

ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

Citation: *College of Chiropractors of Ontario v. Procope*, 2026 ONCPDT 2

Date: January 12, 2026

Tribunal File No.: 24-009-CP

BETWEEN:

College of Chiropractors of Ontario

College

- and -

Maxine Lyda Procope

Registrant

FINDING AND PENALTY REASONS

Heard: November 18, 2025

Panel:

David A. Wright (Chair)

Itraf Ahmad (public)

Murtuza Najmudin (chiropractor)

Appearances:

Amy Block, for the College

Maxine Procope, self-represented

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.

The Ontario Chiropractors and Podiatrists Discipline Tribunal is the Discipline Committee established under the Health Professions Procedural Code.

Introduction

[1] The registrant, Ms. Procope, has been registered to practise chiropody for over 38 years. A 2024 review of ten randomly selected patient records showed that she prescribed orthotics without adequately assessing the patients, ensuring orthotics were the appropriate treatment, obtaining informed consent, or maintaining proper records. The College's expectations of registrants when prescribing orthotics are clearly set out in written standards, notably the Prescription Custom Foot Orthoses standard. Ms. Procope departed from those standards in many ways. She also refused to provide a patient or his insurance company with his clinical records. She was rude and discourteous on a phone call with him and an insurance company representative about the clinical records.

[2] Ms. Procope admitted the allegations. She has also agreed to resign her certificate of registration and never reapply to practise chiropody or podiatry in any jurisdiction. The parties made a joint submission that the penalty should be only a reprimand, and the order should include costs of \$10,000. We accepted the joint submission at the hearing.

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

Findings

Patient A

[4] Patient A saw Ms. Procope about pain in his foot. He was insured for chiropody services by SunLife Assurance Company of Canada and understood that the fee for service would be reimbursed by his insurer. The registrant saw Patient A on April 4, 2023, for approximately 15 minutes.

[5] Ms. Procope advised Patient A that he required orthotics. He was charged \$100 for the initial assessment. He paid the fee and was provided a receipt to submit to his insurance company.

[6] Patient A then submitted the claim to SunLife. At that time, he learned that in 2016, SunLife had delisted the registrant as a provider, meaning SunLife did not cover costs for services provided by the registrant. Accordingly, SunLife refused Patient A's request for reimbursement.

[7] Patient A was distressed to learn that the registrant had been delisted and that neither clinic staff nor the registrant told him this before he agreed to the initial assessment. According to the agreed statement of facts, if Ms. Procope were to testify, she would state that her administrative staff advise SunLife clients (if known) that the registrant is not listed with SunLife. It is not disputed that, in this case, Patient A was not advised that SunLife had delisted the registrant.

[8] Patient A followed up with SunLife seeking an exception. SunLife agreed to make an exception to reimburse Patient A but required a copy of the treatment details from the registrant.

[9] To assist Patient A in obtaining his clinical record, the SunLife representative contacted Ms. Procope by phone together with Patient A. During the phone call with SunLife and Patient A, the registrant engaged in unprofessional and inappropriate conduct by refusing to provide the records to SunLife and threatening Patient A with legal action.

[10] The registrant's conduct with Patient A was rude and discourteous. Moreover, since Patient A was authorizing the release of the records to SunLife, there was no basis for the registrant to refuse to provide them.

[11] According to the agreed statement of facts, if Ms. Procope were to testify, she would state that she was suspicious as to whether the call was legitimate. She nonetheless acknowledges that her conduct was rude and discourteous and that she had no reasonable cause to fail to provide Patient A his treatment records.

[12] In light of the unusual circumstances of the case, as Patient A was unable to obtain the treatment record in the face of the registrant's refusal, SunLife agreed to reimburse Patient A for the costs of the registrant's assessment. SunLife's records noted that Patient A "has gone through a traumatizing experience with the [Registrant]."

[13] Ms. Procope admitted, and we found, that by failing to provide the records on request, she committed misconduct pursuant to para. 19 of s. 1 of Ontario Regulation 750/93 made under the *Chiropractic Act, 1991*, SO 1991, c. 20 (Professional Misconduct Regulation):

Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member,

within a reasonable time, to the patient or his or her authorized representative after a patient or his or her authorized representative has requested such a report or certificate.

[14] The rude and discourteous conduct of the telephone call and threat of legal action against her patient were highly inappropriate and would be regarded by registrants as disgraceful, dishonourable or unprofessional (para. 33 of s. 1 of the Professional Misconduct Regulation).

Orthotics Prescribing and Record Keeping

[15] Ms. Procope had advised Patient A that he required orthotics. However, the patient record failed to record all pertinent information gathered from Patient A's history, and failed to complete and record a differential diagnosis as well as treatment plan and anticipated prognosis.

[16] These deficiencies led the registrar to commence an investigation into the registrant's orthotics prescribing practices. The College's investigator was asked to randomly select ten patient records for patients seen by the registrant within the prior six months. In seven of those cases, she prescribed orthotics. Her care did not meet the College's standards. As in too many cases that come before this Tribunal, the registrant did not determine and document why orthotics were the appropriate treatment, obtain informed consent, consider other treatments, or keep proper records. The expectations of chiropodists and podiatrists are clearly established and documented in the Prescription Custom Foot Orthoses Standard, and the Standard of Practice on Assessment and Management.

[17] As stated in *College of Chiropodists of Ontario v. Chan*, 2025 ONCPDT 5 at para. 5:

When a member of the public seeks treatment from a chiropodist, they expect the expertise of a well-trained, regulated health professional whose scope of practice is "the assessment of the foot and the treatment and prevention of diseases, disorders or dysfunctions of the foot by therapeutic, orthotic or palliative means": *Chiropody Act, 1991*, SO 1991, c. 20, s. 4. When they identify themselves as registrants of this College, chiropodists and podiatrists are representing that they are applying their training, expertise, and the College's practice standards. Those standards are clear in relation to orthotic prescriptions. In a nutshell, before prescribing orthotics, the chiropodist must conduct a complete

assessment that includes specific components, consider and advise the patient about other treatment options, ensure that orthotics are the right treatment for the patient's condition and make and retain detailed records.

[18] Ms. Procope did not perform or document an adequate assessment of the seven orthotics patients. She also overprescribed orthotics. She failed to:

- document the medical necessity for the orthotics;
- perform and record a differential diagnosis, treatment plan and anticipated prognosis;
- record pertinent clinical findings to support the recommended treatment plan;
- obtain proper informed consent, because inadequate assessments were conducted and the patients did not have necessary information to make an informed decision;
- perform and/or document discussions with the patients about the risks and benefits of various treatment options;
- document why orthotic treatment was medically necessary for the patient and required for the treatment or prevention of disease, disorder or dysfunction of the foot;
- document the therapeutic goal of the orthotic device and how the efficacy of the intervention would be assessed;
- maintain evidence of prescription or scans necessary for proper and appropriate orthotic prescribing;
- fit and dispense orthotics to ensure and/or document the devices dispensed matched the prescription and/or matched contours of the patient's foot; or
- offer follow-up care.

[19] The registrant also charged patients different fees for the same treatment without any notation or documentation in the patient chart that would explain why certain patients and/or insurers were charged more.

[20] The registrant admitted, and we found, that these actions support the core allegations: contravening standards of practice of the profession and failing to keep proper records. We made the following formal findings of misconduct under s. 1 of the Professional Misconduct Regulation:

- Failing to meet or contravening standards of practice of the profession: notably those on Assessment and Management, Prescription Custom Foot Orthoses, and Records (para. 1);
- Failing to keep records as required by the regulations (para. 17);

[21] The same actions can form the basis for findings under more than one head or category of misconduct. The parties agreed that in her orthotics prescribing Ms. Procope also:

- practised the profession while in a conflict of interest (para. 10 of s. 1 of the Professional Misconduct Regulation), because she preferred her own financial interests in dispensing orthotics;
- signed or issued a document that contains a false or misleading statement (para. 20), because she issued accounts that were not based on a complete assessment: see *College of Chiropodists of Ontario v. MacMull*, 2023 ONCOCO 3;
- charged excessive fees (para. 22), because she did not conduct or document an adequate assessment (also see *MacMull*);
- contravened the regulations under the *Chiropody Act* (para. 30) by failing to keep records in the manner required; and
- engaged in conduct that would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional (para. 33).

Penalty

[22] Ms. Procope agreed, through an undertaking, to resign and never reapply to this College or to practise chiropody or podiatry in any other jurisdiction. The parties' joint submission was for a reprimand and costs only.

[23] This type of resolution, which is common in the health professions, allows a registrant to decide, with the agreement of the College, that rather than a suspension/revocation and/or remediation, they will leave the profession. From the College's point of view, the public is protected more strongly than any order that the Tribunal could make, since it cannot prohibit a registrant from applying for reinstatement under s. 72 of the Code. The process is transparent and the College is compensated for the costs of the hearing.

[24] The Tribunal can only reject a joint submission if it would bring the administration of the professional discipline system into disrepute: *Bradley v. Ontario College of Teachers*, 2021 ONSC 2023 (Div. Ct.). The parties' agreement is clearly appropriate.

Order

[25] We made the following order:

Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded, and the fact and nature of the reprimand shall be recorded on the College's public register for an unlimited period of time.
2. The Tribunal directs that the finding, the undertaking to permanently resign, and the penalty of the Discipline Tribunal, shall be published, with the Registrant's name, online and/or in print, including but not limited to, in the official publications of the College, on the College's public register, and posted to CanLII.

Costs

3. The Tribunal requires the registrant to pay the College costs in

the amount of \$29,000 within seven (7) days of the date of this order.

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BETWEEN:

College of Chiropractors of Ontario

College

- and -

Maxine Lyda Procope

Registrant

**The Tribunal delivered the following Reprimand
by videoconference on Tuesday, November 18, 2025.**

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

Ms. Procope,

We, the discipline panel, have ordered that you to be given an oral reprimand. This reprimand will be part of the public portion of the Register, and, as such, part of your record with the College.

This matter stems from a patient complaint about your failure to provide an insurer with the records needed to support their benefits claim, despite being asked to supply them.

The subsequent Registrar's investigation revealed additional and significant deficiencies in your record-keeping and orthotics prescribing practices. It showed inadequate patient assessments, failure to maintain evidence of prescriptions or required scans, and no clear justification for medical necessity. Your failure to consider, discuss, or document alternative treatment options resulted in the overprescribing or overuse of specific treatments, contrary to the College's standards and conflict of interest policy. You also failed to take the requisite care to ensure that the orthotics you dispensed reflected your prescription and the contours of the patient's foot, and you did not provide follow-up care.

We have determined that you engaged in professional misconduct in multiple ways, as follows:

- Contravening the Chiroprody Act, 1991, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts;
- Failing to meet the standards of practice of the profession, specifically pertaining to Assessment and Management, Patient Relations, Records, and Prescription Custom Foot Orthoses;
- Practising the profession while in a conflict of interest;
- Failing to keep records as required by the regulations;

- Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment you performed, within a reasonable time, to Patient A or their authorized representative after their request for the report;
- Signing or issuing a document that contained a false or misleading statement;
- Submitting an account or charge for services known to be false or misleading;
- Charging a fee that is excessive in relation to the services or devices charged for; and
- Engaging in conduct that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional by other members of the profession.

The fact that you engaged in professional misconduct is a matter of profound concern. You have brought discredit to the entire chiropody and podiatry profession and to yourself. Public confidence in the profession has been put in jeopardy because of your actions.

It is essential that all registrants fulfill their legal and professional obligations in a diligent and transparent manner. Doing so is crucial to maintaining public confidence in the profession. Your conduct in this matter compromised both patient trust and the profession's relationship with insurers. Your actions in responding to the insurer's request were unprofessional, and your broad deficiencies in orthotics prescribing created risks of inappropriate treatment and fell well below the standards expected of you as a regulated professional.

We recognize that you have taken responsibility by admitting this misconduct. Further, you voluntarily signed an undertaking with the College to resign your membership and not reapply in any jurisdiction. This means you will no longer engage in the practice of chiropody or podiatry in Ontario or elsewhere.

Our penalty of an oral reprimand provides an opportunity to further impress upon you the seriousness of your misconduct and to signal to the profession more broadly that misconduct of this nature will be taken with the utmost seriousness. You are also ordered to pay costs to the College in the amount of \$29,000 within seven (7) days.

This order, together with your undertaking, is in the public interest and helps maintain public confidence in the profession.