

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

KAMRAN SADEGHI NOGOURANI, Registration Number 11445

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Kamran Sadeghi Nogourani 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, no later than July 23, 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: January 23, 2020



Rod Hamilton, Registrar
College of Physiotherapists of Ontario

TO: KAMRAN SADEGHI NOGOURANI
c/o Aaron Spektor
305-1000 Finch Avenue West
Toronto, Ontario M3J 2V5

Statement of Allegations

1. At all material times Kamran Sadeghi Nogourani ("Mr. Nogourani") was a registered physiotherapist with the College of Physiotherapists of Ontario.

2. Between January 2011 and December 2017, Mr. Nogourani 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 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);
 - c. paragraph 24 (practicing the profession using a name other than the member's name as entered on the register);
 - d. paragraph 26 (failing to keep records in accordance with the standards of practice of the profession);
 - e. paragraph 27 (falsifying a record);
 - f. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know is false or misleading);
 - g. paragraph 32 (submitting an account or charge for services that the member knows or ought to know is false or misleading); and
 - h. 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, Kamran Sadeghi Nogourani ("Mr. Nogourani") was a physiotherapist registered with the College of Physiotherapists of Ontario, practicing at various physiotherapy clinics in Toronto, Ontario.
2. During the period of approximately 2011 to November/December 2016, Mr. Nogourani practiced physiotherapy at a Clinic, known as the Ivy Clinic (the "Ivy Clinic") in Toronto, Ontario. Mr. Nogourani was an employee and not an owner or director of the Clinic. Commencing in or about November/December 2016, Mr. Nogourani commenced employment at Vikramine Medical Clinic, a new clinic owned by the same owners as the Ivy Clinic ("Vikramine Clinic").
3. During the period of Mr. Nogourani's employment at the Ivy Clinic, the Ivy Clinic was engaged in a 50/50 cash splitting scheme, by which a patient of the Ivy Clinic would pay a sum of money (e.g. \$250) and would receive a receipt from the Ivy Clinic for double that amount (e.g. \$500) for health services, which could be submitted for reimbursement to a third party insurer. Some or all of the receipts were issued for health services that were never provided to the patient.
4. More specifically, in the period 2012-2015, the Ivy Clinic issued 36 invoices for physiotherapy assessments and treatments provided to patient E.T. and 12 invoices for physiotherapy assessments and treatments provided to patient D.R.. Patients E.T. and D.R. were spouses. D.R. was the dependent spouse under E.T.'s employee benefit plan. The invoices to E.T. and D.R. for physiotherapy services were issued under the name and registration number of Mr. Nogourani.
5. In or about February 2015, Mr. Nogourani signed a statement confirming to a third party insurer that he had provided 8 of the 36 physiotherapy treatments to E.T. and 8 of the 12 physiotherapy treatments to D.R.. In or about April 2015, Mr. Nogourani signed a statement confirming to a third party insurer that he had provided 9 of the 36 physiotherapy treatments to E.T.
6. In or about 2017, E.T. was arrested and charged with fraud. E.T. admitted that neither she nor her husband D.R. had ever received any physiotherapy services from

Mr. Nogourani, and that she had attended at the Ivy Clinic on only one occasion during which she met the clinic's owners. The clinic owners are not regulated health care providers.

7. On or about October 4, 2017, E.T. signed a statement confirming that she had received "fabricated receipts from Ivy Clinic" for services provided by a number of health service providers at the Ivy Clinic, including Mr. Nogourani, and confirming that "these providers...never provided any treatment to me or my spouse [D.R.]".
8. In or about December 2017, the College obtained twenty (20) patient files from the Vikramine Clinic for patients where Mr. Nogourani was noted as the provider of care.
9. The College's chart pull and review of these twenty (20) patient records for the period of October 2016 to December 2017 revealed the following:
 - i. Treatment notes in the clinical charts did not match the appointment logs and/or financial records: I.M., M.G., Y.H., A.M., L.M..
 - ii. Mr. Nogourani's name and registration number do not appear on any of the invoices issued by the Vikramine Clinic to patients for physiotherapy services provided by Mr. Nogourani;
 - iii. Patients were double billed for the same physiotherapy service on the same date (M.G.);
 - iv. Patient records were missing invoices and/or financial records (I.M., 12 financial records missing; D.M. 3 financial records missing);
 - v. Reasons for discharge of the patient were not documented in the patient files for patients M.G., Y.H., I.K., I.L., I.M., O.M., A.M., D.M., J.K, An, M., D.Me., M.N., E.N., G.N, O.Se; and
 - vi. Mr. Nogourani failed to obtain informed consent to treatment from patients and/or failed to properly document informed consent from patients.

10. Between 2011 and 2016, records indicate the following patients attended at the Ivy Clinic an excessive or inappropriate number of times for an initial physiotherapy assessment (and not treatment) with Mr. Nogourani: Y.H (67 times); A.M. (42 times), I.M. (35 times), An.M. (32 times) O.S. (30 times), L.M. (25 times); E.N (21 times); O.Sh. (19 times); F.M. and M.N. (16 times) and N.G. (11 times). Further, patient E.T. who admitted that she had not attended the Ivy Clinic at all, was listed in the Ivy Clinic's system as having attended for an initial physiotherapy assessment with Mr. Nogourani on 8 occasions.
11. At all material times, Mr. Nogourani was registered with the College in the name Kamran Sadeghi Nogourani. Mr. Nogourani was identified on and/or signed all patient records, including assessments and treatment plans, as "Kamran Sadeghi", which is a different name than appears on the public register.
12. At all material times Mr. Nogourani was responsible for ensuring the accuracy of invoices issued to patients by the Ivy Clinic and Vikramine Clinic under his name and registration number.
13. At all material times, Mr. Nogourani knew or ought to have known that invoices were issued to persons listed as patients of the Ivy Clinic and/or Vikramine Clinic under Mr. Nogourani's name and registration number, when in fact no physiotherapy services were provided by him to the patient(s) as set out above.

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.