

ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

Citation: *College of Chiropractors of Ontario v. De Leon*, 2025 ONCPDT 6

Date: July 24, 2025

Tribunal File No.: 24-004-CP

BETWEEN:

College of Chiropractors of Ontario

College

- and -

Maria Clarissa De Leon

Registrant

FINDING AND PENALTY REASONS

Heard: June 10, 2025, by videoconference

Panel:

Jennifer Scott (panel chair)

Allan Katz (public)

Eliot To (chiropractor)

Appearances:

Debra McKenna, for the College

Jordan Stone, for the registrant

RESTRICTION ON PUBLICATION

Pursuant to Rule 2.2.2 of the HPDT Rules of Procedure and ss. 45-47 of the Health Professions Procedural Code, no one shall publish or broadcast the names of patients or any information that could identify patients or disclose patients' personal health information or health records referred to at a hearing or in any documents filed with the Tribunal. There may be significant fines for breaching this restriction.

The Ontario Chiropractors and Podiatrists Discipline Tribunal is the Discipline Committee established under the Health Professions Procedural Code.

Introduction

[1] The registrant is a chiropodist who practised at two different clinics in Brampton. The College of Chiropodists of Ontario alleges that the registrant engaged in misconduct relating to her orthotics prescriptions. The College alleges that the registrant participated in and/or was complicit in the practice of providing incentives to patients who purchased orthotics. The College further alleges that the registrant over-prescribed orthotics, did not perform adequate assessments and/or determine whether the orthotics were medically necessary or otherwise required for foot health, and failed to keep adequate records.

[2] The hearing proceeded on an Agreed Statement of Facts (ASF) and Joint Submission on Penalty and Costs (JSP). After reviewing the ASF and hearing the submissions of counsel for the parties, the panel found misconduct as alleged. We ordered the penalty detailed in the JSP, which included a net suspension of five months, education, a six-month restriction on prescribing orthotics and supervision. We ordered the registrant to pay costs to the College of \$14,000.

Agreed Facts

[3] The registrant became a member of the College in May 2010.

[4] During the relevant time, she practised at two clinics: Footworx Foot Clinic (Footworx) and Eastern Foot Clinic (Eastern).

[5] In May 2019, an insurance company investigated the registrant's practice of prescribing orthotics at Footworx. It determined that Footworx was set up more like a shoe store where patients received free or discounted shoes if they purchased orthotics. The insurance company delisted Footworx.

[6] In August 2022, the insurance company became aware of the operations at Eastern. Some of its plan members attending Eastern had previously attended Footworx and other delisted clinics.

[7] The insurance company investigated Eastern and determined that it housed three separate businesses. Eastern's website advertised a broad range of health services at the clinic, including 85 doctors, 18 departments and 12 research labs. It also featured

testimonials that were copied verbatim from a foot clinic operating in London, England. The insurance company delisted Eastern.

[8] In May 2023, the College received a complaint from the insurance company about the registrant.

[9] The registrant acknowledges that it was her professional obligation to be aware of and involve herself in the business practises of these two clinics and ensure that they complied with the College's regulations and standards in relation to her practice. She admits the advertising and business practices at Eastern violated the College's advertising regulations and standards and that she did not take any steps to ensure they were compliant. While she was not aware that free or discounted shoes were being sold at Footworx (she knew that shoes were being sold), she acknowledges that she ought to have realized that this was a concern and should have made inquiries.

[10] The registrant further admits that she was complicit in the practise of over-prescribing orthotics because she failed to adequately consider different treatment plans before prescribing orthotics. She also acknowledges that she failed to maintain proper records.

[11] These actions constitute professional misconduct under s. 1 of the Professional Misconduct Regulation (O. Reg. 750/93) under the *Chiropractic Act, 1991*, SO 1991, c. 20 (Act):

1. paragraph 2 – failed to meet or contravened 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; and/or
 - d. Prescription of Custom Foot Orthoses;
2. paragraph 10 – practised the profession while in a conflict of interest;
3. paragraph 17 – failed to keep records as required by the regulations;

4. paragraph 20 – signed or issued, in the member’s professional capacity, a document that contained a false or misleading statement;
5. paragraph 28 – practised in the employment of or in association with a commercial business; and/or
6. paragraph 30 – contravened the *Act*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, specifically, Ontario Regulation 203/94 (Advertising and/or Records).

[12] We find the registrant’s conduct would be regarded as disgraceful, dishonourable or unprofessional, within the meaning of paragraph 33 of the Professional Misconduct Regulation. This type of conduct brings discredit to the profession.

Penalty and Costs

[13] The parties made the following joint submission on penalty:

1. Suspension of seven months, two months of which will be remitted on completion of remedial work set out in subparagraph 3 below;
2. Reprimand;
3. Completion of the PROBE Ethics Course and the University of Toronto Medical Record-Keeping Course;
4. Restriction on orthotics (imaging, casting, prescribing, constructing, fitting, dispensing and/or ordering) for 6 months on her return to practice, following her suspension;
5. Supervision for 12 months on her return to practice, following her suspension; and
6. If the registrant obtains employment to provide chiropody services during the 12 months following the date she is permitted to return to practice, she

must provide her new employers with the materials filed before the Tribunal and its decision.

[14] They submitted further that the Registrant pay costs of \$14,000 in two instalments.

[15] Our role is limited when the parties agree on penalty. We should only depart from a joint submission if the proposed penalty is not in the public interest because it would bring the administration of justice into disrepute or is contrary to the public interest in some other way: *R. v. Anthony-Cook*, 2016 SCC 43 at para. 32.

[16] A joint submission is not in the public interest when it is so unhinged from the circumstances of the case, that reasonable and informed persons aware of those circumstances believe the proper functioning of the professional discipline system has broken down: *Anthony-Cook* at para. 34. This is a very high test.

[17] The most important goal of a penalty order is the protection of the public. The public must have confidence in the registrant, the profession and the College's ability to govern the profession in the public interest. Other penalty goals that support protection of the public include discouraging the registrant and other registrants from committing misconduct (specific and general deterrence), rehabilitating the registrant, ensuring a safe return to practice where appropriate and expressing the Tribunal and the profession's disapproval of the misconduct.

[18] We are satisfied that the joint submission on penalty achieves the above purposes and is not contrary to the public interest. The penalty sends a strong message to Ms. De Leon and to other members of the profession that serious consequences will result if they engage in orthotics misconduct. The suspension and restricted practice period are consistent with the cases provided to us by the College. See, for example, *College of Chiropodists of Ontario v. Zhang*, 2025 ONCPDT 3, *College of Chiropodists of Ontario v. MacMull*, 2023 ONCOC00 3, *College of Chiropodists of Ontario v. Hewak*, 2024 ONCOC00 4 and *College of Chiropodists of Ontario v. Ginsberg*, 2023 ONCOC00 2.

[19] The requirement for further education, mentorship, restricted practice, and the duty to inform future employers of this discipline proceeding will help to reduce the possibility of similar misconduct in the future. The penalty protects the public and

demonstrates the College's professional discipline system is working. It is accepted for these reasons. The parties' agreement on costs is also reasonable and consistent with other cases.

Order

[20] The panel ordered:

Penalty

1. The Registrant will be reprimanded by the Discipline Tribunal via an electronic hearing, and the fact and nature of the reprimand shall be recorded on the College's public register for an unlimited period of time.
2. An order suspending the Registrant's certificate of registration for a period of seven (7) months,¹ commencing on June 10, 2025, two (2) months of which will be remitted upon the Registrant successfully completing, to the Registrar's satisfaction, the remedial work outlined in paragraph 3(a) below;
3. An order directing the Registrar to impose terms, conditions, and limitations on the Registrant's certificate of registration requiring the following:
 - a. Prior to returning to practice, the Registrant shall successfully complete both the PROBE Ethics Course and the University of Toronto Medical Record Keeping Course at her own expense and provide documentary evidence of her completion of those remedial steps to the satisfaction of the Registrar;
 - b. Upon returning to practice after her suspension, the Registrant is prohibited from imaging, casting, prescribing, constructing, fitting, dispensing and/or ordering the fabrication of orthotics for a period of six (6) months (the "**Restricted Period**"). The Registrant is additionally not entitled to assign these duties to anyone else in her clinic, regardless of whether she receives a fee, during the Restricted Period, but shall refer such duties to another registrant of the College in good standing at another clinic not affiliated with the Registrant's clinic.
 - c. At her own expense, the Registrant will receive supervision of her chiropractic practice with a supervisor selected by the Registrar for a period of twelve (12) months from the date on which the Registrant

¹ During the suspension period, the Registrant is required to comply with the College's [Guideline for Suspension](#).

returns to practise from the suspension. The terms of the supervision are as follows:

- The supervisor shall visit with the Registrant in person on at least two (2) occasions – one in the first six months and one in the last six months;
 - The visits with the supervisor will be unannounced or as directed by the supervisor;
 - The supervisor shall determine the length of each visit;
 - In conducting the supervision, the supervisor shall discuss ethics, practice management, record-keeping and compliance with the College's standards with the Registrant;
 - The supervisor shall prepare a report to the Registrar after each visit;
 - The Registrant shall provide the supervisor with the Discipline Tribunal's decision and then provide written confirmation to the Registrar, signed by the supervisor, that the supervisor has received and reviewed the final decision;
- d. In the event that the Registrant obtains employment to provide chiropody services during the twelve (12) months following the date that the Registrant is able to return to practise after her suspension, the Registrant shall:
- notify any current or new employers of the Discipline Tribunal's final decision;
 - ensure the Registrar is notified of the name, address, and telephone number of all employer(s) within fifteen (15) days of commencing employment;
 - provide her employer(s) with a copy of:
 - i. the Discipline Tribunal's Order;
 - the Notice of Hearing;
 - the Agreed Statement of Facts;
 - the Joint Submission on Penalty;
 - ii. a copy of the Discipline Tribunal's decision; and
 - have her employer forward a report to the Registrar within fifteen (15) days of

commencing employment confirmation 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 standards;

4. An order that the Discipline Tribunal's decision be published, in detail with the Registrant's name, in the College's official publication, on the College's website, and/or on the College's public register.

Costs

1. The Registrant shall pay costs to the College in the amount of \$14,000 on the following timetable:
 - \$7,000.00 on June 10, 2025; and
 - \$7,000.00 on December 10, 2025.

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BETWEEN:

College of Chiropractors of Ontario

College

- and -

Maria Clarissa De Leon

Registrant

**The Tribunal delivered the following Reprimand
by videoconference on Tuesday, June 10, 2025.**

*****NOT AN OFFICIAL TRANSCRIPT*****

Ms. De Leon,

As part of its penalty order, this Tribunal Panel has ordered that 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.

Today, we found that you committed multiple forms of professional misconduct while practising part-time at two clinics.

At the first clinic, patients were improperly offered free or discounted shoes with the purchase of orthotics, an incentive that contravenes the College's standards of practice. At the second clinic, you failed to ensure its website complied with the College's advertising regulations and standards. In both settings, it was your professional obligation to ensure the clinics operated in accordance with legal and regulatory requirements. Your records were also missing key elements such as a detailed patient history, the treatment plan, documentation of risks and benefits, and information about dispensing and follow-up.

As a result of your actions, you admitted and we have found that you engaged in professional misconduct in several ways, including but not limited to:

- failing to meet several standards of practice of the profession including standards pertaining to assessment and management, patient relations, records, and prescription custom foot orthoses;
- practising while in a conflict of interest;
- failing to keep records as required by the regulations; and
- engaging in conduct in the course of practising the profession that would be regarded by registrants to be disgraceful, dishonorable or unprofessional.

It is a matter of profound concern to this panel that you have engaged in these forms of professional misconduct. By doing so, you have brought discredit to yourself and to the profession. Public confidence in this profession has been called into question. In addition, patients often rely on insurance coverage when seeing members of this profession, and you have jeopardized the good relationship the members of the profession have with insurance companies.

While we acknowledge that you have admitted the misconduct, we want to be clear that your conduct is unacceptable. The penalty ordered today is fair and proportionate in the circumstances. However, should you appear before the Tribunal again, a more significant penalty will likely be imposed. We expect that, with the benefit of the PROBE ethics course, the period of reflection during your time out of practice, and the application of the term of supervision, this conduct will not be repeated in the future.