

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

SUDEEP UDAY DESHPANDE, Registration Number 18219

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Sudeep Uday Deshpande 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 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:

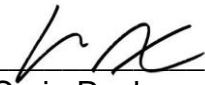
Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. West, Suite 1200
Toronto, ON M5V 3B1

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: October 30, 2023



Craig Roxborough, Ph.D
Registrar & CEO
College of Physiotherapists of Ontario

TO: Jakub Schnitzler
Koziebrocki Law
60 Shaftesbury Avenue
Toronto, Ontario
M4T 1A3

Counsel for Sudeep Uday Deshpande

Statement of Allegations

1. At all material times Sudeep Uday Deshpande was a Physiotherapist registered with the College of Physiotherapists of Ontario.

2. In or about October 14, 2021 – August 30, 2022, Sudeep Uday Deshpande 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); and
 - 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).

3. In or about October 14, 2021 – August 30, 2022, Sudeep Uday Deshpande committed an act or 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 by touching of a sexual nature towards a patient.

PARTICULARS OF THE ALLEGATIONS

1. At all material times, Sudeep Uday Deshpande was a Physiotherapist registered with the College of Physiotherapists of Ontario, practicing at Fit for Life Wellness & Rehabilitation Centre (the “Clinic”) in Woodbridge, Vaughan, Ontario.

2. On or about October 8, 2021, Patient A commenced treatment at the Clinic for injuries arising from a serious motor vehicle accident. During the period October 8, 2021 to September 6, 2022, Patient A was treated by multiple caregivers at the Clinic, including a chiropractor, massage therapists, and physiotherapist assistants/kinesiologists, in addition to receiving physiotherapy treatment with the Registrant.

3. Commencing in or about January 11, 2022, the Registrant began treating Patient A’s chest area after the patient reported chest pain. The clinical notes prepared by the Registrant indicate that the treatment involved fascial release in the clavicular and pectoral area.

4. In multiple appointments with Patient A in the period January 11, 2022 to August 23, 2022, the Registrant:
 - a. Touched and/or massaged the patient’s breasts in a manner that was not clinically indicated;

 - b. Touched and/or grazed the patient’s nipples;

 - c. Failed to drape the patient’s chest/breasts when treating the chest area; and

 - d. Treated the patient without draping, while she was positioned on her side(s), with her bra unclasped, causing her breasts to be exposed or partially exposed.

5. In the Registrant's final appointment with Patient A on August 30, 2022, the Registrant:
 - a. Treated the Patient A's chest area without draping or adequate draping;
 - b. Moved Patient A's bra down and off her breasts, exposing the breasts;
 - c. Touched and/or massaged Patient A's breasts;
 - d. Touched Patient A's nipple(s); and
 - e. Massaged Patient A's hand when the hand was not a part of the body that was being treated by the Registrant.
6. The Registrant's acts set out in paragraphs 4 and 5 above were not clinically indicated and were sexual in nature.
7. In addition, in multiple appointments between January 11, 2022 and August 30, 2022, the Registrant unclasped Patient A's bra when Patient A was able to unclasp her own bra.
8. In addition and/or in the alternative, the conduct set out in paragraphs 4, 5 and 7, above 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 professionalism in communications, were undertaken without Patient A's informed consent, and otherwise constitute 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.