

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

PANEL:	Dr. Daniela Arciero (Chair)	Professional Member
	Dr. Colin Goudreau	Professional Member
	Mr. Robert MacKay	Public Member
	Mr. Shawn Southern	Public Member
	Dr. Matthew Tribe	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. JORDAN SHNIER)	Mr. Matthew Gourlay
(Registration #7428))	for Dr. Shnier
)	
)	
)	Heard: January 26, 2021
)	

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. Shari Corkum, 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 January 26, 2021. 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. Jordan Shnier (the "Member") were set out in the Notice of Hearing, dated September 3rd, 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 there had been discussions with the Member that had resulted in a Resolution Agreement. The College and the Member would therefore be jointly presenting an Agreed Statement of Facts and, if 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. Jordan Shnier ("Member") became a member of the College of Chiropractors of Ontario ("CCO") in 2018.
2. At the relevant time, the Member practiced chiropractic at an office in Cambridge, Ontario.

Patient "A."

3. On April 10, 2019, Patient A. began receiving chiropractic treatment from the Member at the Clinic for injuries she had suffered in a car accident.
4. Shortly after Patient A. started receiving chiropractic treatment from the Member, the Member and Patient A. began to socialize outside of the treatment setting. In the following weeks, the relationship took on a sexual character. Ultimately, the sexual relationship included one or more of the frank sexual acts described in subsection 51.(5)3. of the Health Professions Procedural Code.
5. The concurrent professional and sexual relationship between the Member and Patient A. ended no later than July 22, 2019.

The Member's Admissions

6. Based on the facts set out above, the Member admits that he committed acts of professional misconduct, as alleged in the Notice of Hearing, and in particular, he:
 - a. Sexually abused Patient A. as described in Allegation #1.

- b. Contravened a standard of practice of the profession or failed to maintain the standards of practice of the profession with respect to his conduct towards Patient A. as described in Allegation #2; and
- c. Engaged in conduct that would reasonably be regarded by members as disgraceful, dishonourable and unprofessional because he had a concurrent professional and sexual relationship with Patient A. as described in Allegation #5.

Other

- 7. The CCO withdraws allegations #3 and #4 in the Notice of Hearing.
- 8. The Member acknowledges that he received advice from his counsel, Matthew Gourlay, prior to entering into this Resolution Agreement. The Member agrees that he is entering into this Resolution Agreement and signing the Agreed Statement of Facts freely and voluntarily.

Member's Plea

The Member admitted the Allegations as amended and contained in the Notice of Hearing (Exhibit 1); the remaining Allegations were #1, #2, 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 Mr. Gourlay on behalf of the Member with respect to the Agreed Statement of Facts. During the course of the 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, findings of professional misconduct were made against Dr. Jordan Shnier in relation to the outstanding allegations set out in the Notice of Hearing (Exhibit 1). In particular, the Panel found that the Member had:

- A. Sexually abused a patient known as "Patient A." as described in Allegation #1;
- 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 his documentation and/or billing and/or conduct towards a patient known as "Patient A.", as described in Allegation #2; and
- C. 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 his documentation and/or billing and/or conduct toward a patient known as "Patient A.", as described in Allegation #5.

Taking into account s. 49 of the *Health Professions Procedural Code*, the Panel relied exclusively on the evidence presented at the hearing as contained in the Agreed Statement of Facts (Exhibit 2) in reaching its decision. The Panel found that the facts it contained 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 Mr. Gourlay made submissions in support of the Joint Submission. In addition, the Panel sought and obtained advice from its independent legal counsel, Mr.

Colin Stevenson. Mr. Stevenson provided guidance 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 the Member to appear before the panel to be reprimanded.
2. Directing the Registrar and General Counsel ("Registrar") to revoke the Member's certificate of registration on January 26, 2021;
3. Requiring the Member to reimburse the CCO for funding provided for Patient A. under the program required under section 85.7 of the Health Professions Procedural Code.
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 CCO and the Member also requested that the Panel make the following order regarding costs:

1. Requiring the Member to pay \$ 10,000.00 to the CCO to partially pay for its costs of the investigation and the costs and expenses of the hearing and of legal counsel to be paid to the CCO on or before the date of the hearing of this matter.

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

Dr. Shnier acknowledges that he received advice from his counsel, Matthew Gourlay, prior to entering into this Resolution Agreement, and affirms that he 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. The Panel sees the Member's cooperation as indication that he has acknowledged his wrong-doing.

By cooperating with the CCO, Dr. Shnier has avoided the delay and expense that would have been incurred in resolving the allegations at a contested hearing. The Panel agreed with the submission of the parties that given the findings we have made, the revocation of the Member's certificate of registration is mandatory.

The Panel therefore made an order:

1. Requiring the Member to appear before the panel to be reprimanded;
2. Directing the Registrar and General Counsel ("Registrar") to revoke the Member's certificate of registration on January 26, 2021;
3. Requiring the Member to reimburse the CCO for funding provided for Patient A. under the program required under section 85.7 of the Health Professions Procedural Code;
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 the member to pay \$10,000 to the CCO to partially pay for its costs of the investigation and the costs and expenses of the hearing and of legal counsel, to be paid to the CCO on or before the date of the hearing of this matter.

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 items, expressly waived the Member's right of appeal⁴ of any decision by the Discipline Committee in relation to the September 3rd, 2020 Notice of Hearing (Exhibit 1). Further, the Panel confirmed that the 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, **Dr. Daniela Arciero**, sign this decision and reasons for the decision as Chair of this Discipline Panel and on behalf of the members of the Discipline Panel, as listed below.



Dr. Daniela Arciero, Chair

February 12, 2021.

Date: February 12, 2021

Panel Members:

Dr. Daniela Arciero
Dr. Colin Goudreau
Mr. Robert MacKay
Mr. Shawn Southern
Dr. Matthew Tribe

³ Appendix "B" of this Decision and Reasons

⁴ Paragraph 3 Appendix "B"

Appendix "A"
**Allegations contained in the Notice of Hearing,
regarding Dr. Jordan Shnier (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.l) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, S.O. 1991, c. 21, as amended, in that in 2019, while practicing as a chiropractor at Full Body Function in Cambridge, 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 in 2019, while you were working as a chiropractor at Full Body Function in Cambridge, 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 documentation and/or billing and/or conduct towards a patient known as "Patient A."
3. You have committed an act of professional misconduct as provided by subsection 51(l)(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 while working as a chiropractor at Full Body Function in Cambridge, Ontario, you abused a patient known as "Patient A." 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 in 2019 while you were working as a chiropractor at Full Body Function in Cambridge, Ontario, you failed to keep records as required by the regulations for a patient known as "Patient A."
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 in 2019, while you were working as a chiropractor at Full Body Function in Cambridge, 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 documentation and/or billing and/or conduct towards a patient known as "Patient A."

UNDERTAKING
Exhibit "A"

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

I, Dr. Jordan Shnier, undertake to the Registrar and agree to do the following:

1. I will repay the CCO for any funding provided to the patient I sexually abused under the program required under section 85.7 of the Health Professions Procedural Code;
2. I will not apply for membership to the CCO in the future until I have:
 - a. provided proof that I have successfully completed, at my own expense, a course or courses in professional ethics and professional boundaries approved of by the Registrar; and
 - b. complied with all registration requirements that are in effect at the time of my application.
3. I will pay to the CCO a total of \$10,000.00 for the partial payment of its costs and expenses related to the investigation, hearing expenses and costs, and legal costs and expenses on or before January 26, 2021.
4. I will not appeal or ask for a judicial review of the decision of the Discipline Committee regarding the allegations in the Notice of Hearing.
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, Matthew Gourlay. I am executing this Undertaking freely and voluntarily after reading and understanding its contents.

Signed this day of January, 2021.

Dr. Jordan Shnier

Witness Signature

