

NOVA SCOTIA COLLEGE OF CHIROPRACTORS (HEARING PANEL)

IN THE MATTER OF: The Chiropractic Act, SNS, 1999 (2nd Sess.), c.4, and
Chiropractic Regulations
- and -

IN THE MATTER OF: Dr. Phillip LaPierre of Kentville, Kings County, Province
of Nova Scotia

COUNSEL: Douglas B. Shatford, Q.C., for the Nova Scotia College of
Chiropractors
And
Chris Manning for Dr. LaPierre

PANELISTS: Dr. Rodney Thompson, Chair
Dr. Anne DesNeiges (absent)
Linda Hefler, Lay Member

HEARING DATE: December 1st, 2007

DECISION

This Hearing Committee was appointed to hear evidence in relation to the matter of a complaint against Dr. Phillip LaPierre, the particulars of which are:

The Complaint

“That a complaint of professional misconduct was made against Dr. Phillip LaPierre and that he breached the Chiropractic Act, the Chiropractic Regulations and the Code of Ethics specifically being registered under the Chiropractic Act, being a Chiropractor in the Province of Nova Scotia, it was alleged that while providing Chiropractic care to a patient in January of 2007, he performed an act of professional misconduct by touching the breast of a female patient for a sexual purpose.” (exhibit 1)

On December 1st, 2007 at 10:00am the Hearing commenced .At that time, pursuant to the provisions of the Chiropractic Act, s.50, legal counsel for the College, Douglas B. Shatford, Q.C., advised the Hearing Committee that a proposed settlement agreement had been recommended for acceptance by the Investigation Committee, and presented a Settlement Agreement (Exhibit 2) as evidence duly executed by Dr. Lapierre and as recommended by the Investigative committee (attached hereto and forming part of this written decision)

Facts

The Hearing Committee accepts, as part of this decision, the statement of facts as set out in the Settlement Agreement.

1. Dr. LaPierre has been registered as a Doctor of Chiropractic in Nova Scotia since January 1, 1980.
2. Dr. LaPierre conducts his practice at 521 Main Street, Kentville, Nova Scotia under the name "Back and Neck Pain Relief Center".
3. A complaint was received by the Registrar of the College of Chiropractors on or about the 6th day of February, 2007 from a CF.
4. The complaint of CF alleged that Dr. LaPierre had engaged in inappropriate touching of her female person.
5. Dr. LaPierre provided a detailed written response to the allegations contained in the complaint by letter addressed to the Registrar dated March 21st, 2007. This response denied any inappropriate touching on the part of Dr. LaPierre. The response does acknowledge that in relation to the patient, CF, that there were admissions of his failure to properly communicate and as he states that he: "takes responsibility for the appearance of unconcern and lack of communication".
6. Dr. LaPierre was charged under Section 271 (1)(b) of the Criminal Code (sexual assault) and the complainant having been the same, CF, identified as the complainant in this matter.
7. A trial took place in Nova Scotia Provincial Court with evidence having been heard and the Provincial Court rendering a decision on November 9th, 2007 in which Dr. LaPierre was found not guilty.
8. A formal complaint was filed against Dr. LaPierre, attached to this Agreement, charging Dr. LaPierre with professional misconduct and conduct unbecoming to a Chiropractor, the particulars which are contained therein.

Admissions and Findings

Dr. LaPierre has admitted to acts of professional misconduct as outlined in the Settlement Agreement;

10. In response to the complaint against him, Dr. LaPierre admits to acts of professional misconduct as outlined above of his failure to communicate properly to patients and to exhibit appropriate concern for patient care and welfare and admits that this constitutes professional misconduct

The hearing committee accepts the admission and finds Dr. Lapierre guilty of professional

misconduct .


Penalty

The terms of disposition and penalty, are as set out in the settlement agreement in addition to added conditions recommended by the hearing panel and consented to by Dr. Lapierre:

That Dr. LaPierre:

- a) be reprimanded;
- b) shall abide by the following restrictions on his license and registration for a period of two years:
 - i) all clinical interactions with female patients must be conducted in the presence of a female observer unrelated to the doctor;
 - ii) the observer must initial the treatment notes to indicate her presence on each visit;
 - iii) the observer must sign confirmation that there is a restriction and was conducted within their presence and forward confirmation to the College on a weekly basis;
 - iv) to allow the observer or observers to be contacted from time to time by representatives of the College of Chiropractors to confirm their presence as outlined in their weekly reports;
 - iv) will submit to any sensitivity training or counseling as may be, from time to time, recommended but particularly with respect to the treatment he is presently undertaking with his psychologist and that any report of the psychologist be provided to the College upon request;
 - v) these license restrictions will be in force for a period of two years; and
 - vi) shall pay costs associated with the Investigation and Hearing of this matter in the amount of \$2,000.00.

DATED at Halifax , Nova Scotia , this 1st day of December, 2007.



Dr. Rodney Thompson, Chair

IN THE MATTER OF: **The Chiropractic Act, SNS, 1999 (2nd Sess.), c.4, and
Chiropractic Regulations**

- and -

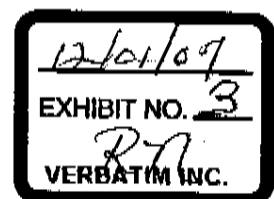
IN THE MATTER OF: **Dr. Phillip LaPierre** of Kentville, Kings County, Province
of Nova Scotia

SETTLEMENT AGREEMENT

Dr. Phillip LaPierre, a registered Chiropractor, registered under the provisions of the Chiropractic Act of Nova Scotia, hereby agrees with and consents to the following, in accordance with the provisions of the **Chiropractic Act** and Regulations

Statement of Facts

1. Dr. LaPierre has been registered as a Doctor of Chiropractic in Nova Scotia since January 1, 1980.
2. Dr. LaPierre conducts his practice at 521 Main Street, Kentville, Nova Scotia under the name "Back and Neck Pain Relief Center".
3. A complaint was received by the Registrar of the College of Chiropractors on or about the 6th day of February, 2007 from a C.F.
4. The complaint of C.F. alleged that Dr. LaPierre had engaged in inappropriate touching of her female person.
5. Dr. LaPierre provided a detailed written response to the allegations contained in the



complaint by letter addressed to the Registrar dated March 21st, 2007. This response denied any inappropriate touching on the part of Dr. LaPierre. The response does acknowledge that in relation to the patient, CF, that there were admissions of his failure to properly communicate and as he states that he: "takes responsibility for the appearance of unconcern and lack of communication".

6. Dr. LaPierre was charged under Section 271 (1)(b) of the Criminal Code (sexual assault) and the complainant having been the same, CF, identified as the complainant in this matter.
7. A trial took place in Nova Scotia Provincial Court with evidence having been heard and the Provincial Court rendering a decision on November 9th, 2007 in which Dr. LaPierre was found not guilty.
8. A formal complaint was filed against Dr. LaPierre, attached to this Agreement, charging Dr. LaPierre with professional misconduct and conduct unbecoming to a Chiropractor, the particulars which are contained therein (Schedule "A") .
9. The complaint is scheduled for hearing on December 1st, 2007 before a Hearing Committee as appointed pursuant to the Chiropractic Act.

Admissions

10. In response to the complaint against him, Dr. LaPierre admits to acts of professional misconduct as outlined above of his failure to communicate properly to patients and to exhibit appropriate concern for patient care and welfare and admits that this constitutes professional misconduct.
11. Dr. LaPierre hereby accepts the following penalties and disposition of this complaint:

- a) that he receive a reprimand;
- b) that he shall abide by the following restrictions on his license and registration for a period of two years:
 - i) all clinical interactions with female patients must be conducted in the presence of a female observer ;
 - ii) the observer must initial the treatment notes to indicate her presence on each visit;
 - iii) The observer must sign the attached confirmation that this restriction was conducted within their presence and forward confirmation to the College on a weekly basis;
 - iv) This license restriction will be in force for a period of two years, commencing from the date of the acceptance of this Settlement Agreement by the hearing panel appointed to conduct the hearing of the complaint.
 - v) costs(as set out below)

Independent Legal Advice

12. Dr. LaPierre confirms that he had an opportunity to obtain Independent Legal Advice with respect to the contents of this Agreement .

Costs :

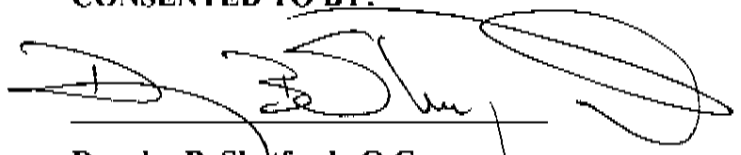
13. Dr. Lapierre is required to pay costs incurred by the College in the investigation and prosecution of this matter in the amount of Two Thousand Dollars (\$2000.00)

This Settlement Agreement shall only become effective and binding upon acceptance by the hearing panel appointed to conduct the hearing, pursuant to the provisions of the Chiropractic Act, Sec.50.

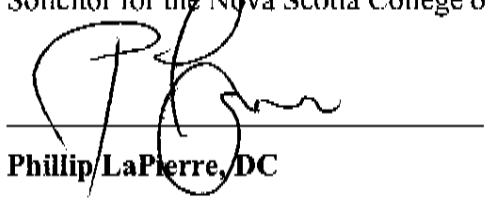
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THIS SETTLEMENT AGREEMENT made this 1st day of ~~November~~ DECEMBER 2007.

CONSENTED TO BY:

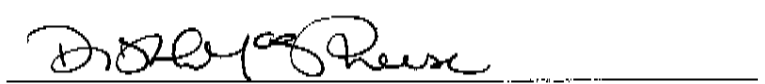


Douglas B. Shattford, Q.C.
Solicitor for the Nova Scotia College of Chiropractors




Phillip LaPierre, DC

Recommended by:



Investigation Committee, this 30th day of November, 2007

Approved by:



Hearing Committee, this 1st day of December, 2007

