

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. ARNOLD NZALE NZALI

**DECISION OF THE HEARING TRIBUNAL OF
THE COLLEGE OF PHYSICIANS
& SURGEONS OF ALBERTA
May 22, 2026**

I. INTRODUCTION

1. The Hearing Tribunal held a hearing into the conduct of Dr. Arnold Nzale Nzali on February 20, 2026. The members of the Hearing Tribunal were:
 - Dr. Pooja Das Kumar as Chair;
 - Dr. Eric Fung;
 - Ms. Deborah Gust (public member);
 - Mr. Andrew Otway (public member).
2. Ms. Kimberly Precht acted as independent legal counsel for the Hearing Tribunal.
3. Appearances:
 - Ms. Elizabeth Ulmer, legal counsel for the Complaints Director;
 - Dr. Arnold Nzale Nzali;
 - Mr. Kristian Duff, legal counsel for Dr. Nzale Nzali.

II. PRELIMINARY MATTERS

4. Neither party objected to the composition of the Hearing Tribunal or its jurisdiction to proceed with the hearing. There were no matters of a preliminary nature.

III. CHARGES

5. The Amended Notice of Hearing listed the following allegations:
 1. That on October 8, 2019, you failed to maintain an appropriate professional relationship with your clinic employee, [REDACTED], particulars of which include one or more of the following;
 - a. Asking her for a hug,
 - b. Continuing to hold her in a hug when you knew or ought to have known she wanted to be let go,
 - c. Initiated inappropriate contact with her body over her clothing,
 - d. Telling her the ways that you wanted to be sexually intimate with her, and
 - e. Requesting her to touch you in an intimate manner.
6. Dr. Nzali admitted that Allegation 1 was true and that his conduct constituted unprofessional conduct under the *Health Professions Act* (the "HPA").

IV. EVIDENCE

7. By agreement, the following Exhibits were entered into evidence during the hearing:

Exhibit 1 – Admission and Joint Submission Agreement

Exhibit 2 – Agreed Exhibit Book

Tab 1 – Amended Notice of Hearing dated January 27, 2026

Tab 2 – Section 56 Memorandum by Dr. [REDACTED], Complaints Director dated October 10, 2019

Tab 3 – Undertaking to Withdraw from Practice by Dr. A. Nzale Nzali dated October 11, 2019

Tab 4 – Undertaking on Return to Practice by Dr. A. Nzale Nzali dated September 29, 2023

Tab 5 – CMA Code of Ethics and Professionalism

Tab 6 – CPEP Probe Course Brochure

Tab 7 – Agreed Statement of Facts

Exhibit 3 – Complainant Impact Statement

8. The Agreed Statement of Facts (Exhibit 2, Tab 7) set out the following facts:
- Dr. Nzali worked at the [REDACTED] Clinic in Medicine Hat, Alberta (the “Clinic”) starting in 2019. Ms. [REDACTED] (the “Complainant”) was [REDACTED] at the Clinic and a colleague of Dr. Nzali’s.
 - In October of 2019, Dr. Nzali informed staff at the Clinic that he would be leaving. The Complainant held Dr. Nzali in high regard and was upset by this news.
 - The Complainant and Dr. Nzali met privately in his office on October 8, 2019. During that meeting, Dr. Nzali acted and spoke in a manner that greatly upset the Complainant. The Complainant subsequently informed her work colleagues about the same and reported the matter to the Medicine Hat Police Service (“MHPS”).
 - Dr. Nzali was criminally charged with sexual assault by the MHPS. On June 2, 2023, the charges against Dr. Nzali were dismissed after a trial of the matter.
 - Dr. Nzali admitted that during the October 8, 2019 meeting in his office, he asked the Complainant for a hug; he continued to hold her in a hug when he knew or ought to have known she wanted to be let go; he initiated inappropriate contact with her body over her clothing; he told her

the ways that he wanted to be sexually intimate with her; and he requested her to touch him in an intimate manner.

9. Dr. Nzali entered an Undertaking to Withdraw from Practice on October 11, 2019 (Exhibit 2, Tab 3), after the CPSA became aware of his arrest by the MHPS (Exhibit 2, Tab 2). Dr. Nzali entered an Undertaking to Return to Practice under conditions on September 29, 2023 (Exhibit 2, Tab 4), after the criminal charges were dismissed.

V. SUBMISSIONS ON UNPROFESSIONAL CONDUCT

10. Counsel for the Complaints Director provided an overview of the evidence provided in Exhibit 1 and Exhibit 2 and submitted that the evidence contained therein was sufficient for the Tribunal to make a finding of unprofessional conduct.
11. Counsel for Dr. Nzali provided background information about Dr. Nzali's training, specialties within family medicine, and work history. Dr. Nzali had graduated from medical school in the Democratic Republic of the Congo in 2003 and had started working in Alberta in 2014 and the Clinic in 2016. Counsel for Dr. Nzali confirmed that Dr. Nzali voluntarily withdrew from practice in 2019 after being criminally charged, and while out of practice between 2019 and 2023 he completed a PhD in the Democratic Republic of the Congo.
12. Counsel for Dr. Nzali confirmed that Dr. Nzali successfully completed the CPSA requirements to return to practice between December 2023 and April 2024 and has been practicing continuously at a medical clinic in Calgary since that time. Counsel for Dr. Nzali further confirmed that Dr. Nzali has remained in compliance with his Undertaking on Return to Practice (Exhibit 2, Tab 4), which required, among other things, that Dr. Nzali have a CPSA-approved chaperone present when attending with any female patients, and that he not work alone with a female staff member in an enclosed space until the conclusion of these proceedings.
13. Counsel for Dr. Nzali submitted that this was Dr. Nzali's first disciplinary hearing, that Dr. Nzali had admitted to the conduct as per the Joint Submission Agreement (Exhibit 1), and that Dr. Nzali acknowledged his conduct constituted unprofessional conduct.

VI. DECISION ON UNPROFESSIONAL CONDUCT WITH REASONS

14. The Hearing Tribunal accepts Dr. Nzali's admission and finds that the conduct set out in Allegation 1 of the Amended Notice of Hearing (Exhibit 2, Tab 1) is factually proven on a balance of probabilities. The Hearing Tribunal further finds that the proven conduct constitutes unprofessional conduct within the meaning of the HPA.

15. In finding that Allegation 1 is factually proven, the Hearing Tribunal relied on the agreed statement of facts (Exhibit 2, Tab 7) entered by the parties, which clearly established the relevant facts.
16. The HPA defines “unprofessional conduct” to include a contravention of a code of ethics or standards of practice (s. 1(1)(pp)(ii)). The CPSA has adopted the Canadian Medical Association Code of Ethics (the “CMA Code of Ethics”) (Exhibit 2 Tab 5), and therefore any breach of the CMA Code of Ethics may constitute unprofessional conduct under the HPA. The HPA also defines “unprofessional conduct” to include “conduct that harms the integrity of the profession” (s. 1(1)(pp)(xii)).
17. While Dr. Nzali’s conduct did not involve patients, the Complainant was ■■■■■ working in the Clinic with Dr. Nzali.
18. CPSA regulated members are obliged to meet the following standards from the CMA Code of Ethics when interacting with colleagues:
 31. Treat your colleagues with dignity and as persons worthy of respect. Colleagues include all learners, health care partners, and members of the health care team.
19. Dr. Nzali’s interaction with the Complainant completely breached CMA Code of Ethics s. 31. His conduct was unwanted, demeaning and ultimately violating toward the Complainant. His conduct not only failed to respect the Complainant as a colleague, it failed to respect her as a human. Conduct such as Dr. Nzali’s is completely unacceptable. It poisons the overall environment of the workplace and has detrimental effects on all members of the affected health care team. Such conduct by a physician is harmful to integrity of the medical profession. The Hearing Tribunal finds that Dr. Nzali’s conduct constitutes unprofessional conduct within the meaning of s. 1(1)(pp)(ii) and (xii) of the HPA.

VII. SUBMISSIONS ON SANCTION

20. The Hearing Tribunal was referred to a joint submission on penalty made by the Complaints Director and Dr. Nzali (Exhibit 1) for a 12-month suspension deemed already served by Dr. Nzali’s time out of practice, Dr. Nzali’s taking and unconditionally passing a remediation course (the PROBE course, offered by CPEP), and Dr. Nzali paying costs of \$12,500. The PROBE course (Exhibit 2 Tab 6) is a 16-hour ethics and boundaries educational intervention wherein participants are facilitated to “probe” into their ethical missteps and recommit to professional ideals. After the course, participants prepare and submit a final essay demonstrating their understanding of the course content and the ability to apply the content to the reasons for referral.
21. Counsel for the Complaints Director made submissions regarding the deference a decision-maker should show to joint submissions under the public interest test set out by the Supreme Court of Canada in *R v Anthony-Cook*. Counsel submitted that unless the proposed penalty is such that the public would be

shocked, the Hearing Tribunal should show deference to joint submissions on sanction. Counsel submitted that although *Anthony-Cook* arose in the context of a criminal matter, the decision applies to administrative tribunals. These submissions were echoed by counsel for Dr. Nzali.

22. Counsel for both the Complaints Director and Dr. Nzali made submissions regarding the factors identified in the *Jaswal* case dealing with sanctions. Counsel submitted that the proposed sanction recognizes the seriousness of Dr. Nzali's conduct and the impact on the Complainant. A Complainant Impact Statement (Exhibit 3) was entered into evidence. Counsel also submitted that the proposed sanction was an appropriate balance of specific and general deterrence and rehabilitation.
23. In terms of sanctions imposed in similar cases, counsel referred the Hearing Tribunal to the following cases:
 - a. *Chakravarty*, 2025: Dr. Chakravarty made sexual remarks to two medical office assistants on numerous occasions over a period of months. The allegation was admitted to and the matter proceeded by way of joint submission. The sanction was a six-month suspension with credit for time already out of practice, a continuation of practice conditions, and full payment of the investigation and hearing costs.
 - b. *Ovueni*, 2022: Dr. Ovueni hugged and air-kissed a staff member without consent. The allegation was admitted to and the matter proceeded by way of joint submission. The sanction was a three-month suspension with two weeks served and the remaining held in abeyance, completion of the CPEP PROBE course, and a fine of \$3,000.
 - c. *Alarape*, 2020 and *Taher*, 2018: both physicians were criminally convicted of sexually assaulting staff or employees on multiple occasions and received a less serious sanction than Dr. Nzali will receive.
 - d. *Imtiaz*, 2020 and *Sarria*, 2023: both physicians engaged in inappropriate sexual conduct towards a patient on multiple occasions and both received a six-month suspension and a requirement to complete the PROBE course.
24. Counsel for Dr. Nzali also highlighted mitigating factors, including that this was Dr. Nzali's first disciplinary hearing, that he had cooperated throughout the disciplinary process, that the conduct arose from a single interaction with a Clinic employee, that Dr. Nzali had successfully completed the requirements to re-enter the profession, and has practiced in compliance with the Undertaking to Return to Practice. Additionally, Dr. Nzali's withdrawal from practice pending resolution of the criminal matter affected his ability to earn income in Canada for four years.

VIII. DECISION ON SANCTION WITH REASONS

25. The Hearing Tribunal carefully reviewed the evidence in this matter, the submissions of counsel, and the case authorities provided. The Hearing

Tribunal acknowledges the significance of joint submissions from the parties on sanction. An agreed sanction is owed deference and should not be rejected unless it would bring the administration of justice into disrepute or would otherwise be contrary to the public interest. This is a very high threshold.

26. Regarding the *Jaswal* factors, the Hearing Tribunal finds the following:

- a. **Nature and gravity:** Unwelcome sexual contact by a physician toward a colleague is serious unprofessional conduct.
- b. **Impact on the Complainant:** Dr. Nzali's conduct had a significant and ongoing impact on the Complainant, as outlined in her Impact Statement (Exhibit 3). This has been a long process for the Complainant, and it was clear to the Hearing Tribunal that it took bravery to bring these allegations forward and to see the matter through.
- c. **Number of times conduct occurred:** The conduct occurred on only one occasion and Dr. Nzali has no other disciplinary history with the CPSA. This is a mitigating factor.
- d. **Mitigating circumstances:** Dr. Nzali admitted to the conduct and cooperated with the disciplinary process, including his withdrawal from practice and his re-entry into practice subject to conditions.
- e. **Need to promote deterrence:** The need for specific and general deterrence is high. It is critical that Dr. Nzali and other regulated members understand that this type of behaviour is unacceptable and cannot be tolerated.
- f. **Need to maintain public confidence:** It must be demonstrated to the public that the profession as a whole does not condone this type of behaviour.
- g. **Sanctions in other cases:** The range of sanctions in other cases is commensurate with the proposed sanction in this case. Two of the cases cited by counsel required the member to complete the PROBE Course. *Imtiaz*, 2020 and *Sarria*, 2023 involved similar conduct and both cases resulted in a 6 suspension.

27. After considering the proposed sanctions in light of the evidence, counsel's submissions, and the above factors, the Hearing Tribunal accepts the joint submission on sanction as satisfying the public interest test. The PROBE course is a prudent and appropriate response to a serious ethical breach of this nature as it addresses the need for remediation. A 12-month suspension with time served is also appropriate in this case, as it promotes specific and general deterrence while also acknowledging Dr. Nzali's admission and his cooperation with the disciplinary process. Further, the suspension will maintain the public's confidence that the CPSA takes these matters extremely seriously, thereby maintaining public confidence in the CPSA's regulation of its members.

IX. ORDERS

28. For the reasons set out above, the Hearing Tribunal accepted the joint submission on sanction and made the following orders:
- a. Dr. Nzali's practice permit shall be suspended for a period of 12 months, of which all of that suspension shall be deemed as already served having regard to the period of time that Dr. Nzali was out of practice due to his Undertaking to Withdraw that remained in force until September 2023.
 - b. Dr. Nzali shall undertake, at his own expense, and unconditionally pass the CPEP PROBE course (<https://www.cpepdoc.org/cpep-courses/probe-ethics-boundaries-program-canada/>) by April 30, 2026, and in the event that Dr. Nzali does not unconditionally pass the CPEP Probe course, that he shall then engage, at his own cost, in a one on one remediation program with a medical ethicist acceptable to the Complaints Director, such as Dr. Brendan Leier.
 - c. Dr. Nzali shall pay a portion of the costs of the investigation and hearing in the amount of \$12,500.00, payable by equal installments over 24 months commencing on May 1, 2026.

Signed on behalf of the Hearing Tribunal by the Chair:



Dr. Pooja Das Kumar

Dated this 22nd day of May, 2026.