

ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

Citation: *College of Chiropractors of Ontario v. Ku*, 2026 ONCPDT 4

Date: April 23, 2026

Tribunal File No.: 24-007-CP

BETWEEN:

College of Chiropractors of Ontario

College

- and -

Vincent Ku

Registrant

FINDING AND PENALTY REASONS

Heard: March 24, 2026

Panel:

David A. Wright (Tribunal Chair)

Chad McCleave (public)

Cesar Mendez (chiropractor)

Appearances:

Debra McKenna, for the College

Jordan Glick, 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.

Introduction

[1] The registrant, Vincent Ku, worked with an orthotics manufacturer, Supreme Orthotics. His duties included developing lab documentation, verifying manufacturing techniques, and providing technical support. He allowed the business to advertise that he was its “medical advisor” and “on staff” and to include his name and registration with the College on documents.

[2] He committed professional misconduct in various ways. First, under College rules he was not permitted to have such a role at all. Registrants cannot practise in the employment of or in association with a commercial business. Second, he failed to advise the College that Supreme was a practice location. Third, Supreme accepted foam box impressions to manufacture orthotics, including from registrants of the College. The use of a foam box is not permitted under the College’s standards. In allowing this, Mr. Ku failed to meet standards, and facilitated other registrants engaging in conduct that fell below standards. In addition, he permitted the use of his name and credentials in a misleading manner, as someone reviewing the documents would presume that the process of orthotics manufacturing met the College’s standards.

[3] The parties agreed on the facts, Mr. Ku admitted misconduct, and the parties made a joint submission on penalty. The main components of the proposed penalty are a three-month suspension, the completion of a recordkeeping course and supervision of Mr. Ku’s practice by a mentor for 12 months. Two months of the suspension are remitted (will not need to be served); the registrant will serve only one month if he completes the course within that time. The parties also agreed on costs of \$15,000. As the parties’ proposal would not bring the administration of the professional discipline system into disrepute and is not otherwise contrary to the public interest, we made the order requested.

[4] Tribunal Chair David A. Wright conducted case management conferences in this matter and sits on the panel with the consent of both parties.

Facts

[5] Mr. Ku was associated with Supreme from September 2020 to December 2022. The business paid him \$500 per month. He was involved in developing lab documentation, verifying manufacturing techniques, and providing on-call technical

support to Supreme and its clients. This included advice regarding prescriptions, orthotic modifications, and design specifications for complex cases.

[6] Mr. Ku permitted Supreme to use and advertise his name and credentials, including on lab documents and invoices provided to patients and to insurance companies in support of benefit claims for orthotics. He was aware that Supreme identified him as being "on staff" and performing the role of the "medical advisor," and allowed this.

[7] With the benefit of hindsight and reflection, Mr. Ku regrets not contacting the College, at the relevant time, to confirm his professional obligations as they related to his association with an orthotics manufacturer. After the investigation started, he did contact the College's practice advisor to inquire about his obligations.

Findings of professional misconduct

[8] "Practising in the employment of or in association with a commercial business" is an act of professional misconduct under para. 28 of s. 1 of Ontario Regulation 750/93 made under the *Chiropractic Act, 1991*, SO 1991, c. 20 (Professional Misconduct Regulation).¹

[9] In his role at Supreme, the registrant was practising chiropractic, including when he gave advice regarding prescriptions, orthotic modifications and design specifications. He was paid for this work. This is not permitted, and therefore the registrant committed professional misconduct under para. 28 of s. 1 of the Professional Misconduct Regulation.

[10] Although he should not have been practising chiropractic at all at Supreme, since he was doing so, Mr. Ku should have reported it as a practice location. Under College By-Law No. 1, s. 44, registrants are required to report, on an annual basis, each of their practice locations as part of their annual registration renewal (s. 44.02(ii)), and to update that information within 30 days of any change (s. 44.06). Under para. 2 of s. 7 of Ontario Regulation 830/93 made under the *Chiropractic Act* (Registration Regulation), a registrant

¹ The College noted that in its view, a business owned by a registrant, such as one that manufactures orthotics, does not fall under this restriction. We do not need to address that issue in this case.

may not make a false or misleading statement in their annual information return. When he failed to identify Supreme as a practice location, the registrant violated this requirement. He therefore committed professional misconduct under para. 30 of s. 1 of the Professional Misconduct Regulation by contravening a regulation under the *Chiropody Act*.

[11] As explained in *College of Chiropodists of Ontario v. Scotti*, 2026 ONCPDT 3 at para. 8, “[f]oam boxes are not an acceptable casting technique for registrants of this College.” The Custom Foot Orthoses Standard sets out only “non-weight-bearing plaster of paris casts, non-weight-bearing STS Slipper Casts or equivalent, or three-dimensional, non-weight-bearing scanning of the feet” as acceptable methods for obtaining a 3D anatomic volumetric foot model for prescription custom foot orthotics. See also *College of Chiropodists of Ontario v. Zhang*, 2025 ONCPDT 3 at para. 10.

[12] Mr. Ku was aware that Supreme accepted foam box impressions, including from College registrants. Through his involvement in the manufacturing of orthotics using foam boxes, and in allowing Supreme to make non-compliant orthotics prescribed by other registrants, Mr. Ku failed to maintain a standard of practice of the profession, which is an act of professional misconduct under para. 2 of s. 1 of the Professional Misconduct Regulation.

[13] Sections 7-12 of Ontario Regulation 203/94 made under the *Chiropody Act* set out various requirements for advertising by chiropodists and podiatrists. Under s. 7(1)(a), advertising cannot be “false, misleading or self laudatory.” The use of Mr. Ku’s name and credentials was intended to align his professional expertise, as a registrant of the College, with Supreme. This was misleading, because those reviewing the documents on which his name was included would reasonably expect that the orthotics were made in accordance with the standards of the profession. Because Supreme made orthotics with a foam box, the advertising was misleading. He contravened a regulation under the *Chiropody Act*, and this was misconduct under para. 30 of s. 1 of the Professional Misconduct Regulation.

[14] The registrant’s dealings with Supreme showed a serious disregard for his professional obligations. They were therefore disgraceful, dishonourable or unprofessional, contrary to para. 33 of s. 1 of the Professional Misconduct Regulation.

See *Attallah v. College of Physicians and Surgeons of Ontario*, 2021 ONSC 3722 (Div. Ct.) at para. 54.

Penalty

[15] The main components of the agreed penalty are a reprimand, a three-month suspension, of which two months will be remitted if the registrant completes the University of Toronto Medical Record Keeping Course within the first month. The requirement to take that course is a component of the agreed penalty, along with mentorship, the details of which are set out in the order at the end of these reasons.

[16] The College and the registrant's agreement on penalty must be implemented unless it is so "unhinged from the circumstances" that implementing it would bring the administration of the College's professional discipline system into disrepute: *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 (Div. Ct.) at paras. 9–12; *Ontario College of Teachers v. Merolle*, 2023 ONSC 3453 (Div. Ct.). The test is adapted from the Supreme Court's analysis in the criminal law context in *R. v. Anthony-Cook*, 2016 SCC 43.

[17] There must be something completely unacceptable, unusual or unconscionable to reject a joint submission, not just the panel's disagreement or belief that a different outcome would better serve the public interest or be a more fit penalty. The Tribunal may not "tinker" with a joint submission, which is the result of a careful balancing by the parties of the relevant considerations. It should take the joint submission "as is" and proceed on the basis that any aspects of penalty that were not included were intentionally excluded.

[18] As noted in *College of Physicians and Surgeons of Ontario v. Fagbemigun*, 2022 ONPSDT 22 at para. 7, "the most important goal of a penalty order is the protection of the public." Other purposes include discouraging the registrant and other members of the profession 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.

[19] *Fagbemigun*, at paras. 12-18, outlines relevant factors in determining the penalty. The seriousness of the misconduct is usually most important. Other circumstances that

may be relevant are any discipline history, the registrant's actions since the misconduct and any relevant personal circumstances.

[20] While all misconduct is serious, this is at the less serious end of the spectrum. It did not involve Mr. Ku's direct treatment of patients. The issue of advising a commercial orthotics manufacturer is a novel one. The registrant has shown remorse and recognized that he should have sought advice rather than assuming that the relationship with Supreme was permitted; this is mitigating. There is no evidence of a discipline history, which is a neutral factor: *College of Physicians and Surgeons of Ontario v. Parajian*, 2025 ONPSDT 15. There is no evidence of relevant personal circumstances.

[21] One of the advantages of an agreed-upon penalty is that parties can agree on creative terms, conditions, and limitations that might not have been ordered after a contested hearing. While there is no finding related to records in this case, the College developed concerns about the registrant's records during the investigation, that are addressed by the course and mentoring. The mentoring will also address general issues of ethics. These rehabilitative requirements are appropriate and in the public interest.

[22] Given the unique nature of this case, penalties in other cases do not provide much guidance. Relying on our analysis of the relevant factors above, we find that the proposed penalty would not bring the administration of the professional discipline system into disrepute. The costs are also reasonable.

Order

[23] We made the following order:

Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to:
 - a. suspend the Registrant's certificate of registration for a period of three (3) months, commencing on the date of the hearing, 1 two (2) months of which will be remitted upon the Registrant successfully completing, to the Registrar's satisfaction, the remedial work outlined below.

- b. place the following terms, conditions and limitations on the Registrant's certificate of registration requiring the following:
- i. Prior to returning to practice, the Registrant shall successfully complete the University of Toronto Medical Record Keeping Course at his own expense and provide documentary evidence of his completion of the course to the satisfaction of the Registrar;
 - ii. For greater certainty, the Registrant is required to successfully complete the University of Toronto Medical Record Keeping Course regardless of whether the two months of his suspension are remitted, and the Registrant will not be permitted to return to practice until he does complete the course.
 - iii. At his own expense, the Registrant will receive mentorship of his chiropody practice with a mentor selected by the Registrar for a period of twelve (12) months from the date on which the Registrant returns to practise from the suspension. The terms of the mentorship are as follows:
 - The mentor shall visit with the Registrant on three (3) occasions – twice in the first six months and once in the last six months;
 - The visits with the mentor will be as directed by the mentor;
 - The mentor shall determine the length of each visit;
 - In conducting the supervision, the mentor shall discuss clinical practice and professional obligations with the Registrant;
 - The mentor shall prepare a report to the Registrar after the final visit with the Registrant;
 - The Registrant shall provide the mentor with the Tribunal's decision and then provide written confirmation to the Registrar, signed by the mentor, that the mentor has received and reviewed the final decision;

- iv. Upon returning from suspension, in addition to the Registrant's existing obligation to report to the Registrar any financial interest in a commercial business that supplies devices and/or other products related to the practice of the profession², the Registrant will be required for a period of two years to provide any supplier in which he has a financial interest with a copy of the Tribunal's decision and have the supplier forward confirmation to the College within thirty (30) days confirming that they have received the Tribunal's decision and agree to notify the Registrar immediately if they become aware that the Registrant is not complying with the College's standards;
- v. Upon returning from suspension, the Registrant will be required for a period of two years to provide any current or new employer with a copy of the Tribunal's decision and have his employer forward confirmation to the Registrar within thirty (30) days confirming that they have received the Tribunal's decision and agree to notify the Registrar immediately if they become aware that the Registrant is not complying with the College's standards.

3. The Tribunal's decision will be published, in detail with the registrant's name, in the College's official publications, on the College's website, on the College's public register and/or on CanLII.

Costs

4. The Tribunal requires the registrant to pay the College costs in the amount of \$15,000.00 on the date of the hearing.

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BETWEEN:

College of Chiropractors of Ontario

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- and -

Vincent Ku

Registrant

**The Tribunal delivered the following Reprimand
by videoconference on Tuesday, March 24, 2026.**

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

As part of its penalty order, this Discipline panel has ordered that you be given this 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.

You practised in the employment of or in association with a business making custom orthotics. You allowed the business to advertise your involvement, including identifying you as “on staff” and as “medical advisor.” This business manufactured orthotics using a foam box, which does not comply with the College’s standards. You also failed to report the business to the College as a practice location, which you were required to do.

This misled the patients, the College and insurers. Anyone obtaining orthotics from the business, or reading or relying on its documents, would reasonably expect that the orthotics were made in accordance with the standards of the profession.

By allowing the business you were publicly associated with to manufacture orthotics casted using a foam box, you failed to meet the standards and enabled other registrants to engage in conduct that fell below those standards.

We have found that you have engaged in professional misconduct in the following ways:

1. You failed to meet the standard of practice of the profession pertaining to prescription custom foot orthoses.
2. You practised in association with a commercial business.
3. You contravened regulations under the Chiroprody Act; and
4. You engaged in conduct in the course of practising the profession that would be regarded by registrants as disgraceful, dishonourable 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 the profession and to yourself. Public confidence in this profession has been put in jeopardy.

As a registered chiropractor, you are aware of the indications of orthotic use and the benefits of properly manufactured custom orthotics to some of our most vulnerable patients as part of their management plans. In misleading patients, their insurers, and other Registrants regarding your role in the business and the legitimacy of the manufacturing process of custom orthotics, you have directly compromised patient safety and other professionals' safe and effective care to their own patients.

The panel acknowledges that you have accepted responsibility for your actions through your admission today. We emphasize, that it was your duty to take proactive measures to confirm your professional obligations as they related to your association with an orthotics manufacturer, before taking on this role.

The three-month suspension with two months remitted and this reprimand should impress upon you the seriousness of your misconduct.

The panel expects that upon return to practice, following your suspension and coursework in record-keeping, and during and beyond your period of mentorship, you will practise with the utmost attention to the profession's Standards of Practice and the prudence expected of all chiropractors.