

RECENT COVID-19 ISSUES IN PROFESSIONAL REGULATION

1

Ahmad Mozaffari
Natasha Danson

July 14, 2022

Before we begin...

2

- If listening by phone:
 - Phone access (Toronto): (647) 497-7729, PIN: 975888278#
 - Phone access (Calgary): (587) 774-1365, PIN: 663472542#
- If listening via Internet and having trouble hearing, try disconnecting and connecting again
- Still having trouble hearing? Email our IT consultant for assistance: achomatas@ace-its.ca
- Feel free to send questions to us during the session using the CHAT feature, or EMAIL us afterwards:
 - amozaffari@sml-law.com
 - ndanson@sml-law.com

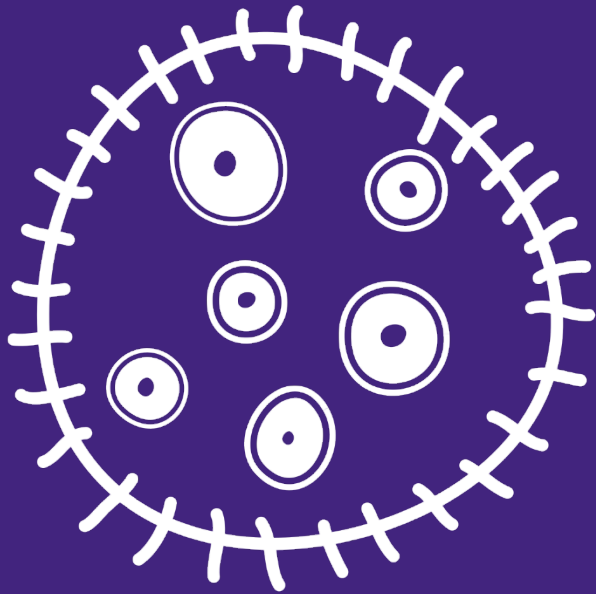
Agenda

3



Point in Time

4



Guidance from Regulators

5

- Initially top down – Ministry of Health and Regulator guidance
- Today – less specific guidance. Exercise of professional judgment
- Varying comfort levels on the part of patients and clients
- Vaccination is encouraged but not required
 - Case studies – British Columbia and Quebec

Hearings and Defence Issues

6

- Quick shift to virtual hearings
- *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* – enacted in March, 2020
- *Worsoff v MTCC 1168, 2021 ONSC 649*

“Efficiency, affordability, and enhanced access to justice trump counsels’ comfort and presumptions every time.”

“It’s 2020. We no longer record evidence using quill and ink.”

Reported Cases

7

- *Armstrong v Various Chiropractors*
- Series of misinformation and profiteering cases involving a member of the public complaining about Registrants' conduct – actively spreading misinformation or selling products or services deceptively claiming to benefit the immune system.
- Examples include:
 - Covid-19? Now is the best time to see your chiropractor!
 - Spinal adjustments have been shown to boost immune function.
 - **How to catch a virus: Skip your Chiropractic Adjustments**
 - Not getting adjusted means your nervous system, your master system that controls the entire body is not working optimally. Wait until you are hurt, have symptoms or get sick to get adjusted. Stress your body out!

Reported Cases

8

Ontario nurses Kristen Nagle, Kristal Pitter, and Sarah Choujounian

- "Enough is enough: professional nurses stand for science-based healthcare"
- "Quack! Quack! These pro-virus nurses have dangerous ideas"

CPSO v O'Connor, 2022 ONSC 195

- Requirement to comply with investigation
- No publication ban

Reported Cases

9

Matheson v College of Physicians and Surgeons of Ontario, 2021 ONSC 7597

- Interim suspension
- Discipline hearing in June 2022
 - Reprimand
 - 9-month suspension
 - TCL that he not communicate with patients about COVID in a way that runs contrary to public health measures

Mental Health

10



- GMC: Ensure “the context of the pandemic is taken into account and decisions are fair and proportionate to the circumstances.”

Workplace Issues

11

- Concerns of confidentiality and privacy
- Health and safety concerns paramount in the workplace
 - “Businesses and organizations may implement their own rules and policies related to masking within their settings and Ontarians should respect and follow these rules.”
 - “In other settings wearing a mask is a personal choice. Individuals are encouraged to wear a tight-fitting, well-constructed mask if they feel it is the right choice for them.”

Contact Us

12

Steinecke Maciura LeBlanc

Barristers & Solicitors

401 Bay St., Suite 2308

www.sml-law.com

Blog: sml-law.com/blog-regulation-pro/

 @SMLLawToronto

Ahmad Mozaffari

Tel: 416.583.2551

Email: amozaffari@sml-law.com

Natasha Danson

Tel: 416.583.2550

Email: ndanson@sml-law.com