

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

SUJAYKUMAR KYANAHALLI HEMACHANDRA, Registration Number 18371

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Sujaykumar Kyannahalli Hemachandra 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 by electronic means or 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 by electronic means or at the offices of the College of Physiotherapists of Ontario at 375 University Avenue, Suite 800, Toronto, Ontario, on a date and time to be fixed by the Registrar.

**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

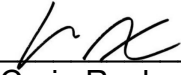
Telephone: (416) 968-3333  
Facsimile: (416) 968-0325  
Email: [jbirenbaum@upfhlaw.ca](mailto:jbirenbaum@upfhlaw.ca)

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.

The Discipline Committee's Rules of Procedure can be found on the College's website.

Date: October 10, 2024

  
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Craig Roxborough, PhD  
Registrar and CEO  
College of Physiotherapists of Ontario

TO: Counsel for Sujaykumar Kyanahalli Hemachandra:

Rebecca M. Young  
Damien Frost & Associates LLP  
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## **Statement of Allegations**

1. At all material times Sujaykumar Kyanahalli Hemachandra (the “Registrant”) was a registrant of the College of Physiotherapists of Ontario holding an Independent Practice certificate of registration and the owner and principal of Dia Physio Care & Wellness Center in Hamilton, Ontario.
  
2. In the period of January 1, 2019 to September 19, 2023, 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 11 (failing to fulfill an undertaking provided to the College);
  - c. paragraph 15 (contravening a federal, provincial or territorial law relevant to the member’s suitability to practice); and
  - d. 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).

## **PARTICULARS OF THE ALLEGATIONS**

1. At all material times Sujaykumar Kyanahalli Hemachandra (the “Registrant”) was a registrant of the College of Physiotherapists of Ontario (the “College”) holding an Independent Practice certificate of registration and the owner and principal of a physiotherapy clinic, Dia Physio Care & Wellness Center (the “Clinic”), in Hamilton, Ontario.
  
2. On September 6, 2022, the ICRC of the College released a decision requiring the Registrant to appear before the ICRC to receive a caution and to complete a Specified Continuing Education and Remediation Program (“SCERP”) arising from a complaint to the College involving the Registrant’s treatment of a patient’s spine in January and February 2020.
  
3. Also on September 6, 2022, the Registrant signed an Acknowledgement and Undertaking (the “Undertaking”) confirming that the Registrant would not “use spinal manipulation/spinal manual therapy in my practice with patients until I have completed all activities required in the SCERP.” The SCERP was completed in May 2024.
  
4. In the period of September 7, 2022 to September 19, 2023, and in breach of the Registrant’s Undertaking, the Registrant performed spinal manipulations and/or spinal manual therapy on three patients.
  
5. At all material times, spinal manipulations were a controlled act under the *Physiotherapy Act, 1991* S.O. 1991, c.37, .s.4(1)2 and the Registrant was not rostered to perform spinal manipulations.
  
6. The Registrant omitted from the clinical chart(s) for the three patients, that the Registrant had performed spinal manual therapy and/or a spinal manipulation on the patients.

7. The Registrant caused harm/injury to one of the three patients on whom they performed spinal manual therapy. In addition, the Registrant performed spinal manual therapy on this patient without properly assessing the patient and without considering risk factors and contraindications.
  
8. The Registrant failed to obtain informed consent from all three patients for the performance of spinal manual therapy and/or a spinal manipulation on them.
  
9. The Registrant's clinical notes for patients were frequently completed many months after the appointment.
  
10. On multiple occasions in the period January 2019 to September 2023, the Registrant commented on the appearance of the employee of the Clinic who was also a patient, in a manner that was unprofessional and disrespectful, failed to respect the employee/patient's dignity and professional boundaries, and which, 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.