

COLLEGE OF PHYSICIANS & SURGEONS OF ALBERTA

IN THE MATTER OF
A HEARING UNDER THE *HEALTH PROFESSIONS ACT*,
RSA 2000, c. H-7

AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF DR. BRUCE HOFFMAN

**DECISION OF THE HEARING TRIBUNAL OF
THE COLLEGE OF PHYSICIANS
& SURGEONS OF ALBERTA
ON SANCTION
November 19, 2025**

I. INTRODUCTION

1. The Hearing Tribunal's decision dated March 24, 2025 (the "Merits Decision") found that the conduct described in Allegations 2, 3, 4 and 5 were proven, and constituted unprofessional conduct pursuant to the *Alberta Health Care Insurance Act*, section 9 and 11 (Allegation 2); the Canadian Medical Association's Code of Ethics, sections 1 and 13 (Allegation 3); the CPSA's Patient Record Retention Standard of Practice (Allegation 4); and section 106 of the *Health Professions Act* (Allegation 5).
2. The allegations were:
 1. Allegation 1 – not proven.
 2. *You did charge the Alberta Health Care Insurance Plan for services rendered to your patient, [REDACTED], while also charging your patient fees for the same visit, contrary to Section 9 and Section 11 of the Alberta Health Care Insurance Act, occurring on or about one or more of the following dates:*
 - a. *May 30, 2016;*
 - b. *June 23, 2016.*
 3. *On or about November 22, 2016 you did charge an unreasonable missed/cancelled appointment fee of \$1,000 contrary to the Canadian Medical Association's Code of Ethics, including one or more of the following sections; sections 1, 13, and 16.*
 4. *On or about April 5, 2017, you did fail to ensure that the confidentiality of your patient record for [REDACTED] was maintained when you delivered the chart by courier who left it unattended in an open mailbox at the patient's home and without prior notice to the patient that the record would be delivered to her in that manner, contrary to the CPSA's Patient Record Retention Standard of Practice.*
 5. *You did use of [sic] [REDACTED] [sic] Alberta Ltd. for the practice of medicine contrary to section 106 of the Health Professions Act.*
3. The parties each provided written submissions on sanctions and costs orders based on the following timeline:
 - a. Counsel for the Complaints Director provided written submissions on July 4, 2025;
 - b. Counsel for Dr. Hoffman provided written submissions on July 25, 2025.

4. The Hearing Tribunal deliberated sanctions on September 12, 2025 on the basis of written submissions. This decision reflects the consideration of the written submissions of both parties by the Hearing Tribunal.

II. SUBMISSIONS

WRITTEN SUBMISSIONS OF THE COMPLAINTS DIRECTOR

5. The Complaints Director of the College of Physicians and Surgeons of Alberta (the "CPSA") requested the Hearing Tribunal make the following orders pursuant to section 82 of the *Health Professions Act* ("HPA"):
 - a. Dr. Hoffman shall pay a fine of \$20,000.00, representing \$5,000.00 for each finding of unprofessional conduct for Allegations 2-5, to be paid within 60 days of the Hearing Tribunal's written decision in this matter and on a monthly schedule satisfactory to the Complaints Director;
 - b. Dr. Hoffman shall, at his own expense, undertake and unconditionally pass the PBI Medical Ethics and Professionalism ("ME-22") course (<https://pbieducation.com/courses/me-22/>) and provide proof of his successful completion to the Complaints Director by December 31, 2025; and
 - c. Dr. Hoffman shall pay 75% of the costs of the investigation and hearing before this Hearing Tribunal to be paid on terms satisfactory to the Complaints Director.

ARGUMENT AND LAW

6. The Complaints Director submitted that the purpose of sentencing by professional disciplinary bodies reflects the fact that those bodies serve to:
 - a. protect the public;
 - b. regulate the profession; and
 - c. preserve public confidence in the profession.

Protection of the public is the paramount concern of all professional statutes. The profession of medicine must regulate itself in a manner that protects the public.

7. In *Jaswal v Newfoundland Medical Board*, the Newfoundland Trial Court provided a non-exhaustive list of factors to consider when determining sanction in a professional discipline matter. The Complaints Director made the following submissions in applying those factors to this case:

Nature and Gravity of the Proven Allegations:

The proven conduct is severe in both nature and gravity, as it strikes a blow to the fundamental values of the medical profession in the integrity of billing practice, patient consent and privacy, and regulatory obligations.

Dr. Hoffman's billing practices undermined the public's trust in a publicly funded healthcare system and took advantage of a vulnerable patient who looked to Dr. Hoffman for guidance and support, enabling Dr. Hoffman to profit off their health concerns.

Furthermore, choosing to send sensitive and confidential health information to an unsecured and unattended mailbox without Ms. [REDACTED]'s consent posed a significant risk of harm to her privacy.

Lastly, Dr. Hoffman's use of a corporate entity which was not registered with CPSA in his medical practice is a serious offence as doing so creates a means where regulated members practice medicine outside of CPSA's regulatory oversight and its ability to protect the public interest.

The totality of the proven charges warrants significant sanctions against Dr. Hoffman.

Age and Experience of Dr. Hoffman:

Dr. Hoffman has been registered with CPSA since 1992 under the Alberta Medical Register and later the General Register in 2010 and was therefore a regulated member for approximately 24 years when the unprofessional conduct first occurred.

Dr. Hoffman's experience of 24 years demonstrates his level of understanding and responsibility for the Standards of Practice and the obligations he owes to his patients, the profession and the public.

An experienced professional like Dr. Hoffman should be held to a higher standard and breaching that standard should result in a more severe sanction.

Number of Times Offence Occurred:

Dr. Hoffman's actions were not limited to just one instance; rather, his actions took place over several months, involved several interactions with Ms. [REDACTED], and occurred over several domains including billing practices and privacy concerns.

In particular, Dr. Hoffman's double billing practices were found to have occurred on two separate occasions.

The found Charges constitute unprofessional conduct which harms the integrity of the profession and demonstrates repeated failures by Dr. Hoffman to meet the high standards of professional and ethical judgment expected and required of a physician.

The Impact of the Incident on the Patient:

Ms. [REDACTED] was in a vulnerable position when she approached Dr. Hoffman.

She sought out Dr. Hoffman and relied on his professional expertise to provide her with the health care she needed.

Dr. Hoffman used Ms. [REDACTED] and took advantage of that and her trust in him so that he could profit from her and upon his unilateral termination of the patient/physician relationship, he failed to demonstrate respect for her right to privacy.

Serious Financial or Other Penalties Suffered by Dr. Hoffman due to Allegations Made:

There is no evidence of any serious financial or other penalties suffered by Dr. Hoffman because of the allegations having been made.

Need to Promote Specific and General Deterrence:

Specific deterrence is particularly important in this case. Dr. Hoffman's practice may involve other vulnerable patients who risk falling victim to his dishonest billing methods, and thus he should be sanctioned to deter repeated conduct in the future.

It is also critical that the Hearing Tribunal send the message so that other members of the profession see that Dr. Hoffman's proven conduct cannot and will not be tolerated.

With an increase in the public looking for private health services to satisfy their desires for outcomes that conventional medicine otherwise cannot provide, there needs to be a statement to healthcare providers that the CPSA will not tolerate such practices and that the focus of the practice is on serving the public interest and not the individual interests of regulated members.

Furthermore, it is important to emphasize that in any context where the physician is providing medical services to the public, whether that be private, public, or a hybrid of the two, they must ensure that they are abiding by the fundamental professional standards expected of them.

Need to Maintain the Public's Confidence in the Integrity of the Medical Profession:

Dr. Hoffman's unprofessional conduct will damage the public's trust in the medical profession.

As mentioned previously, the public must be reassured that the focus of the medical profession is to service the public and provide optimal health services as opposed to taking advantage of the public's confidence to maximize their own profits at the expense of transparency, respect for patient's confidentiality, and regulatory standards.

Degree to Which the Offensive Conduct Falls Outside the Range of Permitted Conduct:

The sanctions must make it clear to the public that the conduct is outside the range of acceptable conduct of a physician.

Dr. Hoffman's conduct demonstrates a practice that puts a physician's convenience and profit ahead of the public's interest, which is clearly outside of and fundamentally opposed to the obligations of a regulated member.

Dr. Hoffman's conduct was not minimal in nature; instead, the unprofessional conduct represented a serious departure from the standards that the public expects of a physician.

Range of Sentences in Similar Cases:

Given the nature of the conduct at issue, the Complaints Director submitted that the Hearing Tribunal consider the following cases:

i) *Dr. Shi (November 27, 2024 CPSA):*

Dr. Shi's conduct involved findings of unprofessional conduct related to her conviction under section 380(1)(a) of the Criminal Code to fraud exceeding \$5,000.00, which involved Dr. Shi's overbilling of Alberta Health for medical services.

The hearing proceeded by way of an admission and joint submission agreement.

The Hearing Tribunal ordered sanctions of a reprimand, a two-month suspension held in abeyance, a \$10,000.00 fine, full restitution for any amount owing to Alberta Health, conditions on her practice permit concerning random audits and restriction to multi-physician practice, and 100% of the costs of the hearing.

The Complaints Director submitted that *Shi* confirmed that fines are an appropriate sanction for unprofessional conduct involving billing irregularities,

stating that while Dr. Hoffman's unprofessional conduct includes findings that are beyond just improper billing, the sanctions proposed in Dr. Hoffman's case are significantly less than those ordered in *Shi* and are proportionate when considered alongside the precedent decisions provided.

ii) *Dr. Motan (October 2, 2024 CPSA):*

Dr. Motan admitted to unprofessional conduct related to receiving over \$1.2 million in gross rebates from pharmaceutical companies and failing to disclose or obtain his patients' consent.

The Hearing Tribunal ordered Dr. Motan to serve a six-month suspension, direct that he repay the improperly collected funds or make a donation in lieu of restitution, complete the CPEP PROBE Ethics course, pay a fine of \$5,000.00, and 50% of the costs.

The Complaints Director submitted that decisions in *Shi* and *Motan* involved unprofessional conduct concerning relatively larger sums of money than in Dr. Hoffman's case. However, in both cases, the Hearing Tribunals imposed fines in addition to restitution orders, emphasizing that the purpose of a fine is not to match the financial value involved in the conduct but rather to deter physicians from engaging in unprofessional conduct motivated by financial gain.

iii) *Bishop v. Alberta College of Optometrists:*

The Alberta Court of Appeal upheld a disciplinary decision of the Alberta College of Optometrists, where Dr. Bishop was found to have improperly instructed his staff to use the incorrect Alberta Health billing codes for the tests he was performing.

As a result of Dr. Bishop's unprofessional conduct, the Alberta College of Optometrists ordered a reprimand, fines of \$8,750.00 and costs of over \$73,000.00 (representing close to 100% of the total costs).

The Complaints Director submitted that the decision in *Bishop* demonstrated that the use of fines in sanctions where a regulated professional's unprofessional conduct relates to obtaining a financial benefit is not just limited to physicians but is a principle that applies generally in professional discipline proceedings.

iv) 2022 College of Physicians and Surgeons of Saskatchewan decisions:

The Complaints Director submitted several cases arising in Saskatchewan related to improper billing resulting in sanction orders including fines. Those cases included *Lubega*, *Muhammad* and *Ziarko*.

FINE AND REMEDIAL ORDERS

8. The Complaints Director submitted that in Dr. Hoffman's case, it was appropriate for Dr. Hoffman to pay a fine of \$5,000.00 for each of Allegations 2-5, which would appropriately serve to denounce his conduct and also deter other members of the medical profession from engaging in similar conduct.
9. The Complaints Director also stated that fines were in keeping with the similar disciplinary decisions identified, which hold that a monetary penalty in a fine is appropriate given the financial gain associated with a regulated member's impugned billing practice.
10. The Complaints Director submitted the need for remediation in Dr. Hoffman's case to ensure his conduct would not re-occur by requiring Dr. Hoffman undertake and pass the PBI ME-22 course to provide him with an opportunity to rehabilitate, and also communicate to the public that remediation of skills and knowledge are an important part of rehabilitation after findings of unprofessional conduct.
11. The Complaints Director stated that the PBI ME-22 course was designed to address ethical and professional misconduct and transgressions in a highly interactive, small-group format, aimed at instilling ethical awareness and professionalism, while providing a meaningful opportunity for reflection.

COSTS

12. The Complaints Director submitted that the evidence and relevant caselaw supported a cost award of 75% of the cost of the investigation and hearing, which (to the end of May 2025, not including the preparation of sanction submissions) totaled \$91,658.18.
13. The Complaints Director also submitted the following:
 - a. The Hearing Tribunal has specific authority under section 82(1)(j) of the *Health Professions Act* to direct that Dr. Hoffman pay all or part of the costs of the investigations and hearing into the subject complaint matters. It states that the Hearing Tribunal may:

". . . direct, subject to any regulations under section 134(a), that the investigated person pay within the time set in the order all or part of the expenses of, costs of and fees related to the investigation or hearing or both, including but not restricted to

 - (i) the expenses of an expert who assessed and provided a written report on the subject-matter of the complaint,
 - (ii) legal expenses and legal fees for legal services provided to the college, complaints director and hearing tribunal,

- (iii) travelling expenses and a daily allowance, as determined by the council, for the complaints director, the investigator and the members of the hearing tribunal who are not public members,
- (iv) witness fees, expert witness fees and expenses of witnesses and expert witnesses,
- (v) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and
- (vi) any other expenses of the college directly attributable to the investigation or hearing or both;"

[*Health Professions Act, RSA 2000, c H-7, section 82(1)(j)*]

- b. The types of expenses that are included in section 82(1)(j) are broad, and it is clear that the Legislature intended to provide the Hearing Tribunal with the authority to include a wide range of expenses in its cost order.
- c. The Complaints Director is not aware of any information that would suggest that an order for 75% of the costs of the investigation and hearing would impose a "crushing financial blow" to Dr. Hoffman.
- d. It would not be unfair or unprincipled to require Dr. Hoffman to pay 75% of the costs incurred in prosecuting the complaint against him, as his conduct involved serious unprofessional conduct that he ought to have known was unacceptable, including his unprofessional billing practices, breach of a patient's privacy and failure to abide by important regulatory practices on the use of corporate entities.
- e. Dr. Hoffman, in choosing to pursue tactics that, although legal, were without merit, caused increased costs and delay in this hearing and should be responsible through payment of a significant portion of the total costs of this proceeding.

WRITTEN SUBMISSIONS OF DR. HOFFMAN

- 14. Dr. Hoffman requested that the Hearing Tribunal order the following penalties:
 - a. A reprimand, with the Hearing Tribunal's reasons for decision serving as the reprimand;
 - b. A fine of \$1,000.00 arising from Charge #2 to be paid within 60 days of the Hearing Tribunal's written decision in this matter;

- c. An order that Dr. Hoffman shall complete, at his own expense, the Alberta Medical Association's Fundamental Privacy Training Course for custodians [<https://www.albertadoctors.org/practice/learning-development/onlinetraining/privacy-training/>] by no later than December 31, 2025; and
- d. Pursuant to the Alberta Court of Appeal's decision in *Charkhandeh v College of Dental Surgeons of Alberta*, the Hearing Tribunal should impose a fit sanction before considering costs. This suggests a separate and final proceeding regarding appropriate costs, after the sanctions phase is concluded. However, if the Hearing Tribunal awards costs, it should be no more than \$10,000.00 pursuant to the *Charkhandeh* principles.

ARGUMENT AND LAW

15. Dr. Hoffman submitted that:

- Sanctions for unprofessional conduct must be proportionate, just, and aimed at protecting the public while encouraging remediation.
- The non-exhaustive list of factors that ought to be considered in determining a proportional and appropriate sanction for unprofessional conduct are set out in *Jaswal v Newfoundland (Medical Board)*.

16. Dr. Hoffman made the following submissions in relation to the four proven allegations:

Charge #2

17. The Hearing Tribunal found that it could not differentiate where on the patient chart Dr. Hoffman identified specific insured and specific uninsured services provided to Ms. [REDACTED]. It did not find that Dr. Hoffman in fact charged both publicly and privately for the same service. Dr. Hoffman submitted that this was a critical distinction for determining the appropriate sanction, stating that *Idicula v College of Physicians and Surgeons (Alberta)*, two physicians were found guilty of unprofessional conduct after each had improperly claimed benefits from the Alberta Health Care Insurance Plan. The improper claims resulted from the inadequate instruction and supervision of a billing clerk and were reversed when the errors were discovered.
18. The Tribunal found that the physicians' errors of omission were no less serious than had the improper billing been commissioned by the physicians and imposed a three-month suspension, a fine of \$1,000.00, and payment of costs. The Alberta Court of Appeal disagreed and found that the improper billing by the physicians would have been more serious had it been deliberate. It overturned the suspension and ordered a reprimand in its place.

19. Dr. Hoffman submitted that the nature and gravity of his conduct was similar to the conduct in *Idicula* in that there was no evidence of dishonesty or deception. The conduct occurred on two occasions and had no impact on the patient, who expected to pay for uninsured services. The amounts at issue were very low and did not occur over many patients or a long period of time.
20. In Dr. Hoffman's submission, a reprimand and a \$1,000.00 fine was a just, proportionate and reasonable sanction for his unintentional conduct.

Charge #3

21. The Hearing Tribunal found that it was unreasonable for Dr. Hoffman to charge Ms. [REDACTED] any amount for cancelling the November 22, 2016, appointment. It did not focus on the amount of the cancellation fee or appropriate notice.

Dr. Hoffman submitted that the one-time application of a cancellation fee that was refunded prior to Ms. [REDACTED]'s complaint to the College is on the low end of the spectrum of unprofessional conduct, deserving a proportionate sanction of a reprimand.

Charge #4

22. The Hearing Tribunal found that the unsolicited mailing, sending or delivery of a patient record to the patient's unsecured mailbox following the unilateral decision by a physician that the physician-patient relationship was beyond repair was a serious breach of the CPSA Patient Record Retention Standard of Practice and was unprofessional conduct.

Dr. Hoffman submitted that because there was no evidence that anyone except the patient was able to access the records delivered to her home and there was no actual harm to the patient, although remedial action is appropriate, a fine is not proportionate to the circumstances of the conduct, which occurred in one instance and can be properly addressed by physician education.

23. Dr. Hoffman further submitted that fines for a single privacy breach are rare and tend to be ordered for multiple and significant breaches rather than a single occurrence. Citing the *Lee* and *Ma* cases, Dr. Hoffman submitted that a reprimand was sufficient for denunciation and deterrence, and remediation was accomplished with continuing education.

Charge #5

24. The Hearing Tribunal found that Dr. Hoffman used his numbered company together with his professional corporation in his practice of medicine when providing professional services, constituting a breach of section 106 of the *Health Professions Act*.

There was no evidence of harm to anyone, or that Dr. Hoffman's use of a numbered company was intended to, or did, impede the ability of the regulator to govern Dr. Hoffman.

25. Dr. Hoffman submitted that there were no comparable case authorities on which the Hearing Tribunal may rely in determining the appropriate sanction for this conduct, pointing out that the Complaints Director was seeking a fine of \$5,000.00, more than twice the legislated maximum found in section 106(2) of the HPA.
26. Dr. Hoffman further submitted that there was no evidence supporting that his use of a numbered company was serious or harmful, nor an intentional breach of the legislation, nor were there any consequences to the patient or to the regulator. Accordingly, he submitted that this finding of unprofessional conduct was at the low end of the spectrum and could be adequately addressed by a reprimand.

COSTS

27. Counsel for Dr. Hoffman acknowledged that the Complaints Director did not have the benefit of the Alberta Court of Appeal's decision in *Charkhandeh* issued on July 17, 2025, when he prepared his submissions on July 4, 2025. That decision set out the following principles to be applied before awarding costs:
 - a. In every case, the decision maker must carefully consider whether, first of all, costs are warranted; and second, the quantum of costs.
 - b. While not a mathematical calculation, the number of allegations and overall success are relevant. The member who successfully defends some of the charges should not be overburdened with costs.
 - c. Costs are not intended to be a form of sanction. A costs award is intended to allocate the costs of the proceedings, not add another level of punishment. Costs relate to the process of the hearing, not the substantive charges.
 - d. The seriousness of the charges is primarily relevant to the sanction, not costs.
 - e. Moral indignation towards the underlying conduct is not a principled basis for awarding costs.
 - f. The party who wastes costs can expect to be held accountable.
 - g. The quantum of costs awarded must be reasonable and proportionate.
 - h. Full indemnity is neither the starting point nor the default award.

- i. Focus should not be on the global amount of costs but on the components of the costs award.
 - j. A tribunal should not make an “in gross” percentage award of costs without having a clear idea of what is included. It must have a reasonable idea of the types of expenses that are included and make some assessment of whether those expenses were reasonably incurred.
 - k. The ultimate award cannot be an unduly onerous or “crushing” burden on the professional, and there is effectively a cap on what would be a proportionate costs award in many cases.
 - l. A professional should not have to pay all or a significant portion of the expenses associated with the infrastructure of the hearing, such as travel expenses or daily allowance for tribunal members.
 - m. There is no presumption that any legal fees should be imposed on the disciplined professional.
 - n. The tribunal must consider things like hourly rates, whether those rates are appropriate for counsel’s seniority and experience, if the seniority of counsel was appropriate, the number of counsels involved, whether the duration and intensity of preparation were appropriate or excessive or disproportionate, and whether the ultimate charges were proportionate to the issues.
 - o. It will generally not be reasonable to charge to the disciplined member the costs of having counsel for the tribunal sit through the entire hearing, or draft the reasons for decision, as those costs are properly part of the regulatory function.
28. Dr. Hoffman submitted that pursuant to *Charkhandeh*, the principles on which the Complaints Director seeks payment of 75% of the total costs to date of \$91,658.18 are now incorrect in law, again acknowledging the Complaints Director could not have known that when his submission was filed.
29. To determine a reasonable costs award, if any, the Hearing Tribunal must have information about the expenses incurred in the investigation and hearing process, including the Complaints Director’s legal fees. With that information, the Hearing Tribunal must determine whether those expenses were reasonably incurred, and if reasonably incurred, whether it is reasonable to transfer any of those costs to Dr. Hoffman.
30. The Hearing Tribunal should not award costs against Dr. Hoffman for the “infrastructure” of the hearing, such as the per diem for tribunal members or the cost of the tribunal’s legal counsel.

31. In his written submissions, Dr. Hoffman proposed that, in light of the new structure set out in *Charkhandeh*, the Hearing Tribunal determine the appropriate sanction and then invite the Complaints Director to particularize his costs and expenses, with the parties to then make submissions on a reasonable costs award, if any.
32. Should the Hearing Tribunal decline this proposal and determine costs at this stage, Dr. Hoffman notes that:
 - a. The information about the "known costs of the investigation and hearing to the end of May 2025" totals \$91,658.18, without any information on the breakdown of those costs and if they are appropriate pursuant to *Charkhandeh*.
 - b. There is no information about the portion of the costs of the investigation and hearing relating to Charge #1, of which Dr. Hoffman was found not guilty and should not bear any portion of costs arising from it.
33. Dr. Hoffman submitted that any costs award must be measured, reasonable, and proportionate, considering the new guidance from the Court of Appeal in *Charkhandeh*.
34. Without the benefit of the evidence referred to in *Charkhandeh*, Dr. Hoffman proposes paying costs of \$10,000.00 as a reasonable, measured amount in the circumstances.

III. DECISION OF THE HEARING PANEL ON SANCTION

35. The Hearing Tribunal has carefully considered the submissions by the parties. The Hearing Tribunal finds that an appropriate order in this case is:
 - a. A reprimand, with this written sanction decision serving as the reprimand;
 - b. A fine of \$1,000.00 arising from Charge #2, to be paid within 60 days of the date of this sanction decision;
 - c. A fine of \$1,000.00 arising from Charge #3, to be paid within 60 days of the date of this sanction decision;
 - d. A fine of \$5,000.00 arising from Charge #4, to be paid within 60 days of the date of this sanction decision;
 - e. Within 4 months of the date of this sanction decision, Dr. Hoffman shall complete, at his own expense, the Alberta Medical Association's Fundamental Privacy Training Course for custodians and provide proof of his successful completion to the Complaints Director;

- f. Within 6 months of the date of this sanction decision, Dr. Hoffman is ordered to complete and unconditionally pass, at his own expense, the PBI Medical Ethics and Professionalism ("ME-22") course (<https://pbieducation.com/courses/me-22/>) and provide proof of his successful completion to the Complaints Director;
- g. Dr. Hoffman shall pay 50% of the "allowable costs" incurred in relation to the investigation and hearing process arising from these charges to a maximum of \$25,000.00. "Allowable costs" are those recognized as reasonable in the *Charkhandeh* decision. The parties are directed to exchange all relevant information required to calculate and agree to the quantum of the cost award. If they are unable to agree, the Hearing Tribunal maintains jurisdiction to determine the costs award based on detailed information and submissions from the parties in writing, to be provided within 60 days of the date of this decision.

IV. REASONS OF THE HEARING PANEL

SANCTION

- 36. The Hearing Tribunal considered the nature and gravity of the proven allegations. The Hearing Tribunal is concerned that Dr. Hoffman did not recognize the gravity of the broad range of findings against him and is of the view that the findings against him are serious, reflect on the profession as a whole, and were impactful to the complainant.
- 37. Regarding the age and experience of Dr. Hoffman, the Hearing Tribunal recognized that he had been in practice for 24 years at the time of the unprofessional conduct and should have been much more vigilant to protect his patient's privacy interests. His careless disregard of her privacy interests is an aggravating factor.
- 38. The Hearing Tribunal received no information about prior complaints or findings against Dr. Hoffman and therefore assumes there are none, which is a mitigating factor.
- 39. The Hearing Tribunal finds there is no evidence that the complainant had any particular vulnerabilities. The Hearing Tribunal views this as a neutral factor.
- 40. Regarding the number of times the offence occurred, the Hearing Tribunal finds this is a neutral factor.
- 41. Regarding the role of Dr. Hoffman in acknowledging what occurred, the Hearing Tribunal accepts Dr. Hoffman's right to mount a full defence against the allegations against him but notes that in responding to the issues arising from the complaint, he frequently blamed others (the complainant, the courier service, staff members, his professional advisors) shifting responsibility rather than accepting it. This is an aggravating factor.

42. Regarding any serious financial or other penalties as a result of the allegations, the Hearing Tribunal is not aware of any.
43. In relation to the impact on the affected persons, the Hearing Tribunal notes the complainant testified to inconvenience caused by not being notified about the missing test results, and the shock and concern of finding her medical records in her mailbox. The Hearing Tribunal finds there were no lasting impacts on the complainant and therefore finds this factor to be somewhat aggravating.
44. The Hearing Tribunal is concerned that Dr. Hoffman continues to demonstrate a lack of insight into his actions. The Hearing Tribunal therefore finds it is appropriate to make an order that will assist him in understanding the importance of medical ethics and professionalism and respectful communication with all patients. The order is intended to deter unprofessional conduct by Dr. Hoffman specifically, and CPSA members generally.
45. The Hearing Tribunal is mindful of the importance of maintaining the public's confidence in the integrity of the profession, and of ordering sanctions that communicate the conduct found to have occurred in this case is unacceptable.
46. Regarding the degree to which the conduct is outside the range of permitted conduct, the Hearing Tribunal accepts the Complaints Director's submissions that the conduct is outside the permitted range.
47. Regarding the range of sanctions in similar cases, the Hearing Tribunal recognizes the submissions of both parties that there are no cases exactly on point. Accordingly, the cases cited offer only limited guidance.
48. Following an analysis of the above, the Hearing Tribunal finds that a reprimand is appropriate and that the publication of this decision shall serve as that reprimand.
49. The Hearing Tribunal also finds that a fine is appropriate, but that it should be at a lower level than that suggested by the Complaints Director. The Hearing Tribunal has determined that a total fine of \$7,000.00 is significant enough to provide for appropriate but measured specific and general deterrence. The fines are much lower than the fines in the cases presented by the Complaints Director. The Hearing Tribunal is of the view that there was more of a need for specific deterrence in those cases. The fines are also lower than fines in other cases where the conduct was repetitive or more serious. The Hearing Tribunal believes that a fine of \$7,000.00 is appropriate and consistent with the nature of the unprofessional conduct described in Charges 2, 3 and 4.
50. The Hearing Tribunal is of the view that Dr. Hoffman will benefit from the remedial and rehabilitative component of these orders. The Hearing Tribunal

feels this work is important to guide Dr. Hoffman in his future patient interactions. In addition, the Hearing Tribunal takes the view that the public will be reassured in knowing that Dr. Hoffman will continue to practice with the benefit of this learning opportunity.

COSTS

51. In determining an appropriate costs order in this matter, the Hearing Tribunal was guided by the Alberta Court of Appeal decision in *Charkandeh*.
52. The Hearing Tribunal first considered whether an order for costs was warranted at all. The Hearing Tribunal noted the guidance of the Court of Appeal that when determining whether an award of costs is appropriate, the number of allegations and the success of the parties is relevant. Any costs awarded must not be a punishment but should only relate to the process of the hearing. The seriousness of the allegations is not a relevant consideration in determining costs. The length and extent of the hearing, including the conduct of the parties at the hearing, is relevant. A decision-maker may consider whether there was unreasonable or inefficient litigation conduct during the course of the hearing.
53. At paragraph 144, the Court also instructs decision-makers to assess the proposed quantum of costs for their reasonableness, and consider the following:
 - a. the expenses must be reasonably incurred having regard to the nature of the investigation, the allegations and the hearing process;
 - b. the quantum paid by the regulator must be fair and reasonable;
 - c. It must not only have been reasonable for the College to have incurred the costs (in substance and as to quantum) but it must also be reasonable to transfer the burden of those costs to the professional. As stated in *Barkwell v McDonald*, 2023 ABCA 87 at para. 59, 479 DLR (4th) 560, the issue is not only whether the costs were reasonably incurred, "but whether the quantum represents an amount that the losing party in the litigation should reasonably be expected to pay to the winning party";
 - d. The costs award must be proportionate to the issues involved, the circumstances of the member, and the overall burden it places on him or her.
54. Regarding the number of allegations and overall success in this matter, the Hearing Tribunal noted that there were five allegations and four were proven, although a significant amount of hearing time was spent on allegation one, which was not proven.

55. The Hearing Tribunal considered the length and extent of the hearing to have been reasonable. The Hearing Tribunal noted that the witnesses were necessary and helpful to the issues on hand. Both parties were prepared, organized, and cooperative with directions from the Hearing Tribunal. Both parties were reasonably efficient with their time.
56. Based on its determination that four out of five charges of unprofessional conduct had been proven, the Hearing Tribunal finds that an order for costs is warranted but that the costs should be limited to 50%, with the total costs not to exceed \$25,000.00. The Hearing Tribunal finds that to be a substantial but measured costs award.
57. In *Charkhandeh*, the Court provided guidance on the types of costs which are reasonable, and therefore allowable in an order to pay costs to a regulator. Because that decision was not released before the Complaints Director made his written submissions on costs, the parties are directed to exchange all relevant information required to calculate and agree on the quantum award. If the parties are unable to agree, the Hearing Tribunal maintains jurisdiction to determine the costs award based on detailed information and submissions from the parties in writing, to be provided within 60 days of the date of this decision.
58. Based on the guidance of the Court of Appeal, the Hearing Tribunal's view is that a maximum costs award of \$25,000.00 would not result in a cost award that is disproportionate to the issues involved and would not deter other members from reasonably exercising their rights to challenge allegations of unprofessional conduct.
59. In the Hearing Tribunal's view, a costs award calculated on only those costs allowed in *Charkhandeh*, capped at \$25,000.00, strikes an appropriate balance of requiring Dr. Hoffman to make a contribution towards the costs of the contested hearing, while ensuring the amount remains proportionate to the allegations that resulted in the hearing, the steps taken in relation to the hearing, and the burden to the Member.

V. ORDERS

60. For the reasons set out above, the Hearing Tribunal makes the following orders:
 - a. A reprimand, with this written sanction decision serving as the reprimand;
 - b. A fine of \$1,000.00 arising from Charge #2, to be paid within 60 days of the date of this sanction decision;
 - c. A fine of \$1,000.00 arising from Charge #3, to be paid within 60 days of the date of this sanction decision;

- d. A fine of \$5,000.00 arising from Charge #4, to be paid within 60 days of the date of this sanction decision;
- e. Within 4 months of the date of this sanction decision, Dr. Hoffman shall complete, at his own expense, the Alberta Medical Association's Fundamental Privacy Training Course for custodians and provide proof of his successful completion to the Complaints Director;
- f. Within 6 months of the date of this sanction decision, Dr. Hoffman is ordered to complete and unconditionally pass, at his own expense, the PBI Medical Ethics and Professionalism ("ME-22") course (<https://pbieducation.com/courses/me-22/>) and provide proof of his successful completion to the Complaints Director:
- g. Dr. Hoffman shall pay 50% of the "allowable costs" incurred in relation to the investigation and hearing process arising from these charges to a maximum of \$25,000.00. "Allowable costs" are those recognized as reasonable in the *Charkhandeh* decision. The parties are directed to exchange all relevant information required to calculate and agree to the quantum of the cost award. If they are unable to agree, the Hearing Tribunal maintains jurisdiction to determine the costs award based on detailed information and submissions from the parties in writing, to be provided within 60 days of the date of this decision.

Signed on behalf of the Hearing Tribunal by its Chair:



Dr. Vonda Bobart

Dated this 19th day of November, 2025.