

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

JENNIFER MARIE LAPIERRE, Registration Number 15351

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Jennifer Marie Lapierre 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:

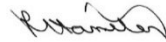
Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. West, Suite 1200
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Telephone: (416) 968-3333
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Email: jbirenbaum@upfhlaw.ca

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: Jeffrey G. Mutter
Gowling WLG (Canada) LLP
Suite 2600 - 160 Elgin Street
Ottawa, ON
K1P 1C3

Counsel for
Jennifer Marie Lapierre

Statement of Allegations

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

2. Between February 1, 2015 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 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);
 - c. paragraph 26 (failing to keep records in accordance with the standards of practice of the profession);
 - d. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know is false or misleading); and
 - e. 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).
 - f. paragraph 41 (failing to supervise in accordance with the standards of practice of the profession).

PARTICULARS OF THE ALLEGATIONS

1. At all material times, Jennifer Marie Lapierre (“Lapierre”) was a physiotherapist registered with the College of Physiotherapists of Ontario. During the period of approximately February 1, 2015 and March 31, 2021, Lapierre was an employee of T. Mannella Physiotherapy Professional Corp. (“Mannella”), owned by College Registrant Tania Mannella, and providing physiotherapy services to clients at WIN Health Solutions (the “Clinic”) in Niagara Falls, Ontario.
2. On or about December 19, 2019, a third-party insurer sent an undercover investigator (the “Investigator”) to the Clinic due to concerns that Manella and/or the Clinic were issuing invoices under the names and registration numbers of regulated health professionals employed by Mannella and/or the Clinic, for services that were in fact personal training/general exercise and did not qualify as physiotherapy or supervised physiotherapy services.
3. On or about December 11, 2019, the Investigator attended an appointment with Lapierre and advised Lapierre that their only objective was weight loss and that they had no pain or other presenting conditions. Lapierre indicated to the Investigator that personal training could be covered through the Investigator’s benefits. Lapierre described the assessment as being a formality and/or a technicality. The clinical records for Lapierre’s appointment with the Investigator confirmed that: the Investigator’s range of movement and strength were within normal limits; balance was good; the Investigator was experiencing no current pain; and that the Investigator was looking for a general strength and conditioning program. No diagnosis or prognosis was made by Lapierre and no treatment plan was developed, other than a plan to “progress overall strength and conditioning as tolerated.”
4. An invoice for \$90.00 for the December 11, 2019 appointment was issued to the Investigator under Lapierre’s name and registration number for an “Initial Physiotherapy Visit.”
5. The Investigator subsequently participated in two 1-hour full-body personal training/general exercise sessions in January 2020, that were invoiced by Mannella

and/or the Clinic as supervised physiotherapy treatments and submitted to a third-party insurer for payment.

6. 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.
7. The College pulled charts of an additional eleven patients who were assessed by Lapierre between August 2018 and February 2020. In respect of all eleven patients, Lapierre's initial assessment involved no or inadequate diagnosis, minimal subjective and objective information and/or measures, no documentation of consent to the involvement of a physiotherapist assistant in the patient's care, no documentation of any transfer of care to another physiotherapist, and no and/or inadequate treatment plan. All eleven patients were subsequently provided personal training services at the Clinic, which were invoiced as supervised physiotherapy under Tania Mannella's or Lapierre's name and College registration number and submitted to a third party insurer for payment. In respect of these eleven patients, the initial assessments and/or subsequent training sessions did not qualify as physiotherapy or supervised physiotherapy and should not have been billed as such.
8. During the material times, Lapierre was referred patients by the Clinic for initial assessments which appointments Lapierre knew or ought to have known were for the purpose of facilitating insurance coverage for personal training sessions.
9. In the period of February 2015 to March 2020, over one hundred (100) invoices for personal training/general exercise services delivered to the owner of Mannella, Tania Mannella, were issued to Tania Mannella, under Lapierre's name and College registration number, and were submitted to a third party insurer for payment. In addition, during the material times, personal training/general exercise services provided to other members of Tania Mannella's family were issued to these family members under Lapierre's name and College registration number and submitted to a third party insurer for payment.

10. Lapierre knew or ought to have known that the Clinic and/or Mannella was issuing misleading and/or inaccurate and/or false invoices under Lapierre's name and registration number.

11. Lapierre failed to maintain the standards of practice of the profession, *Working with Physiotherapist Assistants (PTA)*, including by failing to develop or record a treatment plan or an adequate treatment plan for the PTA to follow and failing to obtain informed consent to the involvement of a PTA in the care of the Investigator and the eleven chart-pull patients.

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.