

ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

Citation: *College of Chiropractors of Ontario v. Mandlsohn*, 2026 ONCPDT 5

Date: May 28, 2026

Tribunal File No.: 24-005-CP

BETWEEN:

College of Chiropractors of Ontario

College

- and -

Jamie Brian Mandlsohn

Registrant

PENALTY REASONS

Heard: April 1, 2026

Panel:

Jennifer Scott (panel chair)

Itraf Ahmad (public)

Melanie Atkinson (chiropractor)

Cesar Mendez (chiropractor)

Appearances:

Debra McKenna, for the College

Jamie Mandlsohn, self-represented

RESTRICTION ON PUBLICATION

Pursuant to Rule 2.2.2 of the HPDT Rules of Procedure and ss. 45-47 of the Health Professions Procedural Code, no one shall publish or broadcast the names of patients or any information that could identify patients or disclose patients' personal health information or health records referred to at a hearing or in any documents filed with the Tribunal. There may be significant fines for breaching this restriction.

Introduction

[1] After a three-and-a-half day hearing on the merits, we found the registrant sexually abused a patient when he made sexual comments during a treatment session in June 2023. We found further that he had engaged in disgraceful, dishonourable, or unprofessional conduct both when he was untruthful in his email message to the patient following her complaint to him about his conduct and when he was misleading in his clinical records. We found the College failed to prove that the sexual abuse included sexual touching: *College of Chiropodists of Ontario v. Mandlsohn*, 2026 ONCPDT 1 (findings decision).

[2] A hearing on penalty proceeded on April 1, 2026. The College asked for a reprimand, 12-month suspension, completion of the PROBE Ethics & Boundaries course and supervision following the registrant's return to practice after the suspension. It sought costs in the amount of \$100,000.

[3] The registrant argued the proposed suspension was too long for a finding of sexual comments, the supervision was unnecessary, and the costs were excessive.

[4] We order a reprimand, eight-month suspension, supervision, completion of the PROBE Ethics & Boundaries course and \$60,000 in costs.

Penalty

Principles

[5] There are mandatory penalties for sexual abuse. Under s. 51(5) of the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18 (Code), the Tribunal must reprimand and suspend a registrant where it finds a registrant sexually abused a patient. There is mandatory revocation for certain kinds of sexual abuse that were not present in this case.

[6] The content of the reprimand and the length of the suspension are within the discretion of the Tribunal, as are the terms, conditions and limitations that may be placed on a registrant's certificate of registration.

[7] In exercising its discretion, the Tribunal must consider the purpose of a penalty order. The most important goal of such an order is protection of the public. The public must be protected from further misconduct by the registrant and must be confident in the

ability of the College, and the Tribunal, to govern the profession effectively and maintain public trust. Other penalty purposes include specific and general deterrence and rehabilitation where a safe return to practice is appropriate.

[8] In deciding the appropriate penalty, the Tribunal must consider the seriousness of the misconduct, the registrant's discipline history, the registrant's actions since the misconduct, and the registrant's personal circumstances. See *College of Physicians and Surgeons of Ontario v. Thirlwell*, 2026 ONPSDT 5 at para. 44, relying on *College of Physicians and Surgeons of Ontario v. Fagbemigun*, 2022 ONPSDT 22; affirmed *Fagbemigun v. College of Physicians and Surgeons of Ontario*, 2023 ONSC 2642.

[9] The seriousness of the misconduct is usually the most significant factor to consider. The Tribunal will examine what the registrant did, the registrant's motivation, the number of times the misconduct happened, how long the misconduct lasted and the effects or potential effects of the misconduct on others. See *Fagbemigun* at para. 13.

Application to this case

Seriousness of the misconduct

[10] The College argues the suspension must be lengthy because the profession must know that the College and the Tribunal take sexual abuse seriously. This is the first case before this College's Discipline Committee or Tribunal to make a finding of sexual abuse. The College says historically sexual abuse was not taken seriously in the health professions and the legislature had to step in with specific provisions, including on penalty. The purpose of these provisions is to encourage reporting, provide funding for therapy and counselling, and eradicate sexual abuse of patients by registrants (s. 1.1 of the Code).

[11] The registrant says the suspension must respond to the findings made. He says the Tribunal found sexual comments, not sexual touching, and that the penalty range in the caselaw for sexual comments is a suspension of two-to-three months. He relies on *College of Physicians and Surgeons of Ontario v. Dao*, 2018 ONCPSD 56 and *College of Physicians and Surgeons of Ontario v. Fikry*, 2019 ONCPSD 53 in support of his submission.

[12] Each of these cases is unique, and there are various facts that separate them from the registrant's case. First, the others are joint submission cases. The assessment

of penalty in a joint submission is different from a contested case. For example, in a joint submission case, agreeing to the misconduct is seen as a mitigating factor. Second, the physician cases involve sexual comments only. We found additional misconduct: intentionally misleading the patient and creating a clinical record that left a false impression about the patient's status as a patient.

[13] Sexual abuse is extremely serious. There is also a wide range of conduct under the heading of "sexual abuse" in the Code. It includes sexual comments, general touching of a sexual nature, and more serious forms of touching that include sexual intercourse, genital to genital and genital to oral contact, masturbation, and touching of the patient's genitals, anus, breasts, or buttocks. The more serious sexual touching results in mandatory revocation of a registrant's certificate of registration under s. 51(5)3 of the Code.

[14] In the findings decision, we found the registrant engaged in sexual abuse of the patient when he made sexual comments during a treatment session. The registrant told the patient that she should tell her husband there would be no more blow jobs until he massaged her calves and that she should charge him for blow jobs, something the registrant's spouse had said to him. He also said escorts are cheaper than wives and prevalent in the city.

[15] We dismissed the allegation that the sexual abuse included sexual touching because the evidence, most significantly from the patient, did not support this allegation.

[16] We also found the registrant engaged in disgraceful, dishonourable, or unprofessional conduct when he lied to the patient after she complained to him about his sexually harassing comments and when he left a false impression in his clinical records that the patient would return for treatment. It was clear from the patient's complaint that she would not return because of the registrant's conduct.

[17] The registrant's conduct is extremely serious. To talk to a patient about blow jobs, her sexual relationship with her spouse and his sexual relationship with his spouse, in the middle of a treatment, is shocking. These comments made the patient feel vulnerable and violated. The patient expected a medical professional to remain professional during an appointment. So do we.

[18] Further, the registrant engaged in intentional dishonesty when he told the patient her complaint would be treated seriously by upper management when no such management existed and when he created the false impression in his clinical record that the patient would return for treatment when he knew she would not. The public must be confident that registrants tell them the truth and that their medical records are complete and accurate. The registrant's dishonesty makes his misconduct more serious.

[19] The registrant was untruthful to the patient and misleading in his clinical records because he wanted the complaint to go away. We have no idea what motivated him to make the comments that he made during the treatment.

Registrant's actions before the incident

[20] The registrant was before the Inquiries, Complaints and Reports Committee (ICRC) in 2018 regarding a complaint from a patient. The patient complained that the registrant had left an aggressive and threatening message on the patient's voicemail after the patient left an online Google review about the registrant's clinic. The ICRC found the registrant's conduct and behaviour with the patient (and the patient's spouse whom he also contacted) was inappropriate and did not meet the standards of the College. The ICRC ordered the registrant to undertake a Specified Continuing Education and Remediation Program (SCERP) on patient relations, ethics and professionalism, appropriate communication and verbal abuse and accountability.

[21] An ICRC disposition is not a discipline history. It does, however, demonstrate that the registrant has previously been cautioned about the need to communicate professionally with his patients. Sexual harassment is one of the most serious forms of unprofessional communication with a patient.

Registrant's actions after the incident

[22] In 2024, the registrant appeared before the ICRC following a complaint by a patient that the registrant refused to see her when she was late, was not transparent about the missed appointment fee and was rude and unprofessional in his (and his staff's) interactions with her. The ICRC directed the registrant to appear before a panel to be cautioned and complete a SCERP that required the registrant to complete a personalized remediation course with an educator/coach on patient relations, ethics and professionalism, appropriate communication, consent, and accountability. The Health

Professions Appeal and Review Board upheld the ICRC decision (*Mandlsohn v. Sonuga*, 2024 CanLII 90195).

[23] As a result of the ICRC's direction in 2024, the registrant undertook mentoring with Andrew Klayman, a podiatrist appointed by the College. The purpose of the mentorship was to discuss issues relating to the registrant's concerning conduct including patient relations, ethics and professionalism, appropriate communication, consent, and accountability.

[24] Mr. Klayman conducted two mentorship visits on November 4, 2024, and March 21, 2025, and produced his report on March 23, 2025. During the visits, Mr. Klayman reviewed with the registrant the College's Standards of Practice for Patient Relations and its Code of Ethics.

[25] In his report, Mr. Klayman found the registrant understood his obligation to engage in responsible conduct and ethical and moral behaviour. The registrant also understood the public is entitled to safe, effective, and ethical care by a knowledgeable, skilled, and accountable practitioner in accordance with the College's standards. Mr. Klayman noted the registrant's self-reflection, will and desire to change, and his desire to make improvements to his practice.

[26] In June 2025, the registrant appeared before the Tribunal because of a Facebook message that he posted to a group called "Chiropodists/Podiatrists" that discouraged readers from making reports to the College, using the implicit threat of litigation. He also sent insulting messages to the group's administrator and failed to cooperate with the College's investigation. The registrant admitted that he failed to meet the standard of practice of the profession relating to social media and failed to reply to the College within 30 days. The Tribunal ordered a reprimand, a suspension of three months, education, and monitoring.

[27] A registrant's discipline history is relevant to penalty if the registrant received prior discipline before the conduct at issue. This is because it shows the registrant did not learn from the previous penalty and a higher sanction, also known as progressive discipline, is required. If prior discipline happened after the conduct at issue, there is no relevant discipline history and no basis upon which to find that a higher penalty is required due to repetition of the misconduct after previous discipline. It can be useful,

however, in determining whether other terms, limitations and conditions on a registrant's certificate of registration are required.

[28] In this case, the conduct at issue occurred in June 2023 and the registrant's discipline happened in June 2025. Because the discipline happened after the conduct before us, discipline history does not increase the penalty.

Personal circumstances

[29] We have no information about the registrant's personal circumstances.

[30] As stated earlier, we must reprimand and suspend the registrant. After considering the above factors, we order a suspension of eight months. His conduct is extremely serious and multi-faceted. He not only engaged in sexual harassment, but he tried to make the patient's complaint go away by being untruthful to her and creating clinical records that gave the false impression that she would continue to be a patient.

[31] Following his suspension, the registrant will be supervised for a period of six months. While the registrant received supervision in 2024 and 2025, it addressed different conduct. The registrant will benefit from supervision designed to address sexual harassment and dishonest conduct in relation to a human rights complaint. In addition to the reprimand and suspension, we order the registrant to complete the PROBE Ethics Course.

[32] These terms communicate to Mr. Mandlsohn and other registrants that sexual abuse, in all forms, is taken very seriously by the College and by the Tribunal. They recognize the harm that is caused by sexual harassment and the need to eradicate it from the profession. They also enhance public trust in the ability of the College and the Tribunal to regulate the profession. It is our hope that the PROBE course will include specific education on sexual harassment, and the harm it causes, to enable the registrant to comply with his human rights obligations on his return to practice.

Costs

[33] The College is seeking \$100,000 in costs, which represents two-thirds of its actual costs of approximately \$160,000. It says this is a reasonable level of indemnification in professional misconduct proceedings.

General principles

[34] The authority to award costs is discretionary. Costs are not part of penalty as they are compensatory, not punitive. The underlying principle behind a costs order is that registrants of the College should not be saddled with the costs of a registrant who engages in misconduct. There is an additional principle to consider – that costs should not be so high as to create a barrier to a registrant's right to defend themselves.

[35] The College submits the registrant could have avoided a contested hearing by resolving this case, and that his decision to contest the allegations has costs consequences. The College states costs are an important tool to influence how parties conduct themselves in litigation. We agree. But this principle goes both ways.

[36] The College relies on *Casella v. College of Chiropodists of Ontario*, 2024 ONSC 899 in support of its costs request. In *Casella*, the Divisional Court declined to intervene in a costs award by the Discipline Committee (now the Tribunal) because the Committee's award of two-thirds of the College's actual costs was entitled to significant deference. The Divisional Court found two-thirds was reasonable in order to ensure that the membership at large was not left with the burden of paying a disproportionate share of the costs of the disciplinary proceeding.

[37] The fact that the Court in *Casella* found two-thirds of the actual costs was reasonable does not mean that it is the appropriate amount in every case. To interpret the Court's finding that way would turn the two-thirds approach to costs into a tariff when no such tariff exists. It would also eliminate the Tribunal's discretion to decide costs.

[38] The Tribunal's authority to order costs to the College is set out in s. 53.1 of the Code. It states that in an appropriate case, a panel may make an order requiring a member (registrant) who the panel finds has committed an act of professional misconduct to pay all or part of the following costs and expenses: the College's legal costs and expenses, the College's costs and expenses incurred in investigating the matter, and the College's costs and expenses incurred in conducting the hearing.

[39] The parties agree that costs awarded by the Tribunal should be fair and reasonable. In order to determine what is fair and reasonable, we have considered the amount of costs sought, the complexity of the case, the parties' success as between

them, any factors that increased costs, the reasonable expectations of the unsuccessful party, and their ability to pay.

Overall amount

[40] The overall costs in this case, approximately \$160,000 for a three-and-a-half day hearing, are extremely high. These costs relate predominantly to the hearing. As stated above, the College seeks \$100,000.

Complexity

[41] This case is about sexual comments made during one treatment session, and the registrant's actions following the patient's complaint to him about his conduct. After assessing the credibility of the patient and the registrant, we found the comments were made, the registrant was intentionally dishonest in his response to the patient following her complaint, and his clinical record created a false impression that the patient continued to be a patient when he knew she was not. At its core, it is a credibility case; it is not complex.

[42] The College pursued an allegation of sexual touching, which included an issue of scope of practice. These added to the length and complexity of the hearing. Although the witnesses were the same, their evidence on these issues was different.

Divided success

[43] Success was clearly divided in this case. The College proved the sexual comments and disgraceful, dishonourable or unprofessional conduct allegation but did not establish the more serious sexual touching allegation.

Reasonable expectations of the unsuccessful party

[44] The registrant compares his own legal costs of \$60,000 as evidence that the College's costs are excessive. The registrant says he cannot afford to pay the costs the College seeks and filed his 2025 T4 which shows he earned \$104,000 in employment income that year.

[45] Additional costs were incurred because the hearing was longer and more complex with the sexual touching and scope of practice issues. It was within the College's

discretion to pursue these allegations. But having done so and failed, the higher costs do not lie at the registrant's feet.

[46] When considering these factors, we find it is fair and reasonable to order costs of \$60,000. Given the registrant will have no income during his suspension, he will have 24 months to pay these costs.

Order

[47] We make the following order:

Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to:
 - a. suspend the registrant's certificate of registration for eight months commencing May 29, 2026;
 - b. place the following terms, conditions and limitations on the registrant's certificate of registration;
 - i. Prior to returning to practice, the registrant must successfully complete the PROBE Ethics & Boundaries Course at his own expense and provide documentation, to the satisfaction of the Registrar, that he has successfully completed the course.
 - ii. Following completion of the suspension, the registrant's practice will be supervised for six months at his own expense, during which time the registrant will meet with a mentor, appointed by the Registrar, on two occasions (the first visit after three months and the second visit three months later) to review the College's standards and discuss issues of professionalism and boundaries.

Costs

3. The Tribunal requires the registrant to pay the College costs of \$60,000, payable in two annual instalments of \$30,000, with the first instalment due one year from the date of this order and the second instalment due two years from the date of this order.

ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

Tribunal File No.: 24-005-CP

BETWEEN:

College of Chiropractors of Ontario

College

- and -

Jamie Brian Mandlsohn

Registrant

**The Tribunal delivered the following Reprimand
by videoconference on Monday, October 5, 2026.**

*****NOT AN OFFICIAL TRANSCRIPT*****

Mr. Mandlsohn, you are appearing before us having been found to have engaged in serious misconduct.

This Panel has found that you sexually abused a patient when you made sexual comments to her during a treatment session in June 2023. Furthermore, we have found that you engaged in disgraceful, dishonourable, or unprofessional conduct when you were untruthful in an email message to the patient following her complaint about this conduct and were misleading in your clinical records regarding this matter.

Your conduct demonstrated a lack of professional judgement and a lack of commitment to your patient's well being. Your communications with the patient and your clinical records lacked the requisite honesty and integrity expected of a chiropractic practitioner. Sexual abuse is especially egregious misconduct because it exploits the inherent power imbalance in the chiropractor-patient relationship and undermines the public's confidence in the profession. The legislation governing regulated health professionals, the standards of practice of this College, and this Tribunal, all emphasize the zero-tolerance approach to sexual abuse and the importance of maintaining professional boundaries in patient care.

The panel wishes to remind you that being a registered chiropractor is a privilege and not a right. We expect that the outcome and penalty in this matter should send a clear and unequivocal message to you, the profession, and the public that any sexual misconduct in the practice of chiropractic will carry serious consequences and will never be tolerated.