

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

-and-

VINCENT KU

(the “**Registrant**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE (ICRC) of the College of Chiropractors of Ontario has referred specified allegations against **VINCENT KU** (Registration #100348) 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 \$35,000.00 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 solicitor for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
4100-66 Wellington Street West
P.O. Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
e. dmckenna@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: June 5, 2024



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

TO: VINCENT KU

STATEMENT OF ALLEGATIONS

1. Vincent Ku (the “**Registrant**”) was at all material times a registered member of the College.

2. It is alleged that during the period from approximately September 2020 to January 2024 (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 and, in particular, the College’s standards pertaining to:
 - a. Assessment and Management;
 - b. Patient Relations;
 - c. Records;
 - d. Prescription Custom Foot Orthoses; and/or
 - e. Safety and the Manufacturing of Orthotic Devices.
 - (ii) paragraph 10 – practising the profession while the member is in a conflict of interest;

- (iii) paragraph 17 – failing to keep records as required by the regulations;
- (iv) paragraph 20 – signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement;
- (v) paragraph 21 – submitting an account or charge for services that the member knows is false or misleading;
- (vi) paragraph 28 – practising in the employment of or in association with a commercial business;
- (vii) paragraph 30 – contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, including, but not limited to, Ontario Regulation 203/94, Part II (Advertising) and Part III (Records) and/or Ontario Regulation 830/93 (Registration); and/or
- (viii) 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. At all material times, the Registrant was registered with the College in the chiroprapist classification to practise chiroprapy in Ontario. The Registrant was first registered on or about May 13, 2010.
2. During the Relevant Period, the Registrant's primary practice location was reported to the College as being Oriole Physiotherapy and Rehabilitation Centre, located at 1100 Sheppard Avenue East, Unit 204, in Toronto, Ontario.
3. In addition, during the Relevant Period, the Registrant also practised at a number of secondary practice locations in and around the Toronto area, including:
 - Bodyworks Physiotherapy
 - Ortho Physio Clinic
 - Ace Physio & Decompression Centre
 - Promed Rehabilitation Centre
 - Kinatex Sports Physio
 - Physioflow Sport Injury Clinic
 - Parkside Physiotherapy & Rehabilitation Centre
 - Active Orthotics
 - PhysioActive Orthopaedic & Sports Injury
 - Ledrew Professional Sports Medicine

B. Registrar's Investigation

(i) Supreme Orthotic Lab

4. In or about July 2023, it came to the attention of the College that the Registrant was also practising at or in association with Supreme Orthotic Lab ("**Supreme**"), in the role of medical director, medical advisor and/or consultant.
5. The Registrant did not disclose to the College that Supreme was one of his practice locations.
6. Supreme is a commercial entity and it carries on business as the manufacturer of orthotics. Since approximately 2020 or 2021, Supreme's manufacturing facility has been located at 229 Lakeland Crescent in Richmond Hill, which is a residential location.
7. In his role with Supreme, the Registrant was involved in a number of activities, including developing lab documentation, verifying manufacturing techniques, and/or providing technical support to clients of the business.
8. The Registrant was paid \$500.00 a month for his role at Supreme.
9. As part of his compensation, the Registrant was aware and/or permitted Supreme to advertise the Registrant's involvement with the business, including identifying him as being "on staff" and performing the role of "medical advisor".

10. The Registrant was also aware and/or permitted Supreme to use and advertise his name and registration credentials with the College on lab documents, including on documents that were provided to clients and/or to insurance companies.
11. At all times material to the Registrant's involvement with Supreme, the Registrant was aware and/or ought to have been aware that Supreme's operations were not compliant with the College's standards.
12. Among other deficiencies, the College's investigation determined that Supreme's orthotics were constructed from the use of a foam box. In addition, the facility was not compliant and/or did not use in its manufacturing process the required safety equipment for the construction of orthotics, contrary to the College's standards.

(ii) Failure to Comply with the College's Standards

13. As part of its investigation, the College obtained copies of the Registrant's patient records, including but not limited to the patients identified in **Appendix "A"**.
14. A review of the Registrant's records revealed that, during the Relevant Period, the Registrant failed to maintain proper patient records, including but not limited to financial records, in accordance with the College's regulations and standards.
15. In addition, the Registrant's records revealed that, during the Relevant Period, the Registrant did not engage in a full scope of chiropody practice at his various clinic locations. Rather, the Registrant participated in and/or was complicit in over-prescribing orthotics – a business practice contrary to the College's standards and/or conflict of interest policy.

16. In prescribing orthotics to his patients, the Registrant failed to perform and/or document an adequate assessment of the patients and/or determine whether that the treatments were medically necessary, but nonetheless prescribed orthotics to his patients.

17. In particular, contrary to the College's standards, the Registrant failed to:
 - (a) obtain and/or document an adequate and/or current patient history;
 - (b) conduct and/or document an adequate assessment of the patient;
 - (c) obtain and/or document informed consent to treatment, including discussion with patients about the benefits and risks of various treatment options;
 - (d) determine if a different treatment plan was appropriate in the circumstances before prescribing orthotics;
 - (e) discuss with the patient and/or document the treatment plan;
 - (f) accurately document the date(s) of patient visits, the date(s) of various examinations, assessments, fittings, and/or casting, and/or the date(s) on which the orthotics were dispensed;
 - (g) document reasonable information about the examinations performed by the Registrant and/or reasonable information about clinical findings, diagnosis, and assessments by the Registrant; and/or
 - (h) provide appropriate follow-up care to patients.

18. The Registrant failed to determine and/or adequately document why or how the orthotics he prescribed to the patients were necessary for the prevention, treatment or management of a disease, disorder, or dysfunction of the foot.
19. In prescribing orthotics to his patients, the Registrant signed, issued, and/or submitted documents that contained false and/or misleading information.
20. Any further information and disclosure about the allegations against the Registrant will be provided in advance of the hearing.

Appendix "A" – Patient Records

A. ProMed Rehabilitation

A.A.
E.E.
G.M.
D.R.
T.K.

B. Active Orthotics

C.H.
A.N.
Z.S,
D.M.
M.S.

C. Oriole Physiotherapy

B.C.
M.A.
F.E.
A.K.
M.G.
M.P.
T.V.
F.H.
N.A.
S.B.
P.D.
E.A.
S.S.
Y.S.
W.I.
S.A.
A.H.
R.O.
K.M.
M.A.

D. Ortho Physio

R.H.
M.P.

E. PhysioActive

A.W.
N.I.
N.M.
J.G.
S.B.

F. PhysioFlow

K.P.
S.P.
V.S.
E.U.
M.S.
R.S.
P.A.
R.A.
J.J.
J.L
M.C.
M.Y.
M.M.
G.C.

G. Parkside Physiotherapy

K.G.
M.R.
P.S.
P.S.
R.T.
M.I.
A.B.

G. Kinatex Sports Physio

A.B.
S.W.
C.W.
D.S.
J.R.
L.R.
L.R.
E.R.
W.T.

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Lawyers for the College of
Chiropractors of Ontario