

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

<b>PANEL:</b>	Mr. Robert MacKay (Chair)	Public Member
	Dr. Colin Goudreau	Professional Member
	Ms. Robyn Gravelle	Public Member
	Dr. Murray Townsend	Professional Member
	Dr. Matthew Tribe	Professional Member

<b>BETWEEN:</b>	)	Appearances: <sup>1</sup>
	)	
<b>MR. WAYNE WOODLAND</b>	)	Ms. Valerie Wise and
(Registration #2794)	)	Ms. Mina Karabit for
	)	Mr. Woodland
	)	
<b>- and -</b>	)	
	)	
<b>COLLEGE OF CHIROPRACTORS</b>	)	Mr. Chris Paliare and
<b>OF ONTARIO</b>	)	Ms. Karen Jones for the College
	)	of Chiropractors of Ontario
	)	
	)	Heard: February 22, 2021
	)	

**DECISION AND REASONS**

---

<sup>1</sup> 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 February 22, 2021 pursuant to sections 72 and 73 of the *Regulated Health Professions Procedural Code* to consider the Application for Reinstatement by Wayne Woodland (the "Applicant"), dated January 12, 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 Reinstatement Application

The grounds for the reinstatement initially relied on by the Applicant were set out in the Notice of Application which was entered as Exhibit 1 at the hearing. The grounds contained in the Notice of Application are attached as Appendix "A" of the Panel's Decision and Reasons for ease of reference, although the grounds ultimately relied on were narrowed by the parties and are set out below.

Ms. Wise on behalf of the Applicant confirmed that the Registrar had given the complainant in the original proceeding (described below) notice of the application, and stated that discussions with the College had resulted in a Resolution Agreement. The Applicant and the College would therefore be jointly presenting an Agreed Statement of Facts and, if that were accepted by the Panel, a Joint Order on reinstatement terms would be requested by the Applicant and the College.



## Agreed Statement of Facts

The Agreed Statement of Facts<sup>2</sup> which had been signed by the parties was entered as Exhibit 2. Mr. Wise reviewed the Agreed Statement of Facts Exhibit 2<sup>3</sup>, which provided as follows:

### Background

1. Wayne Woodland became a member of the College of Chiropractors of Ontario (“CCO”) in 1993.
2. On April 21, 2015, Mr. Woodland’s certificate of registration was revoked by a panel of the Discipline Committee, who found he had committed acts of professional misconduct because, among other things, he had:
  - a. sexually abused a patient known as “L.S.”; and
  - b. sexually abused a patient known as “L.H.”

A copy of the Discipline Committee Decisions and Reasons dated April 21, 2015 is attached to this Agreed Statement of Facts at **Tab A**.

3. Mr. Woodland has applied in writing to the Registrar and General Counsel (“Registrar”) to have a new certificate of registration issued. A copy of Mr. Woodland’s written application is attached to this Agreement at **Tab B**.
4. The CCO Registrar and General Counsel (“Registrar”) referred Mr. Woodland’s application to the Discipline Committee on November 2, 2020. A copy of the referral is attached to this Agreement at **Tab C**.
5. Mr. Woodland has served and filed a Notice of Application, pursuant to Rule 28

---

<sup>2</sup> 24 hours before the Hearing, exhibits 2 was delivered to the Panel members in the interests of hearing economy and on consent of the parties.

<sup>3</sup> Tabs A, B, C, D, and E, (108 pages) of Exhibit 2, which form part of the official record are not attached here.

of the Discipline Committee Rules. The Notice of Application is attached to this Agreement at **Tab D**.

6. The Discipline Committee Chair has made an order waiving the requirement in Rule 28.03 of the Discipline Committee Rules for Mr. Woodland to provide the record and transcript from the hearing of a panel of the Discipline Committee at which his licence to practice was revoked. The Discipline Committee Chair's Order is attached to this Agreement at **Tab E**.
7. The CCO has not received any applications for funding for therapy and counselling from "L.S." or "L.H.". Mr. Woodland has not been required to reimburse the CCO for any funding provided patients pursuant to s. 85.7 of the Health Professions Procedural Code.
8. The CCO consents to Mr. Woodland's application for reinstatement, subject to specified terms, conditions and limitations being imposed on Mr. Woodland's certificate of registration, and his submitting an application form to the Registrar along with all applicable documents and fees to be registered.
9. The specified terms, conditions and limitations are:
  - a. Prior to returning to the practice of chiropractic, Mr. Woodland must:
    - i. successfully complete, at his own expense, a course in maintaining professional boundaries approved of in advance by the Registrar;
    - ii. review and undertake in writing to the Registrar to comply with all CCO bylaws, standards, guidelines and polices including but not limited to S-014: Prohibition Against a Sexual Relationship with a Patient, P-003: Principle of Zero Tolerance, P-018: Funding for



Therapy and Counselling for Patients Sexually Abused by Members, G-001 Communication with Patients, G-005: Guidelines for Members Concerning Office Staff;

- iii. successfully complete, at his own expense, the CCO's Legislation and Ethics Examination and the Record Keeping Workshop;
- iv. successfully complete, at his own expense, Parts B and C of the Canadian Chiropractic Examining Board ("CCEB") examination.
- v. have fully paid any costs he owes to the CCO as a result of his 2015 Discipline Committee hearing; and
- vi. demonstrate that he has obtained liability insurance as required.

b. Mr. Woodland must be peer assessed at his own expense within six months of returning to practice; and

c. The CCO is permitted, at its discretion and Mr. Woodland's expense, to inspect his practice on two occasions in the first four years after he returns to practice.

10. Mr. Woodland must pay the CCO \$4,500.00 by way of application fees for this application for reinstatement, with \$1,000.00 to be paid on or before February 22, 2021, and the remaining \$3,500.00 by December 31, 2021. Mr. Woodland is to provide post-date cheques for the \$3,500.00 to the CCO by March 5, 2021.

11. The results of this proceeding with the name of Mr. Woodland are to be published on the CCO register and in the CCO annual report, and may be published in any other publication of the CCO.

12. Mr. Woodland will not appeal or ask for judicial review of the decision of the Discipline Committee regarding his application for reinstatement so long as the panel of the Discipline Committee orders the CCO Registrar to: a) issue a certificate of registration; and b) orders her to impose the specified terms, conditions and limitations set out in paragraph 9, above. In the event that the Discipline Committee does not make these orders, Mr. Woodland reserves the right to request an adjournment, call evidence, and make additional submissions.

### Decision

The Panel heard submissions by Ms. Wise on behalf of the Applicant and Mr. Paliare on behalf of the College with respect to the Agreed Statement of Facts. In those submissions the parties highlighted the admitted facts and invited the Panel to make an order directing the Registrar to reinstate the Applicant on the proposed terms and conditions.

In addition, the Panel sought and obtained advice from its independent legal counsel, who reminded the Panel that the statutory precondition in section 72(3)(a) had been met i.e. 5 years had lapsed since the Applicant had had his certificate revoked and the question for us was whether the Applicant was (or will be when the terms have been satisfied) qualified to practice and whether the public interest will be adequately protected if the Applicant was reinstated. In considering the public interest we reviewed the Agreed Statement of Facts to determine whether reinstatement on the proposed terms would adequately address the suitability of the Applicant to return to practice and mitigate any risk to the public. Given the mandate of the College our primary concern therefore was whether it was safe and appropriate to permit the Applicant to return to practice.



After deliberation, the Panel accepted the facts contained in Exhibit 2. We agree this is in the public interest and that the Applicant has done, or will do, everything necessary and appropriate to be reinstated to this profession. The terms and conditions will ensure that he is able to re-engage in the profession and that the public interest has been fully protected.

Consequently, we made an order that the Registrar issue a certificate of registration to the Applicant subject to the terms and conditions set out in Exhibit 2 pages 2 and 3, paragraphs 9 a, b and c<sup>4</sup>. Further, we agree on consent of the parties that the Applicant should pay the fees outlined in paragraph 10 and that the results of this proceeding be published as set out in paragraph 11<sup>5</sup>.

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: March 9, 2021

Panel Members:

Mr. Robert MacKay  
Dr. Colin Goudreau  
Ms. Robyn Gravelle  
Dr. Murray Townsend  
Dr. Matthew Tribe

<sup>4</sup> Appendix "B" to the Decision and Reasons of the Panel

<sup>5</sup> Appendix "C" to the Decision and Reasons of the Panel

**Appendix "A"**  
**Grounds contained in the Notice of Application,  
regarding Wayne Woodland (Exhibit 1)**

The grounds for the application are:

- a. The Applicant meets the statutory requirements for reinstatement under section 72(3)(a) of the *Regulated Health Professions Procedural Code*, as it has been more than five years since the revocation of his licence by Order of the Discipline Committee on March 26, 2015;
- b. The Applicant has, as of the date of the hearing of this application, complied with the orders made on March 16, 2015 by the Discipline Committee;
- c. The Applicant does not pose a risk of further misconduct as:
  - i. He has demonstrated remorse for the conduct that led to the revocation of his certificate of registration
  - ii. He has learned from his actions, the resulting Discipline Committee hearing, and revocation;
  - iii. He has undergone significant personal growth since the revocation of his certificate of registration; and
  - iv. He has and/or will undergo additional courses and training relating to, among other things, ethics and professional boundaries, as will be detailed in the evidence submitted to the panel;
- d. The Applicant is suitable to practice as:
  - i. He has, as of the date of the hearing of this application, reviewed and undertaken to comply with College standards and guidelines and Ontario legislation governing chiropractors; and



- ii. He has and/or will undergo additional training, courses, and testing, as will be detailed in the evidence submitted to the panel;
- e. The public will be adequately protected if the Applicant is reinstated as:
  - i. the Applicant has the support of the members of his community; and
  - ii. the Applicant will be peer assessed and have his practice inspected by the College after return to practice, as will be detailed in the evidence submitted to the panel;
- f. The confidence of the public in the profession's ability to govern itself will not be undermined if the Applicant is reinstated;
- g. Section 72 of the *Health Professions Procedural Code*, Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O., 1991, c. 18 as amended;
- h. Rule 28 of the Discipline Committee Rules of Procedure of the College of Chiropractors of Ontario; and
- i. Such other grounds as the parties may advise.

**Appendix "B"**  
**Conditions contained in the Agreed Statement of Facts,  
regarding Wayne Woodland (Exhibit 2)**

The specified terms, conditions and limitations are:

- a. Prior to returning to the practice of chiropractic, Mr. Woodland must:
  - i. successfully complete, at his own expense, a course in maintaining professional boundaries approved of in advance by the Registrar;
  - ii. review and undertake in writing to the Registrar to comply with all CCO bylaws, standards, guidelines and polices including but not limited to S-014: Prohibition Against a Sexual Relationship with a Patient, P-003: Principle of Zero Tolerance, P-018: Funding for Therapy and Counselling for Patients Sexually Abused by Members, G-001 Communication with Patients, G-005: Guidelines for Members Concerning Office Staff;
  - iii. successfully complete, at his own expense, the CCO's Legislation and Ethics Examination and the Record Keeping Workshop;
  - iv. successfully complete, at his own expense, Parts B and C of the Canadian Chiropractic Examining Board ("CCEB") examination.
  - v. have fully paid any costs he owes to the CCO as a result of his 2015 Discipline Committee hearing; and
  - vi. demonstrate that he has obtained liability insurance as required.



- b. Mr. Woodland must be peer assessed at his own expense within six months of returning to practice; and
  
- c. The CCO is permitted, at its discretion and Mr. Woodland's expense, to inspect his practice on two occasions in the first four years after he returns to practice.

**Appendix "C"**  
**Consent terms contained in the Agree Statement of Facts,  
regarding Wayne Woodland (Exhibit 2)**

Mr. Woodland must pay the CCO \$4,500.00 by way of application fees for this application for reinstatement, with \$1,000.00 to be paid on or before February 22, 2021, and the remaining \$3,500.00 by December 31, 2021. Mr. Woodland is to provide post-date cheques for the \$3,500.00 to the CCO by March 5, 2021.

The results of this proceeding with the name of Mr. Woodland are to be published on the CCO register and in the CCO annual report, and may be published in any other publication of the CCO.