

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

DILLON J. RICHARDS, Registration Number 20382

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Dillon J. Richards 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, 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) 968-3504
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 2, 2022



Anita Ashton, Acting Registrar
College of Physiotherapists of Ontario

TO:

Counsel for Dillon J Richards:

Rebecca Young (she/her)
Partner, Damien Frost & Associates LLP
1073 Bloor St. West, Suite 1
Toronto ON
M6H 1M6
T. 416-923-1900

Statement of Allegations

1. At all material times Dillon J. Richards was a registrant of the College of Physiotherapists of Ontario holding a Provisional Practice Certificate of Registration.

2. Between January 1, 2022 and March 1, 2022, D. Richards 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 keep records in accordance with the standards of practice of the profession); and
 - e. paragraph 27 (falsifying a record).

3. On or about the period January 1, 2022 to February 23, 2022, D. Richards committed 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, Dillon J. Richards was a registrant of the College of Physiotherapists of Ontario holding a Provisional Practice Certificate of Registration, and working at a clinic in London, Ontario (the “Clinic”).
2. In or about January 20, 2022, Patient A attended at the Clinic for an assessment with D. Richards, for complaints of sciatica pain. Patient A attended at the Clinic for further appointments with D. Richards on January 25 and 29, 2022 and February 1, 8, 15 and 22, 2022.
3. In the period of January 20, 2022 – February 22, 2022, D. Richards:
 - i. Engaged in sexual communications with Patient A by social media, including: sexually explicit conversations; sending nude and partially-nude images of the Registrant to Patient A; requesting and receiving nude images of Patient A; and sending Patient A other sexually explicit and pornographic images;
 - ii. Engaged in sexual communications with Patient A verbally during the appointments and in telecommunications; and
 - iii. Engaged in sexual acts, including oral sex and sexual intercourse, with Patient A at the clinic during Patient A’s appointments, on one or more occasions.
4. In or about February 24, 2022, D. Richards was terminated from their employment at the Clinic.
5. After Patient A’s last appointment at the Clinic and following D. Richards’ becoming aware that Patient A was or would be disclosing the sexual abuse to

the College, D. Richards made entries in Patient A's chart that were false and intended to discredit Patient A.

6. In or about March 1, 2022, D. Richards contacted Patient A and pressured and/or attempted to pressure Patient A not to report the sexual acts to the College and/or discouraged Patient A from reporting or continuing with Patient A's report of sexual abuse to the College.
7. D. Richards' clinical records failed to meet the standards of practice of the profession for record-keeping, including in that the records were insufficient to enable a transfer of care of patients at the Clinic after D. Richards' termination from employment.
8. In addition to the allegations of sexual abuse set out above in paragraph 3, in the period January 20, 2022 – March 1, 2022, D. Richards failed to respect Patient A's personal boundaries, fell below the standards of practice of the profession with respect to physiotherapists maintaining professional boundaries, and engaged in conduct that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable and/or unprofessional.

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.