

Discipline Matters Before the College of Chiropractors of Ontario (CCO): A Defence Lawyer's Perspective

College of Chiropractors of Ontario | Disciplinary Hearing | Health | Health Law | Healthcare | Litigation | Litigation & Dispute Resolution

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As legal counsel for chiropractors, we are often asked questions about what happens when a chiropractor is referred to the Discipline Committee of the College of Chiropractors of Ontario (the "CCO").

The following is the essential information that chiropractors need to know about the discipline process.

Referral to the Discipline Committee

After reviewing a complaint or report, the Inquiries, Complaints and Report Committee ("ICRC") of the CCO will refer the matter to the Discipline Committee if it believes that a chiropractor has committed an act of professional misconduct.

In such circumstances, the chiropractor will be given notice of the ICRC decision and will thereafter be provided with a Notice of Hearing that will set out the allegations of professional misconduct. The Notice of Hearing is also posted on the CCO website. In addition, the chiropractor will be provided with a copy of all documentation that was reviewed by the ICRC, which is known as disclosure.

In most cases, the chiropractor will also be presented with an offer to resolve the matter on consent by pleading guilty to the charges of professional misconduct and agreeing to a penalty, which will typically include a reprimand, a suspension, or in the most serious cases, revocation of their certificate of registration. In addition, a component of the settlement offer will invariably require the payment of costs, which is currently in the range of \$15,000-\$20,000.

It is imperative that chiropractors consult with a lawyer before agreeing to any such offer, as pleading guilty to professional misconduct carries serious implications, including the items discussed in the preceding paragraph and publication of the finding on the CCO public register on an indefinite basis. The latter is a significant item, as in recent years, we have found that insurance companies are reviewing the public register and in certain cases are de-listing chiropractors who have been found guilty of professional misconduct.

If a resolution is reached, counsel for the parties prepare an Agreed Statement of Facts (which sets out the facts of the case and the admissions made by the chiropractor) and a Joint Submission on Penalty (which sets out the penalty and costs award that has been agreed upon).

If an acceptable resolution cannot be reached, the matter will proceed to a contested hearing.

The Discipline Committee Hearing

A Discipline Committee hearing is a formal legal proceeding that is typically conducted before a panel of three Discipline Committee members and a court reporter. It can either proceed on consent (i.e. if a resolution has been reached) or via a contested hearing. The CCO is represented by legal counsel and the chiropractor is either self-represented or has their own legal counsel. The panel also has its own independent legal counsel who provides assistance regarding

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legal issues that may emerge.

If a hearing proceeds on consent, the Agreed Statement of Facts and the Joint Submission on Penalty are submitted to the panel for its consideration and approval. In most cases, settlements that have been agreed upon by counsel are accepted by the panel, unless it believes that to do so would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.

On the other hand, a contested hearing looks very much like a criminal or civil trial, with legal counsel making opening and closing statements and examining and cross-examining witnesses. Chiropractors considering a contested hearing must keep in mind that the costs of a contested hearing can be extremely high, especially given the fact that they would be exposed paying a proportion of the CCO's legal costs in the event they are found guilty of professional misconduct.

Following a hearing, the Panel will issue a Decisions and Reasons, which will set out its findings in respect of a matter. If a chiropractor is found guilty of professional misconduct, the panel will also issue a penalty.

A chiropractor also has a statutory right to appeal a decision of the Decision Committee to the Ontario Divisional Court.

Final Comments

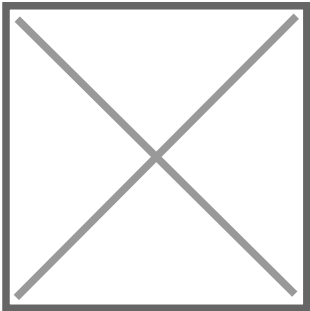
A referral to the Discipline Committee is a very serious matter that can result in significant professional and monetary consequences. As such, it is imperative that chiropractors obtain assistance from experienced legal counsel to ensure that their interests are being protected. A PDF version is available to download [here](#).

For more information please contact: **Lad Kucis** at **416.864.3114** or lkucis@grllp.com

Lad Kucis is certified by the Law Society of Ontario as a specialist in health law. As part of his practice, he provides advice and representation to regulated health professionals regarding the full spectrum of college matters, including complaints, investigations, discipline and appeals/reviews.

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