

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

TANIA ANNA MANNELLA, Registration Number 12545

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Tania Anna Mannella 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:

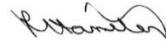
Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. West, Suite 1200
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Telephone: (416) 968-3333
Facsimile: (416) 968-0325
Email: jbirenbaum@upfhlaw.ca

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: March 2, 2022



Rod Hamilton, Registrar
College of Physiotherapists of Ontario

TO: Matthew Wilton
Wilton Martin Litigation Lawyers
Suite 1503 - 65 Queen Street West
Toronto, ON
M5H 2M5

Counsel for
Tania Anna Mannella

Statement of Allegations

1. At all material times Tania Anna Mannella was a registered physiotherapist with the College of Physiotherapists of Ontario.

2. Between January 1, 2012 and March 31, 2021, the Registrant 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 profession when 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 a record);
 - 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 member 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);
 - i. paragraph 40 (continuing the treatment of a patient where it is no longer indicated, has ceased to be effective or is unnecessary; and
 - j. paragraph 41 (failing to supervise in accordance with the standards of practice of the profession).

PARTICULARS OF THE ALLEGATIONS

1. At all material times, Tania Anna Mannella (the “Registrant” or “Mannella”) was a physiotherapist registered with the College of Physiotherapists of Ontario. Since approximately November 2011, the Registrant has been the owner and/or principal of T Mannella Physiotherapy Professional Corp. (“Mannella Corp.”). In the period of approximately November 2011 to March 31, 2021, Mannella Corp. employed physiotherapists and physiotherapist assistants who provided physiotherapy services to patients of WIN Health Solutions in Niagara Falls, Ontario (the “Clinic”). At the material times, the Registrant also practiced physiotherapy through Mannella Corp. at the Clinic.

False and Misleading Billings - Personal Training Invoiced as Physiotherapy

2. On or about December 11, 2019, an investigator retained by a third party insurer (the “Investigator”) attended an appointment at the Clinic with a physiotherapist (“JL”) employed by Mannella Corp. The Investigator advised JL that their only objective was weight loss and that they had no pain or other presenting conditions. JL indicated to the Investigator that personal training could be covered through the Investigator’s benefits. JL described the assessment as being a formality and/or a technicality.
3. An invoice for \$90.00 for the December 11, 2019 appointment was issued to the Investigator by Mannella Corp. under JL’s name and College registration number for an “Initial Physiotherapy Visit.”
4. The Investigator subsequently participated in two 1-hour full-body personal training sessions in January 2020, that were invoiced by Mannella Corp. and/or the Clinic as supervised physiotherapy treatments under Mannella’s name and College registration number, and submitted to a third-party insurer for payment.
5. The December 11, 2019 appointment and the two January 2020 sessions did not qualify as physiotherapy or supervised physiotherapy services and could not be billed as such.

6. The progress notes for the two January 2020 sessions with the Investigator, which are listed in the clinical record under Mannella's name and registration number falsely state that the Investigator was seeking preventative rehab to prevent lower back pain.
7. In or about January 2021, Mannella verified to the insurer that Mannella provided physiotherapy services to the Investigator on two dates in January 2020.
8. In the period of July 2014 to March 2020, personal training and/or general exercise sessions were provided to patients of the Registrant and/or Mannella Corp. and to family members of Mannella, including Mannella's sister, and Mannella herself, which were invoiced as physiotherapy services by Mannella Corp. and/or the Clinic under Mannella's name and College registration number, when the services did not qualify as supervised physiotherapy and could not be billed as such.
9. On one or more occasions in August 2019, Mannella signed claims verification forms, confirming to one or more third party insurers, that Mannella had provided physiotherapy services that she did not in fact provide, including over one-hundred (100) claims for physiotherapy services provide to Mannella's sister and twelve (12) to Mannella' spouse.
10. At all material times, as a physiotherapist and as the owner/principal of Mannella Corp., Mannella was responsible for the accuracy of invoices and documents prepared and/or submitted and/or issued by Mannella Corp. and/or under Mannella's name and College registration number.

Record Keeping and Supervision of Physiotherapist Assistants

11. In or about March of 2021, the College obtained charts of twenty (20) patients of Mannella. The clinical records of these 20 patients, as well as the clinical records of Mannella's family members, reveal that Mannella failed to main the standards of practice of the profession in respect of record keeping and supervision of physiotherapist assistants, including and in particular that:
 - a. Patient records did not include a comprehensive or formal initial assessment;

- b. Most patient files did not contain objective information, diagnosis or clinical analysis;
 - c. None of the files contained a treatment plan;
 - d. Assignment of care to a physiotherapist assistant (“PTA”) and/or consent to the involvement of a PTA in the care of the patient is not documented;
 - e. PTAs were permitted by Mannella to develop and/or change the treatment plan;
 - f. In some patient records, progress notes were repeated over many visits with no change (e.g. Patients A and B).
 - g. Progress notes did not contain objective measures of outcomes or progress;
 - h. Patients were not re-assessed in accordance with the standards of practice of the profession;
 - i. Treatment continued despite lack of progress recorded in the clinical records.
12. In addition and in the alternative to paragraph 8 above, clinical records for Mannella’s patients were insufficient to justify the need for physiotherapy treatment and/or the physiotherapy services provided and/or the continuation of physiotherapy services provided and invoiced to the patient or to the third party insurer.

Conflict of Interest

13. At the material times, Mannella treated or purported to treat close members of her family (sisters, brother-in-law) and charge a fee for doing so, in contravention of the College’s *Conflict of Interest Standard and Boundaries and Sexual Abuse Standard* in effect at the material time(s).
14. At the material times, Mannella Corp. issued over 100 invoices for supervised physiotherapy services and/or personal training services provided to Mannella, which services were submitted to a third party insurer for payment.

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.