

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

BETWEEN:

Nova Scotia College of Chiropractors

- and -

Dr. Dena Churchill, DC

NOTICE OF HEARING

TAKE NOTICE that pursuant to the *Chiropractic Act*, c.4 SNS 1999, and pursuant to section 46(13)(d) of the *Chiropractic Act*, the Investigation Committee of the Nova Scotia College of Chiropractors has referred a matter to a Hearing Committee for a formal hearing to consider allegations against you regarding professional misconduct and conduct unbecoming.

AND FURTHER TAKE NOTICE that the hearing will be held at the offices of the Nova Scotia College of Chiropractors, located at 502-5657 Spring Garden Road, on May 22, 23, 24, 27 and 28, 2019, commencing on each day at the hour of 9:30 o'clock in the forenoon.

AND FURTHER TAKE NOTICE that your presence at the stated time is required. You may attend with legal counsel or other representative of your choice, and may present evidence or witnesses on your behalf. If you do not attend this hearing, the Hearing Committee may proceed in your absence and, without further notice to you, render its decision.

AND FURTHER TAKE NOTICE that the particulars of the allegations against you to be considered by the Hearing Committee are as follows:

1. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the following social media accounts and websites:
 - a) Dr. Sexy Mom (www.drsexymom.com);
 - b) Facebook page (www.facebook.com/DrDenaC/);
 - c) Facebook page (www.facebook.com/Oxford-Chiropractic-590887147620753/);

d) Facebook page (www.facebook.com/dena.churchill); and

e) Twitter (twitter.com/drdenachurchill),

(collectively, the “**Social Media Platforms**”),

which activity was beyond the chiropractic scope of practice.

2. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted advising patients about conditions and treatments outside the chiropractic scope of practice, in breach of the *Scope of Practice Policy* of the Nova Scotia College of Chiropractors, effective April 2002 and most recently revised on June 25, 2018.
3. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted a failure to avoid commenting publicly on acts outside the scope of chiropractic practice, in breach of the *Scope of Practice Policy* of the Nova Scotia College of Chiropractors, effective April 2002 and most recently revised on June 25, 2018.
4. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted marketing activities that were not professional, truthful, verifiable, clear and not misleading, in breach of Section 44 of the *Chiropractic Regulations*.
5. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted marketing activities that were not demonstrably true and accurate, and that were misleading or deceptive or likely to mislead or deceive, in breach of the *Advertising Guideline* of the Nova Scotia College of Chiropractors, effective June 17, 2000 and revised May 2, 2015.
6. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted providing clinical advice to members of the public through social media, in breach of the *Social Media Policy and Guidelines* of the Nova Scotia College of Chiropractors, effective June 26, 2018.

7. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted posting information, comments and images that may be perceived as disgraceful, dishonourable or unprofessional, in breach of the *Social Media Policy and Guidelines* of the Nova Scotia College of Chiropractors, effective June 26, 2018.
8. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted a failure to comply with existing advertising policies and guidelines, in breach of the *Social Media Policy and Guidelines* of the Nova Scotia College of Chiropractors, effective June 26, 2018.
9. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted conduct not meriting the respect of the public for members of the profession, in breach of Article II, Section 1.2 of the *Code of Ethics*, effective June 2002.
10. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity did not maintain the high standards of the profession, contrary to Article II, Section 6.5 of the *Code of Ethics*, effective June 2002.
11. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity did not protect the public from irresponsible and misleading statements, contrary to Article II, Section 6.5 of the *Code of Ethics*, effective June 2002.
12. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by including, between the dates of May 17, 2018 and September 11, 2018, on the Oxford Chiropractic website (www.oxfordchiro.ca), links to a Facebook page (www.facebook.com/Oxford-Chiropractic-590887147620753/) and Twitter account (twitter.com/drdenachurchill), both of which contained vaccination and immunization materials, which activity did not protect the public from irresponsible and misleading statements, contrary to Article II, Section 6.5 of the *Code of Ethics*, effective June 2002.
13. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and

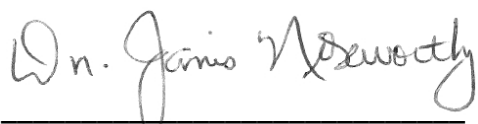
September 11, 2018 on the Social Media Platforms, which activity created unjustified expectations or claimed definite results, contrary to Article II, Section 6.5 of the *Code of Ethics*, effective June 2002.

14. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, which activity constituted acting as a source of patient consultation and education regarding vaccination and immunization, in breach of the *Vaccination and Immunization Policy* of the Nova Scotia College of Chiropractors, effective May 12, 2018.

15. That Dr. Dena Churchill engaged in professional misconduct as a chiropractor, licensed at all material times to practice chiropractic in the Province of Nova Scotia, by including, between the dates of May 17, 2018 and September 11, 2018, on the Oxford Chiropractic website (www.oxfordchiro.ca), links to a Facebook page (www.facebook.com/Oxford-Chiropractic-590887147620753/) and Twitter account (twitter.com/drdenachurchill), both of which contained vaccination and immunization materials, which activity constituted acting as a source of patient consultation and education regarding vaccination and immunization, in breach of the *Vaccination and Immunization Policy* of the Nova Scotia College of Chiropractors, effective May 12, 2018.

16. That Dr. Dena Churchill, a chiropractor licensed at all material times to practice chiropractic in the Province of Nova Scotia, engaged in conduct unbecoming a chiropractor by posting vaccination and immunization materials between the dates of May 17, 2018 and September 11, 2018 on the Social Media Platforms, when she knew or ought to have known that such posts were prohibited by or contrary to the *Chiropractic Regulations* and the following policies of the Nova Scotia College of Chiropractors: *Vaccination and Immunization Policy*, *Code of Ethics*, *Scope of Practice Policy*, *Advertising Guideline*, and *Social Media Policy and Guidelines*.

Dated this 1st day of November, 2018.



Dr. Janis Noseworthy
Registrar
Nova Scotia College of Chiropractors