Kerwin	Professional Member
	Esrick Quintyn	Public Member
Present:	Felecia Smith	Registrar of the College
	Julie Maciura	Counsel for the College
	James William Hill	
	Earl Heiber	Counsel for James William Hill
	Alan L. Bromstein	Independent Counsel to the Panel

This matter came on for hearing on November 30, 2006. The Discipline Panel considered the submissions of Counsel for both the College of Chiropractors of Ontario and Mr. Hill. The Discipline Panel found Mr. Hill guilty of professional misconduct pursuant to paragraph 51(1)(a) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act*, in that Mr. Hill has been found guilty of an offence that is relevant to his suitability to practise chiropractic.

The Discipline panel ordered the following penalty;

1. Mr. Hill shall receive a reprimand on a date to be set by the Registrar, the fact of which shall be recorded on the register of the College.
2. Mr. Hill's certificate of registration will be suspended for six (6) months on a date to be set by the Registrar.
3. The Registrar shall suspend three (3) months of the suspension ordered in paragraph 2 herein and Mr. Hill shall be required to serve the remaining three months of the six

month suspension if he fails to comply with the remainder of this Order. If any dispute shall arise between Mr. Hill and the College as to whether he is in breach of a provision of this Order, the dispute shall be referred to a Panel of the Discipline Committee for further adjudication. The parties shall have the opportunity to make full submissions to that Panel before it renders a decision. If thereafter, the Panel determines that Mr. Hill has breached a provision of this Order, then he shall be required to serve the remaining three (3) months of the six (6) month suspension, to commence on a date to be fixed by the Registrar.

4. The Registrar shall impose the following specified term, condition and limitation on Mr. Hill's certificate of registration:
 - a. Mr. Hill shall successfully complete an ethics course approved by the Registrar within twelve (12) months of the date the Panel's order becomes final; and
 - b. For a period of two (2) years, commencing immediately following the completion of the first three months of the suspension referred to in paragraph 2 herein, Mr. Hill shall submit to inspections of his billing records, with inspections up to three (3) times in each of those years, at Mr. Hill's cost.
5. Mr. Hill shall pay to the College costs of \$4500.00 to be paid in full within eighteen (18) months of the date the Panel's order becomes final, at the rate of at least \$250.00 per month. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Mr. Hill shall be at liberty to increase the amount of his monthly payment, solely at his discretion.

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COLLEGE OF CHIROPODISTS OF ONTARIO**

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	Meera Narenthiran	Professional Member
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Present:	Felecia Smith	Registrar of the College
	Julie Maciura	Counsel for the College
	James William Hill	
	Earl Heiber	Counsel for James William Hill
	Alan L. Bromstein	Independent Counsel to the Panel
Hearing Date:	November 30, 2006	

**DECISION AND REASONS FOR THE DECISION
of the Panel of the Discipline Committee**

This matter came before a panel of the Discipline Committee ("Panel") at a hearing which was held on November 30, 2006.

A Notice of Hearing containing a Statement of Allegations and an Affidavit of Service were filed together as Exhibit No. 1.

A Statement of Agreed Facts was filed on the consent of both parties as Exhibit No. 2. It contained the following agreed upon facts:

- "1. James William Hill is a chiroprapist registered to practise in Ontario.
2. At all material times, Mr. Hill practised at The Medical and Surgical Foot Centre in Windsor, Ontario.

3. Mr. Hill is married to Millicent Vorkapich-Hill who is a podiatrist registered to practise in Ontario.
4. On or about March 10, 2006, Mr. Hill pled guilty to defrauding the Ontario Health Insurance Plan ("OHIP") of the sum of money not exceeding \$5,000.00 by submitting claims for payment of medical services to patients that Millicent Vorkapich-Hill was not entitled to claim for which OHIP remitted payment to Millicent Vorkapich-Hill, contrary to section 380(1) of the *Criminal Code*.
5. Mr. Hill billed OHIP using his wife's OHIP billing number for patients that he treated.
6. Mr. Hill submitted to OHIP 781 billings for services rendered in the amount of approximately \$9,743.15 under the provider number issued to Millicent Vorkapich-Hill.
7. The conduct described above constitutes professional misconduct pursuant to paragraph 51(1)(a) of the *Health Professions Procedural Code*, in that Mr. Hill has been found guilty of an offence that is relevant to his suitability to practise."

DECISION ON FINDING OF PROFESSIONAL MISCONDUCT

After providing an opportunity for both parties to make submissions, the Panel withdrew to deliberate. The Panel was satisfied that the conduct described in the Statement of Agreed Facts constituted professional misconduct as defined by paragraph 51(1)(a) of the Health Professions Procedural Code of the Regulated Health Professions Act, 1991. It, therefore, found Mr. Hill had committed an act of professional misconduct.

PENALTY

The parties filed a Joint Submission on Penalty and Costs that was marked as Exhibit No. 3. The Joint Submission suggested that the following penalty would be appropriate in the circumstances of this case:

- "1. Mr. Hill shall receive a reprimand, the fact of which shall be recorded on the register.
2. Mr. Hill's certificate of registration will be suspended for six (6) months on a date to be set by the Registrar.
3. The Registrar shall suspend three (3) months of the suspension ordered in paragraph 2 herein and Mr. Hill shall be required to serve the remaining three (3) months of the six (6) month suspension if he fails to comply with the remainder of this Order. If any dispute shall arise between Mr. Hill and the College as to whether he is in breach of a provision of this Order, the dispute shall be referred to a Panel of the Discipline

Committee for further adjudication. The parties shall have the opportunity to make full submissions to that Panel before it renders a decision. If thereafter, the Panel determines that Mr. Hill has breached a provision of this Order, then he shall be required to serve the remaining three (3) months of the six (6) month suspension, to commence on a date to be fixed by the Registrar.

4. The Registrar shall impose the following specified term, condition and limitation on Mr. Hill's certificate of registration:
 - a. Mr. Hill shall successfully complete an ethics course approved by the Registrar within twelve (12) months of the date the Panel's order becomes final; and
 - b. For a period of two (2) years, commencing immediately following the completion of the first three (3) months of the suspension referred to in paragraph 2 herein, Mr. Hill shall submit to inspections of his billing records, with inspections up to three (3) times in each of those years, at Mr. Hill's cost.
5. Mr. Hill shall pay to the College costs of \$4,500.00 to be paid in full within eighteen (18) months of the date the Panel's order becomes final, at the rate of at least \$250.00 per month. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Mr. Hill shall be at liberty to increase the amount of his monthly payment, solely at his discretion."

PENALTY DECISION

The Panel was advised that where a hearing involved a Joint Submission on Penalty, the Panel should accept the proposal if it is within a reasonable range of penalties for similar conduct. It was also advised that it was not its role to make minor changes to a penalty when one was jointly submitted and that so long as the penalty would not bring the administration of the proceedings into disrepute, it should accept the Joint Submission. This Panel was cautioned that it should not accept a Joint Submission as to Penalty where the penalty would compromise the integrity of the process thereby causing the public to lose trust in the College's ability to self-regulate.

The Panel recognized that Joint Submissions of this type are an important part of all levels of justice and that in the context of a discipline proceeding it is important that members can be reasonably assured when they enter into an agreement with the College that it will usually be accepted by the Discipline Committee.

The Panel concluded that the penalty being jointly submitted was both a serious penalty and appropriate having regard for the facts of this case.

The Panel, therefore, accepted the Joint Submission on Penalty and Costs and issued that Order.

REASONS FOR THE PENALTY

There are several audiences for this Order on Penalty.

- The public which has to be assured that the College takes this misconduct very seriously and that it is capable of policing the profession and protecting the public.
- The profession which must be sent a message, in the strongest of terms, that this type of behaviour is totally unacceptable.
- The member, who must suffer consequences for his actions to ensure that the behaviour will not occur again but who, at the same time, should be provided with an opportunity for rehabilitation.

In the Panel's view, the penalty imposed constituted a fair one which balanced all of the principles of sentencing. The conduct which Mr. Hill engaged in was a serious breach of his professional and ethical obligations and the Panel wanted members of the profession to know that conduct of this nature would result in significant sanctions. At the same time, however, the Panel believed that the penalty proposed took into consideration Mr. Hill's remorse and his co-operation with the College as well as other mitigating circumstances. For that reason the Panel felt that penalty jointly submitted was an appropriate one.