

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. JAY QUAN

**DECISION OF THE HEARING TRIBUNAL OF  
THE COLLEGE OF PHYSICIANS  
& SURGEONS OF ALBERTA:  
SANCTIONS and COSTS  
January 19, 2026**

## **INTRODUCTION**

1. In a decision of the Hearing Tribunal, dated February 12, 2025, Dr. Jay Quan was found guilty of failing to respond to correspondence from the College of Physicians and Surgeons of Alberta ("CPSA") regarding the CPSA complaint file number 210330 since March of 2022, including multiple letters, emails and phone messages requesting his response.
2. The members of the Hearing Tribunal were:
  - Dr. Neelan Pillay, Chair;
  - Dr. Timothy Chan;
  - Ms. Patricia Hull, public member; and
  - Ms. Sarah Gingrich, public member
3. Mr. Gregory Sim acted as independent legal counsel for the Hearing Tribunal.
4. In the February 12, 2025 merits decision, the Complaints Director was requested to provide submissions on sanctions and costs within 30 days, and Dr. Quan was given a further 30 days to respond. The Hearing Tribunal advised that either party could request an oral hearing on sanctions and costs. An oral hearing was not requested.
5. Legal counsel for the Complaints Director, Mr. Craig Boyer provided a written submission on behalf of the Complaints Director, dated March 12, 2025. No submission was received from Dr. Quan.
6. The Hearing Tribunal met again in camera on August 6, 2025, to deliberate on sanctions.

## **SUBMISSION FROM THE COMPLAINTS DIRECTOR**

7. The Complaints Director requested that the Hearing Tribunal impose the following sanctions:
  1. Dr. Quan's practice permit shall be suspended for a six-month period starting on a date determined by the Hearings Director.
  2. Dr. Quan shall, at his own expense, undertake and unconditionally pass the CPEP Probe course ([https://wwwcpepdoc.org/courses/probe-ethics-boundaries'program-canada](https://wwwcpepdoc.org/courses/probe-ethics-boundaries-program-canada)) by September 30, 2025.
  3. If Dr. Quan fails to obtain an unconditional pass on the CPEP Probe course, he shall then undertake, at his own expense, a one-on-one ethical remediation course with Dr. Brendan Leier, medical ethicist, which shall commence no later than December 31, 2025 and be completed no later than June 30, 2026. If Dr Leier cannot accommodate these deadlines,

then the commencement and completion dates are to be satisfactory to the Complaints Director.

4. Dr. Leier shall be provided with a copy of the Hearing Tribunal decision in this matter, the final report from CPEP and the Exhibits in this matter.
5. Dr. Quan shall pay two-thirds of the costs of the investigation and hearing.
8. The written submissions from counsel for the Complaints Director included evidence that had come to the attention of the Complaints Director since the hearing on the merits. It was submitted by Counsel for the Complaints Director that this additional evidence underscores Dr. Quan's ongoing disregard for his regulatory obligations.
9. The additional evidence referenced in the written submissions included the following:
  - a. Dr. Quan had accessed his CPSA Physician's Portal several times, including on November 30, 2024 after the merits hearing.
  - b. Dr. Quan's Physician Portal contained the time-sensitive correspondence to him from the CPSA that is the subject matter of the findings by the Hearing Tribunal.
  - c. Dr. Quan completed his 2025 Renewal Information Form ("RIF") to obtain his practice permit and in that RIF made a number of incorrect representations. In particular, he answered in the negative to the following "Good Character and Reputation" questions:
    - i. Have you ever been the subject of a complaint, investigation or other proceeding involving another professional regulatory body that you are or were a member of that you have not previously reported to the CPSA?*
    - ii. Are you currently the subject of an ongoing complaint, investigation or other proceeding by another regulatory body that you are or were a member of that you have not previously reported to the CPSA?*
    - iii. Is there any information that CPSA should know about that could reasonably impact our assessment or your good character and reputation?*
10. Counsel for the Complaints Director argued that this evidence shows that Dr. Quan remains actively engaged in benefiting from being a regulated member of the CPSA, without acknowledging his professional obligations.

11. Counsel for the Complaints Director submitted that the purpose of sentencing by professional disciplinary bodies reflects the responsibilities of those bodies to protect the public, regulate the profession and preserve public confidence in the profession. He submitted that the preservation of the public's confidence in the medical profession squarely depends on the cooperation of regulated members with the CPSA and the Hearing Tribunal's sanctions should communicate to the member, the profession and the public that failing to cooperate is not acceptable conduct.
12. Counsel for the Complaints Director, referred the Hearing Tribunal to *Jaswal v. Newfoundland Medical Board* [1996] N.J. No. 50 ("*Jaswal*") as providing a non-exhaustive list of factors that the Hearing Tribunal can consider in determining sanction.<sup>1</sup>
13. The specific *Jaswal* factors identified as relevant to this case, and the submissions by counsel for the Complaints Director regarding those factors are summarized below.
14. *Nature and Gravity of the Allegations*: Counsel for the Complaints Director submits the proven conduct is severe in nature and gravity as it goes to the core of the medical profession's ability to self-regulate.
15. *Age and Experience*: Dr. Quan was a regulated member for about 22 years when the unprofessional conduct at issue in this matter first occurred, and it is submitted that he should be held to a higher standard as a result.
16. *Prior Complaints or Convictions*: In 2014 Dr. Quan signed a Terms of Resolution Agreement requiring him to reply promptly to all correspondence from the CPSA. It was submitted that this history is an aggravating factor.
17. *Impact on the Offended Patient*: Dr. Quan's failure to respond stalled the complaint process and impacted the complainant's right to have her complaint dealt with in a timely manner. It was submitted that this is an aggravating factor.
18. *Need to Promote Specific and General Deterrence*: Counsel for the Complaints Director submitted that specific deterrence is an important factor here given Dr. Quan's failure to participate in the disciplinary process, the 2014 Terms of Resolution Agreement and his misrepresentations in the RIF which demonstrate an ongoing neglect of his professional obligations.
19. *Need to Maintain Public Confidence in the Integrity of the Medical Profession*: It was submitted that members of the public must trust that the CPSA will respond appropriately to unprofessional conduct such as this.

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<sup>1</sup> *Jaswal*, para. 36

20. *Degree to Which the Offensive Conduct Falls Outside the Range of Permitted Conduct.* Counsel for the Complaints Director submitted that Dr. Quan’s conduct is a serious departure from expected conduct and bears indicia of ungovernability.
21. *Range of Sanctions in Similar Cases:* Counsel for the Complaints Director provided a number of cases which he submits are similar in nature to the circumstances here, being *Ontario (College of Physiotherapists of Ontario) v Bellamy* 2017 ONCPO 15, *College of Physicians and Surgeons of Ontario v Luchkiw*, 2024 ONPSDT 4, *Ontario (College of Massage Therapists of Ontario) v Wang*, 2022 ONCMTO 32)
22. Counsel for the Complaints Director submitted that Dr. Quan’s conduct warrants a suspension and that it is only through a suspension that the Hearing Tribunal can make clear that the type of conduct exhibited by Dr. Quan cannot and will not be tolerated. Counsel for the Complaints Director submitted that a six-month suspension is appropriate and reasonable, particularly given that Dr. Quan’s conduct presents a legitimate concern that he “is on the road to ungovernability.”
23. In addition, Counsel for the Complaints Director submitted that completion of the CPEP Probe Course or, in the event of failure, a one-on-one ethical remediation process is important in order to attempt to remediate Dr. Quan’s pattern of behaviour. He notes that prior Hearing Tribunals have made similar orders (*CPSA v Silverman*, 2021 CanLII 73128 (AB CPSDC), *CPSA v Oveueni*, 2022 CanLii 16852 (AB CPSDC)).

## **SUBMISSIONS FROM DR. QUAN**

24. As noted previously, no submissions were received from Dr. Quan or from anyone on his behalf.

## **DECISION OF THE HEARING TRIBUNAL, WITH REASONS**

25. The Hearing Tribunal is extremely concerned about Dr. Quan’s demonstrated lack of regard for the CPSA. This is the second time that Dr. Quan has been involved in the CPSA’s conduct process for similar concerns. The only explanation Dr. Quan has offered for his failure to respond is that he did not think it was mandatory to reply. This explanation demonstrates either a complete lack of understanding of his professional obligations or a deliberate flouting of the CPSA’s authority.
26. For these reasons the Hearing Tribunal considered whether it should impose cancellation rather than a suspension on Dr. Quan. The Hearing Tribunal ultimately concluded that a suspension is a sufficiently severe sanction to protect the public and to make clear to Dr. Quan that responding to his regulator is mandatory and a necessary component of his right to practice.

27. The Hearing Tribunal is of the view that a suspension is a proportionate escalation given that this is Dr. Quan's second discipline proceeding for the same type of conduct.
28. If Dr. Quan does not remediate his behaviour, then another Hearing Tribunal may well conclude that Dr. Quan is ungovernable and that cancellation is the only option.
29. The Hearing Tribunal also considered the length of suspension that should be imposed and agrees with Counsel for the Complaints Director that a 6-month suspension is reasonable and appropriate in the circumstances of this case. The Hearing Tribunal is not satisfied that a shorter suspension would adequately reflect the severe nature of the conduct and preserve public confidence in the profession.
30. Furthermore, since Dr. Quan practices in more than one jurisdiction, it is likely that he could adjust his work schedule to minimize the impact of a suspension in Alberta. A shorter suspension might have no impact at all.
31. Unfortunately, because Dr. Quan chose not to engage in this discipline process, the Hearing Panel has no information regarding how a suspension, or any other sanction may affect him. The Hearing Tribunal can only operate within the context of the information that it has available to it through the Complaints Director.
32. The Complaints Director also seeks an order requiring Dr. Quan to take steps to remediate his behaviour. The Complaints Director accepts that it is possible that Dr. Quan may choose to cooperate with the CPSA in the future. The proposed sanctions maintain this possibility.
33. Remediation is one of the purposes of professional discipline. In choosing suspension over cancellation, the Hearing Tribunal recognizes the possibility for remediation. The requirement that Dr. Quan successfully complete the CPEP Probe Course at his own cost is reasonable and an opportunity for Dr. Quan to demonstrate that he is not ungovernable. If Dr. Quan is unable to pass the course, it is also reasonable to require him to engage in a more intensive one-on-one remediation effort, again at his own cost. Our decision adjusts the deadlines proposed by the Complaints Director in light of the date of these reasons.
34. The Hearing Tribunal reviewed the cases referenced by the Complaints Director and is satisfied that the sanctions that are proposed and which it is prepared to order are consistent with at least some of those cases, recognizing that no two matters are ever completely alike.
35. Finally, the Hearing Tribunal is of the view that the sanctions are not disproportionately punitive given Dr. Quan's past conduct as put forward by the Complaints Director, to which Dr. Quan did not respond.

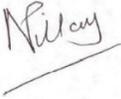
36. With respect to costs, the Complaints Director sought an order that Dr. Quan pay two-thirds of the costs of the investigation and hearing, which as of the end of December 2024 were estimated to have reached \$21,000. The Complaints Director's submissions attached a breakdown of the costs incurred to that point.
37. The Complaints Director was entirely successful in proving the allegation in the Notice of Hearing. The discipline hearing was made necessary as a result of Dr. Quan's conduct in failing to respond to another complaint. Dr. Quan's failure to respond increased the costs that the CPSA was required to incur, resulting in the costs of this hearing. The costs include additional procedural steps such as the application to proceed with the merits hearing in Dr. Quan's absence.
38. In short, Dr. Quan's conduct not only caused the CPSA to incur costs but increased the amount of the costs incurred. Dr. Quan should bear the costs of his own conduct. The Complaints Director proposed that Dr. Quan pay 2/3 of the investigation and hearing costs, but that suggestion does not bind the Tribunal. While full indemnity is neither a starting point, nor the default (*Charkhandeh v CDSA*, 2025 ABCA 258 ("*Charkhandeh*") at para. 145) in the circumstances of this case the Hearing Tribunal determined that it is appropriate for Dr. Quan to pay the full costs of this investigation and hearing, but to place a limit on the maximum amount payable at \$40,000. The Tribunal selected this amount given the likely costs incurred between December 2024 and this decision, including the Complaints Director's sanctions and costs submissions.
39. The Hearing Tribunal had no evidence to suggest that an award of costs in this range would present a crushing burden to Dr. Quan, who, based on the most recent RIF, practices as a radiologist in both Alberta and Saskatchewan. At no time has Dr. Quan suggested that his failure to respond to the CPSA is connected with financial concerns. The Tribunal determined that this award of costs is proportionate and reasonable to order Dr. Quan to pay.
40. In making this decision, the Hearing Tribunal considered the Court of Appeal's recent guidance in *Charkhandeh*. In light of the *Charkhandeh* decision, the Hearing Tribunal directs that the following costs should be excluded from the amounts that Dr. Quan is required to pay: per diem or honorarium amounts paid to members of the Hearing Tribunal, expert opinions that were not introduced into evidence, and legal fees for independent legal advice for the Hearing Tribunal.

## **ORDERS**

41. The Hearing Tribunal therefore makes the following orders pursuant to s. 82 of the HPA:

1. Dr. Quan's practice shall be suspended for a six-month period starting on a date determined by the Hearings Director.
2. Dr. Quan shall, at his own expense, undertake and unconditionally pass the CPEP Probe course (<https://wwwcpepdoc.org-courses/probe-ethics-boundaries-program-canada>) by June 30, 2026.
3. If Dr. Quan fails to obtain an unconditional pass on the CPEP Probe course, he shall then undertake, at his own expense, a one-on-one ethical remediation course with Dr. Brendan Leier, medical ethicist, which shall commence no later than September 30, 2026 and be completed no later than March 31, 2027. If Dr. Leier cannot accommodate these deadlines, then the commencement and completion dates are to be satisfactory to the Complaints Director.
4. Dr. Leier shall be provided with a copy of the Hearing Tribunal decision in this matter, the final report from CPEP and the Exhibits in this matter.
5. Dr. Quan shall pay the full costs of the investigation and hearing, subject to paragraph 40, above, to a maximum of \$40,000.

Signed on behalf of the Hearing Tribunal by the Chair:



Dr. Neelan Pillay

Dated this 19<sup>th</sup> day of January, 2026.