



— COLLEGE OF —
CHIROPRACTORS
— OF ALBERTA —

Complaint Resolution Agreement Admission and Orders of:

Dr. Nicholas Nelson

On:

October 26, 2022

Posting expiration date:

October 26, 2032

DATED THIS 20 DAY OF September, 2022.

COMPLAINT RESOLUTION AGREEMENT

Pursuant to section 55(2)(a.1) of the *Health Professions Act*

BETWEEN

DR. NICHOLAS NELSON
(the "**Member**")

--- and ---

MS. SHEILA STEGER, ACTING COMPLAINTS DIRECTOR FOR
THE COLLEGE OF CHIROPRACTORS OF ALBERTA
(the "**Acting Complaints Director**" and which shall be deemed to include her successor if
applicable)

I. BACKGROUND MATTERS

- A. The College of Chiropractors of Alberta (the "College") is the regulatory body for the profession of chiropractors pursuant to the *Health Professions Act*, R.S.A. 2000, c. H-7 ("HPA").
- B. At all times the Member was a regulated member of the College.
- C. The College received a written complaint dated January 29, 2021 from a female patient of the Member ("**Patient R**") relating to her interactions with the Member on June 14, 2019 in Edmonton, Alberta (the "**Complaint**"). The Complaint related to comments made by the Member to Patient R regarding Mayer Rokitansky Kuster Hauser Syndrome ("**MRKH**"), a disorder which affects Patient R.
- D. An investigation of the Complaint was carried out and completed pursuant to Part 4 of the HPA.
- E. The Complaints Director believes that there is sufficient evidence of unprofessional conduct to refer the Complaint to a Part 4 HPA discipline hearing.
- F. The Complaints Director, under the authority of s. 55(2)(a.1) of the HPA, has obtained consent from Patient R to attempt to resolve the Complaint as an alternative to this matter proceeding to a hearing.

The Acting Complaints Director, under the authority of s. 55(2)(a.1) of the HPA, has proposed this Complaint Resolution Agreement (the "**Agreement**") to the Member in an attempt to resolve the Complaint as an alternative to this matter proceeding to an HPA Part 4 hearing tribunal hearing.

II. COMPLAINT RESOLUTION AGREEMENT AND TERMS

IN CONSIDERATION OF the terms and conditions set out herein, the Complaints Director and the Member hereby agree and the Member hereby acknowledges as follows:

1. On or about June 14, 2019, during an interaction with Patient R, Dr. Nelson discussed MRKH, a medical condition that is currently outside the scope of the practice of chiropractic in Alberta, which breaches Standard of Practice 1.2 – Professional Communication.
2. On or about June 14, 2019, and following his discussions with Patient R concerning MRKH, Dr. Nelson failed to chart any of the information related to MRKH and related matters, which breaches Standard of Practice 5.1 – Record Keeping Requirements.
3. The Member hereby acknowledges and agrees that, in consideration of the conduct described above and the Complaints Director staying a referral of the Complaint to a Part 4 HPA hearing tribunal hearing:
 - a. The Member is reprimanded for the said conduct.
 - b. The Member shall pay a \$2,000.00 fine within 30 days from the date of this Agreement.
 - c. The Member shall pay up to a maximum of \$6,000.00 for the costs of the investigation accrued to the date of this Agreement, which sum shall be payable over six equal installments commencing the first month after the date of this Agreement. If the Member fails to make a payment as outlined in this provision then (i) the entire balance of the outstanding costs shall become immediately payable; and (ii) the Member's practice permit shall be suspended until such time as the outstanding costs have been paid in full.
 - d. The Member shall attend a CPEP Medical Record Keeping Seminar at his own cost and expense (estimated to be \$1,095.00, plus GST) and provide proof of such attendance to the Acting Complaints Director within six months from the date of this Agreement.
 - e. The Member shall provide a written letter of apology to Patient R within one (1) month from the date of this Agreement. The written letter of apology must be reviewed and, acting reasonably, approved by the Acting Complaints Director prior to the said letter being provided to Patient R.
 - f. Within six (6) months from the date of this Agreement, the Member will write and provide to the Acting Complaints Director a reflection paper indicating what insights he has gained and how he has modified his practice as a chiropractor as a result of his interactions with Patient R and the joint resolution of these matters. The reflection paper must be, at a minimum, 500 words in length.
4. The Member further acknowledges and agrees (i) that in interacting with patients he should be mindful of the legal scope of practice for chiropractors and (ii) that he should

ensure that any inquiries from patients concerning matters which are outside that scope of practice will be referred to the appropriate healthcare providers or public health agencies.

5. Should the College become aware that the Member (i) is applying for registration and/or a practice permit (or equivalent) or (ii) has registration and/or a practice permit (or equivalent) as a chiropractor with another chiropractic regulatory body in any other jurisdiction, the College may independently and in its sole discretion provide a copy of this Agreement to the regulatory body.
6. In the event that the Member fails to comply with any of the terms of this Agreement, the Member agrees and acknowledges that the Acting Complaints Director may refer these matters (including the Complaint and non-compliance with the terms of this Agreement) to a hearing before a hearing tribunal pursuant to Part 4 of the HPA, notwithstanding non-adherence to any time limit referred to in the HPA.
7. Should the College receive an inquiry from any member of the public or any professional regulatory body regarding the Member's complaint or discipline history, the College will be at liberty to provide a copy of this Agreement to the member of the public or professional regulatory body.
8. The Member agrees that (i) if a further complaint is received by the College after the date of this Agreement, and (ii) if the complaint is investigated and referred to a hearing tribunal, and (iii) the hearing tribunal makes a finding of unprofessional conduct against the Member, a copy of this Agreement and all information related to it and the Complaint may be provided to and considered by the hearing tribunal for the purpose of determining the appropriate penalties, regardless of the passage of time.
9. The Member acknowledges and understands that this Agreement shall be published in accordance with the College's bylaws, including with his name.

I, Dr. Nicholas Nelson, have had the opportunity to seek legal advice from a lawyer in relation to this matter, and hereby acknowledge that I voluntarily enter into this Agreement with the Complaints Director.

Sept. 20, 2022
Date

Oct. 26, 2022
Date


DR. NICHOLAS NELSON


Ms. Sheila Steger
Acting Complaints Director