

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

SILVANA CHRISTINE YEE, Registration Number 11159

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Silvana Christine Yee 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 no later than March 18, 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 registrant's certificate of registration.
2. Direct the Registrar to suspend the registrant's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the registrant's certificate of registration for a specified or indefinite period of time.
4. Require the registrant to appear before the panel to be reprimanded.
5. Require the registrant 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:

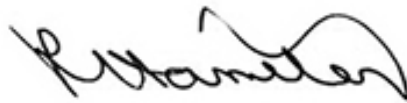
Ursel Phillips Fellows Hopkinson LLP  
555 Richmond St. West, Suite 1200  
Toronto, ON M5V 3B1

Telephone: (416) 968-3333  
Facsimile: (416) 968-0325  
Email: [jbirenbaum@upflaw.ca](mailto:jbirenbaum@upflaw.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: September 18, 2020

A handwritten signature in black ink, appearing to read "Rod Hamilton", written over a horizontal line.

Rod Hamilton, Registrar  
College of Physiotherapists of Ontario

TO: Silvana Christine Yee

## **Statement of Allegations**

1. At all material times Silvana Christine Yee (“Ms. Yee”) was a registered physiotherapist with the College of Physiotherapists of Ontario.
  
2. Between July 1, 2016 and April 30, 2018, Ms. Yee 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 5 (practicing the professional while the member is in a conflict of interest);
  - 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);
  - e. paragraph 27 (falsifying records);
  - 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 members knows or ought to know is false or misleading);
  - 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; and
  - i. 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, Ms. Yee was a physiotherapist registered with the College of Physiotherapists of Ontario.
2. During the period of July 1, 2016 to April 30, 2018, invoices were issued under Ms. Yee's name and registration number for physiotherapy services provided at Re-Active Therapy in Burlington, Ontario.
3. Re-Active Therapy was owned and operated by Ms. Yee's sister who, at the time, was a regulated health professional and a co-owner of another Clinic in Burlington, Ontario that offered physiotherapy services.
4. Re-Active Therapy was not listed as a practice location for Ms. Yee with the College.
5. Re-Active Therapy operated out of the home of Ms. Yee's sister.
6. The invoices for physiotherapy services at Re-Active Therapy were in respect of treatment, or purported treatment, by Ms. Yee or Ms. Yee's sister, three nephews and brother-in-law, in their family home.
7. During the period in question, invoices were issued under Ms. Yee's name and registration number for 115 physiotherapy treatments to these family members.
8. Some of the clinical records did not match the dates of service on the invoices.
9. The clinical records for these treatments were created by Ms. Yee and invoices were issued under Ms. Yee's name and registration number for services that were not in fact provided.
10. In addition or in the alternative, if any of the invoiced treatments were provided, the clinical records did not provide justification, or adequate justification, for the service provided or the length or extent of service provided.
11. The Boundaries and Sexual Abuse Standard of the College provides that:

Physiotherapists must not treat their relatives or those with whom they have a close or intimate relationship, except in the case of an emergency, in which case, fees cannot be charged.

12. In the event that any of the invoiced physiotherapy treatments occurred, the treatments were provided by Ms. Yee to close family members through the home-based business of Ms. Yee's sister, there was no emergency requiring treatment, access to other physiotherapy services was widely available in the community, and Ms. Yee charged a fee of \$100 an hour for each treatment to her sister, brother-in-law and young nephews.
13. The invoices for services by Ms. Yee to her family members were submitted to a third party insurer by Ms. Yee's sister for reimbursement.
14. The Conflict of Interest Standard of the College requires physiotherapists to avoid any situation that may result in a conflict of interest.
15. To the extent that Ms. Yee provided services to her close family members and charged a fee for those services as set out above, Ms. Yee fell below the standards of practice of the profession, including the College's Boundaries and Sexual Abuse Standard and Conflict of Interest Standard.
16. To the extent Ms. Yee practiced physiotherapy at Re-Active Therapy, Ms. Yee failed to register her place of practice at Re-Active Therapy on the College's register as required by s.23(2) of the *Health Professions Procedural Code* being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 and s.8.1(1) of the *By-Laws of the College of Physiotherapists of Ontario, 2017* (as amended);
17. In respect of the above, Ms. Yee engaged in professional misconduct under paragraphs 1, 5, 18, 26, 27, 28, 32, 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.