



— COLLEGE OF —
CHIROPRACTORS
— OF ALBERTA —

Agreement and Undertaking Admission and Orders of:

Dr. Justin Gauthier

On:

July 4, 2022

Posting expiration date:

July 4, 2032 (10 years from date of posting)

COMPLAINT RESOLUTION AGREEMENT

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

BETWEEN

DR. JUSTIN GAUTHIER
(the "**Member**")

--- and ---

MS. SHEILA STEGER, ACTING COMPLAINTS DIRECTOR FOR THE COLLEGE OF
CHIROPRACTORS OF ALBERTA (the "**Complaints Director**")

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 May 19, 2021 from a female patient of the Member ("Patient S") relating to her interactions with the Member on May 7, 2021 at the "Integrity Spinal Care" chiropractic clinic in Medicine Hat (the "**Complaint**"). The Complaint related to the following:
 - Comments by the Member to Patient S. regarding the timing of her receiving a Covid-19 vaccine and the possible relationship between the Covid-19 vaccination and Patient S.'s idiopathic inflammation obscuring the iris of one eye.
 - Unsolicited comments regarding reactions to the vaccine.
 - Comments about the possible impact of Patient S's Covid-19 vaccination on her baby that she was breastfeeding.
 - An email sent by the Member on or about May 8, 2021, to Patient S where the Member made comments about the effect of the Covid-19 vaccine in terms of the FSM therapy she was receiving from the Member and her menstrual cycles.
 - Patient S. stated that she experienced fear and anxiety following the comments made by the Member.
- 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 the complainant (Patient S) to attempt to resolve the Complaint as an alternative to this matter proceeding to a hearing.

- G. The 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 May 7, 2021, during an interaction with Patient S, the Member failed in his professional duty by discussing areas outside his scope of practice as a chiropractor which contravened College Standard of Practice 1.2 – "Professional Communication".
2. On or about May 7, 2021, during an interaction with Patient S, the Member provided information to Patient S regarding Covid-19 which is outside the scope of practice for Alberta Chiropractors and contravened guidance provided by the College to chiropractors that vaccination is not within the scope of practice for chiropractors, all of which contravened College Standard of Practice 4.1 – "Scope of Practice" and the College Policy on vaccination and immunization.
3. On or about May 7, 2021, during an interaction with Patient S, the Member failed to maintain a comprehensive chart with documentation of all services provided which contravened Standard of Practice 5.1 – "Record Keeping Requirements".
4. 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 his conduct.
 - (b) On or before August 1, 2022, the Member shall pay a fine in the amount of \$2,500.00.
5. The Member 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.
6. 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.
7. In the event that the Member fails to comply with any of the terms of this Agreement, the Member agrees and acknowledges that the 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.
8. 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.

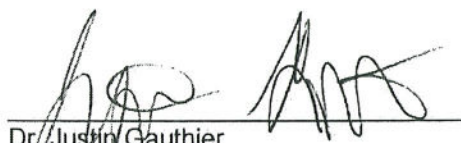
9. The Member agrees that (i) if a further complaint is received by the College after the date of this Agreement, and (ii) if the complaint is investigated and referred to a hearing tribunal, and (iii) the hearing tribunal makes a finding of unprofessional conduct against the Member, a copy of this Agreement 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.

10. The Member acknowledges and understands that this Agreement shall be published in accordance with the College's Bylaws, including with his name.

I, Dr. Justin Gauthier, 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.

6/29/22
Date

July 4, 2022
Date


Dr. Justin Gauthier


Ms. Sheila Steger
Acting Complaints Director