

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

**B E T W E E N:**

**COLLEGE OF CHIROPODISTS OF ONTARIO**

(the “College”)

-and-

**JUSTIN CHEUK YIN CHAN**

(the “Registrant”)

**NOTICE OF HEARING**

**THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE (ICRC)** of the College of Chiropractors of Ontario has referred specified allegations of professional misconduct against **Justin Cheuk Yin Chan** (Registration #200021) to the Discipline Committee. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991* (the “Code”).

Further information about the allegations is contained in the Statement of Allegations attached to this Notice of Hearing. A discipline panel will hold a hearing, on a date to be fixed by the Chair of the Discipline Committee, at the offices of the College of Chiropractors of Ontario at 180 Dundas Street West, Suite 1901, Toronto, ON M5G 1Z8 or electronically via Zoom or other electronic means, under the authority of sections 38 to 56 of the *Health Professions Procedural Code* for the purposes of deciding whether the allegations are true.

**IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR**

**ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.**

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the lawyer for the College in this matter:

Amy Block  
WeirFoulds LLP  
4100-66 Wellington Street West  
P.O. Box 35, TD Bank Tower  
Toronto, ON M5K 1B7  
(416)-254-3253  
[ablock@weirfoulds.com](mailto:ablock@weirfoulds.com)

At the hearing, the College intends to introduce as business records, under section 35 and/or 52 of the *Evidence Act*, any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, the College

intends to introduce as business records the patient records, financial records, or other records that relate to the subject matter of the allegations.

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

**Date:** September 20, 2024



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

**TO: Justin Cheuk Yin Chan**

**STATEMENT OF ALLEGATIONS**

1. Justin Cheuk Yin Chan (the “**Registrant**”) was at all material times a registered member of the College.
  
2. It is alleged that between approximately 2021 and 2023 (the “**Relevant Period**”), the Registrant engaged in conduct that constitutes professional misconduct pursuant to the following:
  - (a) Clause 51(1)(c) of the *Health Professions Procedural Code*, being *Schedule 2 to the Regulated Health Professions Act, 1991* and as defined in one or more of the following paragraphs of section 1 of the *Professional Misconduct Regulation* (O. Reg. 750/93) under the *Chiropody Act, 1991*:
    - (i) paragraph 2 – failing to meet or contravening a standard of practice of the profession, including but not limited to, the College’s standards pertaining to:
      - (a) Assessment and Management;
      - (b) Patient Relations;
      - (c) Records; and/or
      - (d) Prescription Custom Foot Orthoses.
    - (ii) paragraph 10 – practising the profession while the Registrant is in a conflict of interest;
    - (iii) paragraph 14- providing treatment to a patient where the member knows or ought to know that the provision of the treatment is ineffective,

unnecessary, or deleterious to the patient or is inappropriate to meet the needs of the patient;

- (iv) paragraph 17 – failing to keep records as required by the regulations;
- (v) paragraph 20 – signing or issuing, in the Registrant's professional capacity, a document that contains a false or misleading statement;
- (vi) paragraph 21 – submitting an account or charge for services that the Registrant knows is false or misleading;
- (vii) paragraph 22 – charging a fee that is excessive in relation to the services or devices charged for;
- (viii) paragraph 30 – contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts. Specifically:
  - (a) Ontario Regulation 203/94 under the *Chiropody Act, 1991*, Part III (Records);
  - (b) Section 33 of the *Regulated Health Professions Act, 1991*.
- (ix) paragraph 33 – engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

## PARTICULARS OF THE ALLEGATIONS

### A. Background

1. The Registrant was first registered with the College as a chiropractor on or about January 27, 2021. At all material times, the Registrant was registered with the College to practise chiropractic in Ontario.
2. During the Relevant Period, the Registrant reported to the College, as his primary practice location, Sharon Medical Clinic, located at 19101 Leslie St., Unit 3, East Gwillimbury, Ontario.
3. In addition, the Registrant also reported practising at several secondary locations (collectively, the “**Clinics**”), including:
  - Mon Sheong Foundation, 11211 Yonge Street, Richmond Hill
  - Aurora Sports Medicine Professionals, 248 Earl Stewart Drive, Suite 200, Aurora
  - Nobleton Physiotherapy, 13085 Hwy 27, Nobleton
  - Bradford Sports Medicine Professionals, 160 Holland St W, Unit 1, Bradford
  - York Foot Clinic & Orthotic Centre, 201-531 Davis Drive, Newmarket
  - Foot Focus, 66 John St W, Bradford
4. At no time did the Registrant report or otherwise disclose to the College that he was practising at Premium Clinic, 7080 Warden Avenue, Unit B3, Markham, Ontario.

**B. Report to the College**

5. On or about October 15, 2023, the College received a report from an individual who wished to remain anonymous (the “**Reporter**”).
6. The Reporter alleged that Premium Clinic was engaging in inappropriate business practices with respect to the practice of chiropody and the provision of orthotics.
7. The Reporter identified the Registrant as the chiropodist working at Premium Clinic. The Reporter identified specific patients that they alleged did not receive orthotics purportedly prescribed by the Registrant.

**C. College Investigation**

8. On the basis of the information received, the College commenced an investigation.
9. On December 6, 2023, the College obtained patient records from Premium Clinic. Specifically, the College obtained records for 10 patients who had been identified by the Reporter, and additional records for 9 other patients for whom the Registrant had prescribed orthotics.
10. On April 18, 2024, the Investigator again attended at Premium Clinic. The Investigator requested 15 complete patient records for patients seen by the Registrant between January and October 2023, randomly selected.
11. The Registrant prescribed orthotics for all 15 patients. The Registrant confirmed that the complete records had been provided to the College.

12. A list of the patient records reviewed and obtained by the College during the Investigation are attached as Appendix "A".
13. The Investigation revealed a number of deficiencies, among other things:
  - The Registrant failed to keep secure and maintain together all required elements of the patient record;
  - The Registrant's patient records contained incomplete or no patient histories;
  - The Registrant's patient records contained incomplete or no record of a physical exam;
  - The Registrant's patient records contained incomplete or no discussion of treatment options;
  - The Registrant offered orthotics where it was not medically necessary and/or the Registrant's patient records lacked the requisite information to determine that the treatments provided were medically necessary;
  - The Registrant's documentation provided to patients and third parties, including the Patient Intake form used the term "Doctor";

**C. Summary of the Allegations**

14. In prescribing orthotics, the Registrant did not perform and/or document an adequate assessment of the patient and/or determine that the treatments were medically necessary, contrary to the College's standards.



15. The Registrant failed to, among other things:
  - (a) obtain and/or document an adequate patient history;
  - (b) conduct and/or document an adequate assessment, including physical exam;
  - (d) obtain and/or document informed consent, including discussions with patients about the benefits and risks of various treatment options, including treatment options that were not orthotics; and/or
  - (e) determine if a different treatment plan was appropriate in the circumstances before prescribing orthotics, or whether other courses of treatment ought to be pursued first.
16. In prescribing orthotics to his patients, the Registrant failed to adequately determine and/or adequately document why orthotics were medically necessary for the patient and/or required for the prevention, treatment or management of a disease, disorder, or dysfunction of the foot.
17. In prescribing orthotics, the Registrant participated and/or was complicit in the practice of over-prescribing or over-using specific treatment options— a business practice that is contrary to the College’s standards and/or conflict of interest policy.
18. The Registrant failed to maintain patient records in accordance with the regulations and the College’s standards, including but not limited to orthotic prescription records and medical history.

19. The Registrant charged a fee and issued invoices and prescriptions for orthotics without having conducted an adequate assessment and/or where the prescription was not medically necessary. As such:
  - (a) the fees charged were excessive;
  - (b) the Registrant submitted an account or charge for services that the Registrant knew was false or misleading.
20. The Registrant signed or issued a document that contains a false or misleading statement, including by, issuing invoices as though he had done a proper assessment, prescribing devices that were not necessary, and using the title doctor.
21. The Registrant practised the profession while in a conflict of interest by selling or supplying orthotics to a patient which was not required for the prevention, treatment or management of a disease, disorder or dysfunction of the foot and charged a fee that was excessive.
22. In providing health care to patients, the Registrant used the title doctor contrary to the *Regulated Health Professions Act*.

Additional information and disclosure about the allegations against the Registrant will be provided in advance of the hearing.

**APPENDIX "A" – Justin Cheuk Yin Chan**

**(First Name, Last Name)**

**Records Obtained December 6, 2023**

1. N.Z.
2. L.B.
3. K.S.
4. Y.Z.
5. P.S.
6. H.M.
7. Y.H.
8. J.Y.
9. H.C.
10. I.Y.
11. S.T
12. V.F
13. D.K.
14. A.K.
15. F.L.
16. E.K.
17. C.L.
18. G.S.
19. X.L.

**Records Obtained April 18, 2024**

1. A.N.
2. C.L.
3. D.Q.
4. D.T.
5. Z.H.
6. J.H.
7. K.H.
8. L.Z.
9. R.C.
10. T.C.
11. T.D.
12. T.L.
13. Y.S.

14. Y.X.  
15. Y.S.

**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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- and -

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**NOTICE OF HEARING**

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**WEIRFOULDS LLP**

4100 – 66 Wellington Street West  
PO Box 35, TD Bank Tower  
Toronto, ON M5K 1B7

**Amy Block**

(416) 947-254-3253

[ablock@weirfoulds.com](mailto:ablock@weirfoulds.com)

Lawyers for the College of  
Chiropractors of Ontario