

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

JASON TADDEO, Registration Number 12526

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Jason Taddeo 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](mailto: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 10, 2018



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Rod Hamilton  
Registrar  
College of Physiotherapists of Ontario

TO:  
Jason Taddeo  
C/O  
Jahmiah Ferdinand-Hodkin  
Gowlings WLG LLP

## Statement of Allegations

1. During the period of October 1, 2007- March 31, 2009 and August 1, 2012 – October 31, 2012, Mr. Taddeo engaged in professional misconduct:
  - a. within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 861/93, in effect at the material times: paragraph 2 (failing to maintain the standards of the profession); paragraph 14 (falsifying a record); paragraph 16 (signing or issuing a document that the member knows or ought to know contains a false or misleading statement); paragraph 18 (submitting an account or charge for services that the member knows or ought to know is false or misleading; 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); and
  - b. within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 388/08, in effect at the material times: paragraph 1 (failing to maintain the standards of the profession); 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); paragraph 28 (signing or issuing a document that the member knows or ought to know contains a false or misleading statement); paragraph 27 (falsifying a record); and paragraph 32 (submitting and account or charge for services that the member knows or ought to know is false or misleading).
2. In the alternative to paragraph 1 above:
  - A. In respect of his treatment of Patient A during the period of

October 1, 2007 - March 31, 2009 and August 1, 2012 - October 31, 2012, Mr. Taddeo:

- a. Committed an act of professional misconduct under ss. 1(3), 1(4) and s.51(1)(b.1) (sexual abuse of a patient) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the "Code");
  - b. Engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 861/93 in effect at the material times: paragraph 2 (failing to maintain the standards of practice of the profession); paragraph 5 (abusing a patient); paragraph 8 (practicing the profession while the member is in a conflict of interest); paragraph 16 (signing or issuing a document that the member knows or ought to know contains a false or misleading statement); paragraph 18 (submitting an account or charge for services that the member knows or ought to know is false or misleading; 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); and
  - c. Engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 388/08, in effect at the material times: paragraph 1 (failing to maintain the standards of the profession); paragraph 5 (practicing the profession while the member is in a conflict of interest); paragraph 10 (abusing a patient); and 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).
- B. In his respect of his records relating to Patient A during the period October 1, 2007 and June 30, 2017, Mr. Taddeo:

a. Engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 861/93 in effect at the material times: paragraph 2 (failing to maintain the standards of practice of the profession); paragraph 13 (failing to keep records in accordance with the standards of practice of the profession); paragraph 24 (contravening a federal, provincial or territorial law relevant to the member's suitability to practice the profession); 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);

b. Engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 388/08, in effect at the material times: paragraph 1 (failing to maintain the standards of the profession); paragraph 15 (Contravening a federal, provincial or territorial law relevant to the member's suitability to practice the profession); 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); paragraph 26 (failing to keep records in accordance with the standards of practice of the profession); ); paragraph 28 (signing or issuing a document that the member knows or ought to know contains a false or misleading statement); paragraph 32 (submitting and account or charge for services that the member knows or ought to know is false or misleading) and paragraph 33 (failing to take reasonable steps to ensure that any accounts submitted in the member's name or billing number are fair and accurate).

## PARTICULARS OF THE ALLEGATIONS

1. At all material times Mr. Taddeo (the "Member") was a registered member of the College of Physiotherapists of Ontario (the "College"), an owner or co-owner of Fairway Physiotherapy located in Thunder Bay, Ontario (the "Clinic"), and a practicing physiotherapist at the Clinic. At all or most of the material times, a co-owner of the Clinic was another physiotherapist registered with the College, named Michael Poling.
2. The allegations in this matter are pled in the alternative. In June of 2017, the College received a complaint that the Member and/or Mr. Poling and/or their Clinic had submitted invoices to a third party insurer for physiotherapy services that had never in fact been provided to the patient in question. The invoices were issued under the name and registration number of Mr. Poling. The patient stated she never received physiotherapy services from Mr. Poling on the dates in question. The patient also complained that she was not provided copies of her clinical records in a timely way or at all.
3. At all material times, the patient in question was the Member's spouse. Further, at all material times, the patient had the same last name as the Member.
4. In response to the complaint, the Member advised the College that in fact he had provided physiotherapy services to the patient on the dates in question, under an "indirect consultative model of supervision" with Mr. Poling. The Member stated that the physiotherapy sessions in question, which were billed to the third party insurer under Mr. Poling's name and registration number over a period spanning five years, were provided by the Member to his spouse in the Member's home.
5. As set out below, on the basis of the complaint received by the College with respect to invoices issued for services that were not provided, the Member engaged in misconduct relating to false and misleading invoices and accounts.

6. In the alternative, as set out below, if the physiotherapy services in question were in fact provided by the Member to his spouse, the Member engaged in misconduct relating to sexual abuse, boundary violations, conflict of interest, false and misleading accounts, failing to maintain the standards of practice of the profession, and record keeping.

***False and Misleading Invoices Submitted to a Third Party Insurer***

7. In the period of October 1, 2007 - March 31, 2009 and August 1, 2012 – October 31, 2012, over thirty (30) invoices were submitted by the Member and/or the Clinic to a third party insurer in respect of treatments provided to Patient A, who was the Member's spouse. The invoices were issued under the name and registration number of Michael Poling, who was a co-owner of the Clinic at all or most of this period and who otherwise worked as a physiotherapist at the Clinic.
8. No clinical records exist that document any assessment of, treatment plan for, or treatments provided to, Patient A in the period October 1, 2007 - March 31, 2009, and August 1, 2012 – October 31, 2012.
9. The invoices were purportedly for physiotherapy services provided by the Member, acting as a physiotherapist, to his spouse in their home, in an "indirect consultative model of supervision" under the supervision of Mr. Poling.
10. The invoices submitted by the Member and/or the Clinic to the third party insurer during this period were false and misleading, in that Patient A did not receive any physiotherapy assessment or treatment from the Member or any other physiotherapist at the Clinic during the period October 1, 2007- March 31, 2009 and August 1, 2012 – October 31, 2012, with the exception of one appointment to obtain orthotics on August 15, 2008.



11. The Member and/or the Clinic submitted false and misleading invoices to the third party insurer when the Member knew or ought to have known that in fact no physiotherapy services were provided to Patient A by the Member or by any other physiotherapist.
12. As an owner of the Clinic, the Member was responsible for invoices issued by the Clinic.
13. The Member benefited financially from the payment of these invoices by the third party insurer.
14. The Member and/or the Clinic submitted the invoices in question to the third party insurer under the name of Mr. Poling, so as to avoid alerting the insurer and/or others to the fact that the Member was submitting invoices for treatment by the Member of his wife and/or family member.

***Sexual Abuse, Boundaries, Conflict of Interest***

15. During the period October 1, 2007 - March 31, 2009 and August 1, 2012 – October 31, 2012, the Member was in a sexual relationship with Patient A.
16. In the alternative to the allegations set out in paragraphs 2-12 above, and if the Member did in fact provide physiotherapy treatments to Patient A during the period October 1, 2007 - March 31, 2009 and August 1, 2012 – October 31, 2012, as invoiced to the third party insurer, the Member engaged in sexual abuse of Patient A and/or fell below the standards of practice of the profession in respect of boundaries, conflict of interest, and the Member's ethical obligations by treating his wife.
17. At all material times, s.1(3) of the *Health Professions Procedural Code* (the "Code"), defined "sexual abuse of a patient" as "sexual intercourse or other forms of sexual relations between the member and the patient" and "touching of a sexual nature of the patient by the member."

18. At all material times, there was no exemption to the above definition of sexual abuse for any category of patient under the Act, the Code, or any policy or standard of professional conduct of the College. In fact, at all material times, the College's standard expressly prohibited the conduct set out in paragraphs 15 to 16 above.

### ***False and Misleading Invoices***

19. In the alternative to the allegations set out in paragraphs 2-12 above, and in addition to the allegations set out in paragraphs 13-16 above, the invoices submitted by the Member and/or the Clinic in respect of the physiotherapy treatments during the relevant period were inaccurate, false and misleading in that:

- a. The invoices were issued under the name and registration of Michael Poling when Mr. Poling was not in fact the treating or supervising physiotherapist;
- b. The invoices were issued under the name and registration number of Michael Poling, despite the fact that Mr. Poling did not assess or reassess (either adequately or at all) Patient A during this period and/or did not meaningfully supervise, or supervise at all, the Member in his provision of physiotherapy care to Patient A;
- c. The Member permitted and/or approved the issuance of invoices under Michael Poling's name and registration number, despite the fact that Mr. Poling was not involved, either meaningfully or at all, in Patient A's care, because the Member knew that his treatment of Patient A was prohibited by the *Regulated Health Professions Act, 1991*, as amended, and/or the College;
- d. The Member knew or ought to have known that invoices issued in

respect of these treatments under Mr. Poling's name and registration number were false, misleading and/or inaccurate in that they indicated dates and/or times of treatments at the Clinic when in fact the treatments did not occur at the Clinic or during the time(s) in question.

***Failure to Maintain Records***

20. In the alternative to the allegations set out in paragraphs 2-12 above, and in addition to the allegations set out in paragraphs 13-17 above, if the Member did in fact provide physiotherapy treatments to Patient A during the material times, the Member failed to document those treatment sessions and/or failed to properly store, secure and retain the clinical records in accordance with the standards of practice of the profession and the Member's obligations under the *Personal Health Information Protection Act, 2004*, S.O. 2004, c.3, as amended.

## 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.