

## ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

**Citation:** *College of Chiropractors of Ontario v. Scotti*, 2026 ONCPDT 3

**Date:** April 7, 2026

**Tribunal File No.:** 24-003-CP

### **BETWEEN:**

College of Chiropractors of Ontario

**College**

- and -

Paul Anthony Scotti

**Registrant**

### **FINDING AND PENALTY REASONS**

**Heard:** March 16, 2026

#### **Panel:**

David A. Wright (Tribunal Chair)

Chad McCleave (public)

Jessica Tsung (chiropractor)

#### **Appearances:**

Debra McKenna, for the College

Lisa Spiegel and Nabil Dawood, for the registrant

#### **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.

## **Introduction**

[1] The registrant, Paul Scotti, committed professional misconduct in four ways in his treatment of a patient. First, his records were insufficient. Second, his invoices were misleading: one indicated that he used “3D plaster casting” when in fact he used a foam box and the other indicated that orthotics were manufactured by an “independent” lab, when he owned the lab that made them. Third, the use of a foam box for casting is contrary to the College’s standards. Fourth, when dispensing the orthotics, the registrant failed to provide adequate break-in instructions and advice about follow-up.

[2] Mr. Scotti admitted misconduct and the parties made a joint submission on penalty: a reprimand, five-month suspension, requirement to take record-keeping and ethics courses, and supervision of his practice by a mentor. They also agreed on costs of \$35,000. Applying the required test, we found that the joint submission would not bring the administration of justice into disrepute and made the requested order.

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

## **Facts**

[4] The registrant saw the patient in mid-2023. He diagnosed her with plantar fasciitis and recommended and prescribed orthotics.

[5] The invoice for the visit itemized the following services:

- biomechanical assessment
- detailed gait analysis
- functional assimilation testing
- 3D plaster casting

[6] The patient records do not include any notes about patient history or the registrant conducting a proper assessment. There are no notes of any biomechanical assessment or gait analysis. If the registrant were to testify, he would say that despite not having charted it, he performed both the biomechanical assessment and the gait analysis.

[7] The registrant's invoice was misleading insofar as it indicated that he had used "3D plaster casting" to fabricate the orthotics. Although the registrant uses 3D plaster in the manufacturing of orthotics, the casting of the patient's foot was done using a foam box, a technique he no longer uses.

[8] Foam boxes are not an acceptable casting technique for registrants of this College. The Custom Foot Orthoses Standard sets out only "non-weight-bearing plaster of paris casts, non-weight-bearing STS Slipper Casts or equivalent, or three-dimensional, non-weight-bearing scanning of the feet" as acceptable methods for obtaining a 3D anatomic volumetric foot model for prescription custom foot orthotics. See also *College of Chiropractors of Ontario v. Zhang*, 2025 ONCPDT 3 at para. 10.

[9] The patient returned to the clinic to pick up her orthotics. When dispensing the orthotics, he failed to provide the patient with adequate break-in instructions and advice about follow-up. The Custom Foot Orthoses Standard requires that when dispensing orthotics, a registrant must provide guidelines for developing tolerance and acceptance of the orthotics, time frames to achieve potential results, and appropriate footwear. They must provide short-term instructions for usage, offer at least one follow-up appointment and advise the patient regarding the need for long-term check-ups.

[10] The orthotics invoice contained a box that included the following:

Our Custom Orthotics and Orthopedic Shoes are manufactured off-site by an independent Pedorthic lab:  
*Body Sync – Custom Orthotic Specialists*

[11] This was misleading, since Body Sync was not an "independent" lab. Rather, Mr. Scotti owned Body Sync and operated it from his home.

[12] The agreed statement of facts notes that if Mr. Scotti were to testify, he would say that he did not intend to be misleading on either invoice.

### **Findings of professional misconduct**

[13] Insufficient records impair care and harm the public. Keeping good records is a core part of the job of a health professional. Insufficient records may harm the patient, make governance of the professional by the College more difficult and impair the ability of insurance companies to verify claims. The details of what is required are clearly set

out in ss. 13-20 of Ontario Regulation 203/94 made under the *Chiropody Act, 1991*, SO 1991, c. 20 (General Regulation), the College's Records Standard and in the Assessment and Management Standards. By keeping insufficient records, Mr. Scotti failed to meet or contravened a standard of practice of the profession, failed to keep records as required by the regulations and contravened a regulation under the *Chiropody Act*. These are defined as acts of misconduct in paras. 2, 17 and 30 of s. 1 of Ontario Regulation 750/93 made under the *Chiropody Act* (Professional Misconduct Regulation). This conduct would also reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional (para. 33 of s. 1 of the Professional Misconduct Regulation).

[14] The patients, the public and insurance companies must be able to have confidence that the information in documents prepared by all registrants, particularly invoices, is accurate. Misrepresentations, even when they are not intentional, impair the trust and confidence in the entire profession. Sections 7-12 of the General Regulation establish various requirements for advertisements, including, in s. 7(1)(a), the requirement that advertising not contain anything that is false, misleading or self-laudatory. In our view, these statements on his invoice were advertisements, because they were making representations about the registrant's practice to the public. When he did not ensure that his invoices accurately set out the casting method and his relationship with the orthotics manufacturer, Mr. Scotti signed or issued, in his professional capacity, a document that contains a false or misleading statement (para. 20 of s. 1 of the Professional Misconduct Regulation) and contravened a regulation under the *Chiropody Act*. This conduct would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

[15] When he used a foam box for casting and failed to provide proper instruction and guidance when dispensing orthotics, the registrant failed to meet or contravened a standard of practice of the profession, the Custom Foot Orthoses Standard. As noted 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... 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.

[16] By using a foam box, failing to keep adequate records and failing to provide proper instructions when dispensing orthotics, Mr. Scotti failed in that duty. This conduct would also reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

### **Penalty and costs**

[17] When the parties jointly propose a penalty, the panel's role is limited. We are not determining the penalty that we would have ordered. Rather, we must implement the parties' agreement unless to do so would bring the administration of the professional discipline system into disrepute. This is a very high bar; a joint submission must be accepted unless it is "unhinged" from the circumstances. See *R. v. Anthony-Cook*, 2016 SCC 43; *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 (Div. Ct.) at paras. 9-12.

[18] This stringent standard encourages settlement by ensuring "a high degree of certainty" that the agreed penalty will be accepted, avoiding "the need for lengthy, costly, and contentious" hearings: *R. v. Nahanee*, 2022 SCC 37 at para. 2. Other benefits include more expeditious action to protect the public, avoiding an "all or nothing" situation for either party, sparing witnesses the stress of testifying, certainty of when the penalty will start, and the ability to reach creative and meaningful terms, conditions and limitations that would be difficult to order and implement without buy-in from both parties: *Chan* at para. 12.

[19] The most important goal of a penalty order is protection of the public. The public must have confidence in the registrant, the profession and the College's ability to govern the professions of chiropody and podiatry in the public interest. Other principles support this goal: discouraging the registrant and others from committing misconduct (specific and general deterrence), rehabilitating the registrant, ensuring a safe return to practice where appropriate and expressing the Tribunal and the profession's disapproval of the misconduct. See *College of Chiropodists of Ontario v. McKenzie*, 2025 ONCPDT 11 at para. 30.

[20] While no cases are identical, this mid-range suspension of five months reflects the penalties in comparable cases. In *Chan*, which involved primarily improper record keeping, there was a net four-month suspension. In *Zhang*, the penalty for a registrant whose misconduct involved multiple breaches of the orthotics standard (including the

use of a foam box, failure to conduct a proper assessment or follow the dispensing requirements, and being a party to improper documentation and a free shoes arrangement) was an eight-month suspension and a prohibition on providing orthotics for a further twelve months.

[21] While the registrant's misconduct in this case involved only one patient, it is notable that he failed to meet his professional requirements in multiple aspects of his treatment of that patient: his casting technique, records, two different misrepresentations in his invoices and the follow-up instructions he provided.

[22] In this case, there are appropriate terms and conditions to promote rehabilitation and protect the public following the registrant's return to practice. Notably, he will complete a record-keeping course and an ethics course and will receive supervision of his practice with a mentor for 18 months.

[23] The agreed penalty terms and costs of \$35,000 are consistent with other cases, appropriately reflect the seriousness of the misconduct and the need for rehabilitation and would not bring the administration of the professional discipline system into disrepute.

## **Order**

[24] We made the following order:

### **Penalty**

1. The Registrant will be reprimanded by the Tribunal.
2. The Tribunal directs the Registrar to suspend the Registrant's certificate of registration for a period of five (5) months, commencing March 16, 2026.
3. The Tribunal directs the Registrar to impose 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 both the University of Toronto Record-Keeping Course and the PROBE Ethics Course at his own expense and provide documentary evidence of his completion of those remedial steps to the satisfaction of the

Registrar;

- (b) For greater certainty, the Registrant is required to successfully complete the courses in paragraph 3(a) and the Registrant will not be permitted to return to practice until he does successfully complete the courses;
- (c) At his own expense, the Registrant will receive supervision of his chiropody practice with a mentor selected by the Registrar for a period of eighteen (18) months from the date on which the Registrant returns to practise from the suspension. The terms of the supervision are as follows:
- The mentor shall visit with the Registrant in person on at least four occasions – twice in the first nine months and twice in the last nine months;
  - The visits with the mentor will be as directed by the mentor;
  - The mentor shall determine the length of each visit;
  - In conducting the supervision, the mentor shall discuss practice management, record-keeping, ethical practice, and compliance with the College's standards with the Registrant, and the Registrant is required to fully cooperate with the supervision;
  - The mentor shall prepare a report to the Registrar after the second visit and the last visit;
  - If either report from the mentor indicates the Registrant lacks insight or is not consistently complying with the College's Standards, the Registrar has the discretion to increase the number of sessions on the mentor's recommendation; and
  - The Registrant shall provide the mentor with the Discipline Tribunal's decision and then provide written confirmation to the Registrar, signed by the mentor, that the mentor has received and reviewed the final decision;
- (d) In the event that the Registrant obtains employment to provide chiropody services during the twelve (12) months following the date that the Registrant is able to return to practise after his suspension, the Registrant shall:

- notify any current or new employers of the Tribunal's final decision;
- ensure the Registrar is notified of the name, address, and telephone number of all employer(s) within fifteen (15) days of commencing employment;
- provide his employer(s) with a copy of:
  - o the Discipline Tribunal's Order;
  - o the Notice of Hearing;
  - o the Agreed Statement of Facts;
  - o the Joint Submission on Penalty;
  - o the Discipline Tribunal's Decision; and
  - o 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.

4. The Tribunal's decision will be published, in detail with the Registrant's name, in the College's official publications, on the College's website, on the College's public register and/or on CanLII.

### **Costs**

5. The Registrant shall pay costs to the College in the amount of \$35,000.00 on March 16, 2026.

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**Tribunal File No.: 24-003-CP**

**BETWEEN:**

College of Chiropractors of Ontario

**College**

- and -

Paul Anthony Scotti

**Registrant**

**The Tribunal delivered the following Reprimand  
by videoconference on Monday March 16, 2026.**

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

Mr. Scotti, as part of its penalty, this Discipline Panel has ordered you to be given an oral 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.

You admit that, in prescribing a custom orthosis, you failed to document an adequate patient history, biomechanical assessment, or gait analysis to support the medical necessity of the orthosis. You further created a misleading invoice stating that "3D plaster casting" was used to fabricate the orthosis when, in fact, a foam box was used, a casting technique that is not acceptable to the College. You created a misleading invoice that indicated an "independent lab", Body Sync, was used to manufacture the orthosis. This information was inaccurate. You also failed to provide appropriate break-in instructions or advice regarding follow-up care.

The panel has found that you engaged in professional misconduct in the following ways:

1. You contravened the government regulations that govern the profession.
2. You failed to meet the standards of practice of the profession, specifically pertaining to Assessment and Management, Prescription Custom Foot Orthoses, and Records.

3. You failed to keep records as required by the regulations.
4. You signed or issued a document that contains false or misleading statements.
5. You engaged in conduct which would reasonably be regarded by other members of this profession as disgraceful, dishonourable or unprofessional.

The Panel considers your professional misconduct to be a matter of serious concern. Your conduct has brought discredit to the Chiropractic and Podiatry professions and to yourself, and has the potential to undermine public confidence in the profession. Your failure to meet fundamental standards of practice, including documenting adequate patient assessments, represents a serious deficiency.

The Panel underscores that members of the profession are expected to maintain accurate, complete, and timely clinical records, provide adequate instructions when dispensing orthotics, and give advice regarding follow-up care. These responsibilities form a fundamental part of delivering safe, appropriate, and accountable patient care. A failure to meet these obligations falls short of the standards expected of the profession and carries the risk of undermining both professional integrity and public confidence in the profession.

The panel acknowledges that you have accepted responsibility and were willing to admit the misconduct. It is expected that you will reflect on these matters and ensure that similar conduct does not occur in the future. The Panel is concerned that this is the second time you are brought to Discipline.

This oral reprimand is intended to emphasize the gravity of your misconduct and to communicate to both yourself and the profession that such conduct is unacceptable. The Panel considers the penalty imposed today to be appropriate in the circumstances. However, you should be aware that a more significant penalty would likely be imposed by a future panel if you were found to have engaged in similar misconduct again. The panel expects that upon your return to practice, following your 5-month suspension, completion of the PROBE Ethics and Boundaries program and record-keeping course, and throughout your period of supervision and thereafter, that you will adhere rigorously to the profession's Standards of Practice outlined by the College.