

FOOTPRINT

COLLEGE OF CHIROPODISTS OF ONTARIO

JULY 2023

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PRESIDENT'S MESSAGE

I hope that the early days of the summer find you well and anticipating a little vacation time to travel or to spend quality time with your loved ones. To the recent registrants, I welcome you to the College and I hope for you a long and rewarding professional career in your service to the public of Ontario. In the role of President, I have been privileged to learn about the important place of professional regulation in the province as a safeguard against unsafe or harmful practices in chiropody and podiatry.

My responsibilities as President have caused me to reflect on ways in which the College can better protect the public. One such way is to consider how using existing technology can readily and cost effectively improve patient care. In this vein, I have considered the obvious benefits in patient care that could be readily realized by expanding the province's electronic health record (EHR) to our registrants.

In a prior President's message, I spoke to barriers that negatively impact access to the care provided by our registrants to the citizens across this province. With the possible exception of those registrants working in hospitals, or as part of family health teams (FHTs), it is not an understatement to state that, by and large, our registrants are not seamlessly integrated into Ontario's health care delivery paradigm for the better protection of Ontarians.

In our search for continuous improvement in the College's ability to fulfill its mandate of public protection, I believe that inclusion of our registrants in the EHR system is a reasonable and sensible next step. The advantages to patient care that can be realized with the practitioner having ready access to critical patient information such as lab results, allergies, and an accurate and up to date medical health history, is clear. This greatly assures the accuracy and currency of the patient medical record for the registrant, most particularly when challenges to effective communication exist.

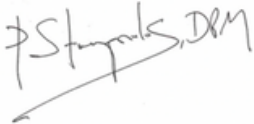
Further, this is clearly an invaluable guide to formulating a proper treatment plan for a given patient. With the enactment of the newly Amended Drug Regulation, and the three categories of prescribing privileges that now exist – no prescribing, partial or full prescribing - I believe it is even more imperative that we initiate discussions with stakeholders with a view to better serving the public interest through EHR expansion to include our registrants.

See the link below to learn more about the health information that can be accessed through an individual's provincial EHR:

<https://ehealthontario.on.ca/en/patients-and-families/ehrs-explained>

We will keep you posted on our efforts in this regard. Have an enjoyable summer!

Fraternally yours,

A handwritten signature in black ink that reads "P Stavropoulos, DPM". The signature is written in a cursive style with a long horizontal stroke at the end.

Peter Stavropoulos, DPM
President



A WORD FROM THE REGISTRAR AND CEO

It was with great pleasure that the College announced the enactment of the newly amended Drug Regulation that brought an expanded and updated drug list for use by College registrants. The members of the Standing Drug Committee – Cesar Mendez, Jannel Sommerville, Jim Daley and Peter Stavropoulos – worked tirelessly with our colleagues in the Ministry of Health (MOH) to make the amendments a reality.

These amendments are the reflection of many years of work by the committee to see an updated list of drugs as well as an expanded list of drugs that can be prescribed. The College has notified all College registrants of their prescribing privileges under the newly amended Drug Regulation and has directed that anyone who does not have full prescribing privileges to successfully complete the Michener's continuing education Pharmacology course (CHCP-800) in order to attain full prescribing privileges. Once done, registrants should notify the College with proof of successful completion of the course and await the College's confirmation of receipt and approval. A change will then be reflected on the public register notifying of the registrant's new full prescribing privileges.

I appreciate that for College registrants the newly amended Drug Regulation has been long anticipated and I was regularly asked about the status of the amendments when I attended registrant conferences and when I heard from registrants at the Town Hall events.

Expanding a drug list from which healthcare professionals may prescribe for the benefit of their patients, is not a small matter and its understandable that the MOH must ensure that both professional registrants and their regulatory body have the necessary skills and tools to, in the case of registrants, safely prescribe, and, in the case of the regulator, to properly protect the public. We are pleased to report that the College has carefully considered the competencies required to safely prescribe pursuant to the newly amended Drug Regulation and has categorized registrants based on their educational training in pharmacology.

Further, the College is pleased to report that, as noted above, any member can readily move from having no prescribing privileges or partial prescribing privileges to attaining full prescribing privileges by completing an accessible online course at the Michener and submitting proof of successful completion to the College. The course is a time commitment of 16 weeks and is at a cost of just over \$1000.00. In short, there are no significant barriers to attaining full prescribing privileges for any College registrants.

We have received many inquiries from registrants in the days and weeks following our announcement in May 2023, seeking clarification as to what their prescribing privileges were under the newly amended Drug Regulation.

All registrants should have now received a letter from the College, sent electronically, that expressly states the registrant's prescribing privileges. Additionally, each registrant may view their prescribing status on the public register. If a registrant has any questions relating to their prescribing privileges, they are encouraged to email our practice advisor at practice@cocoo.on.ca.

The College is again busy with regulation amendments following Council's approval of the Emergency Class provisions to the College's Registration Regulation that we were requested to provide by the MOH. The Emergency Class provisions are intended to allow the regulator to register professional registrants with a temporary, emergency class of registration, in the event of a declared emergency. We understand that the MOH is working to have the 26 RHPA Colleges' respective registration regulations amended to include Emergency Class provisions by the end of August 2023. This is a significant undertaking. As with all legislative and regulation amendments, the College is working closely with the MOH to provide timely responses to any questions arising as we move closer to the stated deadline for enactment. There are usually follow-up questions and reviews to ensure that any legislation or regulation is sound and properly drafted. In short, the process for any regulatory amendments is an involved one and requires considerable College resources. This is a necessary part of a regulator's body of work and, ultimately, the final regulatory amendment will be the better for it. We will report back to you on the status of the Emergency Class provisions and the Registration Regulation amendments once we have further information.

Finally, we are in the midst of planning for our September 2023 Council meeting that will be held on September 22, 2023. Look for the Council Meeting agenda and materials on our website in September. Please notify Meghan Hoult at mhoults@cocoo.on.ca if you would like to join the meeting as an observer.

As our Spring/Summer Footprint edition is now on the cusp of summer vacations for many of our registrants, I wish everyone a safe and happy summer.



Nicole Zwiers, Registrar/CEO
College of Chiropractors of Ontario

WELCOME MICHAEL AUBÉ, MANAGER OF REGISTRATION, EXAMINATIONS AND QUALITY PROGRAMS

On June 19, 2023, the College welcomed Michael Aubé as the Manager, Registration, Examinations and Quality Programs.

Michael comes to the College with extensive regulatory experience, most recently at the College of Massage Therapists of Ontario, where he managed the Quality Assurance Program.

Michael can be reached at maube@cocoo.on.ca.

WELCOME BACK MEGHAN HOULT, MANAGER OF OPERATIONS

The College welcomed Meghan Hoult back from leave on a full-time basis on June 19, 2023. Meghan has taken on a new role as the Manager, Operations.

Meghan has been with the College since 2014, and has previously served as the College's Coordinator of Professional Conduct and Hearings and Practice Advisor. Meghan has been a registered chiroprapist and member of the College since 2009.

Meghan can be reached at mhoult@cocoo.on.ca.

PUBLIC APPOINTEE UPDATE

Public Appointee Winnie Linker completed her term with the College on July 10, 2023. Winnie had been a public member of College Council since 2020. The College extends our thanks to Winnie for her dedication over the years.

REGISTRATION EXAMINATION UPDATE

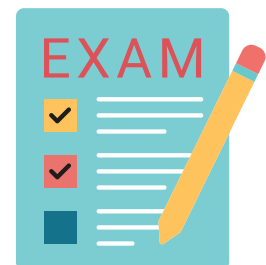
The College conducted its registration examinations on June 3rd and June 6th, 2023.

A total of 29 candidates sat the OSCE component on June 3rd, and 31 candidates sat the Written Jurisprudence and/or Core Competencies component on June 6th.

The College looks forward to welcoming its new members in 2023!

The fall sitting of the exams is scheduled for October 21, 2023 (OSCE – in-person at the Michener Institute) and November 2, 2023 (Written Jurisprudence and Core Competencies - remote/proctored).

Please contact Michael Aubé, Manager, Registration, Examinations & Quality Programs at maube@cocoo.on.ca if you have questions about examinations or registration with the College.



DRUG REGULATION AMENDMENTS

We are very pleased to share with you that the [Drug Regulation, O. Reg. 203/94 \(General\)](#) made under the *Chiropractic Act, 1991*, with amendments, was filed with the Registrar of Regulations on May 15, 2023.



Notably, the Drug Regulation has been amended to expand the drug categories and drugs available to eligible registrants.

To view the amendments only, click [here](#).

The following registrants have, effective immediately, **full** prescribing privileges under the newly amended Drug Regulation:

1. All American-trained DPMs, including DPMs who are registered as chiropractors;
2. All Michener graduates from 2010 and beyond; and
3. All registrants who have provided proof of successful completion of the Michener's Continuing Education Pharmacology course available *as of January 2022*.

The following registrants have, effective immediately, **partial** prescribing privileges under the newly amended Drug Regulation restricted to Schedule 2 - Drugs that may be prescribed by a member (Topical and Oral) with the EXCEPTIONS of: the Oral Azole Agents (Itraconazole, Fluconazole), the Oral Allylamine Agents (Terbinafine) and the Oral Second Generation Anti-Histamines (Cetirizine):

1. All Michener graduates from 2009 and earlier who have prescribing privileges under the former Drug Regulation; and
2. All registrants who are not Michener graduates who have prescribing privileges under the former Drug Regulation.

Any member who wishes to have full prescribing privileges under the newly amended Drug Regulation who does not currently, must successfully complete [Michener's Continuing Education Pharmacology course](#).

Registrants are reminded of their professional obligation to restrict their practice, including prescribing, to areas within which they have competence to practice. A notation on the public register will denote what prescribing privileges a registrant has pursuant to the newly amended regulation with categories of: prescribing (meaning full prescribing); partial prescribing (Schedule 2 with the exceptions noted above); and none (members who have no prescribing privileges).

*We
thank
you!*

The College offers special thanks to the members of the Standing Drug Committee (Cesar Mendez, Jannel Somerville, Jim Daley and Peter Stavropoulos) for their tireless efforts to make the new amended regulation a reality.

BY-LAW AMENDMENTS

At their May 2023 Council Meeting, Council voted to amend the following By-Laws:

[By-Law No. 2 \(Fees\)](#) was amended to better align with [By-Law No. 3 \(Health Professions Corporations\)](#) by increasing the fee payable by a member where a payment made by credit card is refused by the credit card provider or a payment made by cheque is not honoured, from \$35.00 to \$50.00.



[By-Law No. 1 \(General\)](#) was amended to reduce the number of selected members on Council from two to one. The modernization of regulation is moving towards smaller Council sizes – this is a move in that direction.

Relevant By-Laws were amended to create consistency in the eligibility requirements for selected members to be appointed to Council and/or College Committees. These changes are to align with previous changes to Council By-Laws for non-selected Council members.

REGISTRATION REGULATION AMENDMENTS



In April 2022, the Ontario Government enacted Bill 106, the *Pandemic and Emergency Preparedness Act, 2022* to improve health resource planning in emergency situations.

Among other changes, the Act requires all of Ontario's health regulatory Colleges to develop a new emergency class certificate of registration, with the aim of reducing barriers for new applicants in emergency situations (e.g., in response to a new pandemic).

The College drafted regulation amendments, to create a new emergency class certificate of registration. There are specific requirements that individuals must fulfill in order to be eligible for an emergency class of licensure. Chiropodists or podiatrists licensed under this class will be required to practice under the supervision of a COCOO member who holds a general certificate of registration and who has been approved by the Registrar to supervise a member in the emergency class.

A special Council meeting was held on April 17, 2023, where Council recommended the [Draft Registration Regulation](#), as it was circulated, to the Ministry of Health for consideration and enactment, with the goal of having the changes in place by August 31, 2023.

The College's existing Registration Regulation is available [here](#).

ELECTIONS UPDATE

The Districts up for Election in 2023 were:

- **District 3** for Chiropractors
- **Districts 3 & 4 (Combined District 2)** for Podiatrists

The College put a call-out to solicit interest on May 9, 2023, with a nomination deadline of June 9, 2023.

A second call for nominations went out on June 12, 2023, and the nomination period closed on July 12, 2023.



TOWN HALL MEETING

The College held its second Town Hall meeting on May 6, 2023. The event was an opportunity for members to meet the Registrar and ask questions about the College and its strategic direction. The College will hold biannual Town Halls going forward, with opportunities to attend both in-person or virtually.

COLLEGE PERFORMANCE MEASUREMENT FRAMEWORK (CPMF)



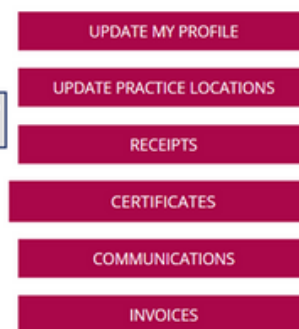
The College submitted its third College Performance Measurement Framework (CPMF) report to the Ministry of Health on March 31, 2023. The report provides an overview of the College's achievements in 2022 and is available on the College's website [here](#).

The MOH uses the information in the CPMF to strengthen accountability and oversight of Ontario's health regulatory colleges and assist colleges to improve their performance. The CPMF was rolled out for the first time in the spring of 2021.

NEW MEMBER PORTAL FEATURE

Members can now download a digital version of their Registration Certificate from the [Member Portal](#), under the "Certificates" tab.

Welcome COCOO Members!



PRACTICE ADVISORY SERVICES UPDATE

The Practice Advisor's (PA) role is to assist registrants with challenges in their clinical practice who require guidance, particularly with respect to the COCOO standards, guidelines, and policies. Additionally, the PA responds to queries from stakeholders, including, but not limited to, members of the public or their caregivers, other regulated healthcare professionals, other regulated health colleges, clinic managers and third-party health insurance providers.



In responding to the wide range of inquiries, the PA relies primarily on the standards and guidelines developed by the College. As required, the PA may consult with staff or others to ensure that any advice is as complete as possible and consistent with the College's governing legislation. When a registrant contacts the PA for guidance, if the PA consults with other staff or externally, the registrant's name and information are kept confidential.

The PA is not permitted to provide legal advice on any matters including employer-employee disputes or other obligations on a registrant as an employer. Registrants will be advised to obtain independent legal counsel when seeking legal advice as distinct from practice advice.

The PA service can be reached at practice@cocoo.on.ca or by calling (416) 542-1333 ext. 230 (Toll-Free 1 (877) 232-7653).



CURRENT ADVISORIES



The following advisories are provided in response to registrant and stakeholder inquiries, requests for clarification and/or guidance received by the Practice Advisor:

Billing For Services Conducted by Orders from Registrants to Employee RNs

Under the *Nursing Act, 1991*, nurses registered with the College of Nurses of Ontario are authorized to perform certain controlled acts where a registrant has provided an order to perform that act for one of the registrant's patients**. A registrant should only provide an order for a nurse to perform:

1. A procedure below the dermis of the foot, for example, wound care; or the administration by injection of a drug used by the member in their practice.
2. A member should not provide an order to a nurse where the member believes that the nurse does not have the knowledge, skill, and judgment to safely and effectively perform the procedure.

** The *Public Hospitals Act*, Ontario does not permit members of this College to make orders for in-patients within a public hospital (see the College's [Assignment, Orders and Delegation Policy](#)).

An order may be given either orally or in writing, however, where an order is given orally, details of the order shall be written into the registrant's chart for the patient. A written order should be recorded either in the registrant's chart for the patient or a copy of the order maintained with that chart.

A question came to the PA service relating to the provision of specific treatments by an RN in the employ of a registrant and how those services could be billed. Specifically, the registrant wanted to know if, when the RN provided wound care or was monitoring a patient's vital signs while that patient was having nitrous oxide administered, could those services be billed under, "Chiropody Services"? The answer is no. Registrants can only bill for the services they directly provide to patients. To do otherwise could be viewed as a breach of two provisions of the [Misconduct Regulation](#):

- 18. Falsifying a record relating to the member's practice.
- 21. Submitting an account or charge for services that the member knows is false or misleading.

Discontinuation of Services

Several enquiries have come forward by registrants related to their obligations when a discontinuation of services will be occurring. The [Discontinuation of Services Advisory](#) that exists discusses important considerations and registrant responsibilities associated with the discontinuation of services or practice closure related to retirement, resignation, extended leave of absence (such as maternity/parental leave, sick leave, etc.), revocation, suspension, incapacity, or death.

However, a registrant may need to discontinue services for other reasons, and the policy still applies. In one instance a member was leaving a clinic where they were employed and had some resistance from the clinic owner about contacting the patients to inform them of the registrant leaving. In another instance, the registrant, or their staff, was confronted by a verbally abusive patient and they wanted to understand how the advisory would be applied in this instance as they were concerned about any legal consequences that might arise from ending the patient relationship. While the circumstances are unique and different than those identified in the Advisory, the fundamental obligations are the same. The requirement remains for thorough documentation outlining the circumstances of the discontinuation of services. Documentation must include details outlining the steps the registrant has taken to inform the patient(s) of practical alternate options for the provision of care by registrants of our College. Keep in mind as well, that a registrant has responsibilities under the [Records Standard](#) to maintain their records even after a patient is no longer treated at leaving a clinic, if that should be the case.

Both unique examples provided above may have legal implications beyond the registrant's obligations to the College. One in the context of an employee – employer relationship and the other in terms of ramifications that might occur from actions taken.

Appreciating that the PA Service cannot provide legal counsel, registrants in such circumstances are advised to consult independent legal counsel to assist them with the particulars of their situation. The former example serves as an important reminder to registrants to ensure that where they are serving as an employee, they have received legal counsel in advance of entering any contract of employment to ensure that the employer understands and agrees to abide by all College requirements including when and if the employment is terminated.

Registrants are encouraged to contact the College's PA Service on scope of practice questions or clarification about a matter to ensure that they are in full compliance with the Standards of Practice.

For more information about the PA Service and links to resources, click [here](#).

MEMBER COMMUNICATIONS & SOCIAL MEDIA



Please ensure your e-mail, mailing address(es) and practice address(es) on file with the College are **current** and **accurate**, and that you regularly check your spam folder for e-mail communications from the College.

Members may update their information anytime via the [Member Portal](#).

Follow the College on [LinkedIn](#) and [Twitter](#) for important updates about changes to standards and guidelines, renewal deadlines, important decisions arising from Council meetings, and other important updates.

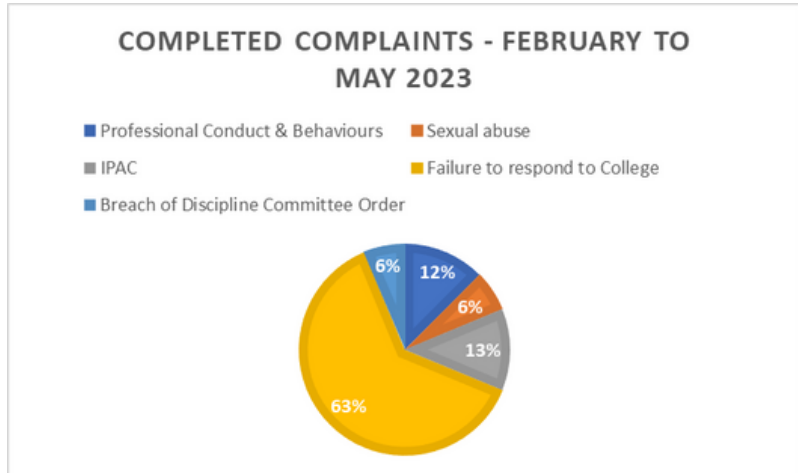
ICRC & DISCIPLINE COMMITTEE UPDATE

COMPLAINTS AND REPORTS

Between February and May 2023, the College received nine complaints and opened five Registrar investigations, which is comparable to last year. In the same period in 2022, the College received nine complaints and opened three Registrar investigations.

Between February and May 2023, ICRC panels disposed of 16 matters as follows:

- 12 cases – no further action was taken
- 4 cases – referrals to the Discipline Committee



There are currently 17 matters that will be considered by ICRC.

DISCIPLINE COMMITTEE

Disciplinary matters are resolved by way of uncontested or contested hearings. Matters are resolved or disposed of when:

- All allegations are withdrawn or dismissed;
- No findings of professional misconduct and/or incompetence are made by a panel;
- Findings of professional misconduct and/or incompetence are made and a penalty is ordered;
- Reinstatement requests are granted, not granted or abandoned; and Removal of information requests are granted, not granted or abandoned.

There are currently 5 matters referred to the Discipline Committee.

Between February and May 2023, the Discipline Committee disposed of two matters.

[Click here to view Discipline Referrals](#)

SUMMARIZED DISCIPLINE COMMITTEE DECISIONS

COCOO V. CHARLES MACMULL

After a contested hearing, the Member was found to have engaged in professional misconduct in that he failed to meet or contravened the College's standards, practised the profession in a conflict of interest, provided treatment to a patient when he knew, or ought to have known, it was ineffective, unnecessary or deleterious, failed to keep records as required by the regulations, signed or issues a document that contained a false or misleading statement, submitted an account or charge for services that he knew were false or misleading, charged a fee that was excessive in relation to the services or devices charged for, practised in the employment of or in association with a commercial business, contravened the Chiropody Act and its regulations, and engaged in conduct that was dishonourable and unprofessional.

After finding the member guilty of professional misconduct, the Panel made an order that included the following:

- Oral reprimand;
- 12-month suspension;
- Completion of the ProBe Ethics Course;
- Record keeping course;
- A prohibition on imaging, casting, prescribing, constructing, fitting, dispensing and/or ordering the fabrication of orthotics for a period of 12 months; and
- Supervision of practice for 18 months.

The Member was ordered to pay \$60,000 in costs to the College.

COCOO V. ANGELO CASELLA

After a contested hearing, the Member was found to have engaged in professional misconduct in that he signed or issued, in his professional capacity, a document that contained a false or misleading statement, contravened the Chiropody Act and its regulations, engaged in conduct that was dishonourable and unprofessional, failed to comply with an order of the Complaints Committee, the Discipline Committee or the Fitness to Practise Committee.

After finding the Member guilty of professional misconduct, the Panel made an order that included the following:

- Oral reprimand;
- 9-month suspension (2 remitted for completing courses); and
- Supervision in the event the member hires a locum to take over his practice during the suspension.

The Member was ordered to pay \$70,000 in costs to the College.

This matter is currently under appeal.



[Click here to view Discipline Decisions](#)

MANDATORY AND SELF-REPORTING REQUIREMENTS

MANDATORY REPORTING REQUIREMENTS

Employers, facility operators and chiropractors and podiatrists have certain legal obligations to report information to the College under the *Regulated Health Professions Act, 1991*.

The following information **must** be reported about a member's practice:

- Sexual abuse;
- Terminations, or the member's resignation in lieu of termination; and/or
- Revocations, suspensions or restrictions on a member's privilege.

[Click here for resources on Mandatory Reporting](#)



SELF-REPORTING REQUIREMENTS

Members are reminded of their obligation to self-report certain information to the College. This is an **ongoing obligation**, not just annually on the renewal form.

A member **must** self-report to the College if they:

- have been found guilty of any offence in any jurisdiction (except speeding or parking tickets);
- have been charged with any offence in any jurisdiction;
- have a finding of professional negligence and/or malpractice;
- have a finding of professional misconduct, incompetence or incapacity or any similar finding, in relation to the practice of chiropractic or any other profession in any jurisdiction; and/or
- are the subject of a current investigation, inquiry or proceeding for professional misconduct, incompetence or incapacity or any similar investigation or proceeding in relation to the practice of chiropractic/podiatry or any other profession in any jurisdiction (*Note: Information about College proceedings do not need not be reported*).

Failing to self-report is a serious matter and can result in referral to the Discipline Committee.

[Click here for resources on Self-Reporting](#)

RECRUITMENT OF MENTORS & SUPERVISORS



The College is recruiting mentors (also called “Supervisors”, “Educators” or “Coaches”) to be added to its roster. Mentors are assigned to perform site visits and work with members to ensure that they meet the College’s standards after the Quality Assurance Committee (QAC) or the Inquiries, Complaints and Reports Committee (ICRC) orders a Specified Continuing Education or Remediation Program (SCERP), or the Discipline Committee orders supervision of a member’s practice.

The eligibility criteria to act as a Mentor is as follows:

1. Mentors/supervisors must be members in good standing with the College and must not have any disciplinary or conduct history, other than a decision by the ICRC to take no action on a complaint or report.
2. Members currently under investigation by the College are not eligible.
3. Current members of the ICRC or Discipline Committee are not eligible.
4. Past members of the ICRC or Discipline Committee may be eligible if a reasonable cooling off period has passed (six months or more) since the member was on the committee, and if the past member did not sit on a case involving the member whose conduct is being remediated or supervised.
5. The College has the discretion to exclude potential mentors/supervisors if in the Registrar’s opinion it would not be appropriate for the applicant to act as a mentor for reasons including (but not limited to) the member having been charged with or found guilty of an offence in any jurisdiction, or the member having a finding of professional misconduct, incompetence or incapacity in another jurisdiction, or the member having a leadership position with an Association.

If you are interested in being added to the roster of College Mentors, please email your resume and a brief statement of interest outlining your areas of expertise to mclarke@cocoo.on.ca.

A NEW AND IMPROVED FOOTPRINT

Footprint is looking to make a better *impression!*

Do you have feedback or ideas for future issues of Footprint?

Contact Meghan Hault, Manager of Operations:

mhault@cocoo.on.ca