

**DISCIPLINE COMMITTEE OF THE COLLEGE
OF CHIROPRACTORS OF ONTARIO**

PANEL:	Mr. Robert MacKay (Chair)	Public Member
	Dr. Colin Goudreau	Professional Member
	Ms. Robyn Gravelle	Public Member
	Dr. Colleen Pattrick	Professional Member
	Dr. Murray Townsend	Professional Member

BETWEEN:)	Appearances: ¹
)	
COLLEGE OF CHIROPRACTORS)	Mr. Chris Paliare and
)	Ms. Karen Jones for the College
OF ONTARIO)	of Chiropractors of Ontario
)	
- and -)	
)	
DR. PRIYA SHARMA)	Ms. Valerie Wise and
(Registration #6616))	Ms. Mina Karabit for
)	Dr. Sharma
)	
)	Heard: November 5, 2020
)	

DECISION AND REASONS

¹ Also in attendance at the hearing were: Mr. Colin Stevenson, Independent Legal Counsel to the Panel; Ms. Jo-Ann Willson, Registrar and General Counsel CCO; and Ms. Calypso Schincariol, Court Reporter.

DECISION AND REASONS

Introduction

This was a hearing before a panel of the Discipline Committee (the "Panel") of the College of Chiropractors of Ontario (the "College") held on November 5, 2020. The College has a mandate to regulate the practice of the chiropractic profession and to govern its members and, in so doing, serve and protect the public interest.

The Hearing was held virtually using video conferencing with the consent of the parties to comply with Provincial physical distancing recommendations.

The Allegations

The allegations against Dr. Priya Sharma (the "Member") were set out in the Notice of Hearing, dated August 10, 2020. The Notice of Hearing was entered as Exhibit 1 at the hearing and the allegations contained in the Notice of Hearing are attached as Appendix "A" of the Panel's Decision and Reasons.

Mr. Paliare on behalf of the College stated that discussions with the Member had resulted in a Resolution Agreement. The College and the Member would therefore be jointly presenting an Agreed Statement of Facts and, if that was accepted by the Panel, a Joint Submission as to Penalty and Costs would then be made.

Agreed Statement of Facts

The Agreed Statement of Facts² which had been signed by the parties was entered as Exhibit 2. During the course of the submissions that followed, Mr. Paliare reviewed the Agreed Statement of Facts in its entirety. The Agreed Statement of Facts, Exhibit 2, provided as follows:

² 24 hours before the Hearing, exhibits 2 and 3 were delivered to the Panel members in the interests of hearing economy and on consent of the parties.

Background

1. Dr. Priya Sharma ("Dr. Sharma") became a member of the College of Chiropractors of Ontario ("CCO") in 2014.
2. During the relevant time, Dr. Sharma practiced chiropractic at Seva Chiropractic and Health Centre ("Centre") in Markham, Ontario.
3. Dr. Sharma resigned her membership with the CCO on January 1, 2019.

Patients "A" Patient "B" and their children

4. In 2014, Patient B. began receiving chiropractic treatment from Dr. Sharma. Her husband, Patient A., and their two children, Patient C. and Patient D., also received chiropractic treatment from Dr. Sharma.
5. In 2015, Dr. Sharma began having a personal and romantic relationship with Patient A. The relationship included Dr. Sharma calling Patient A. at home, texting him and sending him messages and emails, and engaging in conduct with Patient A. that included touching, behaviour, and remarks of a sexual nature.
6. Dr. Sharma and Patient A. did not engage in sexual intercourse or other forms of physical sexual relations, including any of the acts described in subsection 51.(5)3. of the Health Professions Procedural Code ("Code").
7. Dr. Sharma encouraged Patient A. to leave his wife, Patient B., and complained when Patient A. paid attention to Patient B. Dr. Sharma made derogatory and disparaging comments regarding Patient B., including comments on her appearance. Dr. Sharma gave Patient A. preferential chiropractic treatment at the expense of Patient B.'s chiropractic treatment.

8. In 2017, Patient B. discovered communications between Dr. Sharma and Patient A. She confronted Dr. Sharma, who admitted she loved Patient A. Dr. Sharma also promised to leave Patient A. alone. However, the relationship between Dr. Sharma and Patient A. continued.
9. In or about January 2018, Patient B. and her family stopped receiving chiropractic treatments from Dr. Sharma.
10. Later in 2018, Patient B. asked Dr. Sharma for a copy of her chiropractic record, and the records for her husband and children, as she had concerns about how Dr. Sharma had treated her and billed her family's chiropractic treatments. Dr. Sharma advised Patient B. that she did not have any records for Patient A., Patient B., Patient C., or Patient D.
11. In 2018, there was at least one confrontation between Dr. Sharma and Patient A. Both Dr. Sharma and Patient A. complained to the local police about each other's conduct. They both ultimately withdrew the complaints.

CCO Standards and Guidelines

12. Sexual abuse is defined in subsection 1.(3) of the Code:

In this Code, "sexual abuse" of a patient by a member means:

- a) sexual intercourse or other forms of physical sexual relations between the member and the patient;
- b) touching, of a sexual nature, of the patient by the member;
- or
- c) behaviour or remarks of a sexual nature by the member towards the patient.

13. Any consent by a patient is irrelevant, as a matter of law, for the purposes of the Code.
14. CCO Standard of Practice S-014 Prohibition of a Sexual Relationship with Patient prohibits chiropractors from sexualizing a professional relationship, including by sexual remarks, behaviour and touching.
15. CCO Standard of Practice S-022 Ownership, Storage, Security and Destruction of Records of Personal Health Information requires chiropractors to retain patient records for at least seven years following a patient's last visit.

Admissions

16. Dr. Sharma admits that she committed the acts of professional misconduct alleged in the Notice of Hearing dated August 10, 2020, because she:
 - a. sexually abused Patient A. as described in allegation 1 by engaging in touching, behaviour and remarks of a sexual nature;
 - b. contravened a standard of practice of the profession or failed to maintain the standard of practice expected of members of the profession with respect to her treatment, documentation and conduct towards Patient A. and Patient B. as described in allegation 2;
 - c. abused Patient B. verbally, psychologically and emotionally as described in allegation 3;
 - d. failed to keep records as required for Patient A., Patient B., Patient C., and Patient D. as described in allegation 4; and
 - e. engaged in conduct or performed an act or acts, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable and unprofessional with respect to her treatment, documentation and conduct towards Patient A. and Patient B. as described in allegation 5.

Other

17. Dr. Sharma acknowledges that she received advice from her counsel, Valerie Wise prior to entering into this Resolution Agreement. Dr. Sharma agrees that she is entering into this Resolution Agreement and signing the Agreed Statement of Facts freely and voluntarily.

Member's Plea

The Member admitted all the Allegations contained in the Notice of Hearing (Exhibit 1) namely 1, 2, 3, 4, and 5. A plea inquiry was conducted by the Panel Chair. At the conclusion of that process, the Panel was satisfied that the admissions of professional misconduct by the Member were voluntary, informed, and unequivocal.

Decision

The Panel heard submissions by Mr. Paliare on behalf of the College, and Ms. Wise on behalf of the Member with respect to the Agreed Statement of Facts. During the course of those submissions the parties highlighted the admitted facts and invited the Panel to make findings against the Member. In addition, the Panel sought and obtained advice from its independent legal counsel, who reminded the Panel that the Agreed Statement of Facts could form the basis for their findings at this hearing.

After deliberation, the Panel was satisfied that the admissions of professional misconduct made by the Member were supported by the agreed-upon facts contained in the Agreed Statement of Facts.

Consequently, we made findings of professional misconduct against Dr. Priya Sharma in relation to the allegations set out in the Notice of Hearing (Exhibit 1). In particular, the Panel found that the Member has:

- a. sexually abused Patient A. as described in allegation 1 by engaging in touching, behaviour and remarks of a sexual nature;
- b. contravened a standard of practice of the profession or failed to maintain the standard of practice expected of members of the profession with respect to her treatment, documentation and conduct towards Patient A. and Patient B. as described in allegation 2;
- c. abused Patient B. verbally, psychologically and emotionally as described in allegation 3;
- d. failed to keep records as required for Patient A., Patient B., Patient C., and Patient D. as described in allegation 4; and
- e. engaged in conduct or performed an act or acts, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable and unprofessional with respect to her treatment, documentation and conduct towards Patient A. and Patient B. as described in allegation 5.

In reaching its decision the Panel reminded itself of s. 49 of the *Health Professions Procedural Code* and therefore relied exclusively on the evidence presented at the hearing as contained in the Agreed Statement of Facts (Exhibit 2). The Panel found the facts contained in it provided a sufficient foundation for the findings of professional misconduct.

Penalty and Costs

Counsel for the College advised the Panel that a Joint Submission as to Penalty and Costs had been agreed upon. The Joint Submission was entered as Exhibit 3. Mr. Paliare and Ms. Wise made submissions in support of the Joint Submission. In addition, the Panel sought and obtained advice from its independent legal counsel concerning the approach that discipline panels should take when joint submissions are placed before them.

The Joint Submission invited the Panel to make an order regarding penalty:

1. Requiring Dr. Sharma to appear before the panel to be reprimanded.
2. Directing the Registrar and General Counsel ("Registrar") to suspend Dr. Sharma's certificate of registration for a period of twelve months ("Suspension"), with the Suspension to take effect on November 5, 2020.
3. Directing the Registrar to impose the following terms, conditions and limitations ("Conditions") on Dr. Sharma's certificate of registration:

Prior to applying for membership in the future with the CCO, Dr. Sharma must:

- i. review, and undertake in writing to comply with, all CCO regulations, standards of practice, policies and guidelines, including but not limited to CCO Standard of Practice S-014 Prohibition of a Sexual Relationship with a Patient and CCO Standard of Practice S-022 Ownership, Storage, Security and Destruction of Records of Personal Health Information;
- ii. provide evidence that she has successfully completed, at her own expense, the Legislation and Ethics Examination and the Record Keeping Workshop.
- iii. provide evidence that she has successfully completed, at her own expense, a course or courses in professional boundaries and ethical patient care approved of by the Registrar; and
- iv. provide evidence that she has participated, at her own

expense, in an assessment conducted by a psychiatrist, psychologist or other regulated health professional (the "Assessor") approved by the Registrar for the purpose of determining whether she is suffering from any physical or mental condition or disorder that would make it desirable in the interest of the public that she not practise chiropractic or that her practice be restricted in relation to her ability to maintain professional boundaries with patients, and, if so, identifying the nature of the condition or disorder. The Assessor shall be provided with all relevant documentation including, but not limited to the Decision and Reasons of the Discipline Committee arising from the Notice of Hearing dated August 10, 2020.

4. Requiring that the results of the proceeding be recorded in the public portion of the Register and published in the Annual Report or other publications at the discretion of the College of Chiropractors of Ontario.

The College and the Member also request that the Panel make the following order regarding costs:

1. Requiring Dr. Sharma to pay \$15,000.00 by March 31, 2021 to the CCO to partially pay for its costs of the investigation and the costs and expenses of the hearing and of legal counsel, with Dr. Sharma to provide post-dated cheques as soon as possible after November 5, 2020.

The Joint Submission as to Penalty, which was signed by Dr. Sharma, also contained the following:

Dr. Sharma acknowledges that she received advice from her counsel, Valerie Wise, prior to entering into this Resolution Agreement, and affirms

that she is signing the Joint Submission on Penalty and on Costs freely and voluntarily.

Penalty Decision and Reasons

The Panel was of the view that the parties had come to a fair and equitable resolution, having carefully balanced the issues of protection of the public interest and remediation of the Member and her practice. Mr. Paliare stated the Member has cooperated with the College and, by agreeing to the facts has accepted responsibility for her actions. Dr. Sharma has avoided the delay and expense that would have been incurred in resolving the allegations at a contested hearing.

The Panel therefore made an order:

1. Requiring Dr. Sharma to appear before the panel to be reprimanded.
2. Directing the Registrar and General Counsel ("Registrar") to suspend Dr. Sharma's certificate of registration for a period of twelve months ("Suspension"), with the Suspension to take effect on November 5, 2020.
3. Directing the Registrar to impose the following terms, conditions and limitations ("Conditions") on Dr. Sharma's certificate of registration:

Prior to applying for membership in the future with the CCO, Dr. Sharma must:

- i. review, and undertake in writing to comply with, all CCO regulations, standards of practice, policies and guidelines, including but not limited to CCO Standard of Practice S-014 Prohibition of a Sexual Relationship with a Patient and CCO Standard of Practice S-022 Ownership, Storage, Security and Destruction of Records of Personal Health Information;
- ii. provide evidence that she has successfully completed, at her own expense, the Legislation and Ethics Examination and the Record Keeping Workshop.
- iii. provide evidence that she has successfully completed, at her own expense, a course or courses in professional boundaries and

ethical patient care approved of by the Registrar; and

- iv. provide evidence that she has participated, at her own expense, in an assessment conducted by a psychiatrist, psychologist or other regulated health professional (the "Assessor") approved by the Registrar for the purpose of determining whether she is suffering from any physical or mental condition or disorder that would make it desirable in the interest of the public that she not practise chiropractic or that her practice be restricted in relation to her ability to maintain professional boundaries with patients, and, if so, identifying the nature of the condition or disorder. The Assessor shall be provided with all relevant documentation including, but not limited to the Decision and Reasons of the Discipline Committee arising from the Notice of Hearing dated August 10, 2020.

4. Requiring that the results of the proceeding be recorded in the public portion of the Register and published in the Annual Report or other publications at the discretion of the College of Chiropractors of Ontario.
5. Requiring Dr. Sharma to pay \$15,000.00 by March 31, 2021 to the CCO to partially pay for its costs of the investigation and the costs and expenses of the hearing and of legal counsel, with Dr. Sharma to provide post-dated cheques as soon as possible after November 5, 2020.

Administration of Reprimand

It was noted on the record that the Joint Submission on Penalty (Exhibit 3) contained an Undertaking³ marked as Exhibit "A", that among other things expressly waived the Member's right of appeal⁴ of any decision by the Discipline Committee in relation to the August 10, 2020 Notice of Hearing, (Exhibit 1). Further, the Panel confirmed that the

³ Appendix "B" of this Decision and Reasons.

⁴ The "second" Paragraph 3 Appendix "B"

Member was prepared for the oral reprimand to be administered immediately following the hearing. Consistent with the necessity to conduct the hearing via videoconference the Panel administered the oral reprimand in the same manner at the conclusion of the hearing.

I, **Robert MacKay**, sign this decision and reasons for the decision as Chair of this Discipline Panel and on behalf of the members of the Discipline Panel listed below.



Mr. Robert MacKay, Chair

Date: November 19, 2020

Panel Members:

Mr. Robert MacKay
Dr. Colin Goudreau
Ms. Robyn Gravelle
Dr. Colleen Pattrick
Dr. Murray Townsend

Appendix "A"
**Allegations contained in the Notice of Hearing,
regarding Dr. Priya Sharma (Exhibit 1)**

TAKE NOTICE THAT IT IS ALLEGED THAT:

1. You have committed an act of professional misconduct as provided by subsection 51(1)(b.1) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, S.O. 1991, c. 21, as amended, in that during the period 2015 – January 30, 2018, while you were working as a chiropractor at the Seva Chiropractic and Health Centre in Markham, Ontario, on one or more occasions, you sexually abused a patient known as "Patient A."
2. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, S.O. 1991, c. 21, as amended, and paragraph 1(2) of *Ontario Regulation 852/93*, in that during the period 2015 – January 30, 2018, while you were working as a chiropractor at the Seva Chiropractic and Health Centre in Markham, Ontario, on one or more occasions, you contravened a standard of practice of the profession or failed to maintain the standard of practice expected of members of the profession with respect to your assessment and/or treatment and/or documentation and/or conduct towards a patient known as "Patient A." and/or a patient known as "Patient B."
3. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, S.O. 1991, c. 21, as amended, and paragraph 1(5) of *Ontario Regulation 852/93*, in that during the period 2015 – January 30, 2018, while you were working as a chiropractor at the Seva Chiropractic and Health Centre in Markham, Ontario, on one or more occasions, you abused a patient known as "Patient A." and/or a patient known as "Patient B." verbally and/or physically and/or psychologically and/or emotionally.
4. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, S.O. 1991, c. 21, as amended, and paragraph 1(19) of *Ontario Regulation 852/93*, in that during the period 2015 – January 30, 2018, while you were working as a chiropractor at the Seva Chiropractic and Health Centre in Markham, Ontario, you failed to keep records as required by the regulations for one or more of patients known as "Patient A.", "Patient B.", "Patient C.", and "Patient D."
5. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, S.O. 1991, c. 21, as amended, and paragraph 1(33) of

Ontario Regulation 852/93, in that, during the period 2015 – January 30, 2018, while you were working as a chiropractor at the Seva Chiropractic and Health Centre in Markham, Ontario, you engaged in conduct or performed an act or acts, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional with respect to your assessment and/or treatment and/or documentation and/or conduct towards a patient known as “Patient A.” and/or a patient known as “Patient B.”

Appendix "B"

UNDERTAKING Exhibit "A"

**To: The Registrar and General Counsel ("Registrar")
of the College of Chiropractors of Ontario ("CCO")**

I, Dr. Priya Sharma, undertake to the Registrar and agree to do the following:

1. I will not apply for registration with the CCO or as a chiropractor in any other jurisdiction until after November 5, 2025.
2. I will not apply for registration with the CCO until I have:
 - a. reviewed, and undertaken in writing to comply with, all CCO regulations, standards of practice, policies and guidelines, including but not limited to CCO Standard of Practice S-014 Prohibition of a Sexual Relationship with a Patient and CCO Standard of Practice S-022 Ownership, Storage, Security and Destruction of Records of Personal Health Information;
 - b. provided evidence that I have successfully completed, at my own expense, the Legislation and Ethics Examination and the Record Keeping Workshop;
 - c. provided evidence that I have successfully completed, at my own expense, a course or courses in professional boundaries and ethical patient care approved of by the Registrar; and
 - d. provided evidence that I have participated, at my own expense, in an assessment conducted by a psychiatrist, psychologist or other regulated health professional (the "Assessor") approved by the Registrar for the purpose of determining whether I am suffering from any physical or mental condition or disorder that would make it desirable in the interest of the public that I not practise chiropractic or that my practice be restricted in relation to my ability to maintain professional boundaries with patients, and, if so, identifying the nature of the condition or disorder. The Assessor shall be provided with all relevant documentation including, but not limited to the Decision and Reasons of the Discipline Committee arising from the Notice of Hearing dated August 10, 2020.

2. If I am successful in applying for membership with the CCO in the future, I Undertake and agree that I will be peer assessed at my own expense within six months of starting practise.
3. I will pay to the CCO \$15,000.00 for the partial payment of its costs and expenses related to the investigation, hearing and legal costs by March 31, 2021 and shall provide the College with post-dated cheques for the costs as soon as possible after November 5, 2020.
3. I agree not to appeal or ask for a judicial review of the decision of the Discipline Committee so long as the panel of the Discipline Committee accepts the Agreed Statement of Facts ("ASF") and Joint Submission on Penalty and Costs ("JSP") contained in the Resolution Agreement with the College. In the event that the ASF or JSP are not accepted by the Discipline Committee, I reserve the right to request an adjournment, call evidence, and make additional submissions.
4. I acknowledge that failure to abide by any of the terms of this Undertaking could result in the CCO taking legal or other action against me, as it deems appropriate.
5. I acknowledge that I have been advised by the CCO to obtain legal advice prior to executing this Undertaking and have obtained the advice of my counsel, Valerie Wise. I am executing this Undertaking freely and voluntarily after reading and understanding its contents.

Signed this day of October, 2020

Dr. Priya Sharma

Witness Signature