



— COLLEGE OF —
CHIROPRACTORS
— OF ALBERTA —

Complaint Resolution Agreement Admission and Orders of:

Dr. David Zondag

On:

October 10, 2024

Posting expiration date:

October 10, 2029

COMPLAINT RESOLUTION AGREEMENT

Dated this 10th day of October, 2024 (the "Effective Date")

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

BETWEEN

Dr. David Zondag ("Dr. Zondag")

---and---

**Ms. Kerstin Hurd, Complaints Director for the College of Chiropractors of Alberta (the
"Complaints Director")**

BACKGROUND MATTERS

- A. The College of Chiropractors of Alberta or CCOA (the "College") is the regulatory body for the profession of chiropractic pursuant to the *Health Professions Act*, R.S.A. 2000, c. H-7 ("HPA"). The parties agree that for the purposes of this agreement, the term "College" shall include the College of Chiropractors of Alberta and all predecessor colleges under prior applicable legislation.
- B. At all times concerning the conduct in question, Dr. Zondag was a regulated member of the College.
- C. The College received a written complaint on October 12, 2023, regarding allegations of Dr. Zondag's billing in June 2023 and his procedure and communication related to transferring patient records (College File 23-23).
- D. An investigation of the Complaint was conducted pursuant to Part 4 of the HPA.
- E. During the investigation, additional information was obtained which led to a subsequent complaint being initiated by the Complaints Director in accordance with section 56 of the HPA. The alleged unprofessional conduct was as follows:
 - a. During treatment, Dr. Zondag's communication with patients was inappropriate, including:
 - i. Comments that were considered racist, sexist, misogynistic or otherwise discriminatory in nature
 - ii. Comments that were political or otherwise controversial in nature
 - iii. Describing actual or fictitious events that were violent and criminal in nature
- F. The investigation reports for both complaints were received on April 20, 2024.
- G. The Complaints Director believes that there is sufficient evidence of unprofessional conduct to refer the Complaints to a Part 4 HPA discipline hearing.

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- H. The Complaints Director, under the authority of section 55(2)(a.1) of the HPA, has proposed this Complaint Resolution Agreement ("CRA") to Dr. Zondag to resolve BOTH complaints, as an alternative to proceeding with a referral to the Hearings Director under Part 4 of the HPA.
- I. The Complaints Director, under the authority of s. 55(2)(a.1) of the HPA, has obtained consent from the original complainant, to attempt to resolve the initial complaint as an alternative to this matter proceeding to a hearing.

COMPLAINT RESOLUTION AGREEMENT

IN CONSIDERATION OF the terms and conditions set out herein, the Complaints Director and Dr. Zondag hereby agree, and Dr. Zondag hereby acknowledges that:

1. With respect to obtaining patient records and transfer of care, Dr. Zondag recognizes his written communication to the complainant could have been clearer.
2. On or about June 2023, Dr. Zondag failed to complete appropriate documentation and records for the treatment that was alleged to have been provided to the complainant's child.
3. On or about December 2023, Dr. Zondag created three patient records for treatment sessions which he believed had occurred in June of 2023, but did not identify that the treatment entries were created approximately 6 months later. The documentation incorrectly conveyed that the treatment entries were made contemporaneously at the time of treatment in June. Dr. Zondag voluntarily self-reported his actions to the Complaints Director, and the records were appropriately corrected by Dr. Zondag.
4. Dr. Zondag engaged in inappropriate and unprofessional communication with patients, including:
 - a. Making comments that were considered political or otherwise controversial in nature
 - b. Making comments that were considered sexist, racist, or otherwise discriminatory in nature
 - c. Describing fictitious events that depicted violence or criminal conduct

Dr. Zondag's conduct, as described above, could be considered breaches of the following Standards of Practice and sections of the Code of Ethics:

1. Standards of Practice:
 - a. SOP 1.2 – Professional Communication
 - b. SOP 3.1 – Informed Consent
 - c. SOP 5.1 – Record Keeping Requirements
2. Code of Ethics:
 - a. COE A7 – Confidentiality and Release of Patient Information
 - b. COE B1 – Representation of Qualifications, Experience and Registration
 - c. COE C5 – Interprofessional Behavior

The above could also be considered conduct that harms the integrity of the profession.

IN CONSIDERATION OF the conduct acknowledged above and the Complaints Director staying a referral of these complaints to the Hearings Director, Dr. Zondag agrees to the following terms:

1. During the provision of treatment, Dr. Zondag will no longer describe fictitious events that depict criminal violence.
 2. During the provision of treatment, Dr. Zondag will refrain from making comments that are reasonably considered political, sexist, misogynistic, racist or otherwise discriminatory in nature.
 3. Within 6 months of the date of the CRA, Dr. Zondag will successfully complete the following education courses and will provide evidence of successful completion to the Complaints Director within 2 weeks of receipt of same:
 - a. Enhanced Patient Communication: Building Compassion, Communication and Trust offered through CPEP: <https://www.cpepdoc.org/cpep-courses/enhanced-patient-communication-building-compassion-communication-and-trust-2/>
 - b. The Essentials of Record-Keeping 63765 offered through CMCC Continuing Education
- Dr. Zondag is responsible for all costs associated with completing the courses and they shall not count towards his College Continuing Competency Program requirements.
4. Dr. Zondag will pay a total fine of \$2500. This will be payable in full within 6 months of the Effective Date.
 5. A copy of the CRA with Dr. Zondag's name will be published on the College's website for 5 years after the Effective Date.
 6. If during the term of this CRA, the Complaints Director reasonably determines or is informed that Dr. Zondag has not been sufficiently compliant with the terms of this CRA, Dr. Zondag understands that the Complaints Director may open a new complaint regarding his compliance under section 56 of the HPA.
 7. The term of the agreement shall be from the date of execution of this CRA by Dr. Zondag and the Complaints Director until Dr. Zondag has fulfilled his personal covenants under this CRA.
 8. Upon Dr. Zondag's and the Complaints Director's mutual execution of this CRA, College File 23-19 and 23-23 will be closed by resolution with consent as per subsection 55(2)(a.1) of the HPA.

I, Dr. David Zondag, have had the opportunity to seek legal advice in relation to this matter, and hereby acknowledge that I voluntarily enter into this CRA with the Complaints Director.

Date

October 10, 2024

Date

Dr. David Zondag

Kerstin Hurd, Complaints Director
College of Chiropractors of Alberta

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