

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

CHRISTINA MARIE DZIEDUSZYCKI, Registration Number 15782

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Christina Marie Dzeduszycki 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: March 1, 2023



Anita Ashton, Acting Registrar
College of Physiotherapists of Ontario

TO: Counsel for Christina Marie Dzieduszycki, PT

Dawn Baglole
Gowling WLG (Canada) LLP
Suite 2600, 160 Elgin St.
Ottawa, ON
K1P 1C3

Statement of Allegations

1. At all material times Christina Marie Dzieduszycki was a registered physiotherapist with the College of Physiotherapists of Ontario.

2. In the period May 1, 2019 – July 31, 2019, Christina Marie Dzieduszycki 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 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); and

 - c. paragraph 26 (failing to keep records in accordance with the standards of practice of the profession).

PARTICULARS OF THE ALLEGATIONS

1. At all material times, Christina Dzieduszycki (the “Registrant”) was a physiotherapist registered with the College of Physiotherapists of Ontario, practicing at Knew Life Pelvic Healing in Ancaster, Ontario and Kenora, Ontario (the “Clinic”).
2. Patient A attended at the Clinic on or about May 22, 2019, for treatment of urinary incontinence, and subsequently attended six additional appointments with the Registrant in the period ending July 31, 2019. The treatments included clinically indicated intravaginal/intrarectal pelvic floor treatments.
3. At all material times Patient A was under the age of eighteen (18).
4. During the assessment and/or treatment of Patient A, the Registrant asked a number of clinically inappropriate sexual health history questions.
5. The Registrant failed to obtain informed consent from Patient A to discuss Patient A’s sexual health.
6. In one or more treatments, and in addition to any sexual health questions that might have been clinically indicated, the Registrant further asked sexual questions of Patient A and/or made comments to Patient A and/or shared personal information about the Registrant’s own life’s, that were not clinically appropriate and which were unwelcome to Patient A, fell below the standards of practice of the profession with respect to physiotherapists maintaining professional boundaries, and failed to respect the imbalance of power inherent in the therapeutic relationship between the physiotherapist and the patient.
7. The sexual and/or sexually sensitive and/or inappropriate questions and/or comments made by the Registrant to Patient A at the material times, and referred to in paragraph 6 above, included questions and/or comments about:

- i. Patient A's experiences of oral sex and/or non-penetrative/coital clitoral stimulation;
 - ii. Patient A's sexual orientation and/or the gender/sex of Patient A's sexual partners;
 - iii. The time it took Patient A to climax;
 - iv. Patient A's future sexual experiences, which Patient A could look forward to, including when Patient A is with a "real man who knows what he's doing";
 - v. Certain information about the Registrant's personal history or life which contained a sexual content or context.
8. The Registrant failed to maintain the standards of practice of the profession for draping when treating Patient A.
9. A number of months following Patient A's last appointment in July 2019, the Registrant contacted Patient A by phone for personal reasons. During this phone call, the Registrant made a request of Patient A unrelated to Patient A's clinical care, which was unwelcome to and uncomfortable for Patient A.
10. The Registrant failed to maintain the standards of practice of the profession for record-keeping in relation to the records for Patient A, including by failing to record:
 - i. consent to discussions about sensitive sexual health;
 - ii. consent to internal assessment and treatment;
 - iii. all dates and details regarding all intravaginal/intra-rectal treatments;
 - iv. adequately or at all, the fact and/or content of clinically indicated discussions about sexual health and sexual education.

11. The acts set out in paragraphs 6, 7, 8 and 9 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, 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.