

DISCIPLINE COMMITTEE OF THE COLLEGE OF CHIROPODISTS OF ONTARIO

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

IN THE MATTER OF a Hearing directed
by the Inquiries, Complaints and Reports Committee of
the College of Chiropractors of Ontario
pursuant to Section 26(1) of the *Health Professions Procedural Code*
being Schedule 2 of the *Regulated Health Professions Act, 1991*,
S.O. 1991, c. 18, as amended.

BETWEEN:

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

ÉLIE BÉLANGER

PANEL MEMBERS:

Brooke Mitchell	Chair, Professional Member
Allan Katz,	Public Member
Peter Guy	Professional Member
Chad Bezaire	Professional Member

COUNSEL FOR THE COLLEGE: Benjamin Kates

**REPRESENTATIVE FOR THE
MEMBER:** Zoe Hountalas

**INDEPENDENT LEGAL
COUNSEL:** Justin Safayeni

Hearing Date: January 31, 2024

Decision Date: January 31, 2024

Release of Written Reasons: February 7, 2024

DECISION & REASONS

1. This matter came on for hearing before a panel of the Discipline Committee on January 31, 2024. With the consent of the parties, this matter was heard electronically.
2. The panel was advised that the parties had reached an agreement and as such this matter proceeded as an uncontested hearing.

The Allegations

3. The allegations made against the Member were set out in a Notice of Hearing, dated September 30, 2021. The Notice of Hearing was marked as Exhibit 1 and the allegations are as follows:
 1. On or about June 11, 2019, Élie Bélanger (the "**Member**") was first registered, in the chiroprapist classification, as a member of the College.
 2. It is alleged that, during the period from approximately March 18, 2018 to June 21, 2022, (the "**Relevant Period**"), the Member engaged in conduct that constitutes professional misconduct pursuant to the following:
 - (a) Clause 51(1)(b) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, in that the governing body of a health profession in a jurisdiction other than Ontario, has found that the Member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under this section or an act of professional misconduct as defined in the regulations;
 - (b) 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 1 – contravening a term, condition or limitation imposed on the member's certificate of registration;
 - (ii) paragraph 2 – failing to meet or contravening a standard of practice of the profession, including the College's written standards relating to:
 - (a) Assessment and Management;
 - (b) Patient Relations; and/or
 - (c) Competence;

- (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 20 – signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement;
- (v) paragraph 30 – contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts and, in particular, Ontario Regulation 830/93; 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 June 11, 2019, Élie Bélanger (the “**Member**”) was first registered, in the chiropodist classification, as a member of the College.
2. Since his registration with the College, the Member has practised at the Ottawa Foot Clinic, located at 28 Deakin Street, in Ottawa, Ontario (the “**Clinic**”).
3. At the time of the Member’s application for registration with the College, which occurred on or about March 18, 2018, the Member also practised in Quebec. He was a registered member of the Ordre des Podiatres du Quebec (the “**Ordre**”) and had been registered with the Ordre since approximately 2015.

A. The Investigation

4. At the time of Member’s application for registration with the College, the Member was the subject of an investigation related to his practice in Quebec. The Member was informed that the Office of the Syndic (the “**Syndic**”) was conducting an investigation by letter dated on or about July 27, 2017.
5. As part of his application process to the College, the Member failed to disclose to the College that he was the subject of an investigation in Quebec. The Member did not disclose that fact to the College at any time prior to his registration with the College on June 11, 2019.
6. It was a non-exemptible registration requirement that the Member be in “good standing” as a chiropodist or podiatrist in every jurisdiction where he held an out-of-province certificate.

7. As set out in the registration requirements, the term “good standing” means that the applicant for registration is not the subject of “any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding.”
8. The Member was not in “good standing” in Quebec and he failed to disclose that fact to the College.
9. Furthermore, following his registration with the College, the Member did not file a self-report and/or disclose the investigation to the College as part of his annual registration renewals from 2019 to 2021, or otherwise report the investigation to the College.

B. The Discipline Proceedings

10. Subsequently, the investigation by the Syndic resulted in discipline proceedings being commenced against the Member, which occurred on or about October 25, 2021. The Member was notified by the Syndic that the complaint had been referred for a hearing, but again the Member failed to report the discipline proceedings to the College at that time.
11. Several months later, in or about February 2022, the Member disclosed his discipline matter to the College for the first time – almost four years after he first sought registration with the College.
12. On or about May 5, 2022, the Quebec discipline hearing proceeded against the Member, at which time the Member was found guilty by the Disciplinary Council of the Ordre of having breached various sections of the Code of Ethics of Podiatrists, the Professional Code, and related regulations with respect to the Member’s treatment of a 12-year-old patient (the “**Patient**”).
13. The Disciplinary Council’s written reasons for decision are dated June 21, 2022.

C. Civil Proceedings

14. The Member was also the subject of civil proceedings in Quebec, commenced by the Patient and his family in relation to the Member’s treatment.
15. The action was commenced on or about February 14, 2020. The Member received notice of the proceedings in or about 2020. However, the Member did not disclose the proceedings to the College at that time and/or at any time.
16. The Court’s decision related to those proceedings is dated February 25, 2022, in which the Court makes findings of liability against the Member. However, the Member failed to file a self-report or disclose the Quebec civil proceedings or the outcome of those proceedings to the College.

17. Notice of the proceedings only came to the College's attention in June 2022, upon reading the written decision of the Disciplinary Council of the Ordre, which refers to the Quebec court proceedings against the Member.

Member's Plea

3. The Member admitted that he engaged in professional misconduct as described in the Notice of Hearing, as set out above.
4. The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed, and unequivocal.

Agreed Statement of Facts

5. The evidence at the hearing proceeded by way of agreement. The parties tendered an Agreed Statement of Facts, which was marked as Exhibit 2, and which reads as follows:

THE COLLEGE AND THE REGISTRANT agree that the following facts may be accepted as true and proven by the Discipline Committee in this matter:

A. The Registrant's Background

1. J Élie Bélanger (the "**Registrant**") received a Doctor of Podiatric Medicine (D.P.M.) from l'Université du Québec à Trois Rivières in June 2015. He was registered with the Ordre des Podiatres du Québec (the "**Ordre**") from June 6, 2015 until March 31, 2022 and again from March 1, 2023 to the present. At the relevant time, he worked in Québec at Clinique Podiatrique de Gatineau.
2. The Registrant became a registered as a chiropodist in Ontario with the College on June 11, 2019. While registered in Ontario, he has worked at the Ottawa Foot Clinic in Ottawa, across the river from Gatineau, Quebec.
3. Between June 11, 2019 and March 31, 2022, the Registrant maintained licenses in both Ontario and Quebec. Effective March 31, 2022, he resigned as a member of the Ordre. The Registrant was re-registered in Quebec on March 1, 2023 and advised the College in and around August 2023 that he had been re-registered. He is licensed in both provinces as of the date of this Agreed Statement of Facts.
4. On July 26, 2022, the Registrant undertook not to treat warts or use a laser-emitting device for the treatment of warts in Ontario.

5. Since April 12, 2023, the Registrant's certificate of registration in Ontario has been subject to interim terms, conditions, and limitations as follows: (i) the Registrant shall not engage in practice or perform any procedures that require the use of laser-emitting devices; and (ii) the Registrant shall post a copy of the Interim Order at the front desk of any clinic in which he practises, including the Ottawa Foot Clinic. A copy of the Interim Order dated April 12, 2023 is included at **Tab 1** of this Agreed Statement of Facts.

B. Proceedings Against the Registrant in Quebec

6. The Registrant was the subject of an investigation and ultimately a disciplinary proceeding with the Ordre relating to a wart treatment administered to a patient on February 17, 2017. The patient was 12 years old at the time and was undergoing chemotherapy for acute lymphoblastic leukemia.

i. Treatment Giving Rise to the Regulatory Complaint in Quebec

7. The Registrant treated the child for a plantar wart using a laser. Following this treatment, the child developed a deep necrosis of the underlying tissues due to a third-degree burn. The child subsequently received medical treatment at a hospital and worked with a physiotherapist to correct a compensatory gait due to the injury.
8. Further particulars of the child's treatment and injuries are set out at paragraphs 11 through 35 of the Decision on Guilt and Penalties of Disciplinary Council of the Order dated June 21, 2022. The Registrant and the College accept the facts set out in the Order's decision as true and adopt them for the purpose of this Agreed Statement of Facts and this proceeding. Copies of the decision dated June 21, 2022 in the original French and translated to English are included at **Tab 2** and **Tab 3** of this Agreed Statement of Facts, respectively.

ii. The Complaint and Investigation

9. On June 24, 2017, the child's mother sent a request to the Ordre's Trustee Office (Bureau du Syndic) (the "Syndic") to launch an investigation into the Registrant's conduct. The Syndic is an independent entity within the Ordre. Complaints made to the Syndic are kept confidential from the Ordre itself until the investigation is complete and ready to be presented to the Discipline Committee.
10. On July 27, 2017, a letter was sent by the Syndic informing the Registrant that he was the subject of an investigation. The Registrant sat for an interview conducted by Dr. Alexandra Zorbas as part of that investigation on September 19, 2017. During that interview, Dr. Zorbas advised the Registrant that he

would be hearing from her some time within the next six months. Nevertheless, Dr. Zorbas did not contact the Registrant again until 2020.

11. In and around February 2020, the Registrant received a "formal notice" containing information relating to an expert report. On February 28, 2020, he sent an email to Dr. Zorbas seeking to clarify certain facts set out in the report. On December 27, 2020, he sent Dr. Zorbas further information related to the device he employed for laser treatment on the child.
12. The Syndic filed a disciplinary complaint against the Registrant on or about October 25, 2021, and the Registrant received notice of it on that date or shortly thereafter. The complaint alleged eight counts relating to his treatment of the child on February 17, 2017 and his March 3, 2017 follow-up:
 - a. Count 1: Fail to conduct an adequate medical history;
 - b. Count 2: Administering a laser treatment on a plantar wart that was outside his scope of knowledge;
 - c. Count 3: Failure to consult the child's treating physician before administering the laser treatment
 - d. Count 4: Failure to obtain explicit consent from the child or his father before proceeding with the laser treatment;
 - e. Count 5: Administering a laser treatment that placed the child at risk given his leukemia diagnosis and ongoing chemotherapy;
 - f. Count 6: Prescribing Advil to the child without confirming it was not contraindicated;
 - g. Count 7: Recommending a three-week follow-up in the presence of factors indicating that an earlier follow-up was warranted; and
 - h. Count 8: Failing to consult the child's treating physician when the child presented a significant wound on his left foot following the laser treatment.

iii. ***Adjudication of the Registrant's Disciplinary Complaint***

13. The Registrant resigned as a member of the Ordre effective March 31, 2022. His disciplinary matter went to a hearing on May 5, 2022. He entered a guilty plea in respect of each count of the complaint and proposed a penalty order jointly with the Ordre.

14. The Disciplinary Council of the Ordre rendered its decision on June 21, 2022. As noted above at paragraph 8, copies of the decision dated June 21, 2022 in the original French and translated to English are appended to this Agreed Statement of Facts.
15. In its decision, the Ordre's Disciplinary Council found the Registrant guilty of all eight counts of the complaint and imposed a penalty as follows:
- a. Count 1: a fine of \$3,500;
 - b. Count 2, 3 and 4: a three-month suspension per count;
 - c. Count 5: A five-month suspension;
 - d. Count 6: a one-month suspension;
 - e. Count 7: a fine of \$4,000; and
 - f. Count 8: a three-month suspension.
16. The Disciplinary Council ordered the Registrant to serve his sentences concurrently, meaning that his effective penalty was a five-month suspension and a fine of \$7,500. In addition, the Disciplinary Council ordered that the decision be published and that the Registrant pay all costs, including expert fees.
17. Although the Registrant was not a member of the Ordre at the time, the Disciplinary Council accepted a joint submission that the Registrant's suspension should take effect immediately upon expiry of the 30-day appeal period.
18. The Registrant's suspension did, in fact, take effect on July 20, 2022 and ended on December 20, 2022. During that time, the Registrant was registered with the College in Ontario.

iv. *Malpractice Proceeding*

19. The Registrant was sued civilly by the child he treated on February 17, 2017 and by several members of his family (the "**Malpractice Proceeding**"). They commenced a claim against him in Quebec Small Claims Court on February 14, 2020, during which time he was registered with both the Ordre in Quebec and the College in Ontario. The Registrant learned of the Malpractice Proceeding in February 2020. The suit concerned many of the same issues addressed in the Registrant's disciplinary proceeding: (i) whether he committed an error during his laser treatment of the child and, if so, (ii) what compensable harm was caused to the plaintiffs.
20. The Malpractice Proceeding went to trial on January 14, 2022. The plaintiffs relied upon an expert report from Dr. Pier-Sébastien Laroche, concluding that the Registrant made several errors in treating the child: failure to obtain a

medical history; failure to discuss the risks associated with laser treatment for an immunosuppressed patient; lack of information regarding the risks associated with laser treatment under local anesthesia; failure to consult regarding the treatment to be used; conducting a laser treatment with an excessive thermal load, resulting in a third degree burn; and deficient post-treatment monitoring.

21. On February 25, 2022, the Court found that the Registrant erred in his provision of laser treatment. The Court awarded combined damages in the amount of \$34,844.35, plus costs, in favour of the plaintiffs. A copy of the Court's decision dated February 25, 2022 is attached at **Tab 4** of this Agreed Statement of Facts. The Registrant and the College accept the facts set out in the Court's decision as true and adopt them for the purpose of this Agreed Statement of Facts and this proceeding.

C. The Registrant's Failure to Disclose the College

i. Non-Disclosures on Application Form

22. The Registrant's application with the College did not disclose that he was the subject of an ongoing investigation by the Syndic.
23. The Registrant learned of the Syndic's investigation into his conduct on or about July 27, 2017 and sat for an interview on September 19, 2017.
24. The Registrant submitted an Application for General Certificate of Registration to the College dated March 18, 2018. A copy of that Application Form dated March 18, 2018 is included at **Tab 5** of this Agreed Statement of Facts.
25. In his application, the Registrant answered "no" to the following question as part of his Declaration of Conduct:
4. Are you the subject of any current proceedings of professional misconduct, incompetence or incapacity in Ontario in relation to another health profession or in another jurisdiction in relation to chiroprody/podiatry or another health profession?
26. The Registrant swore a Declaration of Compliance, as part of his application, that included the following statement:
1. I hereby certify that the statements made by me in this form are complete and correct. I understand that a false or misleading statement may be cause for revoking of my certificate of registration.

27. On or about June 26, 2018, the Registrant requested that his application with the College be held in abeyance after a job opportunity in Ontario failed to materialize. He resumed the registration process on or about April 13, 2019.
28. The Registrant was registered as a Registrant of the College on June 11, 2019. At no time during the application process did the Registrant disclose that he was the subject of an investigation or a proceeding in another jurisdiction related to his chiropody practice.
29. At the time of the Registrant's application process with the College, which spanned between in and around March 18, 2018 and June 11, 2019, the Registrant received no communications from the Syndic about its ongoing investigation. If he were to testify, the Registrant would advise that he mistakenly believed there was no ongoing investigation when he applied for Registration at the College.
30. As part of the Registrant's application process, the Ordre completed and provided to the College two "Certification of Registration/Licensing Body" documents dated May 18, 2018 and April 18, 2019, respectively. These documents confirmed that, from the perspective of the Ordre, the Registrant was in good standing, including that:
- a. He had no terms, conditions, or limitations on his registration to practise;
 - b. He had no findings of professional misconduct, incompetence, or incapacity; and
 - c. He was not the subject of any current proceedings for professional misconduct, incompetence, or incapacity.
31. As noted above at paragraph 9, complaints made to the Syndic are kept confidential from the Ordre until the investigation is complete.
- ii. *Non-Disclosures on Annual Renewals and failure to Self-Report*
32. The Registrant's Annual Renewals filed in 2019, 2020, and 2021 did not disclose his ongoing regulatory matter in Quebec, nor did the Registrant disclose the Malpractice Proceeding once it became known to him. Copies of the Registrant's Annual Renewals filed in 2019, 2020, and 2021 are attached at **Tab 6**, **Tab 7**, and **Tab 8** to this Agreed Statement of Facts, respectively.
33. The Registrant responded "no" to the following question on each of the 2019, 2020, and 2021 Annual Renewal forms:
- Are you the subject of any current proceedings of professional misconduct, incompetence or incapacity in Ontario in relation to

another profession or in another jurisdiction in relation to chiropody/podiatry or another health profession.

34. On each occasion, the Registrant responded "yes" to the following statements:

I hereby certify that the statements made by me in this form are complete and correct. I understand that a false or misleading statement may be cause for revoking my certificate of registration.

I agree to comply with the Regulated Health Professions Act 1991, the Chiropody Act, 1991, and regulations under either of those Acts, and the By-Laws, Standards of Practice, Policies and Guidelines of the College of Chiropodists of Ontario.

35. The Registrant did not change his answer prior to filing his Annual Renewal in 2022 despite:

- a. Receiving a formal report from the Syndic Investigator, Dr. Zobras in and around February 2020 and sending a follow-up email on February 28, 2020;
- b. Sending further information to Dr. Zobras on December 27, 2020; or
- c. Receiving a disciplinary complaint on or shortly after it was filed on October 25, 2021.

36. The Registrant did not submit a self-disclosure form to the College advising of either his disciplinary proceeding or the Malpractice Proceeding at any time before the filing of his 2022 Annual Renewal.

37. The Registrant did not contact the College to inquire about his self-reporting obligations.

38. If he were to testify, the Registrant would advise that he did not intend to mislead the College or conceal information regarding the matter before the Syndic and, later, the Ordre.

iii. *2022 Annual Renewal*

39. On or about February 2, 2022, the Registrant filed his Annual Renewal with the College. A copy of the Registrant's 2022 Annual Renewal Form is attached at **Tab 9** to this Agreed Statement of Facts.

40. In his 2022 Annual Renewal Form, he self-reported by answering "yes", for the first time, to the question asking whether he was the subject of any current proceedings of professional misconduct or incompetence in relation to chiropody or podiatry, whether in Ontario or another jurisdiction.

41. The Registrant completed a self-reporting form on request by the College's Manager, Professional Conduct and Hearings on February 22, 2022. A copy of the Registrant's self-reporting form submitted to the College on or about February 22, 2022 is attached at **Tab 10** to this Agreed Statement of Facts.
42. The "Self-Reporting" section of the College's website states that a member must self-report to College if they:
- have a finding of professional negligence and/or malpractice;
 - have a finding of professional misconduct, incompetence or incapacity or any similar finding, in relation to the practice of chiropractic or any other profession in any jurisdiction; and or
 - are subject of a current complaint, investigation, inquiry or proceeding for professional misconduct, incompetence or incapacity or any similar investigation or proceeding in relation to the practice of chiropractic/podiatry or any other profession in any jurisdiction...
43. In his self-reporting form, the Registrant disclosed additional information regarding the disciplinary proceedings in Quebec, specifically, under "Nature of Offence" he wrote, "Wart treatment" and under "Description of Offence" he wrote, "Still Under Investigation". The form identified the Ordre as the governing body and named Dr. Zobras as a contact person. From February 23, 2022 onwards, the College followed up with the Registrant regarding the status of his proceedings before the Ordre. It received a copy of the decision dated June 21, 2022 on June 23, 2022.
44. The Registrant's self-disclosure is what prompted the investigation giving rise to this proceeding. The Registrant cooperated with the College's investigation throughout.
45. In filing out the self-disclosure form, the Registrant became aware of the requirement to disclose any adverse finding arising from the Malpractice Proceeding. He wrote "N/A" under the section "Finding of Professional Negligence of Malpractice".
46. A Small Claims Court judge found the Registrant liable for malpractice in a decision released on February 25, 2022, two days after he submitted his self-reporting form. The Registrant did not re-submit a self-reporting form to provide information about the case under the heading "Finding of Professional Negligence or Malpractice".

47. The College only learned of the Malpractice Proceeding and the decision dated February 25, 2022 on August 3, 2022, when it was discovered as part of its investigation into the Registrant's conduct.

D. Standards of Practice

48. The following written standards of the College were standards of practice of the profession during from approximately March 18, 2018 to June 21, 2022, (the "Relevant Period") and are included at Tab 11, Tab 12, and Tab 13 of this Agreed Statement of Facts, respectively:

- a. The Assessment and Management Standard of Practice;
- b. Patient Relations Standard of Practice; and
- c. The Competence Standard of Practice.

E. Admissions of Professional Misconduct

49. Based on the facts set out above, the Registrant admits that he committed acts of professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, (O. Reg. 750/93) under the *Chiropractic Act, 1991*:

- (i) paragraph 1 – contravening a term, condition or limitation imposed on the member's certificate of registration;
- (ii) paragraph 2 – failing to meet or contravening a standard of practice of the profession, including the College's written standards relating to:
 - a) Assessment and Management;
 - b) Patient Relations; and/or
 - c) Competence;
- (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 20 – signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement;
- (v) paragraph 30 – contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts and, in particular, Ontario Regulation 830/93; 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.

F. Acknowledgements

50. Having received independent legal advice from his counsel, the Registrant, has reviewed and understands the Notice of Hearing dated April 23, 2023 (the "**Notice of Hearing**") and this Agreed Statement of Facts. A copy of the Notice of Hearing is attached at Schedule 1 to this Agreed Statement of Facts.
51. This Agreed Statement of Facts constitutes a statement of facts agreed upon by the parties within the meaning of Rule 28.1 of the Rules of Procedure of the Discipline Committee of the College of Chiropractors of Ontario (the "**Rules**").
52. The College and the Registrant voluntarily admit the truth of the facts as recounted in this Agreed Statement of Facts and the authenticity of the documents to which it refers and appends
53. The Registrant understands the nature of the allegations that have been made against him in the Notice of Hearing and that by voluntarily admitting these facts, he waives his right to require the College to prove these facts only. The College and the Registrant agree that because of the admissions in this Agreed Statement of Facts, neither the College nor the Registrant need to prove the facts set out in this Agreed Statement of Facts through a full hearing with witness' testimony or other evidence.
54. The College and the Registrant understand that, at a hearing into this matter, they may adduce additional evidence pertaining to some or all of the allegations contained in the Notice of Hearing that is consistent with the facts agreed to in this Agreed Statement of Facts. The College and the Registrant understand that, at a hearing into this matter, they are prohibited from adducing additional evidence that is inconsistent with the facts agreed to in this Agreed Statement of Facts.
55. The Registrant understands that if the Discipline Committee accepts the admissions in this Agreed Statement of Facts, it may make a finding of professional misconduct and then would consider the appropriate penalty under subsection 51(2) of the Health Professions Procedural Code, being Schedule 2 of the Regulated Health Professions Act, 1991, S.O. 1991, c. 18. The Registrant understands that the Discipline Committee might not accept a submission as to penalty or costs, even where jointly proposed by the parties.

56. The Registrant also understands that if the panel makes a finding or findings of professional misconduct against him, then the panel's decision and its reasons, and/or a summary of its reasons, including the facts contained herein, and the Registrant's name will be published, including but not limited to, in the College's publications, on the College's public register, on the College's website, and/or on CanLII (the website operated by the Canadian Legal Information Institute).
57. The parties consent that this Agreed Statement of Facts and accompanying documents may be filed with the Discipline Committee and provided to the hearing panel in advance of the hearing of this matter.
58. The Registrant has received legal advice and was encouraged to do so by the College. He further acknowledges that he is entering into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress.

Decision and Reasons

6. The panel carefully considered the evidence presented in this case as outlined in the Agreed Statement of Facts. Following deliberations, and based on the Member's admissions as set out in the Agreed Statement of Facts, the panel was satisfied that the Member engaged in professional misconduct as alleged in the Notice of Hearing. The Panel found that members of the profession would reasonably regard the conduct admitted as disgraceful, dishonourable or unprofessional.

Joint Submission on Penalty and Costs

7. The Panel received and considered a Joint Submission on Penalty and Costs from the parties (the "**Joint Submission**"), marked as Exhibit 3 at the hearing, which stated as follows:
1. The Registrant shall appear before the Panel of the Discipline Committee (the "**Panel**") to be reprimanded, and the fact and nature of the reprimand shall be recorded on the College's register for an unlimited period of time.
 2. The Registrar shall be directed to suspend the Registrant's certification of registration for a period of seven months to commence on the date of the Panel's order.¹

¹ During the period of suspension, the Registrant is not permitted to practise chiropody and shall comply with the College's Guideline for Suspension: www.cocoo.on.ca/pdf/guidelines/suspension_guideline.pdf. For the sake of clarity,

3. The Registrar shall be directed to impose terms, conditions, and limitations on the Registrant's certificate of registration, requiring the following:
 - a. Prior to returning to practice from his suspension,² the Registrant shall successfully complete, to the satisfaction of the Registrar, the (i) ProBe Ethics course offered by the Center for Personalized Education for Professionals (CPEP) and (ii) a course directed at medical laser safety approved by the Registrar;
 - b. Upon returning to practice after his suspension, for a period of no fewer than 18 months, the Registrant is prohibited from engaging in the practice of or performing any procedures that require the use of laser-emitting device except under the direct supervision of a supervisor proposed by the Registrant and approved by the Registrar (the "**Supervision Period**"); and
 - c. During the supervision period³, the Registrant shall arrange for the supervisor to provide to the Registrar, at the Registrant's own expense, (i) written reports every two months as to the substance of the supervision of the Registrant's practice or performance of any procedures that require the use of laser-emitting devices; and (ii) a written report at the end of the Supervision Period setting out the supervisor's opinion as to whether the Registrant is currently able to engage in the practice of or perform procedures that require the use of laser-emitting devices without direct supervision;
 - d. If the Registrar, acting reasonably, is satisfied upon consideration of the written report received from the supervisor at the end of the Supervision Period that the Registrant is safely able to engage in the practice of or perform procedures that require the use of laser-emitting devices without supervision, the terms, conditions, and limitations regarding supervision, including as set out at paragraphs 3(c), (d), and (e), will be lifted by the Registrar;
 - e. In the event that the supervisor and/or Registrar is not satisfied that the Registrant can safely practise, the terms, conditions, and limitations will

this term includes, among other things, that the Registrant is not permitted to use the restricted title of chiropodist, or hold himself out as being able to practise, or hold himself out as a registrant of the College. The Registrant is not permitted to invoice or earn any income from the practice of chiropody (directly or through a health profession corporation) or be present at the Registrant's primary practice location or any secondary practice location or attend at a practice setting where chiropody patients are in attendance, to be involved in or participate in any of the chiropody care to be provided to chiropody patients. The suspension does not impact the Registrant's ability to practise chiropody in the Province of Quebec.

² For clarity, the Registrant shall not be permitted to return to practice until he successfully completes both the ProBe Ethics course and the medical laser safety course to the satisfaction of the Registrar.

³ In Exhibit 3, the document says "suspension period" rather than "supervision period". At the hearing, the parties agreed that this was an inadvertent typographical error, and that this part of the Joint Submission should read "supervision period".

remain in place until such time as the Registrant completes the necessary additional training and/or other requirements to satisfy the Registrar that the Registrant can practise safely with respect to the use of laser-emitting devices;⁴

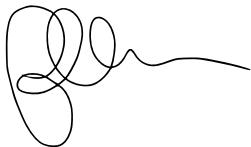
- f. The Registrant shall be required to post, at the front desk at any clinic where he practises, including the Ottawa Foot Clinic, a copy of the Discipline Committee Order setting out any terms, conditions, and limitations on the Registrant's certificate of registration as long as they remain in place;
- g. In the event that the Registrant obtains employment that involves provision of services during the 12 months following the date that the Registrant returns to practise after his suspension, the Registrant shall:
 - i. Notify any current or new employers of the Discipline Committee's Misconduct Decision and Penalty Decision;
 - ii. Ensure the Registrar is notified of the name, address, and telephone number of all employer(s) within 15 days of commencing employment;
 - iii. Provide his employer(s) with a copy of: (1) the Discipline Committee's Misconduct Decision; (2) the Notice of Hearing; and
 - iv. Have his employer forward a report to the Registrar within 15 days of commencing employment, confirming that the employer has received the documents noted above and agrees to notify the Registrar immediately upon receipt of any information that the Registrant is not complying with the College's standard.
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary, with the Registrant's name, online and/or in print, including, but not limited to, in the official publications of the College, on the College's website, and on the College's public register.
5. The Member shall pay costs to the College in the amount of \$17,500, which amount will be paid to the College within 30 days of the Discipline Committee's Order.
6. The College and the Member agree that if the Discipline Committee accepts this Joint Submission on Penalty and Costs, there will be no appeal or judicial review of the decision or order to any forum.

⁴ In the event that the Supervision Period is extended beyond 18 months, the supervisor shall continue to provide to the Registrar with the reports described at paragraph 3(d)(i) every two months until the terms, conditions, and limitations regarding supervision are lifted. In the event that the Supervision Period is extended beyond 18 months, the supervisor may, at any time, provide to the Registrar with a written report as described at paragraph 3(d)(ii) setting out the supervisor's opinion as to whether the Registrant is currently able to engage in the practice of or perform procedures that require the use of laser-emitting devices without direct supervision.

Decision and Reasons for Penalty and Costs

8. The panel reviewed and considered the Joint Submission, together with submissions from counsel. 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.
9. The panel is satisfied that the terms contained in the Joint Submission reflects these principles. The panel also considers the Joint Submission to be reasonable, proportionate and sensitive to the aggravating and mitigating factors in this case.
10. While we were concerned to hear the evidence and the facts of this case as presented by College counsel, and as outlined in the Agreed Statement of Facts, the panel considered the fact that the Member readily admitted his guilt, and he expressed remorse for his actions and, through his counsel, he was entirely cooperative with the College counsel in bringing this matter to a resolution. In coming to its decision, the panel considered the evidence of this specific case, and weighed it against the case law established by this College in hearing other similar matters, the public protection that is achieved and served by ensuring adequate specific and general deterrence by supporting fair and well considered Penalty and Cost decisions, and lastly the fact that the matter came to this panel in an uncontested manner. All these things considered, the panel believes that the Penalty and Cost as presented by the proposal jointly presented by counsel, does not do a disservice to the aforementioned principles, but rather, the panel believes it to be just and appropriate and therefore supports the submission.
11. At the conclusion of the hearing, having confirmed that the Member waived any right to appeal, the Panel delivered an oral reprimand on the record. A copy of the reprimand is attached here at Appendix A.

I, Brooke Mitchell, sign this decision and reasons as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:



Brooke Mitchell, Chairperson

February 7th, 2024

Date

Allan Katz
Peter Guy
Chad Bezaire

APPENDIX A**COLLEGE OF CHIROPODISTS OF ONTARIO v. ÉLIE BÉLANGER**

As you know, Mr. Bélanger, 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. You contravened a term, condition or limitation imposed on your certificate of registration
2. You failed to meet the standards of practice of the profession, including the Assessment and Management, Patient Relations and Competence standards
3. You provided treatment to a patient where you knew or ought to have known the provision of the treatment was ineffective, unnecessary or deleterious to the patient
4. You signed or issued, in your professional capacity, a document that contains a false or misleading statement
5. You contravened the *Chiroprody Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts and, in particular, Ontario Regulation 830/93

6. You engaged in conduct which would reasonably be regarded by other members of this profession as disgraceful, dishonourable or unprofessional.

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

Your conduct is totally unacceptable to your fellow chiropodists and to the public.

We appreciate that you have taken responsibility here and that you were willing to admit misconduct. We certainly hope that means you have recognized the error of your ways and that you will not repeat this conduct in the future.

We also want to make it clear to you that while the penalty that this panel has imposed upon you is a fair penalty, a more significant penalty will likely be imposed by another Discipline panel in the event that you are ever found to have engaged in professional misconduct again.

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 wish to make any comments?

Thank you for attending today. We are adjourned.