

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

MOHANNAD BAKRI, Registration Number 12180

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Mohannad Bakri 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

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 7, 2017



Shenda Tanchak
Registrar & CEO
College of Physiotherapists of Ontario

TO: Andrew McKenna

Legal counsel for
Mohannad Bakri

Statement of Allegations

1. At all material times Mohannad Bakri ("Mr. Bakri" or the "Member") was registered as a Physiotherapist in the Province of Ontario, providing services through Physio Art Rehabilitation clinic in Hamilton, Ontario (the "Clinic". At all material times, Mr. Bakri was the owner of the Clinic.

2. Between the period of January 1, 2013 and December 31, 2015, Mr. Bakri 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 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 the profession);
 - d. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know contains a false or misleading statement);
 - e. paragraph 32 (submitting an account or charge for services that the member knows or ought to know is false or misleading);
 - f. 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);
 - g. 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. Bakri was a registered Member of the College and the owner of Physio Art Rehabilitation clinic in Hamilton, Ontario (the Clinic). Mr. Bakri also practiced as a physiotherapist at the Clinic.
2. The Clinic offers multi-disciplinary care, including massage, chiropractic and physiotherapy services.
3. During the material times, a significant portion of the patients of the Clinic were receiving treatment following motor vehicle accidents, and the treatments were covered all or in part by the patient's insurance coverage.
4. As the owner of the Clinic, Mr. Bakri was responsible for all invoices issued by the Clinic to patients and to third party insurers, and particularly those issued under his name and registration number.
5. In or about March 2015, a third-party insurer conducted a review of physiotherapy claims submitted by Mr. Bakri, which resulted in a complaint to the College by the insurer.
6. As a result of the complaint to the College, 31 patient charts were reviewed by the College (the "first" set of patient records), followed by a review of an additional 30 charts (the "second" set of patient records), for a total of 61 patient charts reviewed.

False or Misleading Accounts

7. On or about December 20, 2014, Mr. Bakri submitted accounts to a third-party insurer for physiotherapy and massage therapy services rendered to Clinic patients K.T. and N.D.S., when no service or treatment was provided to these patients on the dates in question:

K.T.	December 6, 13, 15, 17, 18, 20, 2014 (physiotherapy services)
	December 15, 16, 17, 18, 19, 20, 2014 (massage therapy services)
N.D.S.	December 15, 17, 19, 20, 2014 (physiotherapy services)
	December 5, 6, 8, 10, 12, 13, 15, 17, 19, 20, 2014 (massage therapy services)

8. It is the responsibility of the physiotherapist to document a treatment in the patient's chart, including for the purposes of patient safety, continuity and quality of patient care, and to demonstrate that the service was in fact provided.

9. There were no clinical notes in the charts for patients N.G. (no notes in 73 treatments) and N.E., (no notes in 47 treatments).

10. For other patients, there were very few clinical notes in the charts including for patients: H.Z. (1 note in 84 treatments), Je.G. (2 notes in 270 treatments), L.L. (1 note in 196 treatments), G.L. (1 note in 158 treatments), S.K. (1 note in 79 treatments), O.B. (2 notes in 51 treatments), O.P. (2 notes in 34 treatments), D.P. (2 notes in 27 treatments), A.P. (1 note in 26 treatments), A.E. (2 notes in 35 treatments), M.E. (no notes for 55 of 136 treatments), F.P. (1 note in 6 treatments), P.B. (1 note in 9 treatments), K.B (1 note in 3 treatments), R.A. (3 notes for 20 treatments), B.G. (6 notes for 10 treatments), D.H. (30 notes in 139 treatments), D.S. (4 notes in 12 treatments), D.C. (11 notes in 73 treatments), B.W. (5 notes in 10 treatments), M.O. (3 notes in 9 treatments), B.M. (4 notes in 8 treatments), F.B. (3 notes in 12 treatments), and J.C. (5 notes in 17 treatments).

11. In respect of patients N.G., N.E., H.Z., JeG, L.L., G.L., O.P., D.P., A.P., A.E., F.P., P.B., K.B., R.A., B.G., D.H., D.S., D.C., B.W., M.O., B.M., F.B. and J.C., invoices were issued to patients and/or third party insurers for treatments for which no chart notation exists and where no service was in fact provided either on the date

in question or at all.

12. Where a patient has not been assessed by a registered member of the College, treatments provided to that patient cannot be invoiced as a physiotherapy treatment or physiotherapy follow-up treatment. The following patients were invoiced for physiotherapy treatments under Mr. Bakri's name and registration number when no assessment by a registered physiotherapist had been performed and recorded in the patient chart: S.B., K.B., P.B., O.B., A.B., R.C., N.D.S., A.E., M.E., N.E., C.F., R.G., G.G., G.L., F.P., K.T., F.B., and I.J..

13. Further, the following patients were invoiced for 100 to 300 physiotherapy treatments under Mr. Bakri's name and registration number, when no assessment and/or reassessment had been performed by Mr. Bakri or any other registered physiotherapist:

No assessment: A.B. (139 treatments), M.E. (136 treatments), R.G. (111 treatments), G.G. (122 treatments), G.L. (158 treatments), I.J. (102 treatments).

No reassessment: W.E. (138 treatments), Je.G. (270 treatments), JoG, (260 treatments), F.K. (270 treatments), L.L. (196 treatments), D.H. (139 visits).

Excessive Treatment, No or Inadequate Assessments or Treatment Plans, No or Inadequate Charting

14. In addition to the allegations set out in paragraphs 8 to 13 above, to the extent there existed chart notations for patients in the 61 charts reviewed, Mr. Bakri's patient records did not meet the standards of practice for record keeping and reflected excessive treatment and/or a failure to provide patients with patient-centred care specific to the patient and the patient's condition, based on a clearly identified clinical rationale for the chosen treatment:

a. The chart for F.K. contained the identical chart notation for all 270

treatments provided to F.K. during this period.

b. The charts for JoG (220 treatments), G.G. (116 treatments), W.E. (133 treatments), A.B. (139 treatments), R.G. (111 treatments), GoG (33 treatments), M.L. (75 treatments), I.J. (102 treatments), P.H. (100 treatments), T.K. (88 treatments), R.S. (16 treatments), contained the identical chart notation for all treatments provided.

c. The charts of numerous other patients contained notations that were either identical or substantially similar and lacked subjective and objective measures including: S.B. (identical note for all 3 treatments), R.C. (identical note for all 35 treatments following reassessment), N.D.S. (Identical note for all 7 treatments), K.D. (identical notes for 9 of 33 treatments), M.E. (a series of identical notes in 136 treatments: 13 identical notes, then 8 identical notes, then 10 identical notes, then 34 identical notes), C.F. (identical note for all 10 treatments), K.T. (identical note for 8 of 10 treatments), M.L. (identical note for 16 treatments, then 56 identical notes following reassessment), I.J. (identical note for first 74 of 102 treatments), P.H. (identical note for first 77 of 100 treatments), T.K. (identical note for 36 of 88 treatments).

15. In respect of the patients listed in paragraphs 9 to 14 above, Mr. Bakri failed to develop treatment plans that:

- a. Were specific to the client and/or the client's condition;
- b. Reflected a comprehensive approach to treatment;
- c. Were supported by the assessment and/or objective findings;
- d. Recommended a frequency and duration of treatment supported by the assessment and/or specific to the client.

e. Maximized outcome of physiotherapy services.

f. Promoted independence.

16. In respect of the patients listed in paragraphs 9, 10, 13 and 14 above, the treatment provided was excessive and was not supported by reassessment or objective and subjective data for the continued treatment provided.

17. None of the patient records in the first set of records reviewed by the College contained a record of discharge or any or adequate subjective or objective data. Only ten of these patient records contained a record of consent to treatment.

18. To the extent records existed for the second set of records reviewed by the College, Mr. Bakri's record keeping fell below the standards of practice of the profession for record keeping, including by:

- a. failing to contain any or adequate subjective or objective data: D.S., D.H., J.Gz., F.B., B.W., I.J., J.C., P.H.
- b. failing to contain a record of discharge of the patient: J.T., A.S., Ne.E., M.M., B.B., S.YL., D.T, D.S., D.H., B.W., L.T., L.U., Ez.W., B.M., T.D., SA.R., M.L., J.Gz., I.H., F.B., D.W., D.C., J.C., P.H., T.K.
- c. failing to record consent to treatment in the chart: J.T., Ne.E., L.U., B.M., M.L., J.Gz, F.B., D.C., J.C..

19. In respect of the allegations set out in paragraphs 9 to 13 above, Mr. Bakri engaged in professional misconduct pursuant to s.1, paragraphs 1, 18, 26, 28, 32, 33 of the *Professional Misconduct Regulation*, O. Reg. 388/08.

20. In respect of the allegations set out in paragraphs 14 to 18 above, Mr. Bakri engaged in professional misconduct pursuant to s.1, paragraphs 1, 18, 26 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.