STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

| | | |
|---|---|---|
| In Re: The Application of | ) | |
| | ) | |
| Michel Y. Roy, D.C. | ) | Case No. 2009-10528 |
| 038/Cred. # 1691818 | ) | |

**CONSENT ORDER**

The Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation by Vladimir Lozovskiy, one of its attorneys, and Michel Y. Roy, D.C., Applicant, hereby agree to the following:

**STIPULATIONS**

The Applicant has made application for issuance of a Chiropractic Physician License in the State of Illinois.

The Department is in receipt of information that Applicant was disciplined by the Quebec Order of Chiropractors for advertisement violations as well as patient care issues. See Exhibit A attached hereto and made a part of this Consent Order. (Quebec Order of Chiropractors, Case No. 08-03-00211). The allegations set, if proven to be true, would constitute grounds for suspending, revoking and other discipline of Respondent's license on authority of 225 ILCS 60/22(A)(12).

At all times material to the matter set forth in this Consent Order, the Department of Financial and Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties herein.

On October 14, 2009, Applicant appeared in person in front the Illinois Medical Licensing Board and provided evidence and supporting testimony regarding his prior

discipline by Quebec Order of Chiropractors. In addition, Applicant provided information about his clinical practice as well as his future plans.

Applicant has been advised of the right to a hearing, the right to contest denial of his application for license, and the right to administrative review of any Order resulting from a hearing. Applicant knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

In order to resolve this matter amicably, Applicant and the Department have agreed that Michel Y. Roy, D.C., be permitted to enter into a Consent Order with the Department, providing for the imposition of measures which are fair and equitable in the circumstances and which are consistent with the best interest of the people of the State of Illinois.

## CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Applicant, Michel Y. Roy, D.C., agree:

A. Michel Y. Roy's Illinois Chiropractic Physician License shall be issued with the Reprimand;

B. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation.

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois**

[redacted]

Vladimir Lozovskiy
Attorney for the Department

11/12/2009
DATE

Oct 15 / 09
DATE

[redacted]
Michel Y. Roy, D.C., Applicant

Nov. 17, 2009
DATE

[redacted]
Member, Medical Licensing Board

The foregoing Consent Order is approved in full.

DATED THIS 4th day of December, 2009.

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois**

[redacted]
DANIEL E. BLUTHARDT
Director of the Division of Professional Regulation

Case No. 2009-10528/ Application # 038/Cred. # 1691818

# DISCIPLINARY COMMITTEE

**Quebec Order of Chiropractors**

CANADA
PROVINCE OF QUÉBEC


N° : 08-03-00211

DATE : 20 August 2008

---

THE COMMITTEE

| | |
|---|---|
| MeJEAn Pâquet | acting president |
| Dr MICHEL DELORME, chiropractor | member |
| Dr Pierre Morin-Laflamme, chiropractor | member |

---

**GUY RICARD, D.C.,** ex officio receiver for the Quebec Order of Chiropractors
Plaintiff

c.

**MICHEL ROY**, D.C.
Respondent

---

## DECISION ON SANCTION

---

Me François Montfils acts on behalf of the Plaintiff..

Me Paul Cloutier acts on behalf of the Respondent..

## THE COMPLAINT

[1] On the 19th of December 2005, the Respondent was found guilry on all thirteen (13) counts of an amended complaint worded as follows:

> «1. On or around the 16th of September 2002, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, neglected to advise his patient, Mr. Jean Marc Viger, in advance of the cost of the X-rays and examination which he intended to perform on him.
>
> Thereby violating article 3.08.04 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q., chap. C-26).

2. On or around the 16th of September 2002, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, neglected to advise his patient, Mr. Jean-Marc Viger, that he did not accept to treat patients on a short term basis and that he only offered treatments based on a long term plan.

Thereby violating article 3.02.03 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q. chap. C-26)

3. On or around the 19th of September 2002, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, required payment of his fees in advance from his patient, Mr. Jean-Marc Viger.

Thereby violating article 3.08.04 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q. , chap. C-26).

4. On or around the 19th of September 2002, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, unilaterally ended his treatment to his patient, Mr. Jean-Marc Viger, without just or reasonable cause.

Thereby violating article 3.03.04 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q., chap. C-26).

5. On or around the 27th of January 2003, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, neglected to advise his patient, Mrs. Lise Durand, that he did not accept to treat patients on a short term basis and that he only offered treatments based on a long term plan.

Thereby violating article 3.02.03 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q., chap. C-26).

6. On or around the 6th of February 2003, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, required payment in advance of his fees from his patient Mrs Lise Durand.

Thereby violating article 3.08.04 of The Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q., chap. 26).

7. On or around the 17th of February 2003, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, unilaterally ended his treatment to his patient, Mrs. Lise Durand, without just or reasonable cause.

Thereby violating article 3.03.04 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q. chap. C-26).

8. On or around the 22nd of September 2003, the Respondent, at the time duly registered on the records of the Order, performed an act which was derogatory fo the

honour and dignity of the chiropractic profession, by having an info-mercial document published in an annex to the September 22nd 2003 edition of the Tribune de Sherbrooke, which info-mercial contained information which was incomplete, inaccurate and of a nature which could lead the reader to an erroneous understanding of medications and of the chiropractic profession.

Thereby violating article 59.2 of the Professional Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q. chap. C-26).

On or around the 7th of April 2003, the Respondent, at the time duly registered on the records of the Order, performed an X-Ray examination of the spinal column of his patient, Marie-Pier Fortin, which was not in conformity with the norms of chiropractic scientce with regard to X-ray examinations;

Thereby violating article 3.01.02 of the Chiropractic Code of Ethicfs and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q., chap. C-26).

10. On or around the 7th of April 2003, the Resposndent, at the time duly registered on the records of the Order, in his Sherbrooke office, made false representations with regard to his level of competence and with regard to the effectiveness of his services to the mother of his patient, the child Marie-Pier Fortin, by telling her that he was capable of remedying her scoliosis.

Thereby violating article 3.02.02 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q, chap. C-26)

11. Between the 7th of April 2003 and the 9th of June 2003, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, gave chiropractic treatments to the spinal column of his patient, Marie-Pier Fortin, without performing the appropriate examinations with regard to the evolution of her scoliosis.

Thereby violating article 3.01.02 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code, chap. C-26).

12. Between the 7th of April 2003 and the 9th of June 2003, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, neglected to direct his patient, the child Marie-Pier Fortin, to another health professional, when the condition of the health of this child required such a reference.

Thereby violating article 3.02.02 of the Chiropractic Code of Ethics and thus becoming liable to the sanctions provided for in article 156 of the Professional Code (L.R.Q., chap. C-26).

13. On or around the 2nd of September 2003, the Respondent, at the time duly registered on the records of the Order, at his Sherbrooke office, made false representations with regard to his level of competence and with regard to the effectiveness of his services to the mother of his patient, the child Marie-Pier Fortin, by stating that he was capable of ``healing` her scoliosis on the long term.

Thereby violating article 3.02.02 of the Chiropractic Code of Ethics and thus becoming liiable to the sanctions provided for in article 156 of the Professional Code (L.R.Q. chap. C-26),

[2] The examination and hearing of this disciplinary complaint at the level of sanctions were held on the 27th of May 2008.

[3] The lengthy delay between the decision on guilt (19th of December 2005) and the examination and hearing of the complaint at the level of sanctions can be explained as follows: .

[4] In the spring of 2006, the Respondent submitted a formal request of exception to the members of the committee.

[5] This request was investigated in 2006 and on the 20th of March 2007, the Committee rejected the request for exception made by the Respondent.

[6] The Respondent then submitted request for a judicial review of the Committee's decision rejecting the Respondent's request for exception.

[7] On October 12th 2006, the request for a judicial review was rejected.

[8] The Respondent submitted a request before the Court of Ap;peal for permission to appeal the decision rejecting his request for a judicial review..

[9] Concurrently with this procedure, the Plaintiff submitted a request to reject the Appeal and the Appeals Court, on the 14th of January 2008, accepted the demand to reject the appeal as submitted by the Plaintiff, and rejected the request for permission to appeal the decision rejecting the request for a judicial review.

[10] The parties were then summoned for the examination and hearing of this complaint at the sanctioning stage on the 27th of May 2008.

[11] At the start of the examination and hearing of this complaint, at the sanctioning stage, the lawyers for both parties stated that following constructive discussions, they were in a position to make joint and common recommendations with regard to the sanctions to be imposed on the Respondent.

[12] Before proceeding with this measure, however, the Committee heard the testimony of the Respondent.

[13] The testimony provided by the Respondent constitutes the main part of the evidence provided during the sanctioning stage.

[14] From the Respondent's testimony, the Committee is particularly interested in the following:

[15] The Respondent acknowledges that he always prefers treatments based on long term plans for his clients.

[16] The Respondent prefers this type of treatment for his clients because he considers them to be remedial or corrective treatments whereas the shorter term treatments are mainly for relief.

[17] However, the Respondent no longer refuses to treat clients who hope for relief treatments

rather than corrective ones.

[18] In fact, the Respondent states that he now takes more time to explain the benefits of long term treatments to his clients.

[19] The Respondent takes great care to explain the difference between the two (2) types of treatment to his clients and if the latter still show more interest in treatments for relief in spite of his explanations, he then acts in accordance with their expectations.

[20] These long term treatments allow for the same discounts of 10% and 5% given to his clients.

[21] In addition, the Respondent states that he now accepts payment of his fees at the time of the visit.

[22] He is more attentive to the expectations expressed by his clients and more explicit with regard to the costs associated with the treatments and with all preliminary examinations.

[23] The Respondent also declares that on the subject of advertising, he will not allow himself to be involved again.

.24] He claims that he has given up advertising, and states that if he ever decides to do any again, he will submit the contents for approval to the representative of his Order.

[25] Finally, the Respondent states that, in the case of patients with a scoliosis problem, he will make sure beforehand, that such patients receive services from a doctor.

## COMMON AND JOINT REPRESENTATIONS BY THE PARTIES

[26] Speaking for the two (2) parties, the lawyer for the Plaintiff reiterates that the suggestions for sanctions are the fruit of constructive discussions with the lawyer for the Respondent.

[27] It is for this reason that the lawyer for the Plaintiff suggests that, for the first count, the sanction should be in the form of a simple reprimand.

[28] The lawyer for the Plaintiff suggests that for the second and fifth counts, the sanctions should be in the form of fines that he establishes at $600. each.

[29] The lawyer for the Plaintiff suggests that the sanctions for the third and sixth counts of the complaint should be in the form of fines that he establishes at $1,000. each.

[30] The lawyer for the Plaintiff suggests that the sanctions for the fourth and seventh counts of the complaint should be in the form of fines that he establishes at $600. each.

[31] The lawyer for the Plaintiff suggests that the sanction on the eighth count of the complaint should be in the form of a fine that he establishes at $600.

[32] The lawyer for the Plaintiff suggests that the sanction for the ninth count of the complaint should be in the form of a fine that he establishes at $1,000.

[33] The lawyer for the Plaintiff suggests that the sanctions for the tenth and thirteenth counts of the complaint should be in the form of fines that he establishes at $1,000. each.

[34] The lawyer for the Plaintiff suggests that the sanction for the eleventh count of the complaint should be in the form of a fine that he extablishes at $1,000.

[35] Finally, the lawyer for the Plaintiff suggests that the sanction for the twenfth count of the compaint should be in the form of a fine that he establishes at $600.

[36] The total of the suggested fines amounts to $9,600.

[37] In addition, the lawyer for the Plaintiff suggests that the Respondent should be condemned to defray the entire costs and disbursements, including those for expert opinions requested by the Plaintiff.

[38] For the purposes of information, the lawyer for the Plaintiff states that the total amount of these costs exceeds $20,000.

[39] In support of his representations, the lawyer for the Plaintiff, with the consent of the lawyer for the Respondent, declares that the Respondent was never the subject of any previous disciplinary action.

[40] The lawyer for the Plaintiff states that the Respondent, in his testimony, has recogniozed his errors, that he has brought changes to his professional practice so that the risks of recurrence appear slim.

[41] The lawyer for the Plaintiff concludes that the total of the recommended fines together with the costs which are quite high, even though these do not form part of the sanctions, will undoubtedly impress upon the Respondent the seriousness of the acts for which he has been blamed and for which he was found guilty, while inciting him not to repeat them.

[42] The lawyer for the Respondent accepts the representations made by the lawyer for the Plaintiff and accepts the latter's statements as his own.

[43] Upon which, the president of the Committee speaking on its behalf, challenges the lawyers for both parties, to advise them that their recommendations surprised, even astonished the members of the Committee, because their recommendations, although common and joint, seemed to them to be not severe enough in view of the circumstances.

[44] After reminding the parties that the Committee is not bound by such representations, even those that are joint and common, with regard to sanctions, the Committee expressed its discomfort with regard to the joint and common sanctions suggested by the lawyers for the parties and more particularly with regard to the common and joint sanctions suggested for the ninth, tenth, eleventh , twelfth and thirteenth counts of the complaint.

[45] The Committee then invited the lawyers for both parties to discuss the above and to complete their representations, if deemed advisable.

[46] After a brief adjournment, the lawyers for the parties submitted new joint and common suggestions with regard to the tenth and thirteen counts of the complaint.

[47] After considering the remarks made by the Committee, the lawyers for the parties suggested replacing the $1,000. fines initially suggested for these two counts by fines of $2,500.

[48] The lawyers for the parties then reiterated one after the other the same arguments that they

had initially formulated before the Committee's intervention.

[49] To support his representations, the lawyer for the Plaintiff cited several authorities which are listed at the end of the present decision.

**DISCUSSION**

[50] The acts for which the Respondent is blamed and for which he was declared guilty by the Committee violate the provisions of articles 3.08.04, 3.02.03, 3.03.04, 3.01.02., 3.02.02. of the Chiropractic Code of Ethics and 59.2 of the Professional Code.

[51] Article 3.08.04 is contained in subection 8 of section III of the said Code dealing with determining the payment of fees and with the duties and obligations of the chiropractor toward his patients.

[52] Articles 3.02.03 and 3.02.02 are contained in subsection 2 of section III of the said Code dealing with the integrity of the duties and obligations of the chiropractor toward his patients.

[53] Article 3.03.04 is contained in subsection 3 of section III of the said Code dealing with availability and diligence as well as with the duties and obligations of the chiropractor toward his patients.

[54] Article 3.01.02. is contained in subsection 1 of section III of the said Code.dealing with the general provisions and the duties and obligations of the chiropractor toward his patients.

[55] Finally, article 59.2 of the Professional Code, indicates that no professional may perform an act which is derogatory to the honour or dignity of his profession or to the discipline of the members of his order, nor exercise a profession, a trade, an industry, a business, or perform a task or a function which is incompatible with the exercise of his profession or with its honour and dignity.

[56] Objectively speaking, the acts for which the Respondent is blamed are serious.

[57] The acts of which he is accused do not stem from an isolated case.

[58] Rather, they are repetitive.

[59] The Respondent, until now, in his professional practice, seems to have shown more interest in questions relating to his professional fees than to the health problems of his clients, without taking into accouint their expectations with respect to care and treatment.

[60] That is why the Respondent's practice requires severe disciplinary measures.

[61] The Respondent's testimony at the hearing did not convince the Committee that there would be significant changes on the latter's practice.

[62] The most the Respondent seems to have agreed to do is to take the time to better explain the treatments that he chooses to offer.

[63] These treatments are and will always remain in the field of long term treatments.

[64] The Committee is wall aware that the Respondent will take more time to explain but especially to justify the pertinence of the treatments based on long term plans that he prefers,

before accepting, if the client insists and persists, to treat him at the visit for purposes of relief.

[65] In the opinion of the Committee, there is a real risk of recurrence.

[66] That is why, at first sight, the suggestions for sanctions, in the form of fines, presented by the lawyers for the parties commonly and jointly, amaze and puzzle the Committee.

[67] Upon being questioned in this matter, the lawyers for the parties modified their common suggestions and increased the suggested fines for the tenth and thirteenth counts of the company to $2,500 for each of these counts.

[68] In so doing, the lawyers for the parties maintained their common suggestions for sanctions in the form of fines rather than imposing more severe sanctions.

[69] The Committee accepts the new suggestions proposed by the lawyers for the parties with regard to the tenth and thirteenth counts of the complaint, but will similarly increase, as mentioned hereafter, the fines suggested for the ninth, eleventh and twelfth counts of the complaint..

[70] Thus the Respondentwill be fined for the ninth count of the complaint an amount of $1,500.

[71] In addition, the Respondent will be fined $1,500 for the eleventh count of the complaint.

[72] The Respondentf will also be fined $2,000 for the twelfth count of the complaint.

[73] The total of the fines imposed on the Respondent amounts to $14,000.

[74] The Respondent will also be required to pay all the costs, including those for expert opinions requested by the Plaintiff.

[75] `The Respondent will be given a delay of sixty (60) days to pay the fines, whereas the costs must be paid without any further delay.

[76] These sanctions are just and appropriate in the circumstances.

[77] The Committee hopes that the sanctions of a financial nature will have a deterrent effect on the respondent and will prevent the repetition of the acts for which he has been blamed.

[78] The fines which have been imposed, together with the costs and disbursements which the Committee has taken into account, even thoujgh they do not form part of the sanctions themselves, and which amount to more than $20,000,should serve as food for thought for the Respondent who, as we mentioned earlier, often showed more interest in financial matters than in the welfare of his clients.

[79] Moreover, these sanctions should serve as an example for the profession while protecting the public.

**DECISION**

**WHEREFORE, THE COMMITTEE UNANIMOUSLY:**

**On the first count:**

**IMPOSES** a reprimand for the Respondent;

**On the second count:**

**IMPOSES** a fine of $600 payable by the Respondent;

**On the third count:**

**IMPOSES** a fine of $1,000 payable by the Respondent;

**On the fourth count:**

**IMPOSES** a fine of $600 payable by the Respondent;

**On the fifth count:**

**IMPOSES** a fine of $600 payable by the Respondent;

**On the sixth count:**

**IMPOSES** a fine of $1,000 payable by the Respondent;

**On the seventh count:**

**IMPOSES** a fine of $600 payable by the Respondent;

**On the eighth count:**

**IMPOSES** a fine of $600 payable by the Respondent;

**On the ninth count:**

**IMPOSES** a fine of $1,500 payable by the Respondent;

**On the tenth count:**

**IMPOSES** a fine of $2,500 payable by the Respondent;

**On the eleventh count:**

**IMPOSES** a fine of $1,500 payable by the Respondent;

**On the twelfth count:**

**IMPOSES** a fine of $1,000 payable by the Respondent;

**On the thirteenth count:**

**IMPOSES** a fine of $2,500 payable by the Respondent.

**CONDEMNS** the Respondent to pay all costs and disbursements including the fees for expert opinions ordered by the Plaintiff.

**GRANTS** to the Respondent a delay of sixty (60)days for the payment of the fines, the costs and

disbursements having to be acquitted without any further delay.

*(s) Jean Pâquet*

---

Me Jean Pâquet, acting presidentt

*(s) Michel Delorme*

---

Dr MICHEL DELORME, chiropractor,

member

*(s) Pierre Morin-Laflamme*

---

Dr Pierre Morin-Laflamme, chiropractor, member

Me François Montfils
Lawyer for the Plaintiff

Me Paul Cloutier
Lawyer for the Respondent

Date of the hearing : 27 May 2008

**AUTHORITIES CITED**

Pierre BERNARD, *La sanction en droit disciplinaire : quelques réflexions*, dans SERVICE DE FORMATION PERMANENTE DU BARREAU DU QUÉBEC, *Développements récents en déontologie, droit professionnel et disciplinaire* (2004), Cowansville, Éditions Yvon Blais, p. 71-126;

(*Sanctions in disciplinary law; a few thoughts in* SERVICE DE FORMATION PERMANENTE DU BARREAU DU QUÉBEC, *Recent Developments in Ethics, Professional and Disciplinary Law (2004),* Cowansville, Yvon Blais Editions, p. 71-126.)

*Pilon* c. *Morisset*, C.D., 08-92-00151, 7 July 1992;

*Ricard* c. *Ouellet,* C.D., 08-96-00173, 18 February 1997;

*Ricard* c. *Makohoniuk*, C.D., 08-99-00190, 17 December 1999;

*Ricard* c. *Corps*, C.D., 08-99-00188, 17 December 1999;

*Ricard* c. *Dupuy*, C.D., 08-03-00208, 12 May 2003;

*Ricard* c. *Gélinas*, C.D., 08-02-00201, 27 May 2005;

*Ricard* c. *Gaudreault*, C.D., 08-97-00178, 1st May 1998;

*Ricard* c. *Gaudy*, C.D., 08-01-00198, 1st March 2002;

*Pinard* c. *Laliberté*, C.D., 08-06-00215, 23 January 2008;

*Boisvert* c. *Des Lauriers*, C.D., 08-90-00138, 31 January 1990;

*Ricard* c. *Potvin*, C.D., 08-96-00169, 28 October 1996;

*Ricard* c. *Lebel*, C.D., 08-97-00176, 16 December 1997;

*Ricard* c. *Lagacé*, C.D., 08-97-00182, 17 December 1997;

*Ricard* c. *Girard*, C.D., 08-99-00191, 18 May 2000;

*Pilon* c. *Morisset*, C.D., 08-93-00152, 22 June 1993;

*Ricard* c. *Baker*, C.D., 08-98-00184, 9 December 1998;

*Ricard* c. *Gagnon*, C.D., 08-99-00185, 15 December 1999;

*Pilon* c. *Tassé*, C.D., 08-89-00135, 3 May 1993;

*Ricard* c. *Lajoie,* C.D., 08-02-00202, 12 January 2005.

I, Alice Guntensperger Bleau, do hereby solemnly state:

I have been a translator for the past forty years;

The translation of the document presented to me by Dr. Michel Roy and entitled COMITÉ DE DISCIPLINE is faithful to the original.