

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

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

MARIANA PAZ, Registration Number 14949

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Mariana Paz 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
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: June 23, 2023

Craig Roxborough, Registrar & CEO
College of Physiotherapists of Ontario

TO: Marian Paz
c/o legal counsel
Thomasina Dumonceau
Blaney McMurtry LLP
2 Queen Street East, Suite 1500
Toronto, ON M5C 3G5

Statement of Allegations

1. At all material times Mariana Paz (the “Registrant”) was a registered physiotherapist with the College of Physiotherapists of Ontario.
2. In the period November 1, 2021 to September 30, 2022, 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 27 (falsifying a record);
 - d. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know is false or misleading);
 - e. paragraph 32 (submitting an account or charge for services that the member knows or ought to know is false or misleading); and
 - f. 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.

PARTICULARS OF THE ALLEGATIONS

1. At all material times Mariana Paz (the “Registrant”) was a physiotherapist registered with the College of Physiotherapists of Ontario, and the owner and principal of MECH Physio (the “Clinic”) located in Thornhill, Ontario, where the Registrant practices physiotherapy.
2. In or about November 1, 2021, the Registrant hired a chiropractor registered with the College of Chiropractors of Ontario, to work at the Clinic (the “Chiropractor”). The Chiropractor’s last day at the Clinic was March 31, 2022.
3. In the period April 1, 2022 – September 30, 2022, invoices for the assessment and dispensing of orthotics to eight patients of the Clinic were issued to patients and/or were submitted to third party insurers, under the Chiropractor’s name and College of Chiropractors of Ontario (“CCO”) registration number, when the Chiropractor had not assessed these patients for orthotics or at all, had not approved or consented to the use of their registration number by the Clinic, and was no longer working at or otherwise affiliated with the Clinic.
4. The Registrant and/or the Clinic under the Registrant’s direction, used the name and CCO registration number for the Chiropractor as set out above, when the Registrant knew or ought to have known that the Chiropractor had not assessed the patient for orthotics and/or had not prescribed orthotics to the patient and/or had not given permission or consent to the Registrant or the Clinic to use the Chiropractor’s name and CCO registration number for the purpose of dispensing and invoicing orthotics.
5. At all material times, the Registrant and/or the Clinic under the Registrant’s direction, used the Chiropractor’s name and CCO registration number for the purpose of invoicing orthotics to patients, where the patient’s third party insurer excluded physiotherapists from prescribing these products.

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.