

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO**

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

BESHOY SOLEMAN, Registration Number 15793

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Beshoy Soleman to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** may be held at the offices of the College of Physiotherapists of Ontario at 375 University Avenue, Suite 800, Toronto, Ontario, at a date and time to be fixed by the Registrar. A discipline panel will subsequently convene at the offices of the College of Physiotherapists of Ontario at 375 University Avenue, Suite 800, Toronto, Ontario, also at a date and time to be fixed by the Registrar, for the purposes of conducting the **hearing**.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the solicitor for the College, Joanna Birenbaum, in this matter at:

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. West, Suite 1200
Toronto, ON M5V 3B1

Telephone: (416) 968-3333
Facsimile: (416) 968-0325
Email: jbirenbaum@upfhlaw.ca

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Date: December 18, 2018



Rod Hamilton
Registrar
College of Physiotherapists of Ontario

TO: Beshoy Soleman

Statement of Allegations

1. At all material times Beshoy Soleman (“Mr. Soleman” or the “Member”) was registered as a Physiotherapist in the Province of Ontario.

2. Between the period of September 1, 2017 and October 31, 2018, Mr. Soleman engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 388/08:
 - a. paragraph 1 (failing to maintain the standards of the profession);
 - b. paragraph 2 (discontinuing professional services that are needed unless alternative services are arranged or the patient is given a reasonable opportunity to arrange alternative services);
 - c. paragraph 18 (engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional);
 - d. paragraph 26 (failing to keep records in accordance with the standards of the profession);
 - e. paragraph 27 (falsifying records);
 - f. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know contains a false or misleading statement); and
 - g. paragraph 30 (failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member with a reasonable time to the patient).

PARTICULARS OF THE ALLEGATIONS

1. At all material times, Mr. Soleman was a registered Member of the College, the owner of *Physio4Life* in Cornwall, Ontario (the “Clinic”), and a practicing physiotherapist at the Clinic.

2. In or about September 2017, Mr. Soleman abruptly closed his physiotherapy practice at the Clinic, without notice or warning to his patients, and without ensuring that there was a plan for a transfer of care for his patients including Patient A, Patient B, Patient C and Patient D.

3. Following the abrupt closure of the Clinic, Patient A attempted to obtain her records from Mr. Soleman, but was unable to do so. Patient A contacted the College for assistance in obtaining her patient records from Mr. Soleman/the Clinic, after failing to obtain them from Mr. Soleman directly. Patient B and Patient C were also unsuccessful in their attempts to obtain their patient records.

4. In or about November 2017, Mr. Soleman provided Patient A with records, but they were inaccurate. Mr. Soleman failed to provide Patient A with any clinical records made contemporaneous with her appointments. Mr. Soleman recreated the patient records provided to Patient A.

5. Mr. Soleman provided conflicting information to the College about his inability to access the Clinic’s patient records and to provide the original patient records to Patient A.
 - i. On or about October 10, 2017, Mr. Soleman advised the College that he had closed his clinic suddenly because his receptionist quit, and that the next day there was a break-in, but that his patient records were secure.

- ii. On or about October 31, 2017, Mr. Soleman advised the College that he couldn't access Patient A's records because the landlord wouldn't allow him access.
- iii. On or about November 7, 2017, after Patient A received recreated records Mr. Soleman was asked once again by the College and Patient A for the original records, Mr. Soleman advised the College that he had made an arrangement with the landlord and that he had access to the records and would provide a copy of Patient A's original records to Patient A.
- iv. On or about November 30, 2017, when the patient records had still not been provided to Patient A, Mr. Soleman again advised the College that he had access to the patient records and would provide them to Patient A.
- v. On or about February 2, 2018, Mr. Soleman advised the College that after his receptionist quit he went to the Clinic and took the Clinic's computer home with him so that he could access electronic patient records and to ensure the safety of the computer.
- vi. On or about August 28 and September 18, 2018, Mr. Soleman advised the College that the Clinic computer had been stolen in the break-in in September 2017. Mr. Soleman advised the College that the patient records were backed-up electronically. He further advised the College that he did not obtain access to any hard copies of the patient records.
- vii. In addition and/or in the alternative, if the Member's Physio4Life computer database of patient information was in fact stolen in or about September 2017 (or at any other time) the Member was required to report the privacy breach to the Office of the Privacy Commissioner of Ontario and he failed to do so.

6. Patient A never received a copy of her original patient records from the Member or the Clinic.

APPENDIX

1. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
2. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.