



— COLLEGE OF —
CHIROPRACTORS
— OF ALBERTA —

Hearing Tribunal Written Decision and Orders for the Hearing of:

Dr. Ernest Li

On:

April 30, 2026

Posting expiration date:

April 30, 2036

IN THE MATTER OF A HEARING OF THE HEARING TRIBUNAL
Into the Conduct of Dr. Ernest Li, a Regulated Member of the College of Chiropractors
of Alberta (the "College"), pursuant to

THE HEALTH PROFESSIONS ACT, being
Chapter H-7 of the Revised Statutes of Alberta, 2000

DECISION OF THE HEARING TRIBUNAL

1. Hearing

The hearing was conducted virtually, via Zoom, on commencing on November 20, 2025 and concluding on April 13, 2026.

The following individuals were present:

Andrew Otway, Chair, Public Member
Dr. Mike Stewart, Registered Member of the College
Dr. Jordan Davies Chang, Registered Member of the College
Linda Sheen, Public Member
Hearing Tribunal ("Hearing Tribunal")

Maya Claire Gordon and Julie Gagnon
Independent Legal Counsel to the Hearing Tribunal

Lynn Borris
Acting Complaints Director

Taylor Maxston
Legal Counsel for the Acting Complaints Director

Dr. Ernest Li
Investigated Member ("Dr. Li" or "Investigated Member")

Craig Paterson
Legal Counsel for the Investigated Member

A Court Reporter and the College Hearings Director was also present at the hearing. There was also one observer at the hearing date on April 13, 2026.

2. Preliminary Matters

Proceedings on November 20, 2025

When the hearing opened on November 20, 2025, the Chair opened the hearing, and noted that Dr. Li was present without counsel. At that time, Dr. Li confirmed that he had no objections to the

composition of the Hearing Tribunal, or its jurisdiction, and there was no application to close the hearing.

At this time, Mr. Maxston advised that the Acting Complaints Director had no information about the witnesses or exhibits that Dr. Li planned to present. Dr. Li requested clarity on the process, but confirmed that he had chosen to defend himself.

On this first hearing date, the first Exhibit was entered – the original Notice of Hearing (**Exhibit 1**). The Chair read in the Allegations which were before the Hearing Tribunal, and Dr. Li denied the Allegations on the record.

Following this, Dr. Li requested an adjournment. The Complaints Director was agreeable to the adjournment, but would ask that the adjournment be granted on a peremptory basis. Mr. Maxston noted that Dr. Li had since May 2025 to address this matter, and had perhaps understood that the College would be providing him with legal representation.

The Hearing Tribunal granted an adjournment of the hearing, and directed that Dr. Li was to advise Mr. Maxston and the Hearings Director information about his lawyer on or before December 19, 2025. Following that, the Hearings Director would contact parties to schedule a hearing, and the hearing at that time would be peremptory on both parties.

Proceedings on April 13, 2026

Subsequently, when the hearing resumed on April 13, 2026, Dr. Li then had retained counsel and Mr. Paterson, his counsel, was present on his behalf.

During the proceedings which occurred on April 13, 2026, there was one unnamed observer present. During his introductory comments, the Chair advised that the observer would not be required to name themselves nor to appear on screen.

Following this, Mr. Paterson objected to the fact that the Chair would not agree to have the observer named on the record and that their camera would not be turned on. The Complaints Director did not oppose this request.

However, the Hearing Tribunal ruled that in an effort to encourage observers to attend these public hearings and to preserve the general open court principle, that the observer of this matter would not be required to name themselves for the record, nor would they be required to turn their screen on for the duration of the proceedings.

Following this, the Chair asked whether either party had any objections to the composition of the Hearing Tribunal. Mr. Paterson advised he was objecting to the composition of the Hearing Tribunal.

He provided the following reasons for his objection:

1. Mr. Paterson advised that as a result of failing to be provided with the Hearing Tribunal's resumes, and a summary of the decisions they had participated in, and the results of all of

their past decisions, he could not make an informed decision on whether he objected to the composition of the Hearing Tribunal.

2. He stated that if we were in an actual Courtroom, he would know the name of the Judge hearing the matter, and he could ask the Judge to recuse himself or herself if they had already heard a matter or if the individual was a former client when they were acting as Crown, or defence.
3. It is important, to Mr. Paterson, that this matter be heard by an unbiased panel. He clarified that he had no actual objection to the current Hearing Tribunal members, but without the background information about each of them that he was requesting, it was “unrealistic” and “impossible” that he could make an informed decision.

Mr. Maxston was given an opportunity to respond to this concern. He confirmed that the Acting Complaints Director had no objection to the constitution or jurisdiction of the Hearing Tribunal. He stated that he had been previously advised that it is common practice for the Hearing Tribunal to identify, for themselves, whether there are any conflicts of interest or anything that would prevent them from rendering a fair and impartial decision. He believes this took place in this matter, and advised that this matter had not been raised prior to these proceedings.

In relation to Mr. Paterson’s request, Mr. Maxston identified that there was a lack of particulars here: Mr. Paterson had not raised any specific objections about any member of the Hearing Tribunal, and that there was no general ability to vet the background of each Hearing Tribunal member in a general way – one would need sufficient particulars to raise a concern such as this, and there was no such concern raised here.

Mr. Paterson was offered an opportunity to reply. In his reply, he questioned the point of the question being put to him at all – it is not a meaningful question, and he cannot give a substantive response without the disclosure that he is now requesting of the Hearing Tribunal. He noted that it is important for natural justice and for procedural fairness that that individuals for Hearing Tribunals are vetted. He raised a hypothetical that he should be able to review all of the previous decisions of each Hearing Tribunal member, and if he found in that review a pattern of finding against the chiropractor in each case, that would show him a “pattern” and would demonstrate to him that that panel member was in fact biased. He confirmed that he had no concerns with the jurisdiction of the Hearing Tribunal.

In response, the Chair summarized the concern – Mr. Paterson had no concern with the jurisdiction of the Hearing Tribunal, but was objecting to the composition of the Hearing Tribunal. His objection was based on the fact that prior to the hearing commencing, he was not provided with each panel member’s resume, a summary of previous decisions they had rendered, and the outcome of each decision. The Hearing Tribunal took an adjournment to deliberate.

Following the deliberation, the Hearing Tribunal returned that the Chair ruled on Mr. Paterson’s objection.

The Hearing Tribunal noted for the record that the parties had originally been advised of the composition of the Hearing Tribunal on November 13, 2025 and responded on November 14,

2025. Once he was retained by Dr. Li, Mr. Paterson was advised of this same information on December 22, 2025 and was re-advised on January 19, 2026. Mr. Paterson did not reply to the Hearings Director on either occasion.

As such, both parties have had information about the composition of the Hearing Tribunal for a long time. Dr. Li, himself, was aware of the composition of the Hearing Tribunal when the last proceedings opened on November 20, 2026, when all members of the Hearing Tribunal were before him, and his counsel has known of the composition since at least December 22, 2025. Neither Dr. Li nor his counsel raised this concern until the morning of April 13, 2026, when the hearing recommenced.

In any event, the Hearing Committee confirmed that each member had been asked to confirm the following two statements by the Hearings Director in advance of the proceedings:

1. I am unaware of any of the particulars of this complaint or the individuals involved. I am not aware of any conflict of interest; and
2. I am not aware of any bias with regard to involvement as a tribunal member.

Each Hearing Tribunal member had been able to confirm both of those statements, and as such, were selected for the Hearing Tribunal. However, the Hearing Tribunal advised that it would put those confirmations on the record for Mr. Paterson and his client. As such, counsel for the Hearing Tribunal read out each of the above statements, as a question, and each member of the Hearing Tribunal confirmed their responses.

The Hearing Tribunal each answered that they were not aware of any of the particulars of this complaint, or the individuals involved, that they were not aware of any conflict of interest, and that they were not aware of any bias with regard to their involvement as a Hearing Tribunal member.

In response to Mr. Paterson's concerns, the Hearing Tribunal does not agree that an investigated member or his counsel has a general ability to request any information they would like relating to the Hearing Tribunal members. There is no freestanding right, under either the principles of natural justice nor procedural fairness, that allow investigated members to undertake a general inquisition into the background or decision history of panel members, or to disagree with the inclusion of a panel member where he or she has a particular history of decisions.

Had Mr. Paterson or his client raised a specific concern related to one of the Hearing Tribunal members, the Hearing Tribunal would have entertained a specific, detailed and measured request for more information. That did not occur here, and Mr. Paterson confirmed multiple times in his submissions that he actually had no specific concerns about any members of the Hearing Tribunal.

As such, the Hearing Tribunal confirmed that it was proceeding, and there were no further preliminary matters raised by either party. At this time, Mr. Paterson requested an adjournment to discuss this matter with Mr. Maxston.

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.

Following a number of adjournments, the parties returned and advised the Hearing Tribunal that they would be proceeding with the remainder of the hearing by agreement, and would be entering an Agreed Statement of Facts (“ASF”), and Admission of Unprofessional Conduct (“Admission”), and a Joint Submission on Penalty (“JSP”).

3. Allegations

The allegations that appear in the Amended Notice of Hearing (**Exhibit 2**) are as follows:

1. On or about August 2, 2023, you failed to obtain an updated informed consent and/or failed to complete a reassessment of patient R.B.’s (“Patient R.B.”) health history despite a prolonged absence from care.

Which constitutes unprofessional conduct for the purposes of section 1(1)(pp)(i), (ii) and/or (xii) of the *Health Professions Act* (the “HPA”) including breaching CCOA Standard of Practice 3.1 - Informed Consent; CCOA Standard of Practice 3.2 - Treatment Recommendations and Referrals; CCOA Standard of Practice 3.3 - Disclosure of Harm; CCOA Code of Ethics Article A2 - Current/Continued Competence; and/or CCOA Code of Ethics Article A5 - Informed Choice and Consent to Treatment.

2. On or about August 2, 2023, you failed to:
 - a. Complete a reassessment of the area of expressed pain during treatment;
 - b. Document in the patient health chart the objective and subjective observations and discussion regarding the pain, the reassessment, and any follow up instructions provided; and
 - c. Establish a written plan for follow-up with the Complainant.

Which constitutes unprofessional conduct for the purposes of section 1(1)(pp)(i), (ii) and/or (xii) of the *Health Professions Act* (the “HPA”) including breaching CCOA Standard of Practice - 5.1 Record Keeping; CCOA Standard of Practice - 5.2 Clinical Relevance of Treatment Recommendations; and/or CCOA Code of Ethics Article A2 - Current/Continued Competence.

3. On or about August 3, 2023, Patient R.B. notified the staff of the Healthstar Chiropractic clinic (the “Clinic”) of his confirmed rib fractures. Although you had left for holidays on August 3, 2023, the notification process for an adverse event was not actioned by your Clinic employees, and there was no further communication or follow-up with Patient R.B.

Which constitutes unprofessional conduct for the purposes of section 1(1)(pp)(i), (ii) and/or (xii) of the *Health Professions Act* (the “HPA”) including breaching CCOA Standard of Practice - 3.3 Disclosure of Harm; CCOA Standard of Practice - 4.2 Clinical Services Provided by Unregulated Healthcare Providers; CCOA Code of Ethics Article A2

- Current/Continued Competence; and/or CCOA Code of Ethics Article A6 - Provision of Full and Accurate Information.

4. On or about:

- February 7, 2024;
- March 7, 2024;
- June 11, 2024;
- October 21, 2024;
- January 28, 2025;
- February 7, 2025;
- February 12, 2025;
- February 13, 2025;
- February 26, 2025;
- February 27, 2025;
- March 3, 2025; and/or
- March 10, 2025

you failed to respond and/or failed to respond properly to CCOA's communications and/or requests throughout the investigation and processing of this complaint.

Which constitutes unprofessional conduct for the purposes of section 1(1)(pp)(ii), (vii)(B), and/or (xii) of the *Health Professions Act* (the "HPA") including breaching CCOA Code of Ethics Article C2 - Co-operation with the CCOA.

(the "Allegations").

4. **Background**

The Hearing Tribunal was not provided with background information from the parties with regard to the Allegations, other than what was agreed upon by the parties and included in the ASF, recited below.

5. **Evidence**

The following Exhibits were entered during the course of the hearing:

1. **Exhibit 1** Notice of Hearing (November 2025 hearing date)
2. **Exhibit 2** Amended Notice of Hearing (April 2026 hearing date)
3. **Exhibit 3** Agreed Statement of Facts
4. **Exhibit 4** Admission of Unprofessional Conduct
5. **Exhibit 5** Joint Submission on Penalty

Pursuant to the ASF, the following facts were agreed to by the parties:

Introduction

1. Dr. Li has been a licensed Chiropractor and member of the College (and its predecessors) since June 1, 2004.
2. At all material times, Dr. Li was a regulated member of the College and the owner of the Healthstar Chiropractic clinic in Edmonton, Alberta (the “Clinic”).
3. 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.

The Complaint and the Investigation

4. In August of 2023, a complaint was filed with the College regarding the conduct of Dr. Li (the “Complaint”).
5. In response to the Complaint, pursuant to Part 4 of the HPA, an investigator was appointed to investigate the Complaint and an investigation report was completed. The Complaints Director of the College referred this matter to a hearing.

Facts Relating to the Charges

6. On or about July 17, 2020, the complainant, Mr. R.B. (“Patient R.B.”), first attended at the Clinic and received chiropractic treatment from Dr. Li.
7. From on or about July 17, 2020 to July 27, 2020, Patient R.B. received chiropractic treatment from chiropractors at the Clinic, including Dr. Li.
8. On or about July 28, 2023, Patient R.B. returned to the Clinic and received chiropractic treatment from Dr. Li.
9. On or about August 2, 2023, Dr. Li failed to obtain an updated informed consent and/or failed to complete a reassessment of Patient R.B.’s health history despite a prolonged absence from care.
10. On or about August 2, 2023, Dr. Li performed a chiropractic adjustment on Patient R.B. which resulted in fractures to Patient R.B.’s ribs.
11. On or about August 2, 2023, Dr. Li failed to:
 - a. Complete a reassessment of the area of expressed pain during treatment;
 - b. Document in the patient health chart the objective and subjective observations and discussion regarding the pain, the reassessment, and any follow up instructions provided; and

- c. Establish a written plan for follow-up with Patient R.B.
12. On or about August 3, 2023, Patient R.B. notified the staff of the Clinic of his confirmed rib fractures. Although Dr. Li had left for holidays on August 3, 2023, the notification process for an adverse event was not actioned by Clinic employees and there was no further communication or follow-up with Patient R.B.

Submissions

Submissions by Counsel for the Acting Complaints Director

Mr. Maxston provided submissions on the ASF and the Admission on behalf of the Acting Complaints Director.

He provided the Hearing Tribunal with the ASF, and entered it document as **Exhibit 3** with the agreement with Mr. Paterson. The document had been signed by both Dr. Li and the Acting Complaints Director, Ms. Borris, and was dated April 13, 2026.

Next, Mr. Maxston introduced the Hearing Tribunal to the Admission, which was entered as **Exhibit 4** with the agreement with Mr. Paterson. This document was signed by Dr. Li on April 13, 2026.

Mr. Maxston confirmed that the Acting Complaints Director carries the onus of proof at this phase of the hearing: she must provide on a balance of probabilities the facts that support the Allegations, and must also provide that the conduct rises to the level of unprofessional conduct under the HPA.

The ASF, in this case, is uncontested evidence, agreed to by both parties in furtherance of a resolution of this matter. In brief, this matter relates to a complaint submitted in August 2023 against Dr. Li. An investigation occurred and this matter was referred to a hearing by the Acting Complaints Director. Mr. Maxston went over the substantive paragraphs of the ASF for the Hearing Tribunal.

He then turned to the Admission. Dr. Li had admitted to Allegations 1, 2, and 3. The fourth Allegation, which is in the Amended Notice of Hearing, is no longer an issue under these proceedings as the College is no longer pursuing that allegation. Accordingly, the Hearing Tribunal did not consider or rule on Allegation 4.

Notably, within the Admission, Dr. Li advised that he had no objection to the composition or jurisdiction of the Hearing Tribunal hearing this matter.

Mr. Maxston concluded by asking the Hearing Tribunal to make the findings of fact contained in the ASF, and to consider the Admission from Dr. Li in its consideration of this matter.

Submissions by Counsel for Dr. Li

Mr. Paterson had an opportunity to make submissions.

He reiterated to the Hearing Tribunal that Dr. Li had not been accused of wrongdoing relating to incorrect clinical practice and fracturing a rib. That was a collateral issue relating to the treatment that he administered to Patient R.B. (the “Complainant”). What he has agreed occurred was the improper follow-up following the incident. Dr. Li used an appropriate clinical procedure with an unexpected and unfortunate outcome.

Questions from the Hearing Tribunal

The Hearing Tribunal did not have any questions for the parties.

6. Findings and Reasons

After hearing submissions from the parties, the Hearing Tribunal adjourned to deliberate on the liability portion of the hearing.

After the adjournment, the Hearing Tribunal advised the parties that it accepted Dr. Li’s Admission and the evidence set out in the ASF.

The Hearing Tribunal also advised that it agreed that the conduct established by the ASF rises to the level of unprofessional conduct as defined in s.1(1)(pp) of the HPA in relation to Allegations 1, 2 and 3. The Hearing Tribunal confirmed that it would provide written reasons in respect of these findings, which are now set out below.

Allegation 1

Allegation 1 was found to have been proven on a balance of probabilities. It reads as follows:

On or about August 2, 2023, you failed to obtain an updated informed consent and/or failed to complete a reassessment of patient R.B.’s (“Patient R.B.”) health history despite a prolonged absence from care.

The Hearing Tribunal reviewed section 1(1)(pp) of the HPA, which contains the definition of “unprofessional conduct”. Such definition includes the following relevant inclusions:

Interpretation

1(1) In this Act, ...

(pp) “unprofessional conduct” means one or more of the following, whether or not it is disgraceful or dishonourable:

- (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;
- ...
- (xii) conduct that harms the integrity of the regulated profession;

Alongside Dr. Li's Admission that the conduct under Allegation 1 was unprofessional conduct (Exhibit 4), the Hearing Tribunal finds that the conduct was "unprofessional conduct" under the HPA for the following reasons:

i. Lack of knowledge, skill or judgment

- a. Dr. Li, as an experienced chiropractor, should have known that he needed informed consent from the Complainant with respect to the treatment he provided. He also failed to complete a reassessment of the Complainant's chiropractic needs despite a prolonged absence from his care. These failures represent a lack of judgment on the part of Dr. Li – he likely was aware of these requirements, yet failed to do them.

ii. A contravention of a Code of Ethics or Standards of Practice

- a. The Hearing Tribunal finds that in relation to this Allegation, Dr. Li has breached the following:
 - i. *CCOA Standard of Practice 3.1 - Informed Consent*: The Hearing Tribunal found a breach of this Standard of Practice. It is evident that in this case, there was no evidence of a dated, signed consent from between the practitioner and the Complainant for the care that occurred on or around August 2, 2023. Dr. Li admitted that no such form existed in the signed ASF. Dr. Li adjusted the Complainant's back, but there was no evidence before the Hearing Tribunal of the need for adjustments to the upper back, nor is there any evidence that the procedures performed by Dr. Li in the areas other than the lower back were communicated to the Complainant;
 - ii. *CCOA Standard of Practice 3.2 – Treatment Recommendations and Referrals*: The Hearing Tribunal finds a breach of this Standard of Practice. Specifically, Dr. Li did not re-evaluate the Complainant during their meeting on or around August 2, 2023, a fact admitted by Dr. Li in the ASF. The treatment performed by him therefore could not have been based on a re-evaluation conducted by Dr. Li, which is not within the Standards of Practice;
 - iii. *CCOA Code of Ethics Article A2 - Current/Continued Competence*: This Code provision requires that all chiropractors must keep their knowledge of chiropractic current and provide treatment in accordance with current profession standards, and they must maintain this confidence through their career. Chiropractors are trained to ensure that their informed consent practices, which would touch upon the concerns raised in this Allegation, are up-to-date and fulsome enough to give patients a complete sense of the treatment they will provide; and

- iv. *CCOA Code of Ethics Article A5 - Informed Choice and Consent to Treatment*: This Code provision requires that a chiropractor must discuss with the patient all treatment recommendations including benefits; prognosis; significant risks of performing or not performing treatment; reasonable alternatives; and associated costs to allow the patient to make an informed choice. With this matter between Dr. Li and the Complainant, on the date contained in Allegation 1, the informed consent was not obtained, and this Code provision was therefore breached.

iii. Conduct that harms the integrity of the profession

- a. This Allegation raises a concern about informed consent and failure to provide a reassessment after a lengthy duration. When the patient reflects on this situation, he will likely recall only the injury caused, not the specific failures of Dr. Li, and that has the possibility to reflect back onto the profession itself. It is critical that chiropractors uphold the Standards of Practice and the Code of Ethics provisions, to ensure that practice is within the accepted guidelines and is safe and effective for patients. By failing to uphold those standards, Dr. Li's conduct harmed the integrity of the profession.

Allegation 2

Allegation 2 was found to have been proven on a balance of probabilities. It reads as follows:

On or about August 2, 2023, you failed to:

- a. Complete a reassessment of the area of expressed pain during treatment;
- b. Document in the patient health chart the objective and subjective observations and discussion regarding the pain, the reassessment, and any follow up instructions provided; and
- c. Establish a written plan for follow-up with the Complainant.

Alongside Dr. Li's Admission that the conduct under Allegation 2 was unprofessional conduct (Exhibit 4), the Hearing Tribunal finds that the conduct was "unprofessional conduct" under the HPA for the following reasons:

i. Lack of knowledge, skill or judgment

- a. In this matter, Dr. Li admitted that he did not reassess the patient, did not document his observations in the patient health chart, and he did not establish a written plan for follow-up. This demonstrates a lack of judgment on the part of Dr. Li, as he has the education and experience to know that these are critical elements of patient care. A reassessment, in this case, could have brought to Dr. Li's attention the lack of need to do the adjustment, and could have also highlighted the consequences of the

adjustment after it occurred. Once the adjustment occurred, there was no evidence that Dr. Li provided the Complainant with a written plan to assist with his care following the provision of the services. These all demonstrate a lack of judgment on Dr. Li's part.

ii. A contravention of a Code of Ethics or Standards of Practice

a. The Hearing Tribunal finds that in relation to this Allegation, Dr. Li has breached the following:

- i. *CCOA Standard of Practice - 5.1 Record Keeping*: Patient health records must be dated, accurate, legible and comprehensive. In this case, Dr. Li admitted that he did not document the subjective and objective observations, discussion regarding the pain, the reassessment, and any follow up instructions provided. This was a failure in record-keeping and a breach of this Standard of Practice.
- ii. *CCOA Standard of Practice - 5.2 Clinical Relevance of Treatment Recommendations*: With regard to the adjustment on the Complainant's upper back, there was no evidence that Dr. Li made a direct and rational connection between the patient's presenting complaint, the diagnosis, and the recommended treatment. As such, this Standard was breached.
- iii. *CCOA Code of Ethics Article A2 - Current/Continued Competence*: This Code provision requires that all chiropractors must keep their knowledge of chiropractic current and provide treatment in accordance with current profession standards, and they must maintain this competence through their career. This case included care that was not provided in accordance with current professional standards, and as such, this Code provision was breached.

Allegation 3

Allegation 3 was found to have been proven on a balance of probabilities. It reads as follows:

On or about August 3, 2023, Patient R.B. notified the staff of the Healthstar Chiropractic clinic (the "Clinic") of his confirmed rib fractures. Although you had left for holidays on August 3, 2023, the notification process for an adverse event was not actioned by your Clinic employees, and there was no further communication or follow-up with Patient R.B.

Alongside Dr. Li's Admission that the conduct under Allegation 3 was unprofessional conduct (Exhibit 4), the Hearing Tribunal finds that the conduct was "unprofessional conduct" under the HPA for the following reasons:

i. Lack of knowledge, skill or judgment

- a. In this case, Dr. Li admitted that the notification process for an adverse event was not followed, and there was no follow-up in relation to the Complainant. This was his clinic, and he is responsible for putting in place appropriate procedures for adverse events, should they occur, and ensuring that they are followed. This demonstrates a lack of judgment on the part of Dr. Li.

ii. A contravention of a Code of Ethics or Standards of Practice

- a. The Hearing Tribunal finds that in relation to this Allegation, Dr. Li has breached the following:
 - i. *CCOA Standard of Practice - 3.3 Disclosure of Harm*: This Standard requires that once a situation is identified or recognized, the chiropractor must respond effectively and in a timely manner to mitigate client harm, ensure disclosure, and prevent reoccurrence. In addition, once a situation is identified or recognized, the chiropractor must respond effectively and in a timely manner to mitigate client harm, ensure disclosure and prevent reoccurrence. Dr. Li admitted that he did not do this in this case, and therefore this Standard is breached.
 - ii. *CCOA Standard of Practice - 4.2 Clinical Services Provided by Unregulated Healthcare Providers*: This Standard states that appropriately trained clinical support staff may be assigned various activities in support of this care and treatment, but the authority and responsibility rests with the chiropractor. This Standard also requires that Dr. Li ensure an appropriate policy and procedure for the reporting and recording of adverse events is in place and that clinical support staff are trained in this procedure. This did not occur, and as such this Standard was breached.

iii. Conduct that harms the integrity of the profession

- a. Here, the Complainant's perception of the events would have been that he was not being heard, reassessed, or assisted by Dr. Li and his clinic after he learned that he had a number of rib fractures following a chiropractic treatment. Dr. Li's actions harm the integrity of the profession if the profession is perceived to lack appropriate and compassionate follow-up care when an adverse event has occurred.

For the reasons set out above, the Hearing Tribunal finds that Allegations 1, 2, and 3 are proven on a balance of probabilities, and that the conduct is "unprofessional conduct" pursuant to the HPA.

7. Joint Submission Regarding Penalty

Following the ruling with respect to the allegations, Mr. Maxston reviewed the Joint Submission Regarding Penalty (“JSP”) which was submitted on behalf of the Acting Complaints Director and Dr. Li. The JSP was entered as **Exhibit 5**.

The Joint Submission proposed that the Hearing Tribunal impose the following orders:

1. Dr. Li will be reprimanded for his unprofessional conduct, with the Hearing Tribunal’s written decision constituting that reprimand.
2. Within six (6) months of the date of the Hearing Tribunal’s written decision, Dr. Li will successfully complete the following education course(s) and will provide evidence of successful completion to the Complaints Director within two weeks of his receipt of same:
 - a. Completion of course “Documentation and Note Taking in Chiropractic: https://www.jcollinsconsulting.com/images/Outlines/Chiropractic/COURSE_OUTLINE_-_DOCUMENTATION_AND_NOTE_TAKING_IN_CHIROPRACTIC.pdf
 - b. Completion of course “Medical Ethics and Professionalism (ME-15): Medical Ethics and Professionalism • ME-15 • PBI Education

Dr. Li is responsible for all costs associated with completing the courses and they shall not count towards his College Continuing Competency Program requirements.

3. Within three months of the date of the Hearing Tribunal’s written decision, Dr. Li will develop and implement a clinic policy and procedure for the management of adverse events to align with Standard of Practice 4.2 Clinical Services Provided by Unregulated Healthcare Providers and will provide a copy and plan of implementation for review and approval to the Complaints Director.
4. Dr. Li will participate in and comply with two (2) monthly in-person practice visits to be conducted by a College approved delegate. These practice visits will commence within three (3) months of the date of the Hearing Tribunal’s written decision on a date selected by the Complaints Director. The costs associated with the practice visits, including reporting and any costs associated with implementing the recommendations resulting from the practice visits, will be Dr. Li’s responsibility. The hourly rate for the College approved delegate will be \$200/hour, and this includes time spent preparing for, conducting and reporting for each practice visit. Upon completion of the two consecutive practice visits, written notification by the College approved delegate will be required, to notify the Complaints Director that Dr. Li has successfully implemented the required practice changes and there is no evidence to indicate that Dr. Li is not meeting Standards of Practice and Code of Ethics. Specific areas of review for ongoing compliance include:
 - a. Patient assessments and reassessments.
 - b. Documentation of patient assessment, care, and treatment in the patient health record.
 - c. Electronic Health Records documentation of patient information in the ‘sub-button’ and appropriateness of same; and review of an information sharing agreement outlining practicing in a group setting.

After the two (2) practice visits, if there is ongoing evidence that Dr. Li's practice is not meeting the CCOA's Standards of Practice or Code of Ethics, then a new complaint may be initiated by the Complaints Director in accordance with s. 56 of the HPA.

5. Dr. Li will pay a total fine of \$2,000.00. This will be payable in full within six (6) months of the date of the Hearing Tribunal's written decision.
6. Dr. Li will pay costs in the amount of \$3,000.00. This will be payable in full within six (6) months of the date of the Hearing Tribunal's written decision.
7. A copy of the Hearing Tribunal's written decision with Dr. Li's name will be published on the College's website for 10 years in accordance with the College's Bylaws.

Submissions by Counsel for the Acting Complaints Director

Mr. Maxston began with his submissions on penalty and costs.

He began with emphasizing that the JSP was made jointly, and therefore should not be rejected by the Hearing Tribunal unless it does not meet the "public interest test" set out in the Supreme Court of Canada case of *R. v. Anthony Cook*, 2016 SCC 43.

In the *Anthony-Cook* decision, the public interest test is phrased as follows:

[34] In my view, these powerful statements capture the essence of the public interest test developed by the Martin Committee. They emphasize that a joint submission should not be rejected lightly, a conclusion with which I agree. Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold — and for good reason, as I shall explain.

Mr. Maxston confirmed that both parties take the position that this JSP meets the "public interest test".

Mr. Maxston then went over the relevant factors which are set out in the JSP as being material in this case. He encouraged the Hearing Tribunal to consider these while they are reviewing the JSP to ensure that the JSP takes into account the fundamental purposes of a penalty.

Overall, Mr. Maxston encouraged the Hearing Tribunal to accept the JSP and to order the jointly-agreed upon penalties under the HPA.

Submissions by Counsel for Dr. Li

Mr. Paterson was offered an opportunity to speak. He advised that there is case law (for example, the *Anthony-Cook* decision) which was applicable to this matter. He recommended the acceptance of the JSP.

Reply Submissions by Counsel for the Acting Complaints Director

Mr. Maxston did not have any reply submissions.

Questions of the Hearing Tribunal

The Hearing Tribunal had no questions of the parties relating to the JSP.

8. Decision on Penalty

The Hearing Tribunal first considered the range of orders that it can make under section 82 of the HPA. It found that the orders being requested by the parties in the Joint Submission on Penalty were within its powers under the legislation.

Notwithstanding the broad range of powers expressed in the HPA, the Hearing Tribunal is aware that what has come before it is a Joint Submission on Penalty, negotiated by and agreed to both parties. The Hearing Tribunal acknowledges that it must give significant deference to a joint submission on penalty, in accordance with the principles set out in *R v Anthony-Cook*, 2016 SCC 43. A joint submission should only be rejected if it is so unhinged from the circumstances of the case that it would bring the administration of justice into disrepute or otherwise be contrary to the public interest.

Although the Hearing Tribunal noted the severity of this sanction, it does not find that it is so unhinged from the circumstances of the case that it would bring the administration of justice into disrepute, or otherwise be contrary to the public interest. Accordingly, the Hearing Tribunal is of the opinion that the JSP meets the *Anthony-Cook* public interest test and should receive significant deference.

The Hearing Tribunal is aware that remediation is a factor to consider when considering the appropriateness of a penalty, and appreciates that this JSP includes some educational elements to ensure that Dr. Li's practices are updated and to ensure this type of conduct does not occur again. The Hearing Tribunal felt that the JSP was robust and addresses the specific conduct that was found in this case appropriately, and will ensure that this conduct does not occur again within Dr. Li's practice.

The Hearing Tribunal does want to emphasize that this is a serious and significant lapse of professional judgment – the Complainant in the case was harmed. The Hearing Tribunal reviewed the JSP through this lens, to ensure that the sanction was sufficiently serious to match the severity of the found conduct in this case, and it found that the JSP meets the conduct appropriately.

Notwithstanding the deference owed to joint submissions, the Hearing Tribunal still wishes to ensure that the order that it makes is in line with the non-exhaustive list of sentencing principles found in the leading decision of *Jaswal v. Medical Bd.* (1996), 138 Nfld. & P.E.I.R. 181 (NFTD); 431 A.P.R. 181 ("*Jaswal*"), which are outlined in the JSP, and were considered by both parties.

In their JSP, the parties provided the following specific reasons for why the JSP was appropriate:

1. Dr. Li's conduct represented a serious and significant lapse of professional judgment and breach of the professional and ethical obligations of chiropractors.
2. Dr. Li's conduct has harmed the integrity of the profession of chiropractic.
3. Dr. Li has admitted his unprofessional conduct which demonstrates acceptance of responsibility for his actions.
4. Dr. Li's admission of unprofessional conduct and agreement to proceed with a consent hearing avoids the time, cost and uncertainty of a lengthy contested hearing and appeals to the College Council and to the Alberta Court of Appeal.
5. These are Dr. Li's first findings of unprofessional conduct.

Following a consideration of the factors expressed in the *Jaswal* decision, the specific factors set out above applicable to this case, and acknowledging the deference required by *Anthony-Cook* when a joint submission does not offend the public interest test, the Hearing Tribunal accepts the JSP as it relates to the penalties against Dr. Li.

9. **Decision on Costs**

The Hearing Tribunal took some additional time to consider the costs award being requested by both parties, which was that:

Dr. Li will pay costs in the amount of \$3,000.00. This will be payable in full within six (6) months of the date of the Hearing Tribunal's written decision.

The Hearing Tribunal noted that this cost proposal was agreed upon by both parties, and that Dr. Li had experienced legal counsel assisting him in this matter. The Hearing Tribunal is aware of the *Charkhandeh* decision of the Alberta Court of Appeal, and the fact that tribunals in administrative proceedings must not proceed on any presumption that costs should be awarded to either party, but rather must carefully consider in each case whether costs are warranted and, if so, in what amount.

The Court of Appeal in that decision articulated several key principles: first, that costs should ordinarily be limited to expenses discretely associated with the hearing itself, as opposed to overhead expenses which are an inherent component of self-regulation and properly fall on the regulator; second, that costs must be reasonable, requiring an assessment of the choices made by the regulator in conducting the proceedings; and third, that the litigation conduct of both parties is a relevant factor, including whether either party engaged in unreasonable or inefficient conduct that increased costs.

In this case, the Hearing Tribunal was not provided with any evidence by either party as to the principles expressed in *Charkhandeh*, but the Hearing Tribunal considered the global quantum of costs, and noted the agreement between the parties and the deference that should be afforded to that agreement, and felt that the costs component to the JSP was appropriate.

10. **Conclusion**

The Hearing Tribunal orders the following pursuant to section 82 of the HPA:

1. Dr. Li will be reprimanded for his unprofessional conduct, with the Hearing Tribunal's written decision constituting that reprimand.
2. Within six (6) months of the date of the Hearing Tribunal's written decision, Dr. Li will successfully complete the following education course(s) and will provide evidence of successful completion to the Complaints Director within two weeks of his receipt of same:
 - a. Completion of course "Documentation and Note Taking in Chiropractic: https://www.jcollinsconsulting.com/images/Outlines/Chiropractic/COURSE_OUTLINE_DOCUMENTATION_AND_NOTE_TAKING_IN_CHIROPRACTIC.pdf
 - b. Completion of course "Medical Ethics and Professionalism (ME-15): Medical Ethics and Professionalism • ME-15 • PBI Education

Dr. Li is responsible for all costs associated with completing the courses and they shall not count towards his College Continuing Competency Program requirements.

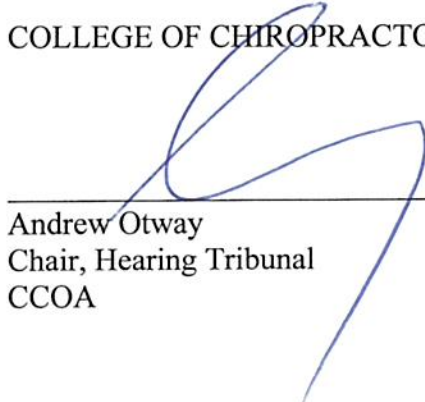
3. Within three months of the date of the Hearing Tribunal's written decision, Dr. Li will develop and implement a clinic policy and procedure for the management of adverse events to align with Standard of Practice 4.2 Clinical Services Provided by Unregulated Healthcare Providers and will provide a copy and plan of implementation for review and approval to the Complaints Director.
4. Dr. Li will participate in and comply with two (2) monthly in-person practice visits to be conducted by a College approved delegate. These practice visits will commence within three (3) months of the date of the Hearing Tribunal's written decision on a date selected by the Complaints Director. The costs associated with the practice visits, including reporting and any costs associated with implementing the recommendations resulting from the practice visits, will be Dr. Li's responsibility. The hourly rate for the College approved delegate will be \$200/hour, and this includes time spent preparing for, conducting and reporting for each practice visit. Upon completion of the two consecutive practice visits, written notification by the College approved delegate will be required, to notify the Complaints Director that Dr. Li has successfully implemented the required practice changes and there is no evidence to indicate that Dr. Li is not meeting Standards of Practice and Code of Ethics. Specific areas of review for ongoing compliance include:
 - a. Patient assessments and reassessments.
 - b. Documentation of patient assessment, care, and treatment in the patient health record.
 - c. Electronic Health Records documentation of patient information in the 'sub-button' and appropriateness of same; and review of an information sharing agreement outlining practicing in a group setting.

After the two (2) practice visits, if there is ongoing evidence that Dr. Li's practice is not meeting the CCOA's Standards of Practice or Code of Ethics, then a new complaint may be initiated by the Complaints Director in accordance with s. 56 of the HPA.

5. Dr. Li will pay a total fine of \$2,000.00. This will be payable in full within six (6) months of the date of the Hearing Tribunal's written decision.
6. Dr. Li will pay costs in the amount of \$3,000.00. This will be payable in full within six (6) months of the date of the Hearing Tribunal's written decision.
7. A copy of the Hearing Tribunal's written decision with Dr. Li's name will be published on the College's website for 10 years in accordance with the College's Bylaws.

DATED THIS 30 DAY OF APRIL, 2026 IN THE CITY OF EDMONTON, ALBERTA.

COLLEGE OF CHIROPRACTORS OF ALBERTA



Andrew Otway
Chair, Hearing Tribunal
CCOA