
IN THE MATTER OF the *Insurance Act*, R.S.O. 1990, c.I.8, as amended (the “Act”), in particular sections 441, 441.2 and 441.3;

AND IN THE MATTER OF the Notice of Proposal to Impose Compliance Order and Notice of Proposal to Impose Administrative Penalties dated March 31, 2021, against Romeo Vitelli issued by the Director, Litigation and Enforcement by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario.

MINUTES OF SETTLEMENT AND UNDERTAKING

PART I – INTRODUCTION

1. Romeo Vitelli (“Vitelli”) is registered as a psychologist with the College of Psychologists of Ontario. Vitelli was authorized by the College of Psychologists of Ontario to provide psychological services to adult clients.
2. On March 31, 2021, the Director of Litigation and Enforcement (“Director”), by delegated authority from the Chief Executive Officer (“CEO”) of the Financial Services Regulatory Authority of Ontario (“FSRA”), issued a Notice of Proposal to Impose Compliance Order and a Notice of Proposal to Impose Administrative Penalty (collectively, the “NOP”) in respect of Vitelli.
3. Vitelli disputed the allegations and, on or about April 13, 2021, requested a hearing before the Financial Services Tribunal (the “Tribunal”) in respect of the NOP.
4. Vitelli and the Director, by delegated authority from the CEO, (collectively the “Parties”) wish to resolve this matter on consent and without a hearing before the Tribunal.

PART II – AGREED FACTS

5. From 2016 to 2019, Vitelli completed assessments, examinations, reports, and forms under the *Statutory Accident Benefits Schedule – Effective September 1, 2010* (“SABS”) on behalf of multiple health service providers under the Act including Novo Medical Services Inc. (“Novo Medical”).
6. Novo Medical holds service provider’s licence #SP16119 under the Act.
7. Novo Medical provides rehabilitation treatments to persons who suffer injuries because of motor vehicle accidents. Novo Medical bills insurers under motor vehicle insurance policies for these services.

8. All health service providers that bill insurers for benefits under motor vehicle insurance policies must adhere to the SABS. The forms submitted through SABS are standardized and one such form is the Treatment and Assessment Plans (OCF-18) (“Treatment Plan(s)”).
9. As a psychologist, Vitelli was authorized to complete Part 4 and Part 5 of Treatment Plans. He completed Part 4 and Part 5 of Treatment Plans for Novo Medical clients, supported by Novo Medical staff.
10. As part of completing Part 4 and Part 5 of Treatment Plans, Vitelli, with the assistance and support of staff from Novo, prepared Psychological Evaluation Reports and Catastrophic Evaluation Reports for clients. These reports would then be submitted to the insurer by Novo Medical staff.
11. Vitelli admits, while doing work for Novo Medical between November 30, 2017 and October 17, 2018, he:
 - (i) Submitted twelve (12) Psychological Evaluation Reports and one (1) Catastrophic Evaluation Report to two (2) insurers that contained phrases in quotations that were not actually said by the claimants. The phrases were repeated in the thirteen (13) reports to varying degrees.
 - (ii) Submitted a Treatment Plan to an insurer that suggested that the claimant had been employed prior to the accident when the claimant was retired.
12. Vitelli no longer provides services as a regulated health professional through Novo Medical and has not done so since 2019.
13. Vitelli was suspended by the College of Psychologists of Ontario starting April 25, 2023. His suspension is for a period of 9 months.

PART III – NON-COMPLIANCE WITH THE ACT

14. By engaging in the conduct described above in Part II, Vitelli admits and acknowledges the following breaches of the Act and its regulations:
 - (i) Making a misleading statement or representation to an insurer in order to obtain payment for goods or services provided to an insured, contrary to section 447(2)(a.3) of the Act; and
 - (ii) Committing an unfair or deceptive practice pursuant to section 1 of Ontario Regulation 7/00 by committing the acts listed in (i).

PART IV – TERMS OF SETTLEMENT

15. Vitelli agrees to pay an administrative penalty of \$15,000 in accordance with the order attached these Minutes of Settlement and Undertaking (“Minutes”) in Schedule “A” (the “Order”) or in accordance with any other payment agreement entered into with FSRA.
16. Vitelli also agrees that a cease-and-desist order will be imposed on him for period of 24 months. The 24-months will be calculated starting from April 25, 2023. The terms of the cease-and-desist order are as outlined in the Order.

(a) Admissions and Acknowledgements

17. Vitelli admits the facts contained in Part II of these Minutes.
18. Vitelli acknowledges and agrees that he has been given the opportunity to seek independent legal advice and has done so (or has waived the right to do so) and is entering into these Minutes voluntarily, understanding the consequences of doing so.
19. Vitelli acknowledges that these Minutes are an undertaking within the meaning of the Act, and that failure to comply may result in immediate regulatory action including, but not limited to, the issuance of a Notice of Proposal to impose an administrative penalty, or a prosecution under the *Provincial Offences Act*.

(b) Issuance of Order

20. Vitelli acknowledges that, upon execution of these Minutes by both Parties, the Order will be issued.

(c) Process for Execution of Settlement

21. Vitelli acknowledges that these Minutes are not binding on the Director until signed by the Director.
22. These Minutes may be executed in counterparts, and may be executed and delivered by facsimile or e-mail, and all such counterparts and facsimiles or e-mails, as applicable, shall together constitute one and the same agreement.
23. Upon receiving an executed copy of these Minutes from FSRA, Vitelli will withdraw his Request for Hearing (Form 1) in respect of the NOP before the Tribunal by completing a Withdrawal/Discontinuance (Form 5) and filing it with the Registrar at the Tribunal within three business days.
24. Upon confirmation from the Tribunal that the Request for Hearing has been withdrawn and the hearing has been cancelled, the Parties agree that the Director will issue an Order in the form attached as Schedule “A” to these Minutes.
25. The Parties accept and understand that these Minutes and any rights within the Minutes shall enure to the Parties and to any successors or assigns of the Parties.

(d) Disclosure of Minutes and Order

26. The Parties will keep the terms of these Minutes and the Order confidential until the Order is issued, except that:
- (i) The Director shall be permitted to disclose the Minutes and the Order within FSRA; and
 - (ii) The Parties shall be permitted to inform the Financial Services Tribunal.
27. If either of the Parties do not sign these Minutes or the Director does not issue the Order:
- (i) These Minutes, the Order, and all related discussions and negotiations will be without prejudice to FSRA and Vitelli; and
 - (ii) FSRA and Vitelli will each be entitled to all available proceedings, remedies and challenges, including proceeding to a hearing of the allegations contained in the NOP. Any proceedings, remedies and challenges will not be affected by these Minutes, the Order, or any related discussions or negotiations.
28. Upon issuance of the Order:
- (i) Vitelli acknowledges that these Minutes and the Order may form part of his administrative record for the purposes of any future FSRA licensing decision or as an aggravating factor in respect of a future administrative penalty or prosecution against him or any affiliated entities;
 - (ii) Vitelli acknowledges that these Minutes and the Order are public and will be published by FSRA on its public website (or that of its successor) along with a press release that summarizes these Minutes and the Order; and
 - (iii) The Parties agree not to make representations to any member of the public or media or in a public forum that are inconsistent with these Minutes or the Order.

(e) Further Proceedings

29. Whether or not the Order is issued, Vitelli will not use, in any proceeding, these Minutes or the negotiation or process of approval of these Minutes as the basis for any attack on FSRA's jurisdiction, alleged bias, alleged unfairness, or any other remedies or challenges that may be available.
30. Upon issuance of the Order:
- (i) Vitelli waives all rights to a hearing before the Tribunal regarding the NOP;
 - (ii) Vitelli waives all rights to a judicial review or appeal of the Order;
 - (iii) The Director agrees that FSRA will not take any further proceedings against Vitelli arising solely from the facts contained in Part II of these Minutes, or any other facts that are known or reasonably should have been known at the time of

the execution of these minutes, unless facts not disclosed by Vitelli come to the attention of FSRA that are materially different from those contained in Part II of these Minutes; and

- (iv) Vitelli agrees that should he fail to comply with any term in these Minutes or the Order, FSRA is entitled to bring any proceedings available to it.

DATED at North York, Ontario, this 18th day of October, 2023

Romeo Vitelli

DATED at Toronto, Ontario, this 18th day of October, 2023

Name of Witness

Signature of Witness

DATED at Toronto, Ontario, October 19, 2023

Elissa Sinha
Director of Litigation and Enforcement
Financial Services Regulatory Authority of Ontario

By delegated authority from the Chief Executive Officer

SCHEDULE A

IN THE MATTER OF the *Insurance Act*, R.S.O. 1990, c.I.8, as amended (the “Act”), in particular sections 441, 441.2 and 441.3;

AND IN THE MATTER OF Romeo Vitelli.

COMPLIANCE ORDER AND

ORDER IMPOSING ADMINISTRATIVE PENALTY

Romeo Vitelli (“Vitelli”) is a registered psychologist with the College of Psychologists of Ontario.

On March 31, 2021, by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Director, Litigation and Enforcement (the “Director”) issued a Notice of Proposal to impose a compliance order and an administrative penalty for making false or misleading representations to an insurer in order to obtain payment contrary to subsection 447(2)(a.3) of the Act.

A Request for Hearing (Form 1) dated April 13, 2021, was delivered to the Financial Services Tribunal (the “Tribunal”) in accordance with section 441 of the Act respecting the Notice of Proposal.

On [TBD], Vitelli withdrew the Request for Hearing, and, on [TBD], the Tribunal closed its file in respect of this matter. This Order is made pursuant to a settlement entered into by Vitelli and the Director.

ORDER

It is hereby ordered that Romeo Vitelli must immediately cease and refrain from the following activities for a 24-month period from April 25, 2023 to April 25, 2025:

- a. Conducting examinations for the purposes of assisting an insurer to determine if an insured person is or continues to be entitled to a benefit under the *Statutory Accident Benefits Schedule – Effective September 1, 2010* (“SABS”);
- b. Conducting assessments or examinations in connection with a determination of catastrophic impairment under the SABS;
- c. Preparing, completing, and signing the Treatment and Assessment Plans (OCF-18) as a regulated health professional or health practitioner under the SABS; and
- d. Directly or indirectly invoicing insurers for any of the services in clauses a to c above, except for those services provided on or before the date the Order is issued.

An administrative penalty in the amount of \$15,000 is hereby imposed on Romeo Vitelli.

This order is imposed for the reasons set out in the Minutes of Settlement and Undertaking dated [TBD].

TAKE NOTICE THAT the Financial Services Regulatory Authority of Ontario will deliver an invoice to Romeo Vitelli with information as to where and how to pay the administrative penalties. Romeo Vitelli must pay the administrative penalties no later than thirty (30) days after the date of the invoice.

If Romeo Vitelli fails to pay the administrative penalty in accordance with the terms of this Order, the Chief Executive Officer may file the Order with the Superior Court of Justice and the Order may be enforced as if it were an order of the court. An administrative penalty that is not paid in accordance with the terms of the order imposing the penalty is a debt due to the Crown and is enforceable as such.

DATED at _____, Ontario,

Elissa Sinha
Director, Litigation and Enforcement

By delegated authority from the Chief Executive Officer

Si vous désirez recevoir cet avis en français, veuillez nous envoyer votre demande par courriel immédiatement à : contactcentre@fsrao.ca.