

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

JOSEPH STEVEN CLEMENT, Registration Number 13216

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Joseph Steven Clement 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

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: September 13, 2024



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

Statement of Allegations

1. At all material times Josesph Steven Clement (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 Delhi Physiotherapy in Delhi, Ontario.

2. In the period of July 20, 2022 to January 5, 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 15 (contravening a federal, provincial or territorial law relevant to the member’s suitability to practice); 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).

PARTICULARS OF THE ALLEGATIONS

1. At all material times Joseph Steven Clement (the “Registrant”) was a physiotherapist registered with the College of Physiotherapists of Ontario (the “College”) and the owner of a physiotherapy clinic, Delhi Phyiotherapy (the “Clinic”), in Delhi, Ontario.

2. In the period of June and July 2022, Patient A, a sixteen year old female-identified student, was a patient of the Registrant’s for treatment related to a back injury. Between June 27, 2022 and July 14, 2022, Patient A attended at the Clinic on approximately five occasions, for treatment with the Registrant. Patient A reported that no inappropriate conduct or behaviour by the Registrant occurred during the treatment sessions.

3. On or about July 20, 2022, the Registrant telephoned Patient A, and invited Patient A to have lunch with them.

4. Patient A’s parents telephoned the police and the Registrant was advised by the police not to contact Patient A again.

5. On or about August 2, 2022, the Registrant sent a letter to Patient A, which included statements of apology to Patient A for the July 20, 2022 phone call. Patient A’s parents contacted the police again, and the Registrant was charged with criminal harassment under s.264 of the *Criminal Code of Canada* and subject to an Undertaking that the Registrant not contact Patient A.

6. On or about December 28, 2022, the Registrant sent a text message to Patient A indicating that the Registrant had purchased a gift for Patient A “to make up for the headaches” the Registrant had caused Patient A, and suggesting that the Registrant meet with Patient A to give her the gift.

7. On or about January 4, 2023, the Registrant was charged with failing to comply with an Undertaking pursuant to s.145(4)(a) of the *Criminal Code of Canada*.

8. In or about April 2023, the criminal harassment charge was withdrawn and was resolved by way of a peace bond and the Registrant was found guilty of the offence of fail to comply with an undertaking.

9. In respect of the allegations at paragraphs 1-8 above, the Registrant failed to respect Patient A's personal boundaries, fell below the standards of practice of the profession with respect to physiotherapists maintaining professional boundaries, failed to recognized the power imbalance between the physiotherapist and patient, failed to demonstrate insight into the Registrant's own behaviour, contravened federal law by breaching an undertaking provided to the police/Court, and otherwise 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.