

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

Boanerges Jehoshaphat ("BJ") Roxon , Registration Number 13140

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against BJ Roxon 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 7, 2017

A handwritten signature in black ink, appearing to read 'Shenda Tanchak', written over a horizontal line.

Shenda Tanchak
Registrar & CEO
College of Physiotherapists of Ontario

TO: BJ Roxon

Statement of Allegations

1. At all material times Boanerges Jehoshaphat (“BJ”) Roxon was a registered member of the College.

2. During the period of August 1, 2007 to July 31, 2008, Mr. Roxon engaged in professional misconduct within the meaning of paragraph 2 (failing to maintain the standards of the profession); paragraph 23 (Performing an act or making an omission inconsistent with the *Physiotherapy Act 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of these acts); and paragraph 25 (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) of section 1 of the *Professional Misconduct Regulation*, O. Reg. 861/93, that was in effect at the material times.

3. During the period of August 1, 2007 to July 31, 2008, the Member committed an act of professional misconduct under ss. 1(3), 1(4) and s.51(1)(b.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the “Code”).

PARTICULARS OF THE ALLEGATIONS

1. At all material times Mr. Roxon (the "Member") was a physiotherapist practicing at a clinic in Ontario and a registered member of the College.

2. In the period of August 1, 2007 to July 31, 2008, a male patient (Patient A), attended at the Clinic for physiotherapy treatment from the Member, for headaches and neck/back pain. Patient A was approximately 19 years old at the time.

3. During a physiotherapy assessment and/or treatment for headaches and neck/back pain, the Member asked Patient A to remove all of his clothing and to consent to the Member photographing Patient A naked for the purposes of the Member's research.

4. Patient A did not want to remove all of his clothing or to be photographed naked, but complied with the Member's request because of the Member's position of trust and authority. The Member photographed Patient A naked. Neither the removal of all of Patient A's clothing or the photographing of Patient A naked were clinically appropriate to the services provided.

5. The above conduct by the Member constitutes behavior of a sexual nature pursuant to ss.1(3),(4), 51(1)(b.1) of the Code.

6. The above acts of asking Patient A to remove his clothing and photographing Patient A naked were inappropriate, failed to respect Patient A's personal boundaries, fell below the standards of the profession with respect to physiotherapists maintaining professional and ethical boundaries, were undertaken without Patient A's informed consent, and would reasonably be regarded by members as disgraceful, dishonourable and/or unprofessional.

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.