

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

PHILLIP THOMAS HOWELL, Registration Number 14992

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Phillip Howell 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](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.

Date: January 18, 2023



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Anita Ashton, Interim Registrar  
College of Physiotherapists of Ontario

TO: Thomasina A. Dumonceau, Partner  
Blaney McMurtry LLP  
2 Queen Street East, Suite 1500  
Toronto, Ontario M5C 3G5

Telephone: (416) 593-2999  
Facsimile: (416) 594-3527  
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## Statement of Allegations

1. At all material times Phillip Howell was a registered physiotherapist with the College of Physiotherapists of Ontario.
  
2. On or about May 2, 2019, Phillip Howell 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 10 (abusing of a patient); 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).
  
3. On or about May 2, 2019, Phillip Howell committed an act or acts of professional misconduct under ss. 1(3), 1(4) and s.51(1)(b.1) of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the "Code"), in that he engaged in sexual abuse of a patient by touching and behaviour of a sexual nature towards a patient.

## **PARTICULARS OF THE ALLEGATIONS**

1. At all material times, Phillip Howell was a physiotherapist registered with the College of Physiotherapists of Ontario, practicing at East Toronto Orthopaedic & Sports injury clinic in Toronto, ON (the “Clinic”).
2. On or about May 2, 2019, Patient A attended at the Clinic for an assessment and treatment of her left shoulder with Phillip Howell. In the course of the assessment, Phillip Howell decided to complete a whole body assessment. The Registrant failed to obtain informed consent from Patient A to a whole-body assessment and/or in particular to the assessment of Patient A’s hips and/or pelvis area and/or sacrum and/or gluteal muscles.
3. During the assessment, Phillip Howell asked Patient A to lie on her stomach on the plinth. During that time, Phillip Howell:
  - a. Put both hands under the waistband of Patient A’s shorts, and touched and/or squeezed and/or groped Patient A’s bare buttocks with his bare hands for a period of up to approximately one minute, without Patient A’s consent and without explaining why it was clinically necessary to do so.
  - b. While touching and/or groping Patient A’s buttocks under her shorts as set out above, Phillip Howell referred to Patient A’s gluteal muscles as “meat.”
4. Phillip Howell’s acts of groping and/or touching Patient A’s buttocks/gluteal muscles as set out above, and referring to Patient A’s gluteal muscles as “meat”, were not clinically indicated and were sexual in nature.

5. The acts set out in paragraph 3 above, individually and/or together, were unwelcome to Patient A and were experienced by Patient A as a violation of her sexual integrity.
  
6. In addition and/or in the alternative, the conduct set out in paragraphs 2 and 3 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 and professionalism in communications, 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.