

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

JOSEPH TRAMBULO, Registration Number 11391

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Joseph Trambulo 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 a date and time to be fixed by the Registrar. A discipline panel will subsequently convene 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: January 22, 2024



Craig Roxborough, PhD
Registrar and CEO
College of Physiotherapists of Ontario

TO: Andrew McKenna
Gowlings WLG
160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3

Counsel for the Registrant,
Joseph Trambulo

Statement of Allegations

1. At all material times Joseph Trambulo (the “Registrant”) was a physiotherapist, registered with the College of Physiotherapists of Ontario and the principal and owner of PRHealth, Health and Therapy Solutions, through which he provided physiotherapy services.

2. In the period October 24, 2016 to October 30, 2023, the Registrant 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 (sexual abuse of a patient);
 - 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 maintain records in accordance with the standards of practice of the profession); and
 - e. paragraph 27 (falsifying a record).

3. In or about February 13, 2017, the Registrant committed an act or acts 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 Joseph Trambulo (the “Registrant”) was a physiotherapist, registered with the College of Physiotherapists of Ontario. At the time of the appointment in question in this matter, the Registrant was the owner and principal of PRHealth, Health and Therapy Solutions (the “Clinic”), through which he provided physiotherapy services, including at a CrossFit gym in Markham, Ontario.
2. At the material times, Patient A was a member of the CrossFit gym.
3. In the period of approximately October 24, 2016 to February 13, 2017, Patient A attended at the Clinic for physiotherapy assessment and treatment by the Registrant.
4. On or about February 13, 2017, during the physiotherapy treatment of Patient A by the Registrant at the Clinic, the Registrant touched and/or massaged Patient A’s breasts, under Patient A’s shirt and/or bra.
5. The Registrant’s touching and/or massaging of Patient A’s breasts as set out in paragraph 4 above were not clinically indicated and were sexual in nature.
6. The Registrant’s acts set out in paragraph 4 above, were unwelcome to Patient A and were experienced by Patient A as a violation of Patient A’s sexual integrity.
7. In addition and/or in the alternative, the conduct set out in paragraph 4 above failed to respect Patient A’s personal boundaries, fell below the standards of practice of the profession with respect to physiotherapists and physiotherapy residents maintaining professional boundaries, were undertaken without Patient A’s informed consent, and otherwise constitute conduct that, having

regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable and/or unprofessional.

8. The Registrant's clinical records in respect of Patient A failed to maintain the standards of practice of the profession.
9. In or about the fall of 2023, in response to the College investigation, the Registrant falsified the clinical records in respect of Patient A and provided these falsified records to the College.

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.