

## NOTICE OF HEARING

### ONTARIO CHIROPDISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

#### COLLEGE OF CHIROPDISTS OF ONTARIO

College

- and -

#### FRANCA MCKENZIE

Registrant

## NOTICE OF HEARING

On February 18, 2025 a panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of the registrant's professional misconduct and/or incompetence to the Tribunal.

In this proceeding, Registrant means "member" as set out in the *Regulated Health Professions Act, 1991*, the Health Professions Procedural Code (Code), the applicable health profession Act, and the regulations thereto.

### **The allegation(s) are that the registrant:**

1. Has committed an act of professional misconduct under:
  - a. Subsection 51(1)(c) of the *Health Professions Procedural Code* (the "Code"), which is Schedule II of the *Regulated Health Professions Act, 1991* (the "RHPA"), 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:
      1. Assessment and Management;
      2. Patient Relations;
      3. Records; and/or
      4. Prescription Custom Foot Orthoses;
    - ii. Paragraph 17 - failing to keep records as required by the regulations;

- 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 *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts. Specifically:
  - 1. Ontario Regulation 203/94 under the *Chiropody Act, 1991*, Part III (Records)
- 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.

**Further information about these allegations is set out below:**

- 1. The Registrant was first registered with the College as a chiropodist on or about June 23, 1984. At all material times, the Registrant was registered with the College to practise chiropody in Ontario, with the exception of the period between approximately January 24 to August 26, 2020.
- 2. Between January 1, 2020 to May 31, 2023, the Registrant practised at several clinics in the Greater Toronto Area (collectively, the “Clinics”).
- 3. Between approximately January 1, 2020 and May 31, 2023 the Registrant provided prescriptions to patients for prescription custom foot orthotics without dispensing and/or ensuring those orthotics were dispensed to the patient by a Registered Chiropodist.
- 4. Between approximately January 1, 2020 and May 31, 2023, the Registrant issued and/or one or more of the Clinics on behalf of the Registrant issued documents containing false or misleading statements including but not limited to the identity of the person or persons who prescribed or dispensed prescription custom foot orthotics and/or whether that person was a member of the College.
- 5. Between approximately January 1, 2020 and May 31, 2023, the Registrant failed to:
  - a. Perform an assessment for each patient seen in clinical practice and/or establish a management plan based on the assessment;
  - b. Keep secure and maintain all elements of patient records as required by Ontario Regulation 203/94;
  - c. Ensure the accuracy and/or legibility of patient records;

- d. Maintain custody or control over or access to patient records, including by maintaining access to patient records in a manner that ensured that an investigator, assessor, or representative of the College authorized by the RHPA has access to patient records; and/or
- e. Take reasonable steps to ensure and verify that complete and accurate patient health records were kept by one or more of the Clinics as required.

The Tribunal will hold a hearing under sections 38 to 56 of the Code, the *Statutory Powers Procedure Act*, and the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, on a date or dates to be set at a case management conference, to decide whether the registrant has committed an act or acts of professional misconduct and/or is incompetent.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal's process.

**If the registrant or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the registrant's absence and the registrant is not entitled to any further notice in the proceeding.**

If the Tribunal finds the registrant committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code.

- direct the Registrar to revoke the registrant's certificate of registration.
- direct the Registrar to suspend the registrant's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the registrant's certificate of registration for a specified or indefinite period of time.
- require the registrant to appear before the Tribunal to be reprimanded.
- require the registrant to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the registrant to reimburse the College for funding provided for that patient under the program and/or require the registrant to post security acceptable to the College to guarantee this payment.

The Tribunal may, under subsection 53.1 of the Code, require the registrant to pay all or part of the College's costs and expenses.

The Tribunal's website includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

Date: March 3, 2025

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