

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

<b>PANEL:</b>	Mr. Robert MacKay (Chair)	Public Member
	Dr. Daniela Arciero	Professional Member
	Dr. Elisheva Gabison	Professional Member
	Dr. Colin Goudreau	Professional Member
	Ms. Robyn Gravelle	Public Member

<b>BETWEEN:</b>	)	Appearances: <sup>1</sup>
	)	
<b>COLLEGE OF CHIROPRACTORS</b>	)	Mr. Chris Paliare and
	)	Ms. Karen Jones for the College
<b>OF ONTARIO</b>	)	of Chiropractors of Ontario
	)	
<b>- and -</b>	)	
	)	
<b>DR. PAUL CHRISTOPHER</b>	)	Mr. Lonny Rosen and
(Registration #2667)	)	Ms. Emma Gardiner for
	)	Dr. Christopher
	)	
	)	Heard: March 29, 2021
	)	

**DECISION AND REASONS**

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<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. 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 March 29, 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.

At the outset counsel for the College, on behalf of the witness who is described below as Patient A, asked for an order under s.47(1) of the *Health Professions Procedural Code*. This was consented to by counsel for the Member. In light of the sexual misconduct issues in this case the Panel therefore ordered that no person shall publish the identity of the witness or any information that could disclose the identity of the witness.

### The Allegations

The allegations against Dr. Paul Christopher (the "Member") were set out in the Notice of Hearing, dated July 15, 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 Decision and Reasons of the Panel.

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 were accepted by the Panel, a Joint Submission as to Penalty and Costs would then be made.

## Agreed Statement of Facts

The Agreed Statement of Facts<sup>2</sup> 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:

### **Background**

1. Dr. Paul Christopher ("Member") became a member of the College of Chiropractors of Ontario ("CCO") in 1992.
2. At the relevant time, the Member practiced chiropractic at Christopher Chiropractic ("Clinic") in Waterloo, Ontario.

### **Patient A.**

3. During the period May 2018 and September 2018 ("Period"), "Patient A." was employed as a chiropractic assistant at the Clinic. She was also a patient of the Member and received chiropractic adjustments from him for migraines and pain in her left neck and shoulders.
4. During the Period, the Member:
  - i. made fun of Patient A. in front of patients for being underweight, anxious and depressed;
  - ii. sniffed her hair and moaned;
  - iii. asked her for details of her sex life with her former husband;
  - iv. told Patient A. he would like to have sex with her and described the acts he would perform;

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<sup>2</sup> 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.

- v. told Patient A. about the details of his sexual relationship with his wife;
  - vi. told Patient A. about the sex lives of other female patients and made comments about whether they were attractive and worthy of having sex or not; and
  - vii. said he would take her to Atlanta or Vegas for a chiropractic conference if she played her cards right and played nice.
5. As a result of the Member's conduct towards her, Patient A. became increasingly anxious, and was emotionally and mentally distraught. Patient A's last treatment from the Member was on September 27, 2018. She resigned her employment from the Clinic on October 5, 2018.
6. Had he testified, the Member would have said that he never engaged with Patient A. in any of the acts listed in ss. 51(5) of the Health Professions Procedural Code ("Code").

**Legislation and CCO Standards**

7. Sexual abuse of a patient, which is prohibited by the Code, is defined in subsection 1.(3) of the Code as follows:
- 1.(3) 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.

### Admissions

8. The Member admits that he committed acts of professional misconduct, and in particular he
- i. sexually abused Patient A. as described in allegations 1 of the Notice of Hearing by behaviour and remarks of a sexual nature towards Patient A;
  - ii. contravened a standard of practice of the profession or failed to maintain the standard of practice of the profession with respect to his treatment of and conduct towards Patient A. as described in allegation 2 of the Notice of Hearing;
  - iii. abused Patient A. verbally, psychologically, and emotionally, as described in allegation 3 of the Notice of Hearing; and
  - iv. 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 his treatment of and conduct towards Patient A. as described in allegation 4 of the Notice of Hearing.

### Other

9. The Member acknowledges that he received advice from his counsel, Lonny Rosen 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 all the Allegations contained in the Notice of Hearing (Exhibit 1) namely allegations 1 through 4 of Exhibit 1. 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. Rosen 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 only 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. Paul Christopher in relation to the admitted allegations set out in the Notice of Hearing (Exhibit 1). In particular, the Panel found that the Member has:

- i. sexually abused Patient A. as described in allegation 1 of the Notice of Hearing by behaviour and remarks of a sexual nature towards Patient A;
- ii. contravened a standard of practice of the profession or failed to maintain the standard of practice of the profession with respect to his treatment of

and conduct towards Patient A. as described in allegation 2 of the Notice of Hearing;

- iii. abused Patient A. verbally, psychologically, and emotionally, as described in allegation 3 of the Notice of Hearing; and
- iv. 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 his treatment of and conduct towards Patient A. as described in allegation 4 of the Notice of Hearing.

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 Mr. Rosen 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 the Member to appear before the panel to be reprimanded.

2. Directing the Registrar and General Counsel (“Registrar”) to suspend the Member’s certificate of registration for a period of 10 months (“Suspension”), with the Suspension to take effect on April 1, 2021.
3. Directing the Registrar to impose the following terms, conditions and limitations (“Conditions”) on the Member’s certificate of registration:
  - a. If the Member does not resign his certificate of registration on or before December 1, 2021, the Member must, by December 1, 2021:
    - i. review, and undertake in writing to comply with all CCO regulations, standards of practice, policies and guidelines;
    - ii. provide evidence that he has successfully completed, at his own expense, the Legislation and Ethics Examination and the Record Keeping Workshop; and
    - iii) successfully complete, at his own expense, a course or courses in professional boundaries and gender issues approved of in advance by the Registrar.
  - b. If the Member resigns his certificate of registration on or before December 1, 2021, the Member must complete the Conditions set out in 3a., above, before reapplying to the CCO for a certificate of registration, as well as comply with any other requirements for registration that are in place at the time of his application.



- c. Requiring the Member to be peer assessed at his own expense within six months of returning to practice after the lifting of the Suspension.
4. Directing the Registrar to suspend two months of the Suspension if the Member satisfactorily completes the Conditions set out in Paragraph 3a. by December 1, 2021.
5. Requiring the Member to reimburse the CCO for funding provided to Patient A. under the program required under ss. 85.7 of the Health Professions Procedural Code.
6. 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 the Member to pay \$15,000.00 by December 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 the Member to provide post-dated cheque(s) for the costs on or before March 29, 2021.

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

Dr. Christopher acknowledges that he received advice from his counsel, Lonny Rosen, 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 and his practice. Mr. Paliare stated that by agreeing to the facts the Member has accepted responsibility for his actions. Dr. Christopher has thereby reduced 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 the Member to appear before the panel to be reprimanded.
2. Directing the Registrar and General Counsel ("Registrar") to suspend the Member's certificate of registration for a period of 10 months ("Suspension"), with the Suspension to take effect on April 1, 2021.
3. Directing the Registrar to impose the following terms, conditions and limitations ("Conditions") on the Member's certificate of registration:
  - a. If the Member does not resign his certificate of registration on or before December 1, 2021, the Member must, by December 1, 2021:
    - i. review, and undertake in writing to comply with all CCO regulations, standards of practice, policies and guidelines;
    - ii. provide evidence that he has successfully completed, at his own expense, the Legislation and Ethics Examination and the Record Keeping Workshop; and
    - iii) successfully complete, at his own expense, a course or courses in professional boundaries and gender issues approved of in advance by the Registrar.

- b. If the Member resigns his certificate of registration on or before December 1, 2021, the Member must complete the Conditions set out in 3a., above, before reapplying to the CCO for a certificate of registration, as well as comply with any other requirements for registration that are in place at the time of his application.
  - c. Requiring the Member to be peer assessed at his own expense within six months of returning to practice after the lifting of the Suspension.
- 4. Directing the Registrar to suspend two months of the Suspension if the Member satisfactorily completes the Conditions set out in Paragraph 3a. by December 1, 2021.
- 5. Requiring the Member to reimburse the CCO for funding provided to Patient A. under the program required under ss. 85.7 of the Health Professions Procedural Code.
- 6. 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.
- 7. Requiring the Member to pay \$15,000.00 by December 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 the Member to provide post-dated cheque(s) for the costs on or before March 29, 2021.

Administration of Reprimand

It was noted on the record that the Joint Submission on Penalty (Exhibit 3) contained an Undertaking<sup>3</sup> marked as Exhibit "A", that among other things expressly waived the right of the Member to appeal<sup>4</sup> any decision by the Discipline Committee in relation to the July 15, 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, **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.

  
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Mr. Robert MacKay, Chair

\_\_\_\_\_ Date: April 1, 2021

Panel Members:

Mr. Robert MacKay  
Dr. Daniela Arciero  
Dr. Elisheva Gabison  
Dr. Colin Goudreau  
Ms. Robyn Gravelle

<sup>3</sup> Appendix "B" of this Decision and Reasons.

<sup>4</sup> Paragraph 6 Appendix "B"

## Appendix "A"

### Allegations contained in the Notice of Hearing, Regarding Dr. Paul Christopher (Exhibit 1)

#### TAKE NOTICE THAT IT IS ALLEGED THAT:

1. You have committed an act of professional misconduct as provided by subsection 51(l)(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 May - September 2018, at Christopher Chiropractic in Kitchener, 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 May - September 2018, at Christopher Chiropractic in Kitchener, Ontario, you contravened a standard of practice expected of the members of the profession or failed to maintain the standard of practice expected of members of the profession with respect to your treatment and/or documentation 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, during the period May - September in 2018, at Christopher Chiropractic in Kitchener, 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(l)(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 May- September in 2018, at Christopher Chiropractic in Kitchener, 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 treatment and/or documentation and/or conduct towards a patient known as "Patient A."

**Appendix "B"**

**UNDERTAKING**

**Exhibit "A"**

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

I, Dr. Paul Christopher, undertake to the Registrar and agree to do the following:

1. Subject to paragraph 2, below, on or before December 1, 2021, I will:
  - a. 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;
  - b. provide evidence that I have successfully completed, at my own expense, the CCO's Legislation and Ethics Examination and the Record Keeping Workshop; and
  - c. provide evidence that I have successfully completed, at my own expense, a course or courses in professional boundaries and ethical patient care approved of in advance by the Registrar.
2. In the event that I resign my certificate of registration on or before December 1, 2021, I will complete the Conditions set out in paragraph 1 above before re-applying to the CCO for a certificate of registration.
3. I will be peer assessed at my own expense within six months of returning to practice after the lifting of the suspension referred to in the Resolution Agreement at my Discipline Committee hearing.
4. I will reimburse the CCO for funding provided to Patient A. under the program required under section 85.7 of the Health Professions Procedural Code.
5. I will pay to the CCO a total of \$15,000.00 for the partial payment of its costs and expenses related to the investigation, hearing and legal costs by paying the CCO \$7,500.00 by March 29, 2021 and the remaining \$7,500.00 by

December 31, 2021. I will provide the CCO with a post dated cheque(s) for the latter payment by March 29, 2021.

6. I agree not to appeal or ask for a judicial review of the decision of the Discipline Committee.
7. I acknowledge that failure to abide by any of the terms of this Undertaking could result in the referral of specified allegations of professional misconduct to the Discipline Committee.
8. 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, Lonny Rosen. I am executing this Undertaking freely and voluntarily after reading and understanding its contents.

Signed this        day of March, 2021

\_\_\_\_\_  
Dr. Paul Christopher

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Witness Signature