

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

PANEL:	Dr. Elisheva Gabison, Chair	Professional Member
	Dr. Brian Budgell	Professional Member
	Dr. Colleen Patrick	Professional Member
	Ms. Karoline Bourdeau	Public Member
	Ms. Georgia Allan	Public Member

BETWEEN:

COLLEGE OF CHIROPRACTORS OF ONTARIO)	Mr. Chris Paliare and
)	Ms. Karen Jones for the
)	College of Chiropractors of Ontario
- and -)	
)	
Dr. Angela Martin)	Ms. Cenobar Parker
)	
)	Heard: June 25, 2018

Also present at the hearing were:

Mr. Colin Stevenson- Independent Legal Counsel to the Panel
Ms. Jo-Ann Willson - Registrar and General Counsel, CCO
Ms. Shari Corkum- Court Reporter

DECISION AND REASONS

INTRODUCTION

A hearing into allegations of professional misconduct against Dr. Angela Martin (“Dr. Martin”, or the “Member”) took place before a panel of the Discipline Committee (the “Panel”) of the College of Chiropractors of Ontario (the “College” or “CCO”) on June 25, 2018. 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.

For the reasons that follow the Panel found that the Member engaged in professional misconduct.

The Panel accepted a joint submission on penalty and costs and ordered that its terms be implemented.

THE ALLEGATIONS

The allegations against the Member are set out in the Notice of Hearing, dated December 8, 2017 filed as Exhibit 1.

1. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the Health Professionals Procedural Code of the *Chiropractic Act*, 1991, S.O. 1991, c. 21, as amended (“Code”), and paragraph 1(2) of *Ontario Regulation 852/93*, in that you contravened a standard of practice of the profession or failed to maintain the standard of practice expected of members of the profession, and in particular, during the period March 2015 to September 2017, although you were not a member of the College of Chiropractors of Ontario, you:
 - a. used the title “chiropractor”; and/or
 - b. held yourself out as someone qualified to practice in Ontario as a chiropractor.

2. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the Code, and paragraph 1(29) of *Ontario Regulation 852/93*, in that you contravened a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital within the meaning of the *Public Hospitals Act*, and the contravention was relevant to your suitability to practise, and in particular, during the period March 2015 to September 2017, although you were not a member of the College of Chiropractors of Ontario, you:
 - a. used the title “chiropractor” contrary to section 9 of the *Chiropractic Act, 1991*; and/or
 - b. held yourself out as a person who was qualified to practise in Ontario as a chiropractor contrary to section 9 of the *Chiropractic Act, 1991*.

3. You have committed an act of professional misconduct as provided by subsection 51(1)(c) of the Code, and paragraph 1(33) of *Ontario Regulation 852/93*, in that 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, and in particular, during the period March 2015 to September 2017, when you were not a member of the College of Chiropractors of Ontario, you engaged in acts that are prohibited by law, and in particular, you:
 - a. used the title “chiropractor”; and/or
 - b. held yourself out as a person who was qualified to practise in Ontario as a chiropractor.

The member agreed to the facts as set out in the Resolution Agreement (Part 1: Agreed Statement of Facts), which was filed on consent as Exhibit 2. The agreed Statement of Fact contained admissions by the Member with respect to the allegations in the Notice of Hearing (Exhibit 1).

THE EVIDENCE

Part 1 of the Resolution Agreement (Agreed Statement of Facts), Exhibit 2, sets out the relevant evidence in the form of an agreed statement of facts which provided in part:

"BACKGROUND

1. Dr. Angela Martin ("Member") became a member of the College of Chiropractors of Ontario ("CCO") in 2010.
2. During the period March 1, 2015 to April 2017, the Member practiced animal chiropractic at Kingstone Chiropractic in Meaford, Ontario.
3. The Member did not pay her annual CCO renewal fee or complete an annual CCO renewal form for 2015. Her certificate of registration ("Certificate") was administratively suspended by the CCO on March 1, 2015.
4. As a result of the suspension of her Certificate, the Member was:
 - a. no longer a member of the CCO. However, she continued to be subject to the jurisdiction of the CCO for professional misconduct referable to the time when she was a member or to the period of the suspension;
 - b. prohibited from using the title "chiropractor", as set out in section 9 of the *Chiropractic Act, 1991*;
 - c. prohibited from holding herself out as a person who was qualified to practise in Ontario as a chiropractor, as set out in section 9 of the *Chiropractic Act, 1991*; and
 - d. prohibited from performing controlled acts with respect to an individual, including communicating a diagnosis and performing an adjustment.
5. In December 2016, the CCO received an anonymous letter alleging that the Member was practicing chiropractic even though her Certificate was suspended.
6. Upon investigation, the CCO confirmed that, during the period March 1, 2015 to April 2017, the Member:
 - a. had provided chiropractic treatment to animals. She did not provide chiropractic treatment to humans;

- b. had a web site that indicated she was a chiropractor and had both animal and human patients;
 - c. used consent forms that indicated she was a doctor of chiropractic who was “licensed in the care of humans”;
 - d. had a sign in her office indicating she was a “Certified Human & Animal Chiropractor”;
 - e. had business cards indicating she was a “Certified Human & Animal Chiropractor”; and
 - f. used a LinkedIn profile that indicated she was a “retired human chiropractor.”
7. Had she testified, the Member would have said that she injured her wrist in May 2014, which turned into carpal tunnel, causing the Member to temporarily close her chiropractic business in October 2014 so she could recover from her injury. The Member then suffered a second injury on or about December 14, 2014, causing damage to the discs in her neck and crushing the nerves in her right arm. She would have said that the last time she provided any human with chiropractic treatment was around the time of her second injury in December 2014. Following her second injury, the Member was unable to use her right arm.
8. As a result of her injuries, the Member was incapable of practicing chiropractic resulting in significant financial strain on her family. By early 2015, the Member was in arrears on a number of loans, including her student loans and mortgage payments. Under these circumstances, the Member made the difficult decision that she could not pay her annual renewal fees in 2015. As she continued to suffer from significant physical limitations due to her injuries that impeded her ability to practice chiropractic, the Member made the same difficult decision concerning her renewal fee in 2016, and 2017.
9. The Member also would have testified that, at the time, she did not believe she had to be a registered chiropractor to provide chiropractic care to animals. She resumed providing primarily rehabilitation services and some chiropractic treatment to small animals when she was physically capable of doing so in the summer of 2015.
10. After April 2017, in response to the issues identified in the course of the CCO investigation, the Member made some significant changes to her business, including she:
- a. discontinued her website;

- b. changed the name of her business to Kingstone Animal Care;
 - c. took down her signage and advertising that indicated she was a chiropractor;
 - d. removed references in which she held herself out as a chiropractor; and
 - e. changed her LinkedIn profile to indicate she had not been a chiropractor since 2014.
11. In 2018, the Member took a number of steps to renew her membership with the CCO. She:
 - a. filed the Registration Application for 2018 on an inactive basis;
 - b. paid the \$475 annual fee for registration as an inactive member in 2018; and
 - c. paid the membership fee arrears for 2015-2017 as an inactive CCO member.
12. As a result of these steps, the administrative suspension was lifted on April 30, 2018, and the Member became a member of the CCO in the inactive class. As an inactive member, the Member may not practise chiropractic, including, but not limited to animal chiropractic, perform controlled acts, and/or bill third-party payors in Ontario.
13. The Member also took steps to better understand her obligations as a chiropractor. She took and passed the CCO's Ethics and Legislative Exam and completed the Record Keeping Workshop. Finally, Dr. Martin submitted an updated professional portfolio to the CCO and took CPR training.

OTHER

Dr. Martin also acknowledged that she had obtained independent legal advice from her lawyer, Ms. Cenobar Parker, prior to signing the Agreed Statement of Facts, and that she signed the Agreed Statement of Facts freely and voluntarily.

FINDINGS OF PROFESSIONAL MISCONDUCT

After a brief recess to consider our decision, the Panel accepted the facts as set out in the Resolution Agreement: Agreed Statement of Facts (Exhibit 2). We agree that the Agreed

Statement of Facts provide a sufficient basis for making the findings of professional misconduct that the parties invited the Panel to make. Consequently, we find that the Member engaged in the forms of professional misconduct set out in allegations 1,2 and 3.

SUBMISSIONS ON PENALTY AND COSTS

The parties presented the Panel with a Joint Submission on Penalty and Costs (Resolution Agreement Part 2- Joint Submission which was filed on consent as Exhibit 3) which provides:

" In view of the prehearing conference held before Dr. Drew Potter on February 7, 2018, the Agreed Statement of Facts and the findings of professional misconduct, and the Undertaking attached as Exhibit "A", the College of Chiropractors of Ontario and Dr. Angela Martin jointly request that the panel of the Discipline Committee make an Order:

- "1. Requiring Dr. Martin to appear before the panel to be reprimanded.
2. Directing the Registrar to impose the following terms, conditions and limitations ("Conditions") on the Member's certificate of registration:
 - a. Prior to applying for an active class Certificate of Registration, 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-009 Chiropractic Care of Animals.
 - b. Requiring the Member to be peer assessed at her own expense within three months of returning to practice after obtaining an active class certificate of registration.
3. 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."

Dr. Martin also acknowledged that she had received advice from her counsel, Ms. Cenobar Parker, prior to entering into this Resolution Agreement, and affirmed that she was signing the Joint Submission on Penalty and Costs freely and voluntarily.

Mr. Paliare and Ms. Parker both made submissions in support of the Joint Submission. In her submission, Ms. Parker provided a brief background on Dr. Martin. She characterized Dr. Martin as a chiropractor who took great pride in her profession. She worked as a chiropractor from 2010. In May 2014 she injured her wrist which resulted in carpal tunnel syndrome and in December 2014 she suffered a second injury causing damage to the discs in her neck and crushing the nerves in her right arm. She indicated that the last time she practiced any human

chiropractic treatment was around the time of her second injury. As a result of her injuries, Dr. Martin was incapable of practicing chiropractic resulting in significant financial strain on her family. By early 2015, Dr. Martin was in arrears on a number of loans. Under these circumstances she made the difficult decision that she could not pay her annual renewal fees in 2015, 2016 and 2017. Dr. Martin did not believe that she had to be a registered chiropractor to provide chiropractic care to animals. She appealed to the Panel to consider this background when considering the appropriate penalty.

Mr. Stevenson reminded the Panel that we should not reject a Joint Submission negotiated by the parties unless we believed it was contrary to the public interest.

DECISION AS TO PENALTY AND COSTS

The Panel accepted the Joint Submission and ordered that its terms be implemented. The Panel therefore orders:

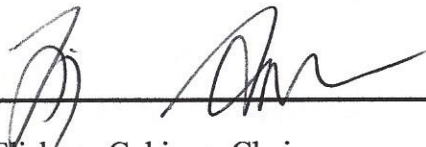
1. that Dr. Martin appear before the panel to be reprimanded.
2. that the Registrar impose the following terms, conditions and limitations (“Conditions”) on the Member’s certificate of registration:
 - a. Prior to applying for an active class Certificate of Registration, the Member must:
 - i. review, 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-009 Chiropractic Care of Animals.
 - b. that the Member be peer assessed at her own expense within three months of returning to practice after obtaining an active class certificate of registration.
3. 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 Panel believes that by making this order, the public interest is served through a strong message of deterrence and a clear assurance of the College’s commitment to public protection.

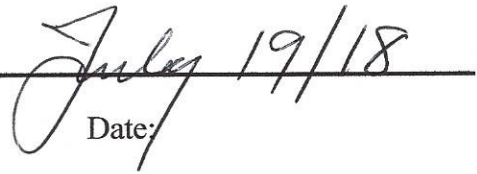
REPRIMAND ADMINISTERED

Dr. Martin expressly undertook not to appeal or seek judicial review if we accepted the Joint Submission. Therefore, at the conclusion of the hearing, the Panel administered the oral reprimand required by its penalty order.

I, Elisheva Gabison, sign this decision and reasons for the decision as chair of this Discipline Panel and on behalf of the members of the Discipline Panel listed below:



Dr. Elisheva Gabison, Chair



Date:

Panel Members: Dr. Brian Budgell
 Dr. Colleen Pattrick
 Ms. Karoline Bourdeau
 Ms. Georgia Allan