

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

JEFF BIRD, Registration Number 09136

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Jeff Bird 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, on a date and time to be fixed by the Registrar but no later than May 26, 2020 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: November 26, 2019



Rod Hamilton
Registrar
College of Physiotherapists of Ontario

TO: Jeff Bird

Statement of Allegations

1. At all material times Jeff Bird was a registered Member of the College of Physiotherapists of Ontario.

2. On or about March 15 and 22, 2019, Mr. Bird 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 practice of the profession);
 - b. paragraph 10 (abuse of a patient); and
 - 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).

3. On or about March 15 and 22, 2019, Mr. Bird committed an act of professional misconduct under ss. 1(3), 1(4) and s.51(1)(b.1) of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991, S.O. 1991, c.18* (the "Code") in that he engaged in sexual abuse of a patient.

PARTICULARS OF THE ALLEGATIONS

1. At all material times Mr. Bird was a registered Member of the College of Physiotherapists of Ontario (the "College") practicing at a multi-disciplinary clinic in Toronto (the "Clinic").
2. In or about February 2019, Patient A was referred for physiotherapy at the Clinic for treatment for impingement of her right shoulder. Patient A was assessed by Mr. Bird on February 26, 2019, and was treated by Mr. Bird on March 7, 15 and 22, 2019. Patient A terminated physiotherapy treatment at the Clinic following March 22, 2019.
3. During the appointment on March 15, 2019, Mr. Bird commented on Patient A's appearance, which comments were unwelcome to Patient A.
4. During the appointment on March 22, 2019, Mr. Bird:
 - i. Touched Patient A just above her pubic bone (over her clothing);
 - ii. Touched Patient A on her lower abdomen (over her clothing);
 - iii. Touched Patient A on her back while guiding her through the treatment area;
 - iv. Touched Patient A on her neck during treatment of the shoulder injury; and
 - v. Engaged in discussion that was inappropriate and included content that was sexual in nature.
5. The above acts of touching and comments were not clinically indicated.
6. The above acts of touching and comments were unwelcome to Patient A and were experienced by Patient A as a violation of Patient A's personal space and/or sexual integrity.

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.