

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

MOHAMMAD SAEED KHOLLARI, Registration Number 13665

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Mohammad Saeed Krollari 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 February 5, 2021, 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: August 5, 2020



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Rod Hamilton, Registrar  
College of Physiotherapists of Ontario

TO: Mohammad Saeed Kholari

## **Statement of Allegations**

1. At all material times Mohammad Saeed Kholari (“Mr. Kholari”) was a registered physiotherapist with the College of Physiotherapists of Ontario.
  
2. Between June 2, 2016 and February 28, 2018, Mr. Kholari 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 26 (failing to keep records in accordance with the standards of practice of the profession);
  - d. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know is false or misleading);
  - e. 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; and
  - f. paragraph 40 (continuing the treatment of a patient where it is no longer indicated, has ceased to be effective or is unnecessary).

## **PARTICULARS OF THE ALLEGATIONS**

1. At all material times, Mr. Krollari was a physiotherapist registered with the College of Physiotherapists of Ontario. During the period of June 2, 2016 to February 28, 2018, Mr. Krollari practiced physiotherapy on a part-time basis at a multi-disciplinary clinic and spa called VCare clinic, in Markham, Ontario ("VCare").
2. In August 2016, the College sent an undercover investigator to VCare (the "Investigator") due to concerns about billing practices at VCare.
3. In August 2016, the Investigator was advised by representatives of VCare that physiotherapy receipts could be issued for spa massages (that were not provided by a regulated health practitioner), provided the Investigator saw VCare's physiotherapist before the massage.
4. On August 19, 2016, the College Investigator received a full-body spa massage at VCare. Following the massage, the Investigator paid \$110.00 to the receptionist at VCare and received a receipt for physiotherapy services issued under Mr. Krollari's name and registration number.
5. After the massage and obtaining the \$110 receipt for physiotherapy services, the Investigator then met with Mr. Krollari. The Investigator reported no presenting conditions or concerns in any area of the body to Mr. Krollari. On being pressed by Mr. Krollari, the Investigator advised Mr. Krollari that the Investigator's left shoulder was tight during the massage.
6. For the tight shoulder, Mr. Krollari recommended that the Investigator receive physiotherapy treatments two times a week. This recommendation was not recorded in the patient chart. Mr. Krollari also recommended massage therapy for the Investigator.
7. The Investigator then went to the VCare reception where she was informed that having seen the physiotherapist and with the payment of \$110.00 she was entitled to a \$41.00 credit on her next massage. The amount of \$41.00 represented the

difference between the price of the massage (of \$69.00) and the \$110.00 paid and invoiced as physiotherapy services.

8. Mr. Kholari knew or ought to have known that VCare was referring patients to him for assessments that were not clinically indicated, and instead were for the purpose of the patient receiving a physiotherapy invoice with Mr. Kholari's name and registration number, that could be submitted to third-party insurers to pay for spa services, whether all or in part.
9. Mr. Kholari knew or ought to have known that VCare was promoting physiotherapy services to clients of VCare for the above improper purpose.
10. In the context of the facts set out above, where Mr. Kholari knew or ought to have known that the patient Investigator was referred to him for purposes unrelated to a need for physiotherapy, the invoice for \$110.00 for a physiotherapy assessment and/or treatment issued to the Investigator by Mr. Kholari and/or by VCare under Mr. Kholari's name and registration, was false and/or misleading.
11. In addition and/or in the alternative, if Mr. Kholari believed that the care recommended to the Investigator of physiotherapy twice a week was clinically indicated, Mr. Kholari fell below the standards of practice by recommending treatment that he could not deliver and by failing to refer the patient to another Clinic or physiotherapist who could provide the care.
12. The College pulled charts for eleven patients of Mr. Kholari in his practice at VCare. The charts revealed that Mr. Kholari's records do not meet the standards of practice of the profession for record keeping, specifically:
  - a. There was no physiotherapy treatment plan recorded for any of these patients;
  - b. The charts failed to include patient-centred treatment goals that were measurable;
  - c. Clinical assessments failed to contain a prognosis;
  - d. Discharge notes were absent from the charts; and
  - e. Patients of Mr. Kholari were charged different amounts for the same services.

13. In respect of the above, Mr. Kollari engaged professional misconduct under paragraphs 1, 18, 26, 28, 33 and 40 of the *Professional Misconduct Regulation* O.Reg. 388/08.

## 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.