

**COLLEGE OF CHIROPRACTORS OF ONTARIO**



**ELECTRONIC PUBLIC INFORMATION PACKAGE FOR  
COUNCIL VIRTUAL MEETING  
FRIDAY, FEBRUARY 26, 2021 – 8:30 – 11 A.M.  
VOLUME 1 (MAIN)**

# RHPA

## Duties and Objects of Colleges

### Duty of College

2.1 It is the duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals. 2008, c. 18, s. 1.

### Objects of College

3. (1) The College has the following objects:

1. To regulate the practice of the profession and to govern the members in accordance with the health profession Act, this Code and the *Regulated Health Professions Act, 1991* and the regulations and by-laws.
2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.
3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.
4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.
- 4.1 To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgment relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.
5. To develop, establish and maintain standards of professional ethics for the members.
6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the *Regulated Health Professions Act, 1991*.
7. To administer the health profession Act, this Code and the *Regulated Health Professions Act, 1991* as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.
8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.
9. To promote inter-professional collaboration with other health profession colleges.
10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.
11. Any other objects relating to human health care that the Council considers desirable. 1991, c. 18, Sched. 2, s. 3 (1); 2007, c. 10, Sched. M, s. 18; 2009, c. 26, s. 24 (11).

### Duty

(2) In carrying out its objects, the College has a duty to serve and protect the public interest. 1991, c. 18, Sched. 2, s. 3 (2).



## **COLLEGE OF CHIROPRACTORS OF ONTARIO MISSION, VISION, VALUES AND STRATEGIC OBJECTIVES**

---

### **MISSION**

The College of Chiropractors of Ontario regulates the profession in the public interest to assure ethical and competent chiropractic care.

### **VISION**

Committed to Regulatory Excellence in the Public Interest in a Diverse Environment.

### **VALUES**

- Integrity
- Respect
- Collaborative
- Innovative
- Transparent
- Responsive

### **STRATEGIC OBJECTIVES**

1. Build public trust and confidence and promote understanding of the role of CCO amongst all stakeholders.
2. Ensure the practice of members is safe, ethical, and patient-centered.
3. Ensure standards and core competencies promote excellence of care while responding to emerging developments.
4. Optimize the use of technology to facilitate regulatory functions and communications.
5. Continue to meet CCO's statutory mandate and resource priorities in a fiscally responsible manner.

*Developed at the strategic planning session: September 2017*

---

# CCO CODE OF CONDUCT FOR CURRENT AND FORMER ELECTED AND PUBLIC MEMBERS OF COUNCIL AND NON-COUNCIL COMMITTEE MEMBERS



## Executive Committee

Approved by Council: September 28, 2012

Amended: February 23, 2016, April 19, 2016, September 15, 2016

Re-Affirmed by Council: November 29, 2018

---

Current and former elected and public members of Council and non-Council committee members must, at all times, maintain high standards of integrity, honesty and loyalty when discharging their College duties. They must act in the best interest of the College. They shall:

1. be familiar and comply with the provisions of the *Regulated Health Professions Act, 1991 (RHPA)*, its regulations and the *Health Professions Procedural Code*, the *Chiropractic Act 1991*, its regulations, and the by-laws and policies of the College;
2. diligently take part in committee work and actively serve on committees as elected and appointed by the Council;
3. regularly attend meetings on time and participate constructively in discussions;
4. offer opinions and express views on matters before the College, Council and committee, when appropriate;
5. participate in all deliberations and communications in a respectful, courteous and professional manner, recognizing the diverse background, skills and experience of members on Council and committees;
6. uphold the decisions made by Council and committees, regardless of the level of prior individual disagreement;
7. place the interests of the College, Council and committee above self-interests;
8. avoid and, where that is not possible, declare any appearance of or actual conflicts of interests<sup>1</sup>;
9. refrain from including or referencing Council or committee positions held at the College in any personal or business promotional materials, advertisements and business cards;<sup>2</sup>

---

<sup>1</sup> There is a general assumption of real or perceived conflict unless confirmation of no conflict by the Executive Committee and/or Council, which will be addressed promptly.

<sup>2</sup> This section does not preclude the use of professional biographies for professional involvement.

10. preserve confidentiality of all information before Council or committee unless disclosure has been authorized by Council or otherwise exempted under s. 36(1) of the *RHPA*;
11. refrain from communicating to members, including other Council or committee members, on statutory committees regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings which could be perceived as an attempt to influence a statutory committee or a breach of confidentiality, unless he or she is a member of the panel or, where there is no panel, of the statutory committee dealing with the matter;
12. refrain from communicating to members and stakeholder<sup>3</sup> on behalf of CCO, including on social media, unless authorized by Council<sup>4</sup>;
13. respect the boundaries of staff whose role is not to report to or work for individual Council or committee members; and
14. be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment.

#### **Potential Breaches of the Code of Conduct**

15. An elected or appointed member of Council or non-Council committee member who becomes aware of any potential breach of this code of conduct should immediately advise the President and Registrar, or if the potential breach involves the President, advise the Vice President and Registrar; and
16. Potential breaches will be addressed first through informal discussion with the Council member(s) or non-Council committee member(s), and subsequently by written communication expressing concerns and potential consequences.

I, \_\_\_\_\_, Council member or non-Council committee member of the College of Chiropractors of Ontario undertake to comply with the CCO Code of Conduct for Current and Former Elected and Public Members of Council and Non-Council Committee Members, both during and following my term on CCO Council or a committee

Signature: \_\_\_\_\_ Witness: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>3</sup> Stakeholders include professional associations, societies, and other organizations related to the regulation, education and practice of chiropractic.

<sup>4</sup> This does not preclude Council members from communicating about CCO, provided they are not communicating on behalf of CCO.

**Rules of Order of the Council of the  
College of Chiropractors of Ontario**

Approved by Council: September 20, 2014

Amended: June 17, 2020

1. In this Schedule, "Council Member" means a Member of the Council of the CCO.
2. Each agenda topic may be introduced briefly by the person or committee representative raising it. Council Members may ask questions for clarification. However, a Council Member shall make a motion and another Council Member shall second the motion before it can be debated.
3. When any Council Member wishes to speak, they shall so indicate by raising their hand. When speaking the Council Member shall address the presiding officer and confine themselves to the matter under discussion.
4. Staff persons and consultants with expertise in a matter may be permitted by the presiding officer to provide information or answer specific questions about the matter.
5. Observers at a Council meeting shall not speak to a matter that is under debate.
6. A Council Member shall not speak again on the debate of a matter until every other Council Member of Council who wishes to speak to it has been given an opportunity to do so. An exception is that the person introducing the matter or a staff person or consultant may answer questions about the matter. Council Members shall not speak to a matter more than twice without the permission of the presiding officer.
7. No Council Member may speak longer than five minutes upon any motion except with the permission of the Council.
8. When a motion is under debate, no other motion can be made except to amend it, to postpone it, to put the motion to a vote, to adjourn the debate or the Council meeting or to refer the motion to a committee.
9. A motion to amend the motion then under debate shall be disposed of first. Only one motion to amend the motion under debate can be made at a time.
10. When it appears to the presiding officer that the debate on a matter has concluded, that Council has passed a motion to vote on the motion or that the time allocated to the debate of the matter has concluded, the presiding officer shall put the motion to a vote.
11. When a matter is being voted on, no Council Member shall enter or leave the Council room, and no further debate is permitted.

12. No Council Member shall be present in the room, participate in a debate or vote upon any motion in which they have a conflict of interest, and the vote of any Council Member so interested shall be disallowed.
13. Any motion decided by the Council shall not be re-introduced during the same session except by a two-thirds vote of the Council then present.
14. Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the by-laws, the presiding officer shall rule the motion out of order and give reasons for doing so.
15. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.
16. The above rules may be relaxed by the presiding officer if it appears that greater informality is beneficial in the particular circumstances unless the Council requires strict adherence.
17. Council Members shall not discuss a matter with observers while it is being debated.
18. Council Members shall turn off their electronic devices during Council meetings and, except during a break in the meeting, shall not use their electronic devices. Computers shall only be used during Council meetings to review materials related to the matter under debate (e.g., electronic copies of background documents) and to make personal notes of the debate. The presiding officer may make reasonable exceptions (e.g., if a Council Member is awaiting an important message on an urgent matter).
19. Council Members shall be silent while others are speaking.
20. In all cases not provided for in these rules or the by-laws, the current edition of Robert's Rules of Order shall be followed so far as they may be applicable and consistent with these rules.

**List of Commonly Used Acronyms at CCO**  
*as at February 2021*

<b>Acronym</b>	<b>Full Name</b>
ACE	Accessing Centre for Expertise
ADR	Alternative Dispute Resolution
AFC	Alliance For Chiropractic (formerly CAC)
BCCC	British Columbia College of Chiropractors
BDC	Board of Directors of Chiropractic
CCA	Canadian Chiropractic Association
CCEB	Canadian Chiropractic Examining Board
CCEC	Council on Chiropractic Education (Canada)
SCERP	Specified Continuing Education or Remediation Program
CCGI	Canadian Chiropractic Guideline Initiative
CCO	College of Chiropractors of Ontario
CCPA	Canadian Chiropractic Protective Association
CCRF	Canadian Chiropractic Research Foundation
<i>Chiropractic Act</i>	<i>Chiropractic Act, 1991</i>
CMCC	Canadian Memorial Chiropractic College
CNO	College of Nurses of Ontario
<i>Code</i>	<i>Health Professions Procedural Code, Schedule 2 to the RHPA</i>
CONO	College of Naturopaths of Ontario
CPGs	Clinical Practice Guidelines
CPMF	College Performance Management Framework
CPSO	College of Physicians and Surgeons of Ontario
CRC	Chiropractic Review Committee
D'Youville	D'Youville College – Chiropractic Program
DAC	Designated Assessment Centre
FCC	Federation of Canadian Chiropractic
FCCOS(C)	Fellow of the College of Chiropractic Orthopaedic Specialists (Canada)
FCCR(C)	Fellow of the Chiropractic College of Radiologists (Canada)
FCCPOR(C)	Fellow of the Canadian Chiropractic College of Physical and Occupational Rehabilitation (Canada)
FCCS(C)	Fellow of the College of Chiropractic Sciences (Canada)
FRCCSS(C)	Fellow of the Royal College of Chiropractic Sports Sciences (Canada)
FCLB	Federation of Chiropractic Licensing Boards
<i>HARP</i>	<i>Healing Arts Radiation Protection Act</i>
<i>HIA</i>	<i>Health Insurance Act</i>
HPARB	Health Professions Appeal and Review Board
HPRAC	Health Professions Regulatory Advisory Council
HPRO	Health Professions Regulators of Ontario
ICRC	Inquiries, Complaints and Reports Committee
LSO	Law Society of Ontario
MESPO	Model for the Evaluation of Scopes of Practice in Ontario
MOHLTC	Ministry of Health and Long-Term Care
MTCU	Ministry of Training, Colleges and Universities
NBCE	National Board of Chiropractic Examiners
NHSU	National University of Health Sciences – Chiropractic Program
NYCC	New York Chiropractic College
OCA	Ontario Chiropractic Association
OCRWG	Ontario Chiropractic Reform Working Group
ODP	Office Development Project
OFC	Office of the Fairness Commissioner
OHIP	Ontario Health Insurance Plan
OHPR	Ontario Health Professions Regulators
OHR	OntarioHealthRegulators.ca (HPRO's public-focused website)
OHRC	Ontario Human Rights Commission
PHIPA	<i>Personal Health Information Protection Act</i>



<b>Acronym</b>	<b>Full Name</b>
PPA	<i>Protecting Patients Act, 2017</i>
PIPEDA	<i>Personal Information and Protection of Electronic Documents Act</i>
PSA	Professional Standards Authority for Health and Social Care (U.K.)
RFP	Request for Proposal
RHPA	<i>Regulated Health Professions Act, 1991</i>
SCERP	Specified Continuing Education or Remediation Program
SOAR	Society of Ontario Adjudicators and Regulators
SPPA	<i>Statutory Powers Procedural Act</i>
TCL	Terms, Conditions and Limitations
UOIT	University of Ontario Institute of Technology
UQTR	Université du Québec à Trois-Rivières
WHO	World Health Organization
WSIB	Workplace Safety and Insurance Board



**COUNCIL MEETING**

Friday, February 26, 2021 (8:30 a.m. – 11:00 a.m.) <sup>1</sup>

**Virtual Meeting using Zoom Platform  
(During COVID-19 Pandemic)**

**AGENDA (Public)** <sup>23</sup>

**Attendees**

Council members <sup>4</sup>

Ms Jo-Ann Willson, Registrar and General Counsel  
Mr. Joel Friedman, Director of Policy and Research  
Ms Beth Ann Kenny, Recording Secretary

SECTIONS OF THE CODE FOR IN-CAMERA SESSIONS IF DIRECTED BY COUNCIL	Page No.	ITEM	Action Required	Action By	Priority Level <sup>5</sup>	Time <sup>6</sup>
		<b>CALL TO ORDER AND WELCOME TO NEW COUNCIL MEMBERS</b>		Mizel	<b>High</b>	<b>8:30 a.m.</b>
		Parliamentarian <sup>7</sup>		All members	<b>Medium</b>	
		<b>1. Consent Agenda</b>	Approve	Council	<b>High</b>	

<sup>1</sup> Subject to Council's direction.

<sup>2</sup> The Agenda includes only those matters requiring action by Council. Background information and items for review are included in the Compendium Volume.

<sup>3</sup> If you would require the complete background documentation relating to any item on the agenda for CCO council or committee work, please speak to Dr. Mizel, President and Ms Willson (information may be subject to confidentiality provisions).

<sup>4</sup> Council remains not properly constituted (District 7 (academic) is vacant). However, CCO now has its full complement of public members (7). The Executive remains properly constituted.

<sup>5</sup> Subject to Council's direction.

<sup>6</sup> Approximate (subject to Council's direction).

<sup>7</sup> Council members to act as their own parliamentarian i.e., being familiar with and complying with the rules of order rather than formal appointment of Parliamentarian.

SECTIONS OF THE CODE FOR IN-CAMERA SESSIONS IF DIRECTED BY COUNCIL	Page No.	ITEM	Action Required	Action By	Priority Level <sup>5</sup>	Time <sup>6</sup>
		1.1 Discipline Committee Report <sup>8</sup>				
	10	1.1.1 <i>CCO v Dr. Jonathan Forbes</i> received January 7, 2021 (decision)				
	28	1.1.2 <i>CCO v Dr. Jordan Shnier</i> received February 12, 2021 (decision)				
		1.2 Fitness to Practise Committee Report <sup>9</sup>				
	42	1.3 Inquiries, Complaints, and Reports Committee (ICRC) Report				
	43	1.3.1 Correspondence (3) dated January 27, 2021 to Dr. Marc Bronson from HPARB re: withdrawing requests for review				
		1.4 Patient Relations Committee Report <sup>10</sup>				
	46	1.5 Quality Assurance Committee Report				
		1.6 Advertising Committee Report <sup>11</sup>				
		<b>2. Main Agenda</b>	<b>Adopt</b>	<b>Council</b>	<b><u>High</u></b>	

<sup>8</sup> The Discipline Committee has had one meeting since the last Council meeting (on January 5, 2021). Mr. Robert MacKay, Chair, Discipline Committee, is continuing to compose panels for the various outstanding referrals to the Discipline Committee as well as for applications for reinstatement. Decisions received since last Council meeting are included in the council information package.

<sup>9</sup> No meetings since last report to Council.

<sup>10</sup> No meetings since last report to Council. Meeting will be scheduled to review work by the Accessing Centre for Expertise (ACE), Institute of Health Policy, Management and Evaluation, Dalla Lana School of Public Health, University of Toronto.

<sup>11</sup> No meetings since last report to Council. The Advertising Committee continues to review ads submitted to it.

SECTIONS OF THE CODE FOR IN-CAMERA SESSIONS IF DIRECTED BY COUNCIL	Page No.	ITEM	Action Required	Action By	Priority Level <sup>5</sup>	Time <sup>6</sup>
		2.1 Conflict of Interest	Review/ Declare any real or perceived conflicts of interest as agenda item reached <sup>12</sup>	Council	<b>High</b>	
		3. Adoption of Minutes <sup>13</sup>	Approve	Council	<b>High</b>	
		4. Committee Reports				
		4.1 Executive Committee Report	Report/ Approve Recommendations	Mizel/ Council	<b>High</b>	<b>9:00 a.m.</b>
<i>Ss. 7 (2) of the Code</i>		<i>Move in Camera</i> <sup>14</sup>	Review Documents	Council	<b>High</b>	
		<i>Move Out of Camera and Ratify Decisions</i>				
		<i>Elections</i> <sup>15</sup>	Verbal Report	Willson	Medium	
	201	4.1.12 Correspondence to Dr. Bryan Wolfe dated February 11, 2021				

<sup>12</sup> Standing conflicts of interest do not need to be declared at every meeting.

<sup>13</sup> Only members present at the meeting should approve the minutes.

<sup>14</sup> Council *may* go in camera to discuss items identified in Ss. 7 (2) of the *Code*, traditionally financial matters, property acquisitions, lawsuits, government relations, and advice from lawyers.

<sup>15</sup> Dr. Dennis Mizel has a real or perceived conflict of interest on matters related to the 2021 elections to Council as he is a candidate.

SECTIONS OF THE CODE FOR IN-CAMERA SESSIONS IF DIRECTED BY COUNCIL	Page No.	ITEM	Action Required	Action By	Priority Level <sup>5</sup>	Time <sup>6</sup>
	204	4.1.13 Memos to candidates re: election status (February 12, 16, 2021)				
	208	4.1.14 Internal Policy I-017: Minutes for CCO Meetings	Approve	Council	Medium	
		BREAK				<u>10:00</u>
		4.2 Registration Committee Report	Groulx	Verbal Report	Medium	<u>10:15 a.m.</u>
		4.2.1 P-058: Policy on Considering Applications for Registration During the COVID-19 Pandemic (draft) <sup>16</sup>	Approve	Council	<u>High</u>	
		4.2.2 Application for General (Provisional) Class of Certificate of Registration (draft)	Approve	Council	<u>High</u>	
		<b>5. New Business</b>	<b>TBD</b>			
		DATE AND TIME OF MEETINGS <sup>17</sup>				
		ADJOURNMENT <sup>18</sup>				<u>11:00 a.m.</u>

<sup>16</sup> Approximately 20 students have requested information about obtaining a provisional certificate of registration. They have been advised a Council decision is pending and will be posted on the website asap.

<sup>17</sup> Please mark your calendar and advise Rose Bustria ASAP if you are unable to attend any meetings.

<sup>18</sup> Executive Committee to meet directly after Council meeting to ratify decisions made.

SECTIONS OF THE CODE FOR IN-CAMERA SESSIONS IF DIRECTED BY COUNCIL	Page No.	ITEM	Action Required	Action By	Priority Level <sup>5</sup>	Time <sup>6</sup>

**Executive Committee Meeting Dates to December 2021**

All Executive Committee meetings are virtual and are scheduled from **8:30 a.m. – 1:00 p.m.** unless otherwise noted (no in person meetings until it is safe to do so).

Year	Date	Time	Event	Location
<b>2021</b>	Friday, March 26	8:30 a.m. – 1:00 p.m.	Meeting	Virtual
	Friday, May 14	8:30 a.m. – 1:00 p.m.	Meeting (first meeting of new Executive)	Virtual
	Friday, August 13	8:30 a.m. – 1:00 p.m.	Meeting	Virtual
	Friday, October 22	8:30 a.m. – 1:00 p.m.	Meeting	TBD

**Council Meeting Dates to December 2021**

All Council meetings are virtual and are scheduled from **8:30 a.m. – 1:00 p.m.** unless otherwise noted (no in person meetings until it is safe to do so).

Year	Date	Time	Event	Location
<b>2021</b>	Friday, February 26	8:30 a.m. – 1:00 p.m.	Council Meeting	Virtual
	Wednesday, April 14	8:30 a.m. – 1:00 p.m.	Council Meeting (first meeting of new Council)	Virtual
	Thursday, April 15	8:30 a.m. – 1:00 p.m.	Council Meeting (internal elections)	Virtual

Year	Date	Time	Event	Location
	Tuesday, June 15	6:00 p.m. – 9:00 p.m.	Annual General Meeting	TBD (tentative)
	Wednesday, June 16	8:30 a.m. – 4:30 p.m.	Council Meeting	TBD
	Friday, September 10	12:00 noon – 4:30 p.m.	Council Meeting	TBD
	Saturday, September 11	8:30 a.m. – 4:30 p.m.	Strategic Planning/Topic Specific Meeting	TBD (tentative)
	Sunday, September 12	8:30 a.m. – 12:00 noon	Strategic Planning/Topic Specific Meeting	TBD (tentative)
	Thursday, November 25	8:30 a.m. – 4:30 p.m.	Council Meeting (budget)	TBD
	Friday, November 26	8:30 a.m. – 12:00 noon	Council Training	TBD (tentative)
	Friday, November 26	6:00 p.m. – 9:00 p.m.	Holiday Party	TBD (tentative)



ITEM 1.1.1

DISCIPLINE COMMITTEE OF THE COLLEGE OF CHIROPRACTORS OF ONTARIO

PANEL: Dr. Daniela Arciero (Chair)
Mr. Robert MacKay
Dr. Janit Porter
Mr. Shawn Southern
Dr. Janine Taylor

Professional Member
Public Member
Professional Member
Public Member
Professional Member

10

BETWEEN: )
COLLEGE OF CHIROPRACTORS )
OF ONTARIO )
- and - )
DR. JONATHAN FORBES )
(Registration #4544) )

Appearances:1
Mr. Chris Paliare and
Ms. Karen Jones for the College
of Chiropractors of Ontario
Mr. Daniel Libman
for Dr. Forbes
Heard: December 7, 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. Lydia Pak, 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 December 7, 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. Jonathan Forbes (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 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 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:

---

<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.

### **Background**

1. Dr. Jonathan Forbes ("Member") became a member of the College of Chiropractors of Ontario ("CCO") in 2003.
2. At the relevant time, the Member practiced chiropractic at an office in Brampton, Ontario.

### **CCO requirements for Insurance**

3. In 2003, when the Member became a member of the CCO, there was no requirement for CCO members to have practice insurance. CCO members were, however, asked to indicate on annual renewal forms whether they had malpractice insurance.
4. In 2009, the *Regulated Health Professions Statute Law Amendment Act, 2009*, amended the Health Professions Procedural Code to require every member of a regulated health profession to be personally insured against professional liability:

13.1 (1) No member of a College in Ontario shall engage in the practice of the health profession unless he or she is personally insured against professional liability under a professional liability insurance policy or belongs to a specified association that provides the member with personal protection against professional liability.

(2) A member mentioned in subsection (1) shall comply with the requirements respecting professional liability insurance or protection against professional liability specified by the College and prescribed in the regulations made under the health profession Act governing the member's health profession or set out in the by-laws.

(3) In addition to the grounds set out in subsection 51 (1), a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member fails to comply with subsection (1) or (2).

5. Beginning in 2009, CCO members were required to have professional liability insurance in the amount prescribed by CCO By-law 16: Professional Liability Insurance.
6. From 2011 and on, CCO members were required, pursuant to Ontario Regulation R-003 Registration, to maintain professional liability insurance in accordance with the by-laws. Section 17 of Ontario Regulation R-003 provides:

17. It is a condition of every general certificate of registration and of every temporary certificate of registration that the member continue, (a) to maintain professional liability insurance in accordance with the by-laws; or (b) to belong to an association that is specified in the by-laws as providing the member with personal protection against professional liability.

#### **The Member's Annual Renewal Forms 2005 – 2017**

7. In 2005 and 2006, the Member indicated on his annual renewal forms that he was insured through the CCPA. Thereafter, from 2007 – 2017, he indicated on every annual renewal form that he had malpractice insurance or professional liability insurance with Walter Roberts.

8. On every annual renewal form submitted by the Member from 2005 – 2012, the Member affirmed that the information he provided on the form was true and complete.
9. From 2012 - 2017, each annual renewal form signed by the Member contained a declaration which the Member signed, indicating the information he provided was true and complete, and acknowledging that it was an act of professional misconduct to provide false information.

**Admissions of Professional Misconduct**

10. The Member admits that during the period 2005 – 2017, he did not have any professional liability insurance.
11. The Member admits that during the period 2005 – 2017, he provided false information to the CCO on his annual renewal forms because he indicated he had professional liability insurance when he did not.
12. As a result of the facts set out above and the Member's admissions, the Member admits that he committed acts of professional misconduct as described in the Notice of Hearing dated July 15, 2020 ("Notice of Hearing"), and in particular:
  - a) during the period 2009 - 2017, while practicing as a chiropractor in Brampton, Ontario, he engaged in the practice of chiropractic when he was not personally insured against professional liability under a professional liability policy and did not belong to an association that provided him with personal protection against professional liability and he did not comply with the requirements respecting professional liability insurance or protection against professional liability specified by the College of Chiropractors of Ontario and prescribed in CCO By-Law 16: Professional Liability Insurance and/or paragraph 17 of O. Reg. 137/11-Registration, as described in allegation 2;

b) he 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 failure to carry professional liability insurance, as described in allegation 3;

c) he 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 failure to carry professional liability insurance, as described in allegation 4.

### **Other**

13. The CCO withdraws allegation 1 in the Notice of Hearing and the particulars in allegations 3 and 4 that refer to his treatment of and conduct towards Patient "A".

14. The Member acknowledges that he received advice from his counsel, Daniel Libman 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), namely 2, 3b and 4b. 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. Libman 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, findings of professional misconduct were made against Dr. Jonathan Forbes 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. committed an act of professional misconduct as provided by subsection 13.1(3) of the Health Professions Procedural Code of the *Chiropractic Act*, 1991, S.O. 1991, c. 21, as amended, in that in during the period 2009 - 2017, while practicing as a chiropractor in Brampton, Ontario, he:
  - I. engaged in a practice of chiropractic when he was not personally insured against professional liability under a professional liability policy and did not belong to an association that provided personal protection against professional liability, and
  - II. did not comply with the requirements respecting professional liability insurance or protection against professional liability specified by the College of Chiropractors of Ontario and prescribed in CCO By-Law 16: Professional Liability Insurance and/or paragraph 17 of O. Reg. 137/11-Registration.
- B. 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 on one or more occasions, while practicing as a chiropractor in Brampton, Ontario, he 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 failure to carry professional liability insurance during the period of 2009-2017.
- C. 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 on one or more occasions while practicing as a chiropractor in Brampton, Ontario, he engaged in conduct or performed an act, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable and unprofessional with respect to his failure to carry professional liability insurance during the period 2009-2017.

Keeping in mind 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 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. Libman 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 suspend the Member's certificate of registration for a period of twelve months ("Suspension") with the Suspension to take effect on December 7, 2020;
3. Directing the Registrar to impose the following terms, conditions and limitations ("Conditions") on the Member's certificate of registration:
  - a. By October 7, 2021, the Member must:
    - i. review, and undertake in writing to comply with, all CCO

regulations, standards of practice, policies and guidelines, including but not limited to the business practices portion of the Misconduct Regulation; CCO Standard of Practice S-014: Prohibition of a Sexual Relationship with a Patient;

- ii. provide evidence that he has successfully completed, at his own expense, the CCO's Legislation and Ethics Examination and the Record Keeping Workshop.
  - iii. provide evidence that he has successfully completed, at his own expense, a course or courses in professional boundaries and ethical patient care approved of by the Registrar; and
  - iv. provide evidence that he has obtained professional liability insurance in accordance with the by-laws and Ontario Regulation R-003.
- b. Requiring the Member to be peer assessed at his own expense within six months of returning to the practice of chiropractic after the Suspension is lifted.
4. Directing the Registrar to suspend two months of the Suspension if the Member satisfactorily completes the Conditions set out in Paragraph 3a, above, by October 7, 2021.
  5. 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.
  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 CCO and the Member also requested that the Panel make the following order regarding costs:

1. Requiring the Member to pay \$ 15,000.00 to the CCO to partially pay for its costs of the investigation and the costs and expenses of the hearing and of legal counsel, with the Member to pay \$7,500.00 to the CCO by December 7, 2020, and the remaining \$7,500.00 paid by December 31, 2021 with the Member to provide a post-dated cheque for that amount on December 7, 2020.

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

Dr. Forbes acknowledges that he received advice from his counsel, Daniel Libman, 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 indicated that the Member had acknowledged wrong-doing and took the issue seriously. The Member has cooperated with the College and, by agreeing to the facts, has accepted responsibility for his actions.

Dr. Forbes has no prior history of being the subject of a discipline hearing. By cooperating with the CCO, he has avoided the delay and expense that would have been incurred in resolving the allegations at a contested hearing.

The requirement to have professional liability insurance is fundamentally important in protecting the public interest. The Panel felt the need for rehabilitation is addressed by this penalty. The panel felt that the length of the suspension was appropriate due to the long period of time that the misconduct occurred and noted that both parties agreed to the suspension. The Panel agreed that each of the elements of the penalty order sought by the parties supports the protection of the public interest.

The Panel therefore made an order:

1. Require 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 twelve months ("Suspension") with the Suspension to take effect on December 7, 2020;
3. Directing the Registrar to impose the following terms, conditions and limitations ("Conditions") on the Member's certificate of registration:
  - a. By October 7, 2021, the Member 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;
    - ii. provide evidence that he has successfully completed, at his own expense, the CCO's Legislation and Ethics Examination and the Record Keeping Workshop.
    - iii. provide evidence that he has successfully completed, at his own expense, a course or courses in professional boundaries and ethical patient care approved of by the Registrar, and
    - iv. provide evidence that he has obtained professional liability

insurance in accordance with the by-laws and Ontario Regulation R-003.

- b. Requiring the Member to be peer assessed at his own expense within six months of returning to the practice of chiropractic after the Suspension is lifted.
4. Directing the Registrar to suspend two months of the Suspension if the Member satisfactorily completes the Conditions set out in Paragraph 3a, by October 7, 2021.
5. 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.
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 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 pay \$7,500 to the CCO by December 7, 2020, and the remaining \$7,500 paid by December 31, 2021, with the Member to provide a post-dated cheque for that amount on December 7, 2020.

### 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 Member's right of appeal<sup>4</sup> of any decision by the Discipline Committee in relation to the

---

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

<sup>4</sup> Paragraph 3 Appendix "B"

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, **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

16/12/20 & 22/12/20

Date: December 16, 2020

Corrected reasons December 22, 2020

**Panel Members:**

- Dr. Daniela Arciero
- Mr. Robert MacKay
- Dr. Janit Porter
- Mr. Shawn Southern
- Dr. Janine Taylor

**Appendix "A"**  
**Allegations contained in the Notice of Hearing,  
regarding Dr. Jonathan Forbes (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 during the period 2003 -2016, while practicing as a chiropractor in Brampton, 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 13.1(3) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, S.O. 1991, c. 21, as amended, in that during the period 2009 - 2017, while practicing as a chiropractor in Brampton, Ontario, you:

a. engaged in the practice of chiropractic when you were not personally insured against professional liability under a professional liability policy and you did not belong to an association that provided you with personal protection against professional liability; and/or

b. did not comply with the requirements respecting professional liability insurance or protection against professional liability specified by the College of Chiropractors of Ontario and prescribed in CCO By-Law 16: Professional Liability Insurance and/or paragraph 17 of O. Reg. 137/11-Registration.

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(2) of Ontario Regulation 852/93, in that on one or more occasions, while practicing as a chiropractor in Brampton, Ontario, 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:

a. your assessment and/or treatment and/or documentation and/or conduct towards a patient known as "Patient A." during the period 2003 - 2016; and/or

b. your failure to carry professional liability insurance during the period 2009 -2017.

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(33) of Ontario Regulation 852/93, in that on one or more occasions while practicing as a chiropractor in Brampton, Ontario, you engaged in conduct or performed an act, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional with respect to:

a. your assessment and/or treatment and/or documentation and/or conduct towards a patient known as "Patient A." during the period 2003 -2016; and/or

b. your failure to carry professional liability insurance during the period 2009- 2017.

**AND TAKE NOTICE THAT** the said allegations respecting misconduct will be heard and determined by a panel of the Discipline Committee of the College of Chiropractors ("Panel") **on seven days notice** in 2020 at the offices of the College of Chiropractors of Ontario, 59 Hayden Street, Suite 800, Toronto, Ontario, M4Y 0E7 and that you are entitled to appear in person or by counsel before the Panel with your witnesses, if any, and to adduce evidence and make submissions, at the aforesaid time and place.

**AND TAKE NOTICE THAT** should you fail to appear on the date and place aforesaid, the hearing may proceed and a decision may be made in your absence and you will not be entitled to any further notice in the proceedings.

The *Code* provides that if a Panel finds you to have committed an act of professional misconduct, it may make an Order doing any one or more of the following:

- i) directing the Registrar to revoke your Certificate of Registration;
- ii) directing the Registrar to suspend your Certificate of Registration for a specified period of time;
- iii) directing the Registrar to impose specified terms, conditions, and limitations on your Certificate of Registration for a specified or indefinite period of time;

- iv) requiring you to appear before the Panel to be reprimanded;
- v) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;
- vi) require you to reimburse the College for funding provided for a patient that was sexually abused under the program required under section 85.7 of the Health Professions Procedural Code;
- vii) require you to post security acceptable to the College to guarantee the payment of any amounts you may be required to reimburse the College for funding under the program required under section 85.7 of the Health Professions Procedural Code;
- viii) requiring you to pay all or part of the following costs and expenses:
  - a. the College's legal costs and expenses,
  - b. the College's costs and expenses incurred in investigating the matter, and
  - c. the College's costs and expenses incurred in conducting the hearing.

Furthermore, the Panel may suspend the effect of its Order for a specified period of time and on specified conditions, and where it makes an Order under paragraph (ii) or (iii) above, it may specify criteria to be satisfied for the removal of the suspension or the removal of terms, conditions and limitations imposed by the Order on your Certificate of Registration.

**AND TAKE NOTICE THAT** you may obtain disclosure of the written or documentary evidence to be used at the hearing by contacting the solicitor for the College, Mr. Chris Paliare, Paliare Roland Rosenberg Rothstein LLP, 155 Wellington St. West, 35th Floor, Toronto, ON M5V 3H1, by telephone at (416) 646-4318, or by facsimile at (416) 646-4338.

DATED at Toronto, this 15<sup>th</sup> day of July, 2020.

---

Jo-Ann Willson, Registrar and General Counsel  
College of Chiropractors of Ontario

**Appendix "B"****UNDERTAKING  
Exhibit "A"**

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

I, Dr. Jonathan Forbes, undertake to the Registrar and agree to do the following:

1. On or before October 7, 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;

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 by the Registrar; and

d. provide evidence that I have obtained professional liability insurance in accordance with the by-laws and Ontario Regulation R-003.

2. 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.

3. 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.

4. 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 December 7, 2020 and the remaining \$7,500.00 by December 31, 2021. I will provide a post-dated cheque for the latter payment by December 7, 2020.



- 5. I agree not to appeal or ask for a judicial review of the decision of the Discipline Committee.
  
- 6. 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.
  
- 7. 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, Daniel Libman. I am executing this Undertaking freely and voluntarily after reading and understanding its contents.

Signed this      day of December, 2020

\_\_\_\_\_

Dr. Jonathan Forbes

\_\_\_\_\_

Witness Signature

Received  
February  
12, 2021

ITEM 1.1.2

DISCIPLINE COMMITTEE OF THE COLLEGE  
OF CHIROPRACTORS OF ONTARIO

28

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

<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. JORDAN SHNIER</b>	)	Mr. Matthew Gourlay
(Registration #7428)	)	for Dr. Shnier
	)	
	)	
	)	Heard: January 26, 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. 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 3<sup>rd</sup>, 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 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:

---

<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.

**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 Undertaking<sup>3</sup> marked as Exhibit "A", that among other items, expressly waived the Member's right of appeal<sup>4</sup> of any decision by the Discipline Committee in relation to the September 3<sup>rd</sup>, 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

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

<sup>4</sup> 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

## ITEM 1.3

*Submitted to CCO on February 4, 2021*

---

**College of Chiropractors of Ontario  
Inquiries, Complaints and Reports Committee Report to Council  
February 26, 2021**

---

**Members:** Dr. Sarah Green, *Chair*  
Mr. Gangandeep Dhanda, *Public Member, Alternate*  
Dr. Steve Gillis, *non-Council Member*  
Mr. John Papadakis, *Public Member*  
Dr. Mike Staffen, *Council Member*

**Staff Support:** Ms Christine McKeown, *Investigations, Complaints & Reports Officer*  
Ms Tina Perryman, *Manager, Inquiries, Complaints & Reports*

Since the last written report meeting, the Inquiries, Complaints and Reports Committee (ICRC) met on three occasions by zoom, we reviewed 36 complaints and one report. ICRC made decisions on 23 complaints. Two section 75(a) investigator appointments were approved by the ICRC and section 75(c) investigator appointments was requested by the ICRC. We conducted 2 oral cautions by zoom.



**In reply please quote: File # 20-CRV-0230**

**CONFIDENTIAL**

January 27, 2021

**ITEM 1.3.1**

**43**

Dr. Marc Bronson, D.C.

Applicant Member

Dear Dr. Bronson:

**RE: COMPLAINT REVIEW - CHIROPRACTIC  
MARC BRONSON, D.C. AND ELIZABETH ANDERSON-PEACOCK**

---

This letter is further to your correspondence to the Health Professions Appeal and Review Board, withdrawing your request for review of the decision of the Complaints Committee of the College of Chiropractors of Ontario in the above noted matter.

The Board has directed that I advise the parties that, pursuant to Section 30(1) of Schedule 2 to the *Regulated Health Professions Act, 1991*, the *Health Professions Procedural Code*, Statutes of Ontario, 1991, c.18, as amended, the Board shall not review the above-noted decision.

The Board has cancelled the Telephone Case Conference scheduled for January 28, 2021 and closed its file in the above-captioned matter.

Yours sincerely,

**HEALTH PROFESSIONS APPEAL AND REVIEW BOARD**

A handwritten signature in cursive script, appearing to read "Natalie Moskowitz".

Natalie Moskowitz  
Case Officer

cc: College of Chiropractors of Ontario (CCOPRA File # BRONSON-18-NO-21)  
Ms. Elizabeth Anderson-Peacock



**In reply please quote: File # 20-CRV-0231**

**CONFIDENTIAL**

January 27, 2021

**44**

Dr. Marc Bronson, D.C.

Applicant Member

Dear Dr. Bronson:

**RE: COMPLAINT REVIEW - CHIROPRACTIC  
MARC BRONSON, D.C. AND GORDON BURKHOLDER**

---

This letter is further to your correspondence to the Health Professions Appeal and Review Board, withdrawing your request for review of the decision of the Complaints Committee of the College of Chiropractors of Ontario in the above noted matter.

The Board has directed that I advise the parties that, pursuant to Section 30(1) of Schedule 2 to the *Regulated Health Professions Act, 1991*, the *Health Professions Procedural Code*, Statutes of Ontario, 1991, c.18, as amended, the Board shall not review the above-noted decision.

The Board has cancelled the Telephone Case Conference scheduled for January 28, 2021 and closed its file in the above-captioned matter.

Yours sincerely,

**HEALTH PROFESSIONS APPEAL AND REVIEW BOARD**

A handwritten signature in cursive script, appearing to read "Natalie Moskowitz".

Natalie Moskowitz  
Case Officer

cc: College of Chiropractors of Ontario (CCOPRA File # BRONSON-19-AP-11)  
Dr. Gordon Burkholder



**In reply please quote: File # 20-CRV-0232**

**CONFIDENTIAL**

January 27, 2021

**45**

Dr. Marc Bronson, D.C.

Applicant Member

Dear Dr. Bronson:

**RE: COMPLAINT REVIEW - CHIROPRACTIC  
MARC BRONSON, D.C. AND PAUL GROULX**

---

This letter is further to your correspondence to the Health Professions Appeal and Review Board, withdrawing your request for review of the decision of the Complaints Committee of the College of Chiropractors of Ontario in the above noted matter.

The Board has directed that I advise the parties that, pursuant to Section 30(1) of Schedule 2 to the *Regulated Health Professions Act, 1991*, the *Health Professions Procedural Code*, Statutes of Ontario, 1991, c.18, as amended, the Board shall not review the above-noted decision.

The Board has cancelled the Telephone Case Conference scheduled for January 28, 2021 and closed its file in the above-captioned matter.

Yours sincerely,

**HEALTH PROFESSIONS APPEAL AND REVIEW BOARD**

A handwritten signature in cursive script, appearing to read "Natalie Moskowitz".

Natalie Moskowitz  
Case Officer

cc: College of Chiropractors of Ontario (CCOPRA File # BRONSON-19-AP-15)  
Mr. Paul Groulx



## ITEM 1.5

---

**College of Chiropractors of Ontario  
Quality Assurance Committee Report to Council  
February 26, 2021**

---

**46**

**Members:**

Ms Robyn Gravelle, Chair  
Dr. Paul Groulx  
Dr. Gerard Arbour  
Mr. Rob MacKay  
Dr. Elizabeth Anderson-Peacock, non-council member

**Staff:**

Mr. Joel Friedman, Director, Policy & Research  
Dr. J. Bruce Walton, Director of Professional Practice  
Ms. Jo-Ann Willson, Registrar and General Counsel

### **Chair's Report**

Since the last meeting of Council, the Quality Assurance (QA) Committee has not met. A meeting had been scheduled for February 8 but was cancelled because CCO staff efforts to prepare for the meeting would be affected due to the provincial lockdown. Council can be assured that all Core QA activities continue to operate at CCO during the most recent stay-at-home order in Ontario.

CCO will be holding its third virtual Record Keeping Workshop on February 23, 2021 and anticipates approximately 30-40 participants.

Members submitted their Continuing Education and Professional Development hours for the July 1, 2018 – June 30, 2020 CE cycle (extended to December 31, 2020) and may now log hours towards their next CE cycle, July 1, 2020 – June 30, 2022. Thank you to CCO staff for assisting members with questions in all areas of 2021 renewal during the renewal period. It also appears that members of the profession have appreciated the reasonable extensions provided to them to complete their CE requirements during the last cycle.

Peer Assessment: CCO staff are working with all Peer Assessors to wrap up a successful 2020 PPA cycle. Very happy to report that CCO PAs successfully completed 201 PPA 1.0 and 187 PPA 2.0 by the end of 2020. This was done using new QA guidance for conducting assessments safely during the pandemic as well as implementing new steps for assessing member compliance with all CCO guidelines for practice during the COVID-19 pandemic. It appears, anecdotally, that the vast majority of members are complying with all guidelines.

Staff are now taking all possible steps to be ready to launch the 2021 cycle of PPA 1.0 and PPA 2.0 when safe to do so. This includes building on feedback from the 2020 cycle, such as guidance for conducting remote/virtual assessments. The QA Committee will be reviewing further steps to evolve the PPA program embracing advancements in technology where appropriate.

The QA Committee will be awaiting the research being conducted by the Accessing Centre for Expertise (ACE) from the University of Toronto to help guide its review of feedback related to the draft standard of practice and guideline related to health care claims.

Other areas of review on the QA agenda relate to the standard on assistive devices based on feedback from the Inquiries, Complaints and Reports Committee, updating the self-assessment documents for the next CE cycle, reviewing issues related to complimentary products in the prescription, selling and dispensing of orthotics, and monitoring questions related to guidance around telecare.

CCO staff continue to assist members and members in the public with questions and concerns about protocols around COVID-19, including those related to safety practices, accommodation of disabilities, vaccination rollout and practices around contact tracing, for which members are generally referred to their local public health units. Questions and concerns continue to decrease over time which, we believe, indicates CCO has taken appropriate steps to guide the profession through this period of time. CCO's adoption of technology advances (e.g., use of secured, work-dedicated laptops with direct access into CCO office phone and email) have allowed CCO staff to respond very quickly to all concerns and questions from the public and members as well as to securely communicate with colleagues on a number of issues in a timely manner.

I would like to thank the members and staff of the Quality Assurance committee for all of their contributions during this time.

Respectfully submitted,

Ms Robyn Gravelle  
Quality Assurance Committee

**From:** Jo-Ann Willson  
**Sent:** Monday, December 21, 2020 12:44 PM  
**To:** Gauri Shankar (docshankar99@gmail.com)  
**Cc:** Bruce Walton; Rose Bustria  
**Subject:** NonCouncil Committee members and Peer Assessors - Websites and Social Media Platform Reviews

Good afternoon:

This communication is being sent to all non-council committee members and peer assessors.

Individuals involved with CCO are subject to high levels of scrutiny and should be role modeling the behaviour expected of all members. Recently, Dr. Gauri Shankar who is known to many of you, reviewed all CCO elected members' websites and social media platforms, and prepared a comprehensive report to facilitate each council member's compliance with CCO's standards, policies and guidelines. The Executive has requested Dr. Shankar to extend his review of social media sites and websites to noncouncil committee members and peer assessors and to identify any areas which may need improvement, which Dr. Shankar will discuss with each of you directly. Would you please forward to Dr. Shankar (who is copied on this e-mail), your website addresses, and links to your social media platforms (face book, twitter, Instagram etc.) at your earliest convenience?

This exercise is intended to be proactive and remedial. It also demonstrates further accountability to key stakeholders, including the Ministry. If you have any questions or concerns, please contact Dr. Shankar or Dr. Bruce Walton to learn more.

Your participation is part of an ongoing pilot project to determine whether or not a similar process would be effective for the full membership, so I encourage you to provide any feedback. The pilot project will be reviewed by and is subject to further recommendations from the Quality Assurance Committee and Executive Committee. Thank you very much for your participation and cooperation. Thank you also for your ongoing involvement with CCO during what has been a very challenging year. Best wishes over the holidays and happy new year!

**Jo-Ann Willson, B.Sc., M.S.W., LL.B.**  
Registrar & General Counsel

**\*Note Address Change**

**College of Chiropractors of Ontario**  
59 Hayden St., Suite 800  
Toronto, ON M4Y 0E7  
Tel: (416) 922-6355 ext. 111  
Fax: (416) 925-9610  
E-mail: [jwillson@cco.on.ca](mailto:jwillson@cco.on.ca)  
Web Site: [www.cco.on.ca](http://www.cco.on.ca)

---

**CONFIDENTIALITY WARNING:**

This e-mail including any attachments may contain confidential information and is intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this e-mail in error, please notify me immediately by reply e-mail and delete all copies including any attachments without reading it or making a copy. Thank you.

## ITEM 4.1

*Generated Internally*

---

**College of Chiropractors of Ontario  
Executive Committee Report to Council (Virtual)  
February 26, 2021**

---

**Members:** Dr. Dennis Mizel, *President*  
Mr. Rob MacKay, *Vice-President*  
Ms Robyn Gravelle, *Treasurer*  
Dr. Sarah Green  
Dr. Paul Groulx  
Mr. John Papadakis  
Dr. Janit Porter

**Staff Support:** Mr. Joel Friedman, *Director, Policy and Research*  
Ms Jo-Ann Willson, *Registrar and General Counsel*

**I Introduction**

- I would like to start my report by welcoming to Council CCO's newest public members, namely Ms Anuli Ausbeth-Ajagu and Mr. Markus de Domenico. At the beginning of the meeting, I will take a moment to go around the virtual boardroom and ask all Council members to introduce themselves. I know we are all looking forward to the time when we can meet each other in person again. In the interim, thank you to all Council members and staff for your ongoing commitment during a challenging time.
- You will note that the format for the Council information package is revised to include a shortened agenda with only those high priority items requiring action by Council. The background information and items which are interesting and relevant to Council's actions are included in a compendium volume for informational purposes. This revised format is intended to focus Council members' attention on those high priority items requiring discussion and approval.

- At this time, even with the addition of a full complement of public members, Council is not properly constituted because of the vacancy in District 7 (Academic) arising from the resignation of Dr. Frazer Smith, Director of the newly formed Four Directions Chiropractic College. I thank Dr. Smith for stepping into a position on CCO Council to assist us on a temporary basis. In addition, I would like to sincerely thank those Council members who, with very short notice, agreed to serve on CCO Council for their districts, namely, Dr. Mike Staffen (District 1), Dr. Gerard Arbour (District 4) and Dr. Janit Porter (District 4). Under CCO's by-laws, these members are not eligible for election to CCO Council for the elections being held in March 2021, but I would be remiss in not expressing appreciation on behalf of all of you for the commitment and flexibility these council members have demonstrated during their participation in the self-regulation of the chiropractic profession in Ontario. On behalf of Council, thank you and I hope we can welcome you back in some capacity at a future time.
- The Executive Committee (Committee) continues to be properly constituted and has been addressing several matters on behalf of Council since the last report to Council. Following the November 26, 2020 Council meeting, the Committee met briefly to approve the various recommendations made by Council. Similarly, after the February 26, 2021 Council meeting, the Committee will meet to approve any further recommendations and ratify decisions.
- In addition to ongoing communications and engagement with stakeholders, the Committee has held two virtual meetings, namely on January 22, 2021, and February 11, 2021. The draft, confidential minutes for these meetings are included for information in the Council information package (and are subject to approval). This report highlights the Committee's efforts and actions over the past several weeks.
- Council members will know that Ontario continues to be under an emergency order. Accordingly, council and committee meetings will continue to be conducted virtually until further notice. In addition, CCO staff are working remotely to the extent possible. It is important to prioritize health and safety, and for all of us to role model the behaviour expected of members in terms of compliance with government orders and directives.

### III Council Related Matters

- I will ask Ms Willson to provide a report on the elections being conducted for CCO Council. I am very pleased to note there are candidates for all positions. I declare a conflict of interest in any council discussions relating to the elections as I am a candidate in District 5.
- The Committee has one recommendation for the consideration of Council as follows:

***Recommendation 1:***

*That Council approve the draft Internal Policy P-017: Minutes for CCO Meetings.*

### IV Conclusion

- It has been my absolute pleasure to serve as your President over the past many months. I thank all of you for your commitment, flexibility, and support during what has been an unprecedented time. Very best wishes for your continued success and ongoing commitment to serving and protecting the public interest. I would be pleased and honoured to continue to serve with all of you in the future.

Respectfully submitted by,

Dr. Dennis Mizel,  
President



February 11, 2021

Via Email: [bwolfe@bellnet.ca](mailto:bwolfe@bellnet.ca)

Dr. Bryan Wolfe  
Wolfe Chiropractic and Massage  
1138 Cassells St.  
North Bay, ON P1B 4B2

**Re: Response to your Inquiry Concerning Eligibility of Directors of the Canadian Chiropractic Research Foundation (CCRF) for the Council of the College of Chiropractors of Ontario (CCO)**

Dear Dr. Wolfe:

Thank you for raising for CCO's consideration the eligibility of CCRF directors to run for a CCO Council position. We appreciate you correctly identifying the potential issue in your initial filing of documentation which we received on February 8, 2021.

The Executive Committee met today, with the benefit of outside legal counsel, to review all available information, including your responses, and CCO's relevant by-laws. The Committee has directed me to advise you that, consistent with by-law 6.9 (f), directors of the CCRF are not eligible to run for CCO Council. In particular, the CCRF is considered a professional chiropractic association such that a real or apparent conflict of interest may arise.

The factors leading to this determination included the following available information:

- the CCRF reports to the Canadian Chiropractic Association (CCA) and provincial chiropractic associations including the Ontario Chiropractic Association (OCA);
- the "branding" of the CCRF is the same as the "branding" of other chiropractic associations, including the CCA and OCA;
- the address of the CCA and the CCRF are the same;
- the CCA (and OCA) are identified as significant funders of the CCRF;
- the CCRF has a partnership committee that includes the CCA's Chief Branding Officer (and full-time employee of the CCA);
- the CCRF website header only references CCA and no other partner which at the least implies a very close relationship;
- the CCA is an official partner of the CCRF;
- One individual is both 2<sup>nd</sup> Vice-Chair of the CCA and a director of the CCRF;
- There are references on the CCRF website to public relations, public engagement, government relations, public policy, patient-care and practice management;
- The CCA is identified as the only voting member of the CCRF;



- When you log onto the CCA website:
  - there is a direct link to CCRF; and
  - as soon as you click research, you are directed to the CCRF;
- When you log onto the CCRF website, there is a direct link back to the CCA; and finally,
- there is reference to the sharing of resources and goals with aligned organizations. Those goals go beyond research and reference enabling it to “multiply opportunities and accelerate impact with our partners in the healthcare, corporate, institutional and government sectors.”

Effectively, the CCRF appears to be part of the CCA and closely aligned with provincial chiropractic associations.

CCO is interested in working collaboratively with all stakeholders, including of course the CCRF, and there may be other opportunities for input and involvement, such as CCO’s current research and literature review being conducted by the Accessing Centre for Expertise, Institute of Health Policy, Management and Evaluation, at the University of Toronto. We hope the CCRF will provide feedback into this important initiative.

Thank you for your interest and continuing involvement with the self regulation of the chiropractic profession. I wanted to get this correspondence to you promptly. As you know, nominations close at 4:00 p.m. on Friday, February 12, 2021.

Yours truly,

A handwritten signature in blue ink that reads "Jo-Ann Willson". The signature is written in a cursive, flowing style.

Jo-Ann Willson,  
B.Sc., M.S.W., LL.B.  
Registrar and General Counsel



## MEMORANDUM

## COLLEGE OF CHIROPRACTORS OF ONTARIO

**To:** Candidates  
**CC:** Council  
 Non-Council Committee Members  
 Mr. Joel Friedman, Deputy Registrar

**From:** Ms Jo-Ann Willson, Registrar and General Counsel

**Date:** February 12, 2021

**Subject:** Elections Update: Close of Nominations – February 12, 2021 at 4 p.m.

Close of Nominations

Please note that as of the close of nominations at 4 p.m. today, the following candidates had submitted nomination papers for election to CCO Council:

District	Candidates	Council Positions Available
<b>1: Northern</b>	Dr. Angelo Santin	1
<b>4: Central</b>	Dr. Kris Dorken Dr. Kyle Grice Dr. Howard Kirsh Dr. Barbara Smith Dr. Julia Viscomi Dr. Adam Wade	2
<b>5: Central West</b>	Dr. Dennis Mizel Dr. John Riva	1
<b>7: Academic</b>	Dr. Chadwick Chung Dr. Jarrod Goldin	1

Congratulations to Dr. Santin (District 1: Northern) who is acclaimed.

Eligible members in **District 4** will vote for one candidate. The candidate with the highest number of votes will serve for a three-year term. The candidate with the second highest number of votes will serve for a one-year term. Eligible members in **District 5** will vote for one candidate for a three-year term. All eligible members in Ontario will vote for one candidate in **District 7**, for a two-year term.

Council and Committee Members

Please note that Policy P-011: Conflict of Interest for Council and Committee members provides in part:

*It is considered a conflict of interest for a Council member or non-Council Committee member to use his/her position on Council or a committee to:*

*Campaign publicly for or on behalf of any person, other than himself/herself:*

- *in any election to CCO Council ...*

*[e.g., it would be inappropriate for a candidate to use election material which includes comments such as "endorsed by Dr. X, CCO Committee Chair," etc.]. ...*

Candidates

CCO will review all material submitted by candidates for general consistency with the campaign guidelines in the notice of election and the principles of fair, accurate and appropriate election statements and, by analogy, Standard of Practice S-016: Advertising, and will forward a response to the candidate following the review. If you have any questions about any campaign material or campaign activities, contact CCO. All communications by or on behalf of any candidates must be respectful and professional.

Please note that the deadline for candidates to withdraw from the election is **February 19, 2021 by 4 p.m.** following which the names of candidates for each district will be posted on the CCO website (please refer to the notice of election and nomination guide dated January 2021).

All successful candidates will be asked to participate in orientation and training sessions relating to CCO's public interest role and mandate and will be required to review and sign various documents including the confidentiality undertaking and Code of Conduct, before receiving information or attending meetings. All Council meeting dates are posted on the CCO website. Internal elections to compose CCO's committees are scheduled for April 15, 2021 (8:30 a.m. – 1:00 p.m.). At this time, during the COVID-19 pandemic, CCO staff continue to work remotely to the extent possible, and all meetings are being held virtually to ensure the health and safety of all Council, committee members and staff. All government announcements and directives are being monitored on an ongoing basis. Any changes to operations will be posted on the CCO website.

Thank you to all candidates for expressing an interest in participating in the self-regulation of the chiropractic profession by serving on CCO Council. Please contact me if you have any questions or concerns.

*Paul Wilson*

**MEMORANDUM****COLLEGE OF CHIROPRACTORS OF ONTARIO**

**To:** Candidates  
**CC:** Council  
Mr. Joel Friedman, Deputy Registrar

**From:** Ms Jo-Ann Willson, Registrar and General Counsel

**Date:** February 16, 2021

**Subject:** Elections Update: Status Report

**Elections Review Committee**

Please be advised that there is an Elections Review Sub-committee (“Committee”) which has been established to review the biographies and proposed material on behalf of candidates for election to CCO Council. The Committee is composed of:

- Ms Shenda Tanchak, Chair;
- Dr. Gerard Arbour, Chair, Advertising Committee;
- Mr. Robert MacKay, Vice-President; and
- Mr. John Papadakis, Executive Committee public member.

Ms Tanchak may not be known to many of you. Ms Tanchak has extensive regulatory experience with the College of Physicians and Surgeons as well as the College of Physiotherapists and is a Past President of the Health Profession Regulators of Ontario.

**District 4 (Central)**

Please note that two candidates have withdrawn from District 4 as of today’s date, namely Dr. Kris Dorken and Dr. Howard Kirsh. For District 4 only, eligible voters will be able to cast a ballot for up to two candidates. Voters can cast one vote (abstain from second vote), two votes or no votes. However, voters cannot cast two votes for one candidate. The candidate with the highest number of votes will serve for a three-year term. The candidate with the second highest number of votes will serve for a one-year term.

**207****Current List of Candidates**

The updated candidate chart is as follows:

<b>District</b>	<b>Candidates</b>	<b>Council Positions Available</b>
<b>1: Northern</b>	Dr. Angelo Santin (acclaimed)	1
<b>4: Central</b>	Dr. Kyle Grice Dr. Barbara Smith Dr. Julia Viscomi Dr. Adam Wade	2
<b>5: Central West</b>	Dr. Dennis Mizel Dr. John Riva	1
<b>7: Academic</b>	Dr. Chadwick Chung Dr. Jarrod Goldin	1

Please note that the deadline for candidates to withdraw from the election is **February 19, 2021 by 4 p.m.** following which the names of candidates for each district will be posted on the CCO website (please refer to the notice of election and nomination guide dated January 2021).

Thank you again for being interested in serving on CCO Council. If you have any questions or concerns, please contact me or Mr. Joel Friedman, Deputy Registrar.

*John Wilson*

---

**College of Chiropractors of Ontario  
Registration Committee Report to Council  
February 26, 2021**

---

209

<b>Members:</b>	Dr. Paul Groulx, <i>Chair</i> Mr. Gagandeep Dhanda Mr. John Papadakis Dr. Michael Staffen Mr. Markus de Domenico (alternate)
<b>Staff Support:</b>	Mr. Joel Friedman, <i>Deputy Registrar</i> Ms Madeline Cheng, <i>Registration Coordinator</i> Ms Jo-Ann Willson, <i>Registrar and General Counsel</i>

---

## **Report and Recommendations**

### **Recommendation**

***That Council approved minor amendments to Policy P-058: Policy on Considering Applications for Registration During the COVID-19 Pandemic and Corresponding Application Form to take effect immediately, based on the cancellation of Part C of the January 2021 CCEB Examination***

The Registration Committee is recommending amendments to the policy and application form on provisional certificates to accommodate those applicants affected by the cancellation of the CCEB Examination Part C in January 2021. Overall, the Provisional certificate of registration instituted in August 2020 was a success, with 83 applicants becoming registered under the General (Provisional) certificate of registration.

Unlike in Spring 2020, only Part C has been cancelled and Parts A and B are continuing through remote examination. Therefore, proposed amendments to the policy and application form are updated to require Parts A and B for the provisional certificate and that the terms, conditions and limitations include that the applicant is registered for Part C in Spring 2021. This is because, unlike in Spring 2020, candidates have an opportunity to complete Parts A and B.

Included in the draft amendments is language in the policy that if the provisional member is authorized to and intends to practise in an area that requires additional education or training (e.g., acupuncture and chiropractic care of animals) their supervisor must also have this authorization to practise in these areas. Additionally, included in the draft amendments is language that the provisional member should take reasonable measures to help ensure that a patient's insurance coverage will reimburse the patient for care provided by a Provisional member. The provisional certificate authorizes the member to bill for chiropractic services. Patients should be fully informed about what services are covered before any examinations or treatments are provided, consistent with the specific policy of insurance.

**Current Member Status****210****Chart 1: Membership Statistics as at February 11, 2021**

<b>Status</b>	<b>Total</b>
Active	4728
Inactive – Resident	241
Retired	159
<b>All categories</b>	<b>5128</b>

**Chart 2: Change in Registration statistics for November 17, 2020 – February 11, 2021**

<b>Description</b>	<b>Total</b>
New registrants	57
Female	34
Male	23

**Chart 3: Colleges of Graduation for New Registrants**

CMCC	33
NYCC	20
NHSU	2
UQTR	1
D'Youville	1

Respectfully submitted,

Dr. Paul Groulx,  
Chair, Registration Committee