



COLLEGE OF
CHIROPRACTORS
— OF ALBERTA —

Hearing Tribunal Written Decision and Orders for the Hearing of:

Dr. Christopher Senko

On:

March 29, 2020

Posting expiration date:

June 1, 2030

IN THE MATTER OF A HEARING OF THE HEARING TRIBUNAL
Into the Conduct of Dr. Christopher Senko, Regulated Member of the
Alberta College and Association of Chiropractors, pursuant to

THE HEALTH PROFESSIONS ACT, being
Chapter H-7 of the Revised Statutes of Alberta

DECISION OF THE HEARING TRIBUNAL

1. Hearing

The Hearing was conducted at the Alberta College and Association of Chiropractors ("ACAC") offices at 11203 - 70 Street NW in Edmonton, Alberta on March 29, 2020 with the following individuals present:

Mr. Jim Lees, Public Member (Chair)
Ms. June MacGregor, Public Member (by conference call)
Dr. Darrell Smith, Regulated Member (by conference call)
Dr. Tarek Chipperfield, Regulated Member (by conference call)
Dr. Michael Stewart, Regulated Member (by conference call)
Mr. David Jardine, Independent Legal Counsel

Mr. David Lawrence, Complaints Director
Mr. Blair Maxston, Legal Counsel for the Complaints Director

Dr. Christopher Senko, Investigated Member

2. Preliminary Matters

There were no objections to the jurisdiction or composition of the Hearing Tribunal to proceed with the hearing. There were no other preliminary matters raised by either party. Dr. Senko acknowledged that he was aware he is entitled to legal representation, and stated he was waiving the right to counsel. In order to maintain "social distancing" within the hearing room, four of the Hearing Tribunal members participated by conference call; there were no objections by either party to this arrangement.

3. Allegations

The allegations that appear in the Notice of Hearing, provided to the Hearing Tribunal as Exhibit #1, are as follows:

1. "On or about August of 2017 to June of 2018, you and/or your clinic submitted claims to Alberta Blue Cross ("ABC") for chiropractic services that were not documented in patient records.

2. On or about August of 2017 to June of 2018, you and/or your clinic submitted claims to ABC for massage therapy services that were not documented in patient records.
3. On or about February, May and July of 2018, you and/or your clinic submitted claims to ABC for chiropractic services that were not received by patients.
4. On or about March and June of 2018, you and/or your clinic submitted claims to ABC for massage therapy services that were not received by patients.
5. On or about August of 2017 and on or about April to June of 2018, you and/or your clinic submitted claims to ABC for chiropractic services:
 - (a) that were not received; and/or,
 - (b) that were claimed in advance because a benefit plan was terminating.
6. On or about May and June of 2018, you and/or your clinic submitted claims to ABC for massage therapy services:
 - (a) that were not received; and/or,
 - (b) that were claimed in advance because a benefit plan was terminating.
7. On or about October 10, 2017 and November 27, 2017, you and/or your clinic submitted claims to ABC for massage therapy services that were documented on patient charts as a missed appointment.
8. On or about 2017 to 2018, patient records for massage therapy claims were submitted to ABC by you and/or your clinic that:
 - (a) did not state the name of the massage therapist that provided the claimed service;
 - (b) contained corrections to patient charts that were made using whiteout;
 - (c) contained corrections to patient charts by writing over the top of the original patient chart entry; and/or,
 - (d) did not state the fee for massage therapy services in the patient chart.
9. On or about 2017 to 2018, you and/or your clinic submitted claims to ABC for chiropractic and/or massage therapy services in amounts that were not consistent with the insured cost of the said services.
10. On or about October, November, and December 2017, you and/or your clinic submitted claims to ABC for chiropractic services where the service claimed was different from the service actually performed."

IT IS FURTHER ALLEGED that the conduct described above constitutes unprofessional conduct as defined in s. 1(1)(pp) of the *Health Professions Act* and/or constitutes a contravention of one or more of the following (in force at the relevant time); ACAC Standards of Practice 2.5 Billing Practices, ACAC Standards of Practice 5.1 Record Keeping Requirements, and ACAC Code of Ethics Article B6: Fees and Compensation for Service.

4. Evidence

The evidence was adduced by way of Agreed Statement of Facts, and no witnesses were called to give *viva voce* testimony. The Hearing Tribunal accepts the evidence set out in the Agreed Statement of Facts. The Agreed Statement of Facts was admitted as Exhibit #2 and is appended to this decision as Appendix 1.

(a) Background Matters:

- (i) At all material times Dr. Senko was a regulated member of the Alberta College and Association of Chiropractors ("The College") and was the owner of Coates Chiropractic Clinic located at 150, 3020-22 street in Red Deer, Alberta (the "Clinic").
- (ii) Pursuant to the Health Professions Act of Alberta, R.S.A. 2000, c. H-7 (the "HPA"), the College is the regulatory body for the profession of chiropractic in Alberta.
- (iii) At all times during the course of this matter and prior to Dr. Halowski becoming Interim Complaints Director, various persons acted as the College's Complaints Director. For the purposes of this Agreed Statement of Facts, those persons (including Dr. Halowski) will be referred to below as the "Complaints Director".¹

(b) Facts Giving Rise to the Charges:

- (i) In September of 2019, the Complaints Director received information from Alberta Blue Cross ("ABC") concerning its investigation and audit of Dr. Senko's billing practices at his clinic. In a letter from ABC dated October 1, 2019, the Complaints Director received a binder enclosing all documentation generated by ABC in the course of its investigation and audit of Dr. Senko's billing practices. The October 1, 2019 letter is attached as Appendix 1 to Exhibit #2, the Agreed Statement of Facts.
- (ii) The binder of documents received from ABC was a Final Audit Report and supporting documents, including Dr. Senko's May 13, 2019 written response to the Final Audit Report. The Final Audit Report and supporting documents are attached to Exhibit #2, the Agreed Statement of Facts, as Appendix 2.²
- (iii) The Complaints Director relied on section 56 of the HPA and treated the October 1, 2019 letter and enclosures as a complaint. The Complaints Director informed Dr. Senko that he was initiating and carrying out an

¹ At the beginning of the hearing, Mr. David Lawrence was introduced as the new ACAC Complaints Director and is therefore also included in the general reference to the Complaints Director.

² The additional binder of ABC documents has not been included with the Agreed Statement of Facts in Appendix 1 to this decision.

investigation of the said section 56 complaint and requested a response from Dr. Senko to the complaint.

- (iv) Dr. Senko provided an undated letter of response received by the Complaints Director on November 22, 2019, a copy of which is attached to Exhibit #2, the Agreed Statement of Facts, under Appendix 3.
- (v) The investigation was completed and this matter was referred to a hearing pursuant to Part 4 of the HPA.

5. Admission of Unprofessional Conduct

Dr. Christopher Senko has admitted to all ten (10) of the allegations in the Agreed Statement of Facts which he signed on March 6, 2020. On March 6, 2020 Dr. Senko also signed the Admission of Unprofessional Conduct, provided to the Hearing Tribunal as Exhibit #3, confirming his admission to all of the allegations listed in the Notice of Hearing.

6. Decision of the Hearing Tribunal and Reasons

During the hearing, Mr. Maxston, counsel for ACAC, entered into evidence Exhibits #1, 2 & 3. With respect to Exhibit #1, the Notice of Hearing, Mr. Maxston stated that claims to ABC from Dr. Senko's clinic were submitted incorrectly and documented incorrectly, as described in the allegations against Dr. Senko. ABC provided the College with extensive detailed information in Appendix 2 of Exhibit #2, the Agreed Statement of Facts, to support their audit findings, and that the total value of services claimed but not documented and services claimed but not provided is \$13,150.00. In his written response to ABC regarding their audit report, Dr. Senko did not dispute or contest any of ABC's findings.

Mr. Maxston referred to Exhibit #3, the Admission of Unprofessional Conduct signed by Dr. Senko on March 6, 2020. In this document, Dr. Senko has admitted to all 10 of the allegations in the Notice of Hearing, stating in part that "...I hereby admit and acknowledge that I am guilty of unprofessional conduct with respect to charges 1 to 10 described in the Notice of Hearing..."

The Hearing Tribunal reviewed the allegations, the three exhibits and the investigation documentation provided by ABC, noting that Dr. Senko did not dispute any of ABC's findings, nor did he provide an alternate explanation for the errors identified by ABC, other than to say "some services were provided by other practitioners". After reviewing all of the evidence submitted, the Hearing Tribunal finds that the allegations against Dr. Senko are factually proven.

Mr. Maxston spoke to the allegation in the Notice of Hearing that Dr. Senko's conduct constitutes unprofessional conduct as defined in s. 1(1)(pp) of the HPA, and/or a contravention of the ACAC Standards of Practice 2.5 Billing Practices and 5.1 Record Keeping Requirements, and the Code of Ethics B.6 Fees and Compensation for Service. The Hearing Tribunal considered each of these:

(a) Standards of Practice

"2.5 Billing Practices – Chiropractors bill for professional goods and/or services. This may include activities related to direct billing to patients, third-party billing and contracts. A chiropractor's billing practices must:

- a) Be made only for services actually rendered or goods actually sold unless a financial agreement for services has been agreed to by the patient
- b) Be made only for the dates on which services are provided or goods were received unless a financial arrangement for services has been agreed to by the patient
- c) Be made only for the person to whom the services or goods were actually provided
- d) Adhere to the clinic's general fee schedule or the contract within which services or goods are provided and are not inflated beyond these specific fees
- e) Be billed only to one patient or that patient's third party payer(s)

Any action involving billing anomalies that result in a chiropractor's receipt of funds under false pretenses is considered fraudulent and constitutes professional misconduct."

"5.1 Record Keeping Requirements (excerpt) – Patient health records must be dated, accurate, legible and comprehensive. All services provided by the chiropractor must be documented by the chiropractor and entries must be clearly identifiable as having been made by the chiropractor.

The documentation of services provided by members of the clinical support staff and/or unregulated health care providers must be provided in the chiropractor's patient file, by the individual providing the service. This documentation is the responsibility of the chiropractor."

(b) Code of Ethics

"B6: Fees and Compensation for Service

A chiropractor is responsible for establishing usual and customary fees for professional services performed in their own practice. A chiropractor is responsible for clearly displaying and/or identifying fees for services to patients, the public and any associated third-party payers prior to the provision of service and levying of said fees.

Claim forms submitted to a third party must report correct treatment dates, procedure codes and/or fees. A chiropractor must not report incorrect treatment dates for the purpose of assisting a patient to obtain benefits under a health care plan."

(c) **Health Professions Act s. 1(1)(pp):**

“unprofessional conduct” means one or more of the following, whether or not it is disgraceful or dishonorable:

- (i) displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
- (ii) contravention of this Act, a code of ethics or standards of practice;
- (iii) contravention of another enactment that applies to the profession;

After reviewing the Agreed Statement of Facts, the ACAC Standards of Practice and the Code of Ethics, the Hearing Tribunal finds that Dr. Senko and/or his clinic violated the ACAC Standards of Practice and Code of Ethics through his actions as described in the allegations, specifically:

Standards of Practice 2.5 Billing Practices – violations are noted in Allegations 3, 4, 5(a), 6(a), 7 and 9.

Standards of Practice 5.1 Record Keeping Requirements – violations are noted in Allegations 1, 2 and 8.

Code of Ethics B6 Fees and Compensation for Services – violations are noted in Allegations 5(b), 6(b), 7, 8(a) and 10.

The Hearing Tribunal finds that Dr. Senko and/or his clinic did violate the ACAC Standards of Practice and Code of Ethics by submitting claims to ABC that were improper, inaccurate, and resulted in overbilling to ABC. In the Agreed Statement of Facts, Dr. Senko acknowledges that, as a regulated member of the College and as the owner of the Clinic, he is responsible for all charting and billing at his Clinic regardless of who provides treatment, who charted or who billed for treatment.

Mr. Maxston spoke to the definition of unprofessional conduct in the Health Professions Act, s. 1(1)(pp)(i)(ii) and (iii). Mr. Maxston submitted that through his actions, Dr. Senko displayed a lack of judgment, contravened the ACAC Standards of Practice and Code of Ethics, and contravened other enactments that apply to this profession, in reference to various billing requirements for the profession of Chiropractic and Dr. Senko’s agreement with ABC.

The Hearing Tribunal accepts Dr. Senko's admission of unprofessional conduct, Exhibit #3, based on the evidence set out in the Agreed Statement of Facts. The Hearing Tribunal finds that Dr. Senko’s conduct as admitted to constitutes unprofessional conduct as defined in s. 1(1)(pp) of the *Health Professions Act*. Mr. Maxston did not specify which enactment Dr. Senko has contravened under s. 1(1)(pp)(iii), however (i) and (ii) have been proven, and this is sufficient to meet the definition of unprofessional conduct under s. 1(1)(pp) of the HPA.

7. Joint Submission on Penalty

Prior to reviewing Exhibit #4, the Joint Submission Regarding Penalty, Mr. Maxston noted that Section 82(1) of the HPA describes the types of orders that a hearing tribunal can issue once findings of unprofessional conduct have been made. There are three types of orders:

- General orders – includes everything from a caution to a reprimand to restrictions on practice and ultimately to suspension and/or cancellation of registration;
- Cost orders – includes any type of cost order the hearing tribunal believes is appropriate for costs incurred by the College through the investigation and hearing arising from the complaint;
- Fine orders – includes a fine levied against the member, up to the maximums allowable under the Table in Section 158 of the HPA.

The parties jointly submitted the following proposal to the Hearing Tribunal for consideration, noting that both parties agree that the following joint submission to the Hearing Tribunal in these proceedings represents fair, reasonable and proportionate consequences and penalties to be imposed upon Dr. Senko in light of his conduct and all of the relevant facts:

“1. Dr. Senko will pay seventy-five (75%) percent of the costs of the investigation and hearing to a maximum of \$10,000.00. Payment of the costs can be made in time payments (without interest) over a period of 24 months after the date of the Hearing Tribunal’s written decision in equal monthly installment payments provided that if an installment payment is missed then the ACAC (i) can cancel Dr. Senko’s registration and practice permit immediately and without the necessity of a further hearing and (ii) can immediately notify all chiropractic insurers.

2. Dr. Senko will pay a global fine of \$10,000.00. Payment of the fine can be made in time payments (without interest) over a period of twenty four (24) months after the date of the Hearing Tribunal’s written decision in equal monthly installment payments provided that if an installment payment is missed then the ACAC (i) can cancel Dr. Senko’s registration and practice permit immediately and without the necessity of a further hearing and (ii) can immediately notify all chiropractic insurers.

3. For a period of twenty four (24) months after the date of the Hearing Tribunal’s written decision, an individual or individuals appointed by the Complaints Director (the “Reviewer”) will conduct a total of two (2) random on site practice audits at Dr. Senko’s clinic concerning his billing practices every twelve (12) months for a total of four (4) on site practice audits. The Reviewer will provide Dr. Senko with not less than forty-eight (48) hours advance notice of each on site practice audit. Furthermore:

- (a) Dr. Senko will be responsible for the costs of the on-site practice audits.
- (b) Each Reviewer, as part of the on-site practice audits, may consider and review any aspect of Dr. Senko’s practice the Reviewer determines requires review.
- (c) If the Complaints Director in his/her sole discretion, determines that one or more of the on-site practice audits are unsatisfactory then the Complaints Director may treat that information as a complaint pursuant to section 56 of the Health Professions Act and can refer those matters for investigation and, if appropriate, to a hearing before a Hearing Tribunal of the ACAC.

4. The College shall publish the Hearing Tribunal's written decision, with Dr. Senko's name, pursuant to ACAC Bylaw 13.0 Publication of Conduct Hearings, Appeals & Agreements and Undertakings.

Dr. Senko acknowledges and understands that (i) pursuant to the Health Professions Act, Hearing Tribunal hearings are open to the public, and (ii) the findings and orders of the Hearing Tribunal may be disclosed as required by law."

The Joint Submission Regarding Penalty stated the parties' reasons for recommending the foregoing as appropriate penalties. These state that Dr. Senko's conduct:

- "(a) was below the required ethical standards for members of the profession of chiropractic in Province of Alberta and seriously harmed the integrity of the profession;
- (b) involved lack of judgment in the practice of chiropractic, including billing and practice management;
- (c) breached Dr. Senko's obligation of accuracy and integrity in terms of insurers, third parties and patients; and,
- (d) involved a lack of supervision and oversight concerning the billing practices of Dr. Senko's clinic."

The Joint Submission Regarding Penalty also stated that Dr. Senko has admitted his unprofessional conduct and agreed to a consent hearing, all of which demonstrates acceptance of responsibility for his actions.

Dr. Senko raised a concern over the dates specified in orders #1, #2 & #3. Because the government has suspended clinical practice indefinitely due to Covid19, there is no income coming to the clinic to make installment payments, and no clinical practice for the Reviewer to examine. Dr. Senko suggested that the 24-month period for payment commence instead as of the date that the government mandates clinical practice can resume. The College acknowledged the concerns due to the present environment and requested a brief recess to allow discussion with Dr. Senko regarding possible revisions to Sanctions #1, #2 & #3 that would be agreeable to both parties.

The hearing reconvened, and Mr. Maxston advised that the College and Dr. Senko have agreed to revise the proposed Sanctions #1, #2 and #3 to reflect the current suspension on the provision of services imposed by the Government of Alberta:

1. and 2. The current wording provides for payment of the fine and costs over a period of 24 months starting from 30 days after the date of the Hearing Tribunal's decision. In recognition of the current suspension on chiropractic clinical practice, the Complaints Director will have the discretion to extend the starting date for repayment by a further thirty (30) days. The Complaints Director has discretion to extend this date further if the suspension on clinical practice is still in effect after the second thirty (30) day period has expired.

3. The current wording provides for reviews to take place over a 24-month period after the date of the Hearing Tribunal's decision. The parties agree that the 24-month period would begin upon the government or other appropriate health authority indicating that chiropractic clinics are reopened to provide chiropractic treatment.

Dr. Senko confirmed his agreement to these changes. The Hearing Tribunal will revise the sanctions in the Orders of the Hearing Tribunal to reflect these changes.

8. Decision Regarding Penalty

On March 6, 2020, Dr. Senko and the College agreed in writing to a Joint Submission Regarding Penalty, Exhibit #4. Following further discussion between the College and Dr. Senko during the hearing on March 29, 2020, revisions were agreed to by both parties to Sanctions 1, 2 and 3. The Hearing Tribunal is not bound by the joint submissions and recommendations; however the Hearing Tribunal agrees with the Joint Submission on Penalty with revisions, and accepts the penalties as being appropriate in this case.

9. Reasons

The Hearing Tribunal recognizes that its orders with respect to penalty must be fair, reasonable and proportionate taking into account the facts of this case. To assess whether the sanctions recommended will bring the administration of justice into disrepute the Hearing Tribunal considered the five objectives of sanctioning, namely:

- **Protection of the Public** – The ACAC is a self-governing body established under the Health Professions Act and is responsible for regulation of the profession in the public interest. Protection of the public and the public interest is the primary objective in determining sanctions for unprofessional conduct.
- **Deterrence**– to ensure that recurrence of unprofessional practice is prevented. The objective of specific deterrence is to reinforce the requirement that the regulated member not engage in further unprofessional conduct in the future. The sanctions imposed on Dr. Senko will serve to guide him in the future and reinforce that unprofessional conduct has consequences which he would bear in the event of any future instances of unprofessional conduct.

General deterrence has a similar objective with a broader audience. This sanction will communicate to other members of the profession that unprofessional conduct is unacceptable and will be dealt with by the ACAC in accordance with the Act. The objective is reinforced by publishing decisions of Hearing Tribunals involving findings of unprofessional conduct, which are available for all members to read.

- **Rehabilitation** – The nature of the actions at Dr. Senko's clinic need to be addressed to ensure that there are no future concerns of this nature, or of any other unprofessional conduct. Having the correct policies and procedures in place, followed up by periodic external reviews over a 24-month period will support the proper and accurate billings to patients and insurance providers.

- **Fairness**- as related to the consequences of unprofessional conduct. The Hearing Tribunal recognizes the need of fairness in determining sanctions that are appropriate for the unprofessional conduct of Dr. Senko. The fine and assignment of costs are significant and recognize that Dr. Senko's billing issues have direct consequences for patients and insurance providers. In addition, Dr. Senko has acknowledged the appropriateness of the orders made.
- **Integrity** - in terms of ensuring that the integrity of the chiropractic profession is upheld and protected. The ACAC is self-regulated and as such, is responsible for ensuring that the Code of Ethics and Standards of Practice are followed by all registered members, as well as taking disciplinary action in cases of unprofessional conduct by a regulated member. Failure to maintain high professional standards and ethics by the ACAC would serve to undermine public confidence in the profession of chiropractic and its registered practitioners.

When considering the proposed sanctions in relation to the unprofessional conduct by Dr. Senko, the Hearing Tribunal also took into consideration factors relevant to determining appropriate sanction as found in case law, *Jaswal v Medical Board (Newfoundland)*:

- The nature and gravity of the proven allegations – the College considers this to be a very serious offense.
- The age and experience of the investigated member – not a relevant factor in this case.
- The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions – The College has no record of prior complaints or convictions.
- The age and mental condition of the victim, if any – not a relevant factor in this case.
- The number of times the offending conduct was proven to have occurred – the conduct was to some extent repetitious and took place over a specified period of time.
- The role of the investigated member in acknowledging what occurred – the member has been cooperative, as demonstrated by agreeing to the Consent Order.
- Whether the investigated member has already suffered other serious financial or other penalties as a result of the allegations having been made – Blue Cross terminated its contract with Dr. Senko, which Dr. Senko advised represents an annual loss of \$80,000 in billings to his practice.
- The impact of the incident(s) on the victim – not a relevant factor in this case.
- The presence or absence of any mitigating circumstances – these are discussed below.
- The need to promote general and specific deterrence – this is discussed earlier.
- The need to maintain the public's confidence in the integrity of the profession – this was discussed earlier.
- The degree to which the offensive conduct that was found to have occurred was clearly regarded as falling outside the range of permitted conduct – Dr. Senko's conduct was clearly in violation of various enactments, and specifically his contract with Alberta Blue Cross, the ACAC Standards of Practice, and Code of Ethics.
- The range of sentence in other similar cases – no similar cases were presented.

Mr. Maxston spoke to a number of mitigating factors, including:

- The attitude (of Dr. Senko) since the unprofessional conduct occurred – a less severe penalty should be imposed on an individual who genuinely recognizes that his conduct was wrong. Dr. Senko has been cooperative in facilitating the admissions and a consent hearing, which is an important consideration.
- Whether this is Dr. Senko's first finding of unprofessional conduct – Since the College has no record of prior instances, this does not appear to be a pattern of unprofessional conduct. Although there was some repetition of billing irregularities, it appears to have occurred during a discrete period of time.
- Whether the member has admitted to the unprofessional conduct – Dr. Senko has shown acceptance of responsibility for his actions.

Mr. Maxston spoke to the principle of deference with respect to Joint Submissions and referred to case law in *R v Anthony Cook* on this principle. He emphasized that the standard for interfering with a joint submission is very high and should not be considered by a Hearing Tribunal unless abhorrent to the public interest or contrary to the administration of justice. Neither of those factors applies in this case.

The Hearing Tribunal concluded that the penalty referred to above adequately balances the factors referred to above and is consistent with the overarching mandate of the Hearing Tribunal, which is to ensure that the public is protected. The Joint Submission Regarding Penalty is accepted by the Hearing Tribunal, with the revisions to Sanctions 1, 2 & 3 noted above.

10. Orders of the Hearing Tribunal

The Hearing Tribunal is authorized under s. 82(1) of the *Health Professions Act* to make orders in response to findings of unprofessional conduct. The Hearing Tribunal makes the following orders pursuant to s. 82 of the *Health Professions Act* (Note: revisions to Sanctions 1, 2 & 3 were made by the Hearing Tribunal following the hearing, and are in bold type; these reflect what was discussed and agreed to by the parties during the hearing):

1. Dr. Senko will pay seventy-five (75%) percent of the costs of the investigation and hearing to a maximum of \$10,000.00. Payment of the costs can be made in time payments (without interest) over a period of 24 months after the date of the Hearing Tribunal's written decision in equal monthly installment payments provided that if an installment payment is missed then the ACAC (i) can cancel Dr. Senko's registration and practice permit immediately and without the necessity of a further hearing and (ii) can immediately notify all chiropractic insurers. **In recognition of the current suspension on chiropractic clinical practice, the Complaints Director will have the discretion to extend the starting date for repayment by a further thirty (30) days. The Complaints Director has discretion to extend this date further if the suspension on clinical practice is still in effect after the second thirty (30) day period has expired.**
2. Dr. Senko will pay a global fine of \$10,000.00. Payment of the fine can be made in time payments (without interest) over a period of twenty four (24) months after the date of the Hearing Tribunal's written decision in equal monthly installment payments provided that if an installment payment is missed then the ACAC (i) can cancel Dr. Senko's registration and practice permit immediately and without the necessity of a further hearing and (ii) can immediately notify all chiropractic insurers. **In recognition**

of the current suspension on chiropractic clinical practice, the Complaints Director will have the discretion to extend the starting date for repayment by a further thirty (30) days. The Complaints Director has discretion to extend this date further if the suspension on clinical practice is still in effect after the second thirty (30) day period has expired.

3. For a period of twenty four (24) months after the date of the Hearing Tribunal's written decision, an individual or individuals appointed by the Complaints Director (the "Reviewer") will conduct a total of two (2) random on-site practice audits at Dr. Senko's clinic concerning his billing practices every twelve (12) months for a total of four (4) on-site practice audits. **The parties agree that the 24-month period would begin upon the government or other appropriate health authority indicating that chiropractic clinics are reopened to provide chiropractic treatment.** The Reviewer will provide Dr. Senko with not less than forty-eight (48) hours advance notice of each on-site practice audit. Furthermore:

- (a) Dr. Senko will be responsible for the costs of the on-site practice audits.
- (b) Each Reviewer, as part of the on-site practice audits, may consider and review any aspect of Dr. Senko's practice the Reviewer determines requires review.
- (c) If the Complaints Director in his/her sole discretion, determines that one or more of the on-site practice audits are unsatisfactory then the Complaints Director may treat that information as a complaint pursuant to section 56 of the Health Professions Act and can refer those matters for investigation and, if appropriate, to a hearing before a Hearing Tribunal of the ACAC.

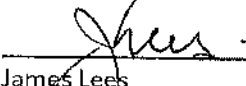
4. The College shall publish the Hearing Tribunal's written decision, with Dr. Senko's name, pursuant to ACAC Bylaw 13.0 Publication of Conduct Hearings, Appeals & Agreements and Undertakings.

Dr. Senko shall be required to provide the ACAC with her/his current contact information (including home mailing address, home phone number and home e-mail address). Should this contact information change at any point prior to the orders of the Hearing Tribunal being completed, Dr. Senko shall be required to provide the ACAC with her/his updated contact information.

The Hearing Tribunal recognizes the importance of privacy with respect to personal information. To that end, the Hearing Tribunal orders that in the event that the hearing Exhibits are required to be produced in any other forum, the patient names shall be redacted from the Alberta Blue Cross documents.

The Hearing Tribunal retains jurisdiction to address any issues arising from non-compliance with its orders.

Dated the 20th day of April, 2020 in the City of Edmonton in the Province of Alberta.



James Lees
Chair, Hearing Tribunal