

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

- and -

WEIFANG ZHANG a.k.a. NICOLE ZHANG

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE (ICRC) of the College of Chiropractors of Ontario has referred specified allegations against **WEIFANG ZHANG** (Registration #170016) 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:

Debra McKenna
WEIRFOULDS LLP
4100-66 Wellington Street West
Toronto, ON M5K 1B7
t. (416) 947-5080
e. dmckenna@weirfoulds.com

The College intends to introduce as business records, under section 35 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 and financial records related to the patient care that is the subject 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: August 10, 2023

Nicole Zwiers, LL.B. LL.M.
Registrar and Chief Executive Officer
College of Chiropodists of Ontario
180 Dundas Street West
Toronto, ON M5G 1Z8

TO: WEIFANG ZHANG

STATEMENT OF ALLEGATIONS

1. Weifang Zhang (“**Ms. Zhang**” or “**Member**”) was at all material times a registered member of the College.

2. It is alleged that, during the period from approximately December 2021 to April 17, 2023 (“**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 2 – failing to meet or contravening a standard of practice of the profession) and 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 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 22 – charging a fee that is excessive in relation to the services or devices charged for;
- (vii) paragraph 28 – practising in the employment of or in association with a commercial business;
- (viii) paragraph 30 – contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts: specifically, Ontario Regulation 203/94 under the *Chiropody Act, 1991*, and, in particular, Advertising (Part II) and/or Records (Part III); and/or
- (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. Overview

1. At all times material to the allegations, the Member was registered with the College to practise chiropody in Ontario.
2. The Member was first registered with the College on or about July 12, 2017, and has practised at a number of locations in or around the Toronto area.

B. Manulife Complaint

3. On or about April 17, 2023, the College received a complaint from Manulife about the Member (the “**Complaint**”).
4. At the time of the Complaint and the events giving rise to it, the Member was practising at Comfeet Medical Supplies Inc. (“**CMSI**”), a business located at 2560 Shepard Avenue, Unit 9, in Mississauga, Ontario.
5. CMSI is principally a retail store – not a clinical practice setting where the Member could provide patients with a full scope of chiropody treatments. The Member had not reported to the College, as required, that she was practising at CMSI.
6. In addition, as described in the Complaint, Manulife had identified certain flags in relation to the Member’s practice at CMSI. Among the concerns, benefit claims

had been submitted to Manulife in 2021 and/or in 2022 for orthotics prescribed by the Member to L.G., C.G., and N.G. where the Member had used a foam box to manufacture the orthotics, contrary to the College's standards.

7. The Member's records (which had been submitted to Manulife in support of those benefit claims) also identified that a different casting technique had been used by the Member to manufacture the orthotics.
8. As a result, a Manulife investigator (using the pseudonym "Colin Baker") attended at CMSI in a covert capacity on January 28, 2023, to make inquiries.
9. On arrival at CMSI, the investigator observed a large quantity of shoes on display in the main area of the store. On that day, there were two employees working at CMSI, in addition to the Member.
10. The investigator spoke to one of the employees, who obtained some personal information from him. At that time, the investigator was informed that he would be required to see the Member first and then pay half of the price of the orthotics before choosing a complimentary pair of shoes.
11. The shoes selected by the investigator could be priced up to \$250.00.

12. The investigator was then taken into a backroom of CMSI, which was essentially a storage area for the facility, where he met with the Member. The investigator observed a large volume of shoe boxes in the storage area.
13. While in the storage area, the Member conducted an assessment and examined the investigator's feet. However, among other steps, the Member did not conduct a gait analysis before prescribing orthotics to the investigator, as was required.
14. The Member then took an impression of the investigator's feet with the use of a foam box.
15. After the assessment, the investigator returned to the front area of the store and paid a deposit of \$200.00 for the orthotics. After looking at the shoes on display, the investigator chose a pair of Reiker shoes, which were priced at \$200.00.
16. The investigator was also provided with a store credit for \$50.00 for future use.
17. On February 9, 2023, the investigator returned to CMSI. After paying the \$300.00 balance owing for the orthotics, the orthotics were simply handed to him by the same employee who he had spoken to on his initial visit – identified at that time as Tanya Khrystenko.
18. Ms. Khrystenko is one of the owners of CMSI and not a member of the College.

19. The orthotics were not fitted or dispensed by the Member or any member of the College. Additionally, the investigator was never contacted by the Member for any follow-up in relation to the orthotics or for any other follow-up treatment.

C. Summary of the Allegations

20. In prescribing the orthotics to the investigator, the Member did not conduct and/or document in the patient records an adequate assessment in accordance with the College's standards. In particular, the Member failed:
 - (a) to conduct an adequate assessment;
 - (b) to determine if a different treatment was appropriate in the circumstances to address the patient's concerns before prescribing orthotics;
 - (c) to fit and dispense the orthotics to the patient and ensure that the devices matched the prescription and matched the contours of the patient's foot;
and/or
 - (d) to provide appropriate follow-up care to the patient.
21. The Member failed to maintain records in accordance with the regulations and the College's standards.

22. In prescribing the orthotics to the investigator, the Member signed, issued and/or submitted documents that were false and/or misleading.
23. In prescribing orthotics to patients, the Member participated and/or was complicit in the practice of over-prescribing and/or providing incentives to patients (in the form of free shoes) who purchased orthotics from CMSI – business practices that are contrary to the College’s regulations and/or the College’s standards.
24. Such conduct by the Member also constituted a conflict of interest.
25. The records created, issued, and/or signed by the Member and provided to the patient and/or to Manulife to support the benefit claims for the orthotics also failed to disclose that patients had received shoes with the purchase of their orthotics.
26. Additional information and disclosure about the allegations against the Member will be provided in advance of the hearing.

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WEIFANG ZHANG a.k.a. NICOLE ZHANG

(the “Member”)

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WEIRFOULDS LLP

Barristers & Solicitors
Suite 4100-66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K1B7

Debra McKenna

t. (416) 947-5080

e. dmckenna@weirfoulds.com

Lawyers for the College of
Chiropractors of Ontario
