

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF CHIROPODISTS OF ONTARIO**

PANEL: Cesar Mendez, Chairperson
Ed Chung Member
Khalid Daud Public Member
Riaz Bagha Member

BETWEEN:

COLLEGE OF CHIROPODISTS OF ONTARIO (the "College"))	<u>JORDAN GLICK</u> for
)	College of Chiropractors of Ontario
- and -)	
)	<u>JACINTHE BOUDREAU</u> for
)	Darcy Andrew Springer
DARCY ANDREW SPRINGER, D.Ch. Reg. No.)	
)	<u>LUISA RITACCA</u> , Independent Legal Counsel
)	Heard: April 29, 2016
)	

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on April 29, 2016 at Victory Verbatim, in Toronto

The Allegations

The allegations against Darcy Andrew Springer (the "Member") as stated in the Notice of Hearing dated May 27, 2015 (Exhibit 1, tab 1), are as follows.

IT IS ALLEGED THAT:

1. Darcy Andrew Springer (the "**Member**") was, at all material times, a chiropractor registered to practise chiropractic in the province of Ontario.

2. The Member engaged in the practice of chiropractic at Healthcare in Motion (“HCIM”) in Mississauga, Ontario. He also practised at a number of clinics, including Bayview North Medical Clinic (“BNM”) and Glazier Medical Centre (“GMC”).

3. Commencing in or about May or June of 2013, the Member worked alternate Saturdays at HCIM, conducting chiropractic assessments and dispensing orthotics. The Member received compensation from HCIM in the amount of \$1,500.00 per day. The Member paid rent to HCIM of \$1.00 per year.

4. The premises of Healthcare in Motion was divided into two sections: a retail section (which sells orthopedic shoes, custom braces and/or orthotics) and a healthcare section (which offers acupuncture, massage therapy and chiropractic services).

5. Employees in the retail section of HCIM referred patients to the Member at HCIM for chiropractic assessments and/or services.

6. With rare exception, the Member always recommended orthotics for those patients referred to him at HCIM, often along with orthopedic shoes and/or compression stockings. From in or about June of 2013 to in or about December of 2013, the Member assessed only two (2) patients at HCIM for whom he did not prescribe and/or recommend orthotics. From in or about January of 2014 to in or about September of 2014, the Member assessed only five (5) patients at HCIM for whom he did not prescribe and/or recommend orthotics.

7. Most of the patients seen by the Member at HCIM for whom he prescribed and/or recommended orthotics ordered and purchased their orthotics (and in many cases orthopedic shoes and/or compression stockings) from the retail section of HCIM.

8. From in or about June of 2013 to in or about December of 2013, the Member provided the patients listed in Schedule “A”ⁱ hereto (hereinafter referred to as the “**Patients**”) with chiropractic assessments, focussing on gait analysis and biomechanical assessment, and

ⁱ Schedule “A” has not been included in these Reasons. While Schedule “A” to the Notice of Hearing lists 33 patients, there were five names and dates duplicated. As a result, Schedule A refers to 28 patients.

prescribed and/or recommended orthotics, orthopedic shoes or compression stockings for them without:

- (a) taking an adequate history;
- (b) *factual allegation withdrawn*;
- (c) *factual allegation withdrawn*;
- (d) *factual allegation withdrawn*; and/or
- (e) making adequate records.

9. The Member kept his records regarding patients seen by him at HCIM in an unlocked filing cabinet at HCIM which contained the files of other HCIM patients. The Member failed to maintain control over the location and/or access to and/or manner of storage of those patient files.

10. The Member failed to ensure that he was aware of and maintained control over the manner in which HCIM billed patients for his chiropody services.

11. By reason of the conduct alleged in paragraphs 1 to 10, the Member engaged in professional misconduct within the meaning of:

- (i) the following subsections of Ontario Regulation 750/93 under the *Chiropody Act, 1991*:
 - (a) 1.2 (Failing to meet or contravening a standard of practice of the profession),
 - (b) *Withdrawn*,
 - (c) 1.10 (Practising the profession while the member is in a conflict of interest)
 - (d) 1.17 (Failing to keep records as required by the regulations)

- (e) 1.27 (Sharing fees with any person who has referred a patient to a member or receiving fees from any person to whom the member has referred a patient or requesting or accepting a rebate or commission for the referral of a patient);
- (f) 1.28 (Practising in the employment of or in association with a commercial business);
- (g) 1.30 (Contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts)
- (h) 1.33 (Engaging in conduct or performing an act, in the course of practising the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional); and/or
- (ii) sections 13 and 16 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*.

Member's Plea

The Member admitted the facts as set out in the Agreed Statement of Facts and that these facts constitute professional misconduct as alleged in paragraph 11(i) of the Notice of Hearing, and constitute a breach of sections 13 and 16 of Ontario Regulation 203/94 under the *Chiropody Act, 1991*, as alleged in paragraph 11(ii) of the Notice of Hearing. The panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

Agreed Statement of Facts

Counsel for the College and Member advised the panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 1, tab 2) which provided as follows.

THE MEMBER

- 1) Darcy Andrew Springer (the “**Member**”) was, at all material times, a chiroprapist registered to practise chiropody in the province of Ontario.
- 2) The Member engaged in the practice of chiropody at Healthcare in Motion (“**HCIM**”) in Mississauga, Ontario. He also practised at a number of clinics, including Bayview North Medical Clinic (“**BNM**”) and Glazier Medical Centre (“**GMC**”).

HEALTHCARE IN MOTION

- 3) Commencing in or about May or June of 2013, the Member worked alternate Saturdays at HCIM, conducting chiropody assessments and dispensing orthotics. The Member received compensation from HCIM in the amount of \$1,500.00 per day. The Member paid rent to HCIM of \$1.00 per year.
- 4) The premises of Healthcare in Motion was divided into two sections: a retail section (which sells orthopedic shoes, custom braces and/or orthotics) and a healthcare section (which offers acupuncture, massage therapy and chiropody services).
- 5) Employees in the retail section of HCIM referred patients to the Member at HCIM for chiropody assessments and/or services.
- 6) The Member prescribed orthotics for many patients referred to him at HCIM. Of a random review of 28 client files that were selected from three separate days that the Member worked at HCIM, only 2 clients were not prescribed orthotics. a review of client files from January of 2014 to September of 2014 found that the Member assessed only 5 patients at HCIM for whom he did not prescribe orthotics.
- 7) Mr. Springer does not dispute that most of the patients seen by the Member at HCIM for whom he prescribed and/or recommended orthotics ordered and purchased their orthotics from the retail section of HCIM though he has no particular knowledge that this is true.
- 8) From June of 2013 to December of 2013, the Member provided the patients listed in Schedule “A” hereto (hereinafter referred to as the “**Patients**”) with chiropody assessments, focussing on gait analysis and biomechanical assessment, and prescribed and/or recommended orthotics, orthopedic shoes or compression stockings for them without:
 - a) taking an adequate history;
 - b) making adequate records.
- 9) The Member kept his records regarding patients seen by him at HCIM in an unlocked filing cabinet in the healthcare side of HCIM which contained the files of other HCIM patients. The Member failed to maintain control over the location and/or access to and/or manner of storage of those patient files.

- 10) The Member provided receipts to clients for assessments. While HCIM had agreed to collect the Member's fees, the Member relied on the assurances of HCIM and did not take steps to verify that his fees were collected by HCIM. He therefore failed to ensure that he was aware of and maintained control over the manner in which HCIM billed patients for his chiropody services.

ADMISSIONS

- 11) By virtue of the above conduct as more particularized below, the Member admits to contravening the following sections of Ontario Regulation 750/93 under the *Chiropody Act, 1991*:
- (A) Section 1.2 (Failing to meet or contravening a standard of practice of the profession) by virtue of the conduct admitted to in paragraph 8 above;
 - (B) omitted;
 - (C) Section 1.10 (Practising the profession while the member is in a conflict of interest) by virtue of the conduct admitted to in paragraphs 3, 5 and 7 above;
 - (D) Section 1.17 (Failing to keep records as required by the regulations) by virtue of the conduct admitted to in paragraphs 8b and 9 above;
 - (E) Section 1.27 (Sharing fees with any person who has referred a patient to a member or receiving fees from any person to whom the member has referred a patient or requesting or accepting a rebate or commission for the referral of a patient) by virtue of the conduct admitted to in paragraph 3 above;
 - (F) Section 1.28 (Practising in the employment of or in association with a commercial business) by virtue of the conduct admitted to in paragraphs 3, 4 and 5 above;
 - (G) Section 1.30 (Contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts) by virtue of the conduct admitted to above;
 - (H) Section 1.33 (Engaging in conduct or performing an act, in the course of practising the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) by virtue of the conduct admitted to in paragraphs 3, 5 and 7-10; and

12) The Member additionally admits to contravening sections 13 (failing to take reasonable steps to ensure records are kept in accordance with Regulation) and 16 (failing to keep a financial record with the information prescribed) of Ontario Regulation 203/94 under the *Chiropody Act, 1991* by virtue of conduct admitted in paragraphs 8(b), 9 and 10.

Decision

The panel considered the Agreed Statement of Facts and the parties' submissions. It concluded that the facts support a finding of professional misconduct as set out in paragraph 11 of the Notice of Hearing. With respect to the allegation set out at paragraph 11(i)(h), the panel found that , in the course of practising the profession, the Member engaged in conduct that is regarded as both dishonourable and unprofessional as alleged.

The panel agreed to withdraw the allegation at paragraph 11(i)(b) as requested.

Reasons for Decision

In coming to this decision, the panel considered the following; the Member's admission of professional misconduct, the joint submission of the Agreed Statements of Facts, and the parties' submissions.

Following deliberations, the Panel was satisfied that the conduct described in the Agreed Statement of Facts constitutes professional misconduct as alleged in the Notice of Hearing and as admitted by the Member. The Panel found that, members of the profession would reasonably regard the conduct admitted as unprofessional in that the Member failed to meet the standards of practice of the profession in failing to keep records in accordance with the regulations. Additionally, the panel found that members of the profession would reasonably regard the conduct as dishonourable in that the Member practised the profession while in a conflict of interest, shared fees with a person who referred a patient, accepted a rebate in that the Member paid virtually no rent to HCIM (i.e. \$1 per year) , and practised in the employment of or in association with a commercial business.

Penalty

Counsel for the parties advised the panel that a Joint Submission as to Penalty and Costs had been agreed upon. The Joint Submission as to Penalty and Costs provides as follows:

1. The College of Chiropractors of Ontario (the "**College**") and Mr. Darcy Andrew Springer (the "**Member**") agree and jointly submit for the Discipline Committee to make the following order:
 - (a) Directing the Registrar to suspend the Member's certificate of registration for a period of four months, one month of which shall be remitted in the event that the

Member complies with paragraph 2(a) of this Order and an additional one month of which shall be remitted in the event that the Member complies with paragraph 2(b) of this Order.ⁱⁱ The first two months of the suspension shall begin on a day to be chosen by the Member but shall not begin later than June 1st, 2016.

2. Directing the Registrar to impose a term, condition and limitation on the Member's certificate of registration:
 - (a) Requiring the Member to complete or have completed the ProBe ethics course at his own expense prior to or following the date on which the Penalty Order is signed by the Discipline Committee and subject to the exception below, provide proof thereof to the Registrar within 6 months after the date on which the Penalty Order is signed by the Discipline Committee. If a ProBe ethics course is not available in the Greater Toronto region within 6 months after the date on which the Penalty Order is signed by the Discipline Committee, proof of completion is to be provided to the Registrar within 4 weeks of the receipt of the certificate of completion of first available ProBe ethics course, there after, in the Greater Toronto region.ⁱⁱⁱ
 - (b) Requiring the Member to review the College's Conflict of Interest Policy, Code of Ethics Provisions and Professional Misconduct Regulation as well as at least five other sources (which may include, but is not limited to texts, legal cases, policy papers) and draft an essay of no less than 1000 words explaining the reasons why rules regarding conflict of interest are necessary within a regulated health profession, how the Member's conduct as outlined in the Notice of Hearing is in violation of those rules and the negative impact that the violation of conflict of interest rules may have on the profession. The essay must be provided to the Registrar before the completion of the compulsory two month term of suspension.^{ivv}

ⁱⁱ In the event that either paragraph 2(a) or 2(b) is not complied with within the timeframe provided, any further period of suspension which is not remitted shall be served beginning twenty four (24) months after the conclusion of the compulsory two months suspension.

ⁱⁱⁱ For greater clarity, the Member must complete the ProBe ethics course whether or not the additional month of suspension is served.

^{iv} For greater clarity, in the event that care is not taken by the Member with respect to the essay, and it is therefore not provided to the Registrar in a professional manner, the essay may be relied upon by the Registrar in considering whether there are reasonable and probable grounds to suggest that the Member has committed an act of professional misconduct and therefore request approval from the Inquiries, Complaints and Reports Committee for the appointment of an Investigator, pursuant to section 75(1)(a) of the *RHPA Procedural Code*.

^v The Member agrees that the essay may be published by the Registrar on a one time basis, in any publication to the College's membership so long as the Member receives notice of publication at least 14 days prior to publication. If the Member consents, the Registrar may publish the article in part. As well, if the Member consents, the Registrar may publish the essay more than once.

3. Directing the Member to appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Public Register of the College.
4. Directing the Member to pay the College's costs fixed in the amount of \$15,000 to be paid by certified cheque according to the following schedule and provided that this Joint Submission as to Penalty is accepted in its entirety:
 - (i) \$10,000 to be paid within 7 days of the hearing; and,
 - (ii) \$5,000 to be paid within 120 days thereafter.

In the event that the Member does not pay \$10,000 within 7 days of the hearing, the payment of the entire \$15,000 becomes immediately due and enforceable.

5. The Member acknowledges that pursuant to section 56 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, the decision and reasons, or a summary thereof, will be published in the College's annual report and may be published in any other publication of the College with the Member's name.
6. The Member acknowledges that this Joint Submission as to Penalty is not binding upon the Discipline Committee.
7. The Member acknowledges that he has had the chance to receive independent legal advice and did so before agreeing to this Joint Submission.

Penalty Submissions

The parties filed a Joint Submission as to Penalty and indicated that the proposed penalty represents an appropriate balance of interests in this matter. Counsel referenced several cases and explained that the proposed penalty is in keeping with penalties imposed in past similar cases. Counsel advised the panel ought not to depart from the joint submission unless the panel concluded that accepting the joint submission would be contrary to the public interest and bring the administration of the discipline process into disrepute.

Mitigating factors to consider:

1. This was the Member's first time appearing before the College's Discipline Committee.
2. The Member's conduct and behaviour, subsequent to this matter being brought forward, has demonstrated remorse and an acknowledgement of responsibility.

3. By admitting the allegations of professional misconduct and entering into an Agreed Statement of Facts and a Joint Submission as to Penalty, the Member has saved the College considerable time and expense, which would have been incurred had the matter proceeded on a contested basis.

Aggravating factors to consider:

1. The professional misconduct was not an isolated incident; rather it consisted of several incidents occurring over a lengthy period of time.
2. The Member's conduct was consistent with a deliberate pattern which appeared to be specifically motivated by financial gain.
3. The Member is a seasoned practitioner who has previously been involved with the College and in several professional associations in various capacities. In these roles, the Member has been involved in activities that would have specifically kept him informed, updated, and well versed in the very issues that arose in these circumstances. .

Penalty Decision

The panel accepts the Joint Submission as to Penalty and accordingly orders the following:

1. That the Registrar suspend the Member's certificate of registration for a period of four months, one month of which shall be remitted in the event that the Member complies with paragraph 2(a) of this Order and an additional one month of which shall be remitted in the event that the Member complies with paragraph 2(b) of this Order.^{vi} The first two months of the suspension shall begin on a day to be chosen by the Member but shall not begin later than June 1st, 2016.
2. Directing the Registrar to impose a term, condition and limitation on the Member's certificate of registration:
 - (a) Requiring the Member to complete or have completed the ProBe ethics course at his own expense prior to or following the date on which the Penalty Order is signed by the Discipline Committee and subject to the exception below, provide proof thereof to the Registrar within 6 months after the date on which the Penalty Order is signed by the Discipline Committee. If a ProBe ethics course is not available in the Greater Toronto region within 6 months after the date on which the Penalty Order is signed by the Discipline Committee, proof of completion is to be provided to the Registrar within 4 weeks of the receipt of the certificate of

^{vi} In the event that either paragraph 2(a) or 2(b) is not complied with within the timeframe provided, any further period of suspension which is not remitted shall be served beginning twenty four (24) months after the conclusion of the compulsory two months suspension.

completion of first available ProBe ethics course, there after, in the Greater Toronto region.^{vii}

- (b) Requiring the Member to review the College's Conflict of Interest Policy, Code of Ethics Provisions and Professional Misconduct Regulation as well as at least five other sources (which may include, but is not limited to texts, legal cases, policy papers) and draft an essay of no less than 1000 words explaining the reasons why rules regarding conflict of interest are necessary within a regulated health profession, how the Member's conduct as outlined in the Notice of Hearing is in violation of those rules and the negative impact that the violation of conflict of interest rules may have on the profession. The essay must be provided to the Registrar before the completion of the compulsory two month term of suspension.^{viiiix}
3. That the Member appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Public Register of the College.
4. That the Member to pay the College's costs fixed in the amount of \$15,000 to be paid by certified cheque according to the following schedule and provided that this Joint Submission as to Penalty is accepted in its entirety:
- (i) \$10,000 to be paid within 7 days of the hearing; and,
 - (ii) \$5,000 to be paid within 120 days thereafter.

In the event that the Member does not pay \$10,000 within 7 days of the hearing, the payment of the entire \$15,000 becomes immediately due and enforceable.

Reasons for Penalty Decision

^{vii} For greater clarity, the Member must complete the ProBe ethics course whether or not the additional month of suspension is served.

^{viii} For greater clarity, in the event that care is not taken by the Member with respect to the essay, and it is therefore not provided to the Registrar in a professional manner, the essay may be relied upon by the Registrar in considering whether there are reasonable and probable grounds to suggest that the Member has committed an act of professional misconduct and therefore request approval from the Inquiries, Complaints and Reports Committee for the appointment of an Investigator, pursuant to section 75(1)(a) of the *RHPA Procedural Code*.

^{ix} The Member agrees that the essay may be published by the Registrar on a one time basis, in any publication to the College's membership so long as the Member receives notice of publication at least 14 days prior to publication. If the Member consents, the Registrar may publish the article in part. As well, if the Member consents, the Registrar may publish the essay more than once.

The panel concluded that the proposed penalty is reasonable and in the public interest and accepted the Joint Submission as to Penalty. The Panel's reasons for accepting the Joint Submission as to Penalty are as follows:

1. The Panel understands its obligations not to depart from a joint submission unless accepting the joint submission would bring the administration of the discipline process into disrepute. The panel does not believe that the penalty imposed would bring its administration into disrepute nor does it believe that the proposed penalty is contrary to the public interest.
2. This was the Member's first time appearing before the College's Discipline Committee.
3. The Member's conduct and behaviour, subsequent to this matter being brought forward, has demonstrated remorse and an acknowledgement of responsibility.
4. The penalty incorporates a component of rehabilitation and education through the compulsory enrollment of the Member in the ProBe ethics course and the compulsory essay requirements.
5. By admitting the allegations of professional misconduct and entering into Agreed Statement of Facts and a Joint Submission as to Penalty, the Member has saved the College considerable time and expense, which would have been incurred had the matter proceeded on a contested basis.
6. The publication and reporting of the case on the College website and other publications sent out by the College will act as a specific deterrence to the Member and a general deterrence to the profession as a whole.
7. Further, the reporting of the case on the College website and in other publications is consistent with the College's mandate to protect the public and to do so in a fair and transparent manner.
8. The professional misconduct was not an isolated incident; rather it consisted of several incidents occurring over a lengthy period of time, and so the suspension and other components of the penalty are appropriate in the circumstances.
9. The panel is satisfied that the penalty order proposed in the Joint Submission as to Penalty is reasonable in light of the professional misconduct admitted to in the Notice of Hearing and the Agreed Statement of Facts and in which the Panel found the Member engaged.
10. The panel is satisfied that the penalty order proposed in the Joint Submission as to Penalty is within the range of penalties imposed in similar cases.
11. Similarly, the panel is satisfied that the costs agreed to are appropriate and also in keeping with costs awarded in similar cases by this Discipline Committee.

Reprimand

At the conclusion of the hearing, having confirmed that the Member waived any right to appeal, the panel delivered its reprimand found in Schedule A

I, Cesar Mendez, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:



May 12, 2016

Cesar Mendez, Chairperson

Date

Ed Chung Member
Khalid Daud Public Member
Riaz Bagha Member

Schedule A**COLLEGE OF CHIROPODISTS OF ONTARIO v. DARCY ANDREW SPRINGER****ORAL REPRIMAND: DELIVERED APRIL 29, 2016**

As you know, Mr. Springer, as part of its penalty order this Discipline panel has ordered that you be given an oral reprimand. You agreed to this term of order as part of your joint submission on penalty filed earlier today.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

Although you will be given an opportunity to comment at the end of the reprimand, this is *not* an opportunity for you to review the decision made by the Discipline panel, *nor* a time for you to debate the merits of our decision.

The panel has found that you have engaged in professional misconduct in a number of different ways. They include in part:

1. Contravening a standard of practice in relation to the adequacy of records
2. Practising the profession while in a conflict of interest
3. Practising in the employment of, or in association with, a commercial business and sharing fees or receiving fees with someone who has referred a patient or someone to whom you have referred patient

It is a matter of profound concern to this panel that you have engaged in these forms of professional misconduct. By doing so, you have brought discredit to the profession and to yourself. Public confidence in this profession has been put in jeopardy. Moreover, the result of your misconduct is that you have let down the public, the profession, and yourself. This type of

behaviour profoundly hurts not only the public's perception and trust of the profession as a whole, but also directly impacts the rest of the membership individually. As you know, this is a small College. Your behaviour has required investigation and ultimately this hearing, all resulting in a significant economic cost which must now be shouldered by the rest of the membership.

We need to make it clear to you that your conduct is unacceptable.

Of special concern to us is the fact that the professional misconduct in which you engaged has involved financial gain over patient's best interests. This misconduct is all the more disappointing in light of your previous experience and leadership roles within this College. You understand the impact of this misconduct in terms of the overall reputation of the profession and the costs associated with the investigation of this matter as well as the costs of today's hearing.

Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which you have engaged.

We also want to make it clear to you that while the penalty that this panel has imposed upon you is a fair penalty, a more significant penalty will likely be imposed by another Discipline panel in the event that you are ever found to have engaged in professional misconduct again.



Cesar Mendez, Chairperson

Date: April 29, 2016

Panel Members:

Khalid Daud

Ed Chung

Riaz Bagha

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF CHIROPODISTS OF ONTARIO**

Cesar Mendez, Professional Member)	Tuesday the 4 th day of
Ed Chung, Professional Member)	May, 2016
Riaz Bagha, Professional Member)	
Khalid Duad, Public Member)	

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

DARCY ANDREW SPRINGER

ORDER

(Dated May 4, 2016)

THIS HEARING, was heard on April 29, 2016 by the Discipline Committee at 222 Bay Street, 17th floor, Toronto, Ontario.

ON READING the Notice of Hearing dated May 27, 2015 and the Exhibit 1 filed, including the Agreed Statements of Facts and the Joint Submission as to Penalty and on hearing the submissions of counsel for the College of Chiropractors of Ontario (“the College”) and the Member, Darcy Andrew Springer:

1. **THE DISCIPLINE COMMITTEE FINDS** that Darcy Andrew Springer contravened sections 13 and 16 of the Ontario Regulation 203/94 under the *Chiropractic Act*, 1991 and engaged in professional misconduct within the meaning of paragraphs 2 (failing to meet or contravening a standard of practice of the profession), 10 (practising the profession while the member is in a conflict of interest), 17 (failing to keep records as required by the regulations), 27 (sharing fees with any person who has referred a patient to a member or receiving fees from any person to

whom the member has referred a patient), 28 (practising in the employment of or in association with a commercial business), 30 (contravening the *Chiropody Act*, 1991, the *Regulated Health Professions Act*, 1991, or the regulations under either of those Acts), 33 (engaging in conduct or performing an act, in the course of practising the profession, that having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) of section 1 of Ontario regulation 750/93 under the *Chiropody Act*, 1991.

2. **THE DISCIPLINE COMMITTEE ORDERS** that Darcy Andrew Springer shall appear before the Panel of the Discipline Committee to be reprimanded, the fact of which shall be recorded on the public register of the College.

3. **THE DISCIPLINE COMMITTEE DIRECTS** the Registrar to suspend Darcy Andrew Springer's certificate of registration for a period of four (4) months, one (1) month of which shall be remitted in the event that the Member complies with subparagraph 4(a) and an additional one (1) month shall be remitted in the event that the Member complies with paragraph 4(b) of this Order. The first two (2) months of the suspension shall commence on a day to be chosen by Darcy Andrew Springer which is to be no later than June 1, 2016. Any further period of suspension which is not remitted shall be served beginning twenty four (24) months after the conclusion of the first two months of suspension.

4. **THE DISCIPLINE COMMITTEE** directs the Registrar to impose a term, condition and limitation on the Member's certificate of registration,

- a. requiring the Member to complete or have completed the ProBe ethics course at his own expense prior to or following the date on which the Penalty Order is signed by the Discipline Committee and subject to the exception below, provide proof thereof to the Registrar within 6 months after the date on which the Penalty Order is signed by the Discipline Committee. If a ProBe ethics course is not available in the Greater Toronto region within 6 months after the date on which the Penalty Order is signed by the Discipline Committee, proof of completion is to be provided to the Registrar within 4 weeks of the receipt of the certificate of

completion of the first available ProBe ethics course, there after, in the Greater Toronto region.¹

- b. requiring that the Member to review the College's Conflict of Interest Policy, Code of Ethics Provisions and Professional Misconduct Regulation as well as at least five other sources and draft an essay of no less than 1000 words explaining the reasons why rules regarding conflict of interest are necessary within a regulated health profession, how the Member's conduct as outlined in the Notice of Hearing is in violation of those rules and the negative impact that the violation of conflict of interest rules may have on the profession. The essay must be provided to the Registrar before the completion of the compulsory two month term of suspension.²³

5. **THE DISCIPLINE COMMITTEE ORDERS** the Member to pay to the College's costs fixed in the amount of \$15,000.00 to be paid according to the following schedule:

- i. \$10,000 to be paid within 7 days of the hearing; and
- ii. \$5,000 to be paid within 120 days thereafter.

¹ For greater clarity, the Member must complete the ProBe ethics course whether or not the additional month of suspension is served.

² For greater clarity, in the event that care is not taken by the Member with respect to the essay, and it is therefore not provided to the Registrar in a professional manner, the essay may be relied upon by the Registrar in considering whether there are reasonable and probable grounds to suggest that the Member has committed an act of professional misconduct and therefore request approval from the Inquiries, Complaints and Reports Committee for the appointment of an Investigator, pursuant to section 75(1)(a) of the *RHPA Procedural Code*.

³ The Member agrees that the essay may be published by the Registrar on a one time basis, in any publication to the College's membership so long as the Member receives notice of publication at least 14 days prior to publication. If the Member consents, the Registrar may publish the article in part. As well, if the Member consents, the Registrar may publish the essay more than once.

I, Cesar Mendez, sign this Order as Chair of the panel of the Discipline Committee on behalf of the members of the panel that heard this matter.

Dated at this 4th day of May, 2016



Cesar Mendez

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