

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

- and -

DENESH UTHAYAKUMAR

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario (the “**College**”) has referred specified allegations against you, **Denesh Uthayakumar** (Registration #210048), to the Discipline Committee for a hearing. The allegations were referred to the Discipline Committee in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*.

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 DISCIPLINE 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 THESE 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:

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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 records or other documents 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:

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 29, 2023

Nicole Zwiers, Registrar and CEO
College of Chiropodists of Ontario
180 Dundas Street West
Toronto, ON M5G 1Z8

TO: DENESH UTHAYAKUMAR

STATEMENT OF ALLEGATIONS

1. On or about February 10, 2023, Denesh Uthayakumar (the “**Member**”) was registered, in the chiropodist classification, as a member of the College.

2. It is alleged that, during the period from approximately September 2022 to April 2023, (the “**Relevant Period**”), the Member 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 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) Patient Relations; and/or

 - (b) Competence;

- (iii) paragraph 20 – signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement;
- (iv) paragraph 30 – contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, including, Ontario Regulation 830/93; and/or
- (v) 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 February 10, 2023, Denesh Uthayakumar (the “**Member**” or “**Mr. Uthayakumar**”) was registered, in the chiropodist classification, as a member of the College.
2. The Member first applied for registration with the College in or about 2021, but was denied registration at that time as he did not meet the eligibility requirements set out in sections 3(1) and 4(1) of Ontario Regulation 830/93. In particular, the Member had not successfully completed the registration examinations approved by Council.
3. Mr. Uthayakumar subsequently relocated and began practicing in Manitoba in or about March 2022, having registered with the College of Podiatrists of Manitoba (“**COPOM**”)
4. In approximately August or September 2022, Mr. Uthayakumar contacted the College again and requested information about writing the fall exams. At that time, Mr. Uthayakumar paid the re-application fee and provided updated documents to the College for registration, now applying to the College as an applicant with an out-of-province certificate.

5. Mr. Uthayakumar's application was referred by the Registrar to the Registration Committee in accordance with sections 15(1) and 15(2) of the *Health Professions Procedural Code*.
6. Mr. Uthayakumar was advised of the referral to the Registration Committee on or about September 26, 2022.
7. On or about December 22, 2022, Mr. Uthayakumar was informed of the Registration Committee's decision that any certificate of registration issued to him by the College would be subject of terms, conditions, and limitations ("**TCLs**") restricting his practice in Ontario.
8. Mr. Uthayakumar confirmed his agreement to accept the Registration Committee's proposed TCLs on or about January 9, 2023. At that time, Mr. Uthayakumar was advised that the Registration Committee would issue a final decision and the next steps required of him to complete his registration with the College.
9. On or about January 10, 2023, a complaint was filed against Mr. Uthayakumar with the COPOM by a patient relating to treatment provided by Mr. Uthayakumar in or about October and/or November 2022 ("**the Complaint**").
10. Mr. Uthayakumar was advised of the Complaint by COPOM on or about January 16, 2023

11. It was a non-exemptible registration requirement that, to be registered with the College, an applicant shall be in “good standing” in every jurisdiction where they hold an out-of-province certificate.
12. As set out in the registration requirements of Ontario Regulation 830/93, the term “good standing” means that the applicant 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.”
13. An applicant shall be deemed not to have satisfied the requirements for registration if the applicant has made a false or misleading statement or representation in their application.
14. On or about February 10, 2023, Mr. Uthayakumar completed the required steps of his registration with the College, including, among other things,
 - submitting his registration forms and declarations to the College;
 - submitting his evidence of liability insurance to the College; and,
 - paying his registration fees to the College
15. In completing his registration forms and/or subsequent to registration, the Member failed to report the Complaint, in a timely fashion and/or at all, to the College. In

particular, the Member did not disclose to the College and/or provide any response for the declarations required for his registration.

16. In addition, the Member did not submit, in a timely fashion or at all, a self-report to the College with respect to the Complaint and/or provide any details or information about the Complaint until compelled to do so by the section 75(1)(a) investigation.

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(the “College”)

- and -

DENESH UTHAYAKUMAR
(the “Member”)

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

NOTICE OF HEARING

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Chiropractors of Ontario
