

DISCIPLINE COMMITTEE OF THE COLLEGE OF CHIROPODISTS OF ONTARIO

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

IN THE MATTER OF a Hearing directed
by the Inquiries, Complaints and Reports Committee of
the College of Chiropractors of Ontario
pursuant to Section 26(1) of the *Health Professions Procedural Code*
being Schedule 2 of the *Regulated Health Professions Act, 1991*,
S.O. 1991, c. 18, as amended.

BETWEEN:

COLLEGE OF CHIROPODISTS OF ONTARIO

-and-

BOWAN PERSAUD SANCHARRA

PANEL MEMBERS:

Eliot To	Chair, Professional Member
Chad Bezaire	Professional Member
Jim Daley	Public Member

COUNSEL FOR THE COLLEGE: Amy Block

**REPRESENTATIVE FOR THE
REGISTRANT:** Self-Represented

**INDEPENDENT LEGAL
COUNSEL:** Luisa Ritacca

Hearing Date: June 26, 2024

Decision Date: June 26, 2024

Release of Written Reasons: July 2, 2024

DECISION AND REASONS

1. This matter came on for hearing before a panel of the Discipline Committee on June 26, 2024. With the consent of the parties, this matter was heard electronically.

Publication Ban

2. At the outset of the hearing, the College sought an order banning the broadcast or publication of any information that would identify the patients referred to in the proceeding. The Registrant did not oppose the request.
3. In the circumstances, the Panel was satisfied that a limited order banning the broadcasting and publication of the names or anything that could identify the names of patients referred to during the hearing, including in any documents filed was appropriate and made the order accordingly.

The Allegations

4. The allegations made against the Member were set out in a Notice of Hearing, dated February 20, 2024. The Notice of Hearing can be found at Tab 1 of Exhibit 1 and the allegations are as follows:
 1. At all material times, Bowan Persaud Sancharra ("**Mr. Sancharra**" or "**Member**") was a registered member of the College of Chiropractors of Ontario (the "**College**").
 2. During the period from approximately September 2022 to January 2023, the "**Relevant Period**"), the Member engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 750/93 under the *Chiropractic Act, 1991*:

PARTICULARS OF THE ALLEGATIONS

A. Background

1. On or about October 12, 2005, Bowan Persaud Sancharra (the "**Registrant**") was registered, in the chiropractor classification, as a member of the College.
2. It is alleged that, during the period from approximately September 2022 to January 2023, (the "**Relevant Period**"), the Registrant engaged in conduct that constitutes professional misconduct pursuant to the following:

- a. Clause 51(1)(b.0.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, in failing to cooperate with the Quality Assurance Committee or any assessor appointed by that committee;
- b. 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 Patient Relations;
 - iii. paragraph 30 – contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and/or
 - iv. 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

3. On or about October 12, 2005, Bowan Persaud Sancharra (the “**Registrant**”) was registered, in the chiropodist classification, as a member of the College.
4. During the period from approximately September 2022 to January 2023 (the “**Relevant Period**”), the Registrant was practising chiropody at a number of clinics located in the Toronto area, including:
 - Grantown Foot Clinic
 - LMC Diabetes and Endocrinology Ltd.
 - Nuri Medics Inc.
 - Steps N Strides
 - DK Rehab and Home Health Care Inc.
 - Gravity Ltd.
 - Best Medhealth Group Inc.
5. At the direction of the Quality Assurance Committee (“**QAC**”), the Registrant underwent a practice assessment on or about September 7, 2022.

6. Subsequently, on or about September 16, 2022, the Registrant was notified by the College that, as a result of the practice assessment, the QAC would be proposing terms, conditions, and limitations ("**TCLs**") restricting the Registrant's certificate of registration. At that time, the Registrant was requested by the QAC, via College staff, to provide an undertaking to cease all patient care pending finalization of the TCLs.
7. The Registrant provided an undertaking to the QAC, via email, on September 21, 2022, confirming that he had ceased all patient care that required the use of sterile equipment (the "**Undertaking**").
8. On or about October 20, 2022, the QAC met and made a decision to impose TCLs restricting the Registrant's certificate of registration (the "**QAC Decision**"). The QAC Decision was finalized on November 4, 2022, and it set out the following TCLs:
 9. The Registrant would not perform any procedures within the scope of practice of a Chiropodist, as defined in the *Chiropody Act* (the "**Act**") and regulations that required the use of sterile instruments until such time as the Registrant provided proof satisfactory to the QAC that,
 10. appropriate sterilization processes have been established by the Registrant in accordance with the College's Infection Prevention and Control standard; and the Registrant was competent to conduct appropriate sterilization processes in accordance with the College's Infection Prevention and Control standard.
 - The Registrant would not perform any procedures within the scope of practice of a Chiropodist, as defined in the *Act* and regulations until such time as the Registrant provided proof satisfactory to the QAC that a record keeping system has been established that complied with the College's Record Keeping standard, including but not limited to, proof that consent was being obtained from patients for all procedures.
 - The Registrant would not perform any procedures within the scope of practice of a Chiropodist, as defined in the *Act* and regulations, until such time as the Registrant provides proof satisfactory to the QAC that emergency procedures had been established.
11. The Registrant was advised of the QAC Decision on December 20, 2022.
12. However, notwithstanding the Undertaking and the subsequent QAC Decision, the Registrant practised chiropody uninterrupted and without regard to the

restrictions on his practice during the period from approximately September and/or October 2022 to January 20, 2023.

13. In particular, in or about January 2023, staff at LMC Diabetes and Endocrinology Ltd. ("**LMC**"), where the Registrant was practising, became aware that he had been delisted by SunLife when a benefits claim for one of its patients had been denied coverage.
14. The Registrant had been practising at LMC since September 2022 and had not disclosed to LMC that he had been delisted. Upon checking the College's online register, staff at LMC also learned that the Registrant was not eligible to practise.
15. On or about January 20, 2023, LMC staff contacted the College to advise that the Registrant was practising in violation of his TCLs.
16. During the Relevant Period, the Registrant practised chiropody and provided patient care, including chiropody treatments requiring sterile instruments, contrary to the Undertaking, the QAC Decision and/or the TCLs imposed on the Registrant's certificate of registration.
17. The Registrant's conduct during the Relevant Period constituted professional misconduct as outlined in the Statement of Allegations above.
18. Additional information and disclosure about the allegations against the Registrant will be provided in advance of the hearing.

Registrant's Plea

5. The Registrant admitted that he engaged in professional misconduct as described in the Notice of Hearing, as set out above.
6. The Panel conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed, and unequivocal.

Agreed Statement of Facts

7. The evidence at the hearing proceeded by way of agreement. The parties tendered an Agreed Statement of Facts which can be found at Tab 2 of Exhibit 1. The material portions of the Agreed Statement of facts provide as follows:

A. Background

1. On or about October 12, 2005, the Registrant was registered as a member of the College in the chiroprapist classification.
2. During the period from approximately September 2022 to January 2023 (the "**Relevant Period**"), the Registrant was practising chiroprapy at a number of clinics located in the Toronto area, including:
 - Grantown Foot Clinic
 - LMC Diabetes and Endocrinology Ltd.
 - Nuri Medics Inc.
 - Steps N Strides
 - DK Rehab and Home Health Care Inc.

B. Voluntary Undertaking given by the Registrant

3. At the direction of the Quality Assurance Committee ("**QAC**"), the Registrant underwent a practice assessment on or about September 7, 2022.
4. Subsequently, on or about September 16, 2022, the Registrant was notified by the College that, as a result of the practice assessment, the QAC would be proposing terms, conditions, and limitations ("**TCLs**") restricting the Registrant's certificate of registration. At that time, the Registrant was requested by the QAC, via College Staff, to provide an undertaking to cease all patient care pending finalization of the TCLs.
5. On September 21, 2022, the Registrant provided an undertaking to the QAC, via email, confirming he agreed to cease all patient care that required the use of sterile equipment (the "**Undertaking**"). The Registrant understood and acknowledged that the Undertaking constituted TCLs on his certificate of registration.

C. Request for Release from Undertaking

6. On September 28, 2022, the Registrant sought permission from the QAC, via College Staff, to be released from the Undertaking and be permitted to resume treating patients that required the use of sterile instruments.
7. On October 4, 2022, College Staff advised the Registrant that he was required to make a formal request, with supporting documentation, to the QAC, which would make the decision as to whether the Registrant could be released from his Undertaking.

8. At **no** time did the QAC release the Registrant from his Undertaking or inform the Registrant that he was permitted to resume treating patients that required the use of sterile instruments.

D. QAC Decision and Order Imposing Terms, Condition and Limitations

9. On November 4, 2022, following review of materials provided by the Registrant, the QAC imposed the following TCLs restricting the Registrant's certificate of registration (the "**QAC Decision and Order**"):
 - The Registrant is prohibited from performing any procedures within the scope of practice of a Chiropodist, as defined in the *Chiropody Act* (the "**Act**") and regulations that required the use of sterile instruments until such time as the Registrant provided proof satisfactory to the QAC that:
 - a. appropriate sterilization processes have been established by the Registrant in accordance with the College's Infection Prevention and Control standard; and
 - b. the Registrant is competent to conduct appropriate sterilization processes in accordance with the College's Infection Prevention and Control ("**IPAC**") standard.
 - The Registrant is prohibited from performing any procedures within the scope of practice of a Chiropodist, as defined in the *Act* and regulations until such time as the Registrant provided proof satisfactory to the QAC that a record keeping system has been established that complied with the College's Record Keeping standard, including but not limited to, proof that consent was being obtained from patients for all procedures.
 - The Registrant is prohibited from performing any procedures within the scope of practice of a Chiropodist, as defined in the *Act* and regulations, until such time as the Registrant provides proof satisfactory to the QAC that emergency procedures had been established.
10. The Registrant was provided with the QAC Decision and Order on December 20, 2022.
11. At all material times, including during the Relevant Period, the Registrant was obligated to co-operate with the Quality Assurance Program including complying with the Undertaking provided to the Quality Assurance Program and complying with decisions and orders of the QAC.

E. Breach of Terms, Conditions and Limitations

12. Notwithstanding the Undertaking and the subsequent QAC Decision and Order, the Registrant practised chiropody uninterrupted and without regard to the restrictions on his practice during the period from approximately September 16, 2022 to January 20, 2023.
13. In particular, in or about January 2023, staff at LMC Diabetes and Endocrinology Ltd. ("LMC"), where the Registrant was practising, became aware that he had been delisted by SunLife when a benefits claim for one of LMC's patients had been denied coverage.
14. The Registrant had been practising at LMC since September 2022 and had not disclosed to LMC that he had been delisted. Upon checking the College's online register in or about January 2023, staff at LMC also learned that the Registrant was not eligible to practise by virtue of the TCLs imposed on his certificate of registration.
15. On or about January 20, 2023, LMC staff contacted the College to advise that the Registrant was practising in violation of his TCLs.
16. During the Relevant Period, the Registrant practised chiropody and provided patient care, including chiropody treatments requiring sterile instruments, contrary to the Undertaking, the QAC Decision and Order and the TCLs imposed on the Registrant's certificate of registration, including:
 - a. Between September 21, 2022 and January 20, 2023, the Registrant continued to perform procedures within the scope of practice of a chiropodist including treating patients requiring the use of sterile instruments at LMC Clinic and on house calls;
 - b. Between December 20, 2022 and December 31, 2023, the Registrant performed procedures within the scope of chiropodist, including by dispensing orthotics, at the following locations: Nuri Medics, Steps N. Strides, DK Rehab and Health Care and Grantown Clinic.
17. The Registrant breached his Undertaking and the QAC Decision and Order including by, but not limited to, providing the following services:

DATE	CLINIC	PATIENT	PROCEDURE
Nov. 2, 2022	LMC	Patient A	In-grown toe nail treatment; breach of Undertaking

Dec. 5, 2022	LMC	Patient B	Diabetes nail treatment; breach of Undertaking
Dec. 9, 2022	LMC	Patient C	Diabetes nail treatment; breach of Undertaking
Dec. 9, 2022	LMC	Patient D	Wound care; breach of Undertaking
Dec.16. 2022	LMC	Patient E	Plantar wart treatment; breach of Undertaking
Dec.19, 2022	LMC	Patient F	Partial nail treatment; breach of Undertaking

Dec. 31, 2022	Steps N Strides	Patient G Patient H Patient I Patient J Patient K Patient L	Dispensing Orthotics
Dec. 31, 2022	Grantown Foot Clinic	Patient M Patient N	Dispensing Orthotics
Jan. 6, 2023	LMC	Patient O Patient P Patient Q Patient R	Various; Breach of QAC Order
Jan. 9, 2023	LMC	Patient S	Various; Breach of QAC Order
Jan. 16, 2023	LMC	Patient T Patient U	Various; Breach of QAC Order

F. Summary of the Allegations and Admissions

18. The Registrant admits that between September 21, 2022 and January 20, 2023, he breached the Undertaking, contravened the TCLs on his certificate of registration imposed by the Quality Assurance Committee and contravened the QAC Decision and Order.
19. The Patient Relations standard of the College, attached as Exhibit "A" is one

of the written standards of practice of the profession in effect during the Relevant Period.

20. Based on the facts set out above, the Registrant admits that he committed acts of professional misconduct under:
 - a. Clause 51(1)(b.0.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, in failing to cooperate with the Quality Assurance Committee or any assessor appointed by that committee;
 - b. 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 *Chiropractic 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 Patient Relations;
 - (iii) paragraph 30 – contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and/or
 - (iv) 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.

Decision and Reasons

10. Based on the Registrant’s admissions as set out in the Agreed Statement of Facts, the panel was satisfied that the Registrant engaged in professional misconduct as alleged.
11. The Registrant’s failure to abide by his undertaking and later the QAC’s imposition of terms, conditions and limitations were clear violations of his obligations and amounted to professional misconduct. The Registrant continued to practice throughout the fall of 2022 and into the early part of 2023, despite being instructed not to.
12. The Registrant failed to inform his employer of this undertaking and the QAC’s direction. This put the employer and their patients at risk. The panel was satisfied

that the Registrant's disregard for the restrictions placed on his certificate at the request of the QAC amounted to conduct which would reasonably be regarded by others as disgraceful, dishonourable or unprofessional.

13. It is a privilege to be a member of a regulated health profession. With such privilege, comes responsibility. A fundamental responsibility is to fully cooperate with and abide by directions provided by the College. Failure to do so, erodes the public's trust in the College's ability to safely and fairly regulate its members.

Joint Submission on Penalty and Costs

14. The Panel received and considered a Joint Submission on Penalty and Costs from the parties (the "**Joint Submission**") which sought the following:
 1. An oral reprimand;
 2. An order suspending the Registrant's certification of registration for a period of nine (9) months – two months of which will be remitted upon the Registrant successfully completing the ProBE ethics course as set out in 3(a) below.¹ The suspension of the Registrant's certificate of registration shall commence at such time as the Quality Assurance Committee has removed the terms, conditions and limitations imposed by it on the Registrant's certificate of registration;
 3. An order imposing terms, conditions and limitations on the Registrant's certificate of registration requiring the following:
 - (a) Prior to returning to practice, the Registrant shall successfully complete the ProBE ethics course at his own expense and provide documentary evidence of his completion to the satisfaction of the Registrar;
 - (b) For greater certainty, the Registrant is required to successfully complete the ProBE ethics course regardless of whether the two months of his suspension are remitted, and the Registrant will not be permitted to return to practice until he does complete the course.
 4. In the event that the Registrant obtains employment to provide chiropody services during the eighteen (18) months following the date that the

¹ The Registrant is bound by and shall comply with the College's Guideline for Suspension approved by Council on February 25, 2022 as may be amended from time to time.

Registrant is able to return to practise after his suspension, the Registrant shall:

- i. notify any current or new employers of the Discipline Committee's final decision;
 - ii. ensure the Registrar is notified of the name, address, and telephone number of all employer(s) within fifteen (15) days of commencing employment;
 - iii. provide his employer(s) with a copy of:
 - the Discipline Committee's Order;
 - the Notice of Hearing;
 - the Agreed Statement of Facts;
 - the Joint Submission on Penalty;
 - a copy of the Discipline Committee's decision; and
 - have his employer forward a report to the Registrar within fifteen (15) days of commencing employment confirming that the employer has received the documents noted above and agrees to notify the Registrar immediately upon receipt of any information that the Registrant is not complying with the College's standards.
5. An order that the Discipline Committee's decision be published, in detail, with the Registrant's name, in the College's official publications, on the College's website, and/or on the College's public register.
 6. An order that the Registrant shall pay costs to the College in the amount of \$15,000 in accordance with the following schedule:
 - (a) \$5000.00 due the date of this Order;
 - (b) \$5000.00 due the first day of the third month after the date of this Order;
 - (c) \$5000.00 due the first day of the sixth month after the date of this Order.
 7. The College and the Registrant agree that, if the Discipline Committee accepts this Joint Submission as to Penalty and Costs, there will be no appeal or judicial review of the decision to any forum.

Decision and Reasons for Penalty and Costs

- 15. The Panel reviewed the Joint Submission and received submissions from counsel. The Panel accepted the Joint Submission and made an order consistent with its terms before the conclusion of the hearing.
- 16. The Panel is satisfied that the terms contained in the Joint Submission are reasonable, proportionate, and will maintain public confidence in Discipline Committee.
- 17. The Panel was also satisfied that the costs sought were appropriate and proportionate.
- 18. The Panel was particularly concerned with the fact that the Registrant blatantly ignored the terms, conditions, and limitations imposed on his practice. In doing so, the Registrant could have put his patients at risk. In coming to the decision, the Panel considered the fact that the Registrant admitted to misconduct and was cooperative in working with the College counsel to resolve this matter without contest. The Panel also considered similar case law established by this College. The decision and penalty will serve as a specific and general deterrence and ensure that the public interest is protected.
- 19. At the conclusion of the hearing, having confirmed that the Member waived any right to appeal, the Panel delivered an oral reprimand on the record. A copy of the reprimand is attached to the end of these reasons.

I, Eliot To, sign this decision and reasons as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:



July 2, 2024

Eliot To, Chairperson

Date:

Panel Members:

Chad Bezaire
Jim Daley

Professional Member
Public Member

COLLEGE OF CHIROPODISTS OF ONTARIO v. BOWAN PERSAUD SANCHARRA

REPRIMAND

As part of its penalty order this Discipline panel has ordered that you be given a reprimand.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

The panel has found that you have engaged in professional misconduct in several ways, including but not limited to:

1. You failed to cooperate with the College's Quality Assurance Committee
2. You contravened a term, condition, or limitation imposed on the member's certificate of registration.
3. You failed to meet the standards of practice of the profession, particularly the College's standards pertaining to Patient Relations.
4. You contravened Regulation 203/94 under the Chiroprody Act, 1991, and, in particular, the regulations involving Records.
5. You engaged in conduct in the course of practising the profession that would be regarded by members as disgraceful, dishonourable or unprofessional.

It is a matter of profound concern to this panel that you have engaged in these forms of professional misconduct. By doing so, you have brought discredit to the profession and to yourself. Public confidence in this profession has been put in jeopardy.

Moreover, the result of your misconduct is that you have let down the public, the chiroprody profession, and yourself.

We need to make it clear to you that your conduct is unacceptable.

Of special concern to us is the fact that the professional misconduct in which you engaged involved failure to adhere to an undertaking you gave to the QA Committee and a failure to abide by an order of that same Committee. It is a basic requirement of being a registered health professional that you adhere to your professional obligations and abide by orders imposed by the College and its committees. Having failed to do so here, you could have put your patients at risk. While there is no suggestion that any patient harm came about as a result of your actions, it is of concern to us that the QA assessor identified issues which you appeared to ignore.

It is necessary for us to use this reprimand as an opportunity to impress upon you the seriousness of your misconduct.